

there to help, and have somebody who served in the military and who walked in the shoes of the people whom we are passing legislation to have an impact on.

With that, I yield the remainder of my time.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Georgia.

The amendment (No. 4) was agreed to.

Mr. ALLARD. 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.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

KOSOVO

Mr. ROBERTS. I thank the Presiding Officer. I thank the distinguished Senator from Michigan and my distinguished friend and colleague from Colorado for their time.

This is sort of a news update on Kosovo, if I could describe it that way, because several Senators have indicated a strong desire to offer amendments to this bill in regard to the United States' role in Kosovo. I hope that we won't do that. We need this bill to be expedited to send a strong message to our American men and women in uniform. This is not to say, however, that we do not need a frank discussion of ongoing discussions about the United States' role in regard to Kosovo.

I have, as of 3 o'clock this afternoon—we are about an hour after that—the latest report from the peace talks in Rambouillet, France. Secretary of State Albright has just indicated that:

After 17 days of laborious negotiations, Secretary of State Madeleine Albright said today that ethnic Albanians have agreed to sign a Kosovo peace agreement within two weeks but the Serbs continue to balk at a deal.

I will go on with this very briefly.

According to senior U.S. officials, the Serbs still refuse to permit ethnic Albanians to have a president and are unwilling to cooperate with a war crimes tribunal looking into atrocities against civilians.

* * * * *

At a news conference by the six-nation Contact Group overseeing the talks, French Foreign Minister Hubert Vedrine announced that a new conference on the Kosovo conflict would be held in France beginning March 15.

So we have a lull. So the peace talks can continue. A cynic might say we drew a line in the sand. And yet, at another time we have gone beyond that line in the sand and our credibility is at stake.

Robin Cook, Foreign Secretary of Great Britain, called for the parties to "use these three weeks, use them to build peace. . . . We have done a lot here, even if we have not done enough."

The agreement came 1½ hours after the deadline for the peace conference had passed. However, in regard to the Serbs, the news is not that good, to say the least. Their Deputy Prime Minister has described the talks as a bust, blaming the United States officials, who he said "want the blood of the Serbs."

He said, "I am afraid the Rambouillet conference failed and we must say very clearly who is guilty for that. But peace appeared as elusive"—right during these talks, Mr. President. "New fighting"—or continued fighting. Actually, it is old and continued and new fighting—"broke out between the Yugoslav army troops and the Serb police and the ethnic Albanian rebels."

So we still have war.

The reason I brought all of that up is that there was an article in Monday's Washington Post written by Dr. Henry Kissinger. I think Dr. Kissinger has pretty well summed up some of the concerns, at least, and the frustrations that many Senators have in regard to the lack of clarity in regard to the situation in Kosovo. And, of course, it affects everything we do in the Balkans, not to mention Bosnia.

Dr. Kissinger said this:

In Bosnia, the exit strategy can be described. The existing dividing lines can be made permanent. Failure to do so will require their having to be manned indefinitely unless we change our objective to self-determination and permit each ethnic group to decide its own fate.

But in Kosovo, Dr. Kissinger certainly pointed out that option doesn't exist. There are no ethnic dividing lines and both sides actually claim the entire territory. Our attitude, the U.S. attitude toward the Serbs attempts to insist that their claim has been made plain. It is the threat of bombing. But how do we and NATO react to Albanian transgressions? Are we prepared to fight both sides and for how long?

As a matter of fact, Secretary Albright indicated if the Albanians didn't get along, we could not bomb the Serbs. That seems to me to be a little bit unprecedented and unique. As a matter of fact, I think it is a little nutty.

But at any rate, are we prepared to fight both sides and for how long?

In the face of issues such as these, the unity of the contact group of powers acting on behalf of NATO is likely to dissolve. Russia surely will increasingly emerge as the supporter of the Serbian point of view.

And then Dr. Kissinger goes on, and I will not take the time of the Senate in regard to his entire statement, but he sums up by saying: "Each incremental deployment into the Balkans is bound to weaken our ability to deal with Saddam Hussein and North Korea."

You draw the line in the sand. That time expires, and it is a problem in terms of our credibility.

The psychological drain may be even more grave. Each time we make a peripheral deployment, the administration is constrained to insist that the danger to American forces is minimal—the Kosovo deployment is officially described as a "peace implementation force."

Such comments have two unfortunate consequences: They increase the impression among Americans that military force can be used casualty-free.—

And obviously that is a big concern on the part of everyone—

and they send a signal of weakness to potential enemies. For in the end our forces will be judged on how adequate they are for peace imposition, not peace implementation.

I ask unanimous consent that the full statement of Dr. Kissinger be printed in the RECORD.

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

[From the Washington Post, Feb. 22, 1999]

NO. U.S. GROUND FORCES FOR KOSOVO

LEADERSHIP DOESN'T MEAN THAT WE MUST DO EVERYTHING OURSELVES

(By Henry Kissinger)

President Clinton's announcement that some 4,000 troops will join a NATO force of 28,000 to help police a Kosovo agreement faces all those concerned with long-range American national security policy with a quandary.

Having at one time shared responsibility for national security policy and the extrication from Vietnam, I am profoundly uneasy about the proliferation of open-ended American commitments involving the deployment of U.S. forces. American forces are in harm's way in Kosovo, Bosnia and the gulf. They lack both a definition of strategic purpose by which success can be measured and an exit strategy. In the case of Kosovo, the concern is that America's leadership would be impaired by the refusal of Congress to approve American participation in the NATO force that has come into being largely as a result of a diplomacy conceived and spurred by Washington.

Thus, in the end, Congress may feel it has little choice but to go along. In any event, its formal approval is not required. But Congress needs to put the administration on notice that it is uneasy about being repeatedly confronted with ad hoc military missions. The development and articulation of a comprehensive strategy is imperative if we are to avoid being stretched too thin in the face of other foreseeable and militarily more dangerous challenges.

Before any future deployments take place, we must be able to answer these questions: What consequences are we seeking to prevent? What goals are we seeking to achieve? In what way do they serve the national interest?

President Clinton has justified American troop deployments in Kosovo on the ground that ethnic conflict in Yugoslavia threatens "Europe's stability and future." Other administration spokesmen have compared the challenge to that of Hitler's threat to European security. Neither statement does justice to Balkan realities.

The proposed deployment in Kosovo does not deal with any threat to American security as traditionally conceived. The threatening escalations sketched by the president—to Macedonia or Greece and Turkey—are in the long run more likely to result from the emergence of a Kosovo state.

Nor is the Kosovo problem new. Ethnic conflict has been endemic in the Balkans for centuries. Waves of conquests have congealed divisions between ethnic groups and religions, between the Eastern Orthodox and Catholic faiths; between Christianity and Islam; between the heirs of the Austrian and Ottoman empires.

Through the centuries, these conflicts have been fought with unparalleled ferocity because none of the populations has any experience with—and essentially no belief in—

Western concepts of toleration. Majority rule and compromise that underlie most of the proposals for a "solution" never have found an echo in the Balkans.

Moreover, the projected Kosovo agreement is unlikely to enjoy the support of the parties for a long period of time. For Serbia, acquiescing under the threat of NATO bombardment, it involves nearly unprecedented international intercession. Yugoslavia, a sovereign state, is being asked to cede control and in time sovereignty of a province containing its national shrines to foreign military force.

Though President Slobodan Milosevic has much to answer for, especially in Bosnia, he is less the cause of the conflict in Kosovo than an expression of it. On the need to retain Kosovo, Serbian leaders—including Milosevic's domestic opponents—seem united. For Serbia, current NATO policy means either dismemberment of the country or postponement of the conflict to a future date when, according to the NATO proposal, the future of the province will be decided.

The same attitude governs the Albanian side. The Kosovo Liberation Army (KLA) is fighting for independence, not autonomy. But under the projected agreement, Kosovo, now an integral part of Serbia, is to be made an autonomous and self-governing entity within Serbia, which, however, will remain responsible for external security and even exercise some unspecified internal police functions. A plebiscite at the end of three years is to determine the region's future.

The KLA is certain to try to use the ceasefire to expel the last Serbian influences from the province and drag its feet on giving up its arms. And if NATO resists, it may come under attack itself—perhaps from both sides. What is described by the administration as a "strong peace agreement" is likely to be at best the overtone to another, far more complicated set of conflicts.

Ironically, the projected peace agreement increases the likelihood of the various possible escalations sketched by the president as justification for a U.S. deployment. An independent Albanian Kosovo surely would seek to incorporate the neighboring Albanian minorities—mostly in Macedonia—and perhaps even Albania itself. And a Macedonian conflict would land us precisely back in the Balkan wars of earlier in this century. Will Kosovo then become the premise for a NATO move into Macedonia, just as the deployment in Bosnia is invoked as justification for the move into Kosovo? Is NATO to be the home for a whole series of Balkan NATO protectorates?

What confuses the situation even more is that the American missions in Bosnia and Kosovo are justified by different, perhaps incompatible, objectives. In Bosnia, American deployment is being promoted as a means to unite Croats, Muslims and Serbs into a single state. Serbs and Croats prefer to practice self-determination but are being asked to subordinate their preference to the geopolitical argument that a small Muslim Bosnian state would be too precarious and irredentist. But in Kosovo, national self-determination is invoked to produce a tiny state nearly certain to be irredentist.

Since neither traditional concepts of the national interest nor U.S. security impel the deployment, the ultimate justification is the laudable and very American goal of easing human suffering. This is why, in the end, I went along with the Dayton agreement insofar as it ended the war by separating the contending forces. But I cannot bring myself to endorse American ground forces in Kosovo.

In Bosnia, the exit strategy can be described. The existing dividing lines can be made permanent. Failure to do so will re-

quire their having to be manned indefinitely unless we change our objective to self-determination and permit each ethnic group to decide its own fate.

In Kosovo, that option does not exist. There are no ethnic dividing lines, and both sides claim the entire territory. America's attitude toward the Serbs' attempts to insist on their claim has been made plain enough; it is the threat of bombing. But how do we and NATO react to Albanian transgressions and irredentism? Are we prepared to fight both sides and for how long? In the face of issues such as these, the unity of the contact group of powers acting on behalf of NATO is likely to dissolve. Russia surely will increasingly emerge as the supporter of the Serbian point of view.

We must take care not to treat a humanitarian foreign policy as a magic recipe for the basic problem of establishing priorities in foreign policy. The president's statements "that we can make a difference" and that America symbolizes hope and resolve" are exhortations, not policy prescription. Do they mean that America's military power is available to enable every ethnic or religious group to achieve self-determination? Is NATO to become the artillery for ethnic conflict? If Kosovo, why not East Africa or Central Asia? And would a doctrine of universal humanitarian intervention reduce or increase suffering by intensifying ethnic and religious conflict? What are the limits of such a policy and by what criteria is it established?

In my view, that line should be drawn at American ground forces in Kosovo. Europeans never tire of stressing the need for greater European autonomy. Here is an occasion to demonstrate it. If Kosovo presents a security problem, it is to Europe, largely because of the refugees the conflict might generate, as the president has pointed out. Kosovo is no more a threat to America than Haiti was to Europe—and we never asked for NATO support there. The nearly 300 million Europeans should be able to generate the ground forces to deal with 2.3 million Kosovars. To symbolize Allied unity on larger issues, we should provide logistics, intelligence and air support. But I see no need for U.S. ground forces; leadership should not be interpreted to mean that we must do everything ourselves.

Soon or later, we must articulate the American capability to sustain a global policy. The desire to do so landed us in the Vietnam morass. Even if one stipulates an American strategic interest in Kosovo (which I do not), we must take care not to stretch ourselves too thin in the face of far less ominous threats in the Middle East and Northeast Asia.

Each incremental deployment into the Balkans is bound to weaken our ability to deal with Saddam Hussein and North Korea. The psychological drain may be even more grave. Each time we make a peripheral deployment, the administration is constrained to insist that the danger to American forces is minimal—the Kosovo deployment is officially described as a "peace implementation force."

Such comments have two unfortunate consequences: They increase the impression among Americans that military force can be used casualty-free, and they send a signal of weakness to potential enemies. For in the end our forces will be judged on how adequate they are for peace imposition, not peace implementation.

I always am inclined to support the incumbent administration in a forceful assertion of the national interest. And as a passionate believer in the NATO alliance, I make the distinctions between European and American security interests in the Balkans with the

utmost reluctance. But support for a strong foreign policy and a strong NATO surely will evaporate if we fail to anchor them in a clear definition of the national interest and impart a sense of direction to our foreign policy in a period of turbulent change.

Mr. ROBERTS. The reason that I brought this up is that we have several Senators who are considering amendments on Kosovo. One I think would simply say that the Congress would have to vote before any deployment of any American pilot in any kind of a military mission and/or ground troops would set foot on Kosovo. That is the extra step, if you will, to certainly include the Congress in any decision-making. But I would point out to my colleagues, and I made mention of this when I spoke on behalf of this bill, i.e., the bill in regard to retirement reform and pay reform, and I pointed out that we have in the law—and let me just point out it is Public Law 105-262, October 17, 1998. It is a public law, and the President signed it. And there is section 8115(a), and we say:

None of the funds appropriated or otherwise made available under this Act may be obligated or expended for any additional deployment of forces of the Armed Forces of the United States to Yugoslavia, Albania, or Macedonia unless and until the President, after consultation with the Speaker of the House of Representatives, the Majority Leader of the Senate, the minority leader of the House of Representatives, and the minority of the Senate, transmits to Congress a report on the deployment that includes the following:

And I want my colleagues to understand this. This is the law of the land. And the National Security Council is aware of this. As a matter of fact, my staff just an hour ago contacted the staff at the National Security Council, and we said, "Where is the report?" We keep hearing about progress and incremental steps or lack of progress with the peace talks and yet we have 4,000, 5,000, maybe 7,000 American troops ready to deploy in regard to Kosovo. This requires the administration to come to the Congress and report on the following things:

The President's certification that the presence of those forces in each country to which the forces are to be deployed is necessary in the national security interests of the United States.

That is pretty basic. Does our involvement really involve our vital national security interests? Can a case be made?

Now, the President spoke to it in terms of his radio address. I think that is good. That is the first time he has spoken to it on national radio. But we really need to know why is our intervention in Kosovo in our vital national security interests? Is it the future of NATO? I think so to some degree. Are we talking about we don't want another Palestine in the middle of Central Europe? I know that. But vital national security interests? I don't know.

(2) The reasons why the deployment is in the national security interests. . . .

(3) The number of United States military personnel to be deployed. . . .

(4) The mission and objectives of forces to be deployed.

(5) The expected schedule for accomplishing the objectives of the deployment.

(6) The exit strategy—

Mr. President, the exit strategy—for United States forces engaged in the deployment.

We are talking about a 3-year engagement here. This is 4 years in regard to Bosnia.

The costs associated with the deployment and the funding sources for paying those costs.

Now, I have quite a bit of blood pressure in this regard since we have spent literally billions of dollars in Bosnia but we didn't pay for it up front. We didn't pay for it with a supplemental. We do pay for it when the pressure comes on the appropriators to come up with an emergency funding request. So we need to find out what the costs would be in regard to this deployment.

And finally:

The anticipated effects of the deployment on the morale, retention and effectiveness of United States forces.

I made mention that one of the considerations why the people are leaving the service today is the quality of mission, and we have the situation where 60 percent of our service people today are married, obviously part of families, and they go to Bosnia, and perhaps Kosovo, and the Mideast and Korea, and we do not have enough people to really fill those billets now so they are deployed for 6 months, 9 months, come back for a month, bang, they are right over there again, plus the Reserve and the Guard. That is one of the considerations in regard to operation tempo, personnel tempo, as to why people are leaving the service, but mission quality is also a good reason. That is No. 8 in regard to the anticipated effects of the deployment on the morale, the retention and effectiveness of U.S. forces.

Now, we say if there is an emergency here in terms of our national security, obviously the President can intercede.

Now, I want to see this report. We met with Secretary Albright, Secretary Cohen, and our national security director, Sandy Berger, about 2 weeks ago during the impeachment trial. It was early in the morning. We made them aware of this particular provision in this report. Now, I understand from staff of the NSC that a report will be coming, because in the words of the staff member, "There is a lull over in Kosovo." We have a 3 week time period to try to work something else out in regard to the peace agreement.

Let me just point out something, Mr. President. The Secretary of State said that we would not commit American men and women to a peacekeeping role in Kosovo unless there were benchmarks for peace. I would only remind this administration and my colleagues, on behalf of all those in the military, that if you are a peacekeeper, there better be a peace to keep because when there is not a peace to keep, you be-

come a target. That is a whole different situation.

So, consequently, I am very hopeful that the National Security Council will be coming forth with this report and giving the report to our leadership and the appropriate committee chairs. Since this is the law, perhaps we can think about delaying any other amendments to this bill in regard to the Kosovo situation.

I yield the floor.

The PRESIDING OFFICER. Does any Senator seek recognition?

Mr. WARNER. Mr. President, we are making progress on this bill. I hope in short order we can address the pending amendment by the Senators from Texas and North Carolina, but I am not ready yet. I am trying my very, very best to determine what are the cost ramifications of each of these amendments as they come along. At the moment, we are close to isolating the financial repercussions of the amendment of the Senators from Texas and North Carolina.

I see the Senator from Maine, so at this moment I will yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. I thank the Chair.

Mr. President, I am honored to serve as an original co-sponsor of the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999 in the name of the hundreds of thousands of men and women trained to deter, fight, and win our wars.

I also thank Senators WARNER, ALLARD, LEVIN, and CLELAND for their bipartisan support of the legislation's universal 4.8 percent pay raise and thrift savings proposals as well as the constructive amendments on G.I. bill reform incorporated in the committee-reported version of the bill.

The Bill of Rights Act legalizes the concept that military personnel should receive the same retirement benefits based not on the arbitrary factor of when they joined, but on the timeless standard of willingness to sacrifice.

It is notable, therefore, that the Senate's opening legislation of the year increases soldier pay for the first time in a generation and strips away the layers of unfairness in a military retirement system based solely on the date of entry rather than the length of service. Unlike the current arrangement, which is more generous to active duty personnel who started working before 1986, our proposal of benefits and bonuses offers the same retirement package to all men and women in uniform who build a military career of at least 20 years.

Today, we also commit ourselves to a comprehensive pay raise of 4.8 percent—the largest since 1982—that narrows the gap between military and civilian salaries.

We commit ourselves, as Secretary Cohen did last month in recommending salary increases for noncommissioned and mid-grade commissioned officers, to retention and promotion bonuses that reward the skills of 21st century war fighters.

We commit ourselves for the first time ever to making long-term savings plans available to uniformed service members so that they can build a foundation for family security.

We commit ourselves to increase the monthly G.I. benefit for Service people who serve at least for 2 years while eliminating the punitive \$1,200 entry fee for young men and women who want to take advantage of a college education under this historic program.

And we commit ourselves to financial independence for the junior enlisted ranks by making available a special subsistence allowance of \$180 per month as an alternative to food stamp subsidies. This provision will remove from the welfare rolls an estimated 11,900 military personnel in the lowest pay grades.

Beginning last September and continuing through the new year, the committee constructed a public record of the financial and operational strains that our military people have endured in recent times.

We found that the total value of the Army's retirement package had eroded by 25 percent since 1986. We also found that inadequate pay left the Navy short of 7,000 sailors, the Air Force short of 2,000 pilots, and the Marine Corps short of combat engineers by a threshold of 30 percent.

Last month, General Henry Shelton, the nation's senior official in uniform, told the Armed Services Committee that "reforming military retirement remains the Joint Chiefs highest priority."

Echoing General Shelton, the Air Force Chief of Staff told the committee that "restoring the retirement system as a retention incentive is our top priority."

The Commandant of the Marine Corps told the committee that "unit commanders routinely cite dissatisfaction with . . . retirement . . . as one of the foremost reasons for separation."

And the Chief of Naval Operations told the Committee that "pay and retirement benefits rank among our sailors' top dissatisfiers."

As the chairwoman of the Armed Services Seapower Subcommittee, I must report that inadequate pay has directly strained our maritime Special Operations forces—famously known as the Navy SEALs.

The SEALs conduct vital intelligence-gathering and enemy infiltration activities in advance of, or as an alternative to, higher risk conventional military campaigns. Intense training schedules and exciting missions have traditionally held SEAL recruitment and retention levels traditionally exceed those for most other naval components by between 20 and 30 percent.

But today, the SEAL re-enlistment rate exceeds that for the rest of the Service by only 2 percent. The SEALs now face an overall shortfall of 300 men, and the senior enlisted member of

the organization told the San Diego Tribune last week that while morale was still high, the pay was too low.

Beyond the SEALS, Mr. President, the Navy struggles with skilled personnel shortages throughout the Service. Thirty-five percent of naval aviators elect to take retention bonuses while the Pentagon's goal in this area stands at 50 percent. Enlisted retention overall has decreased 6 to 8 percent below normal requirements.

Finally, the most acute turnover rates faced by our sailors come from the ranks of those who lead them: the mid-level officers who command our surface ships and submarines.

The Bill of Rights Act responds in an aggressive way to these disturbing developments. With this law, we declare that while Congress cannot equalize the financial benefits of all Armed Services and private sector jobs, it can devise compensation plans upholding the value of military careers regardless of the state of the economy.

It's fair to ask, Mr. President, why the Joint Chiefs did not identify problems like a ballistic missile strike from North Korea or Iraq's chemical weapons as more serious threats to military preparedness than pay levels or retirement benefits.

The answer rests with a fundamental but overlooked fact: only people can deliver the capabilities to protect America and her interests overseas. We must therefore ensure that the military's pay and retirement policies provide strong retention incentives to skilled and motivated troops.

Military strength not only comes from adequate spending on technology and hardware. It also comes from compensation packages that inspire officers and enlisted personnel alike to remain in service with fair pay and to anticipate a secure retirement with a fair pension.

Because the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999 recognizes the critical human dimension of defense preparedness, I urge the Senate's enthusiastic support for this bill.

I yield the floor.

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

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

Mr. WARNER. Mr. President, in consultation with the ranking member here, and with the respective offices of the leadership, it is our hope and expectation that we could have a vote at 5:30 on the amendment proposed by the Senator from Texas and the Senator from North Carolina. I urge all those who wish to address remarks concerning that amendment to proceed to the floor. And as they arrive, hopefully

they can seek recognition. This is a very important bill. It is one in which there will be further discussion.

Our colleague from Minnesota has an amendment, it is my understanding.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, first of all, let me thank both my colleagues, the Senator from Virginia and the Senator from Michigan.

AMENDMENT NO. 16

(Purpose: To provide for enhanced protections of the confidentiality of records of family advocacy services and other professional support services relating to incidents of sexual harassment, sexual abuse, and intrafamily abuse)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk on behalf of myself and Senator MURRAY.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mrs. MURRAY, proposes an amendment numbered 16.

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

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

Mr. WELLSTONE. I thank the Chair.

The amendment is as follows:

On page 46, after line 16, add the following:

SEC. 402. REPORT AND REGULATIONS ON DEPARTMENT OF DEFENSE POLICIES ON PROTECTING THE CONFIDENTIALITY OF COMMUNICATIONS WITH PROFESSIONALS PROVIDING THERAPEUTIC OR RELATED SERVICES REGARDING SEXUAL OR DOMESTIC ABUSE.

(a) REQUIREMENT FOR STUDY.—(1) The Comptroller General shall study the policies, procedures, and practices of the military departments for protecting the confidentiality of communications between—

(A) a dependent of a member of the Armed Forces who—

(i) is a victim of sexual harassment, sexual assault, or intrafamily abuse; or

(ii) has engaged in such misconduct; and

(B) a therapist, counselor, advocate, or other professional from whom the dependent seeks professional services in connection with effects of such misconduct.

(2) The Comptroller General shall conclude the study and submit to the Secretary of Defense a report on the results of the study within such period as is necessary to enable the Secretary to satisfy the reporting requirement under subsection (d).

(b) REGULATIONS.—The Secretary of Defense shall prescribe in regulations the policies and procedures that the Secretary considers necessary to provide the maximum possible protections for the confidentiality of communications described in subsection (a) relating to misconduct described in that subsection, consistent with:

(1) the findings of the Comptroller General;

(2) the standards of confidentiality and ethical standards issued by relevant professional organizations;

(3) applicable requirements of federal and state law;

(4) the best interest of victims of sexual harassment, sexual assault, or intrafamily abuse; and

(5) such other factors as the Secretary in consultation with the Attorney General, may consider appropriate.

Mr. WELLSTONE. Mr. President, this amendment is simple and it is important. It calls on the Defense Department to issue new guidelines that will strengthen the privacy rights of victims of domestic violence who are spouses and children of our military employees.

Just a little bit of background. And it calls for this to be done in an expeditious manner, I think within a 9-month period.

Mr. President, domestic violence—actually, I am sorry to say on the floor of the Senate—is a huge problem and a huge issue in our country. About every 15 seconds a woman is battered in her home. A home should be a safe place, but all too often it is not. And this affects women and children. And I say this is nationwide, because I would not want any colleague to think that the focus here is just on the military.

Battering is one of the single greatest causes of injury to women. According to the Department of Justice statistics, of the 1.4 million hospital emergency room admissions in 1994, about a quarter of them were treated for injuries from domestic violence. The prevalence of violence against women associated with the U.S. Armed Forces is deeply disturbing. The dependent victims of violent crimes in the Armed Forces are particularly vulnerable due to isolation, the mobile lifestyle, and financial security—some of which we are trying to deal with in our legislation.

The Department of Defense data estimates that on average 23.2 per 1,000 spouses of military personnel experienced domestic violence in the last 5 years. According to an Army survey released to Time Magazine, spousal abuse is occurring in one of every three Army families each year. So unfortunately it is a problem.

Here is the problem that we are trying to rectify: In civilian society we recognize the confidentiality of communications so that if a woman sees a doctor or she sees someone else, a mental health worker or someone she needs to see to give her help, there is confidentiality. But we do not have the same confidentiality for spouses of our Armed Forces personnel and their children. And so what we are trying to do is to make sure that we have the same guarantees of confidentiality.

When you do not have the confidentiality—and, again, we believe and we agree that our military is absolutely correct that when it comes to those that are enlisted in the military, there is a problem with confidentiality because you want to know what is going on with that soldier if you are about to put that soldier in a combat situation. But I am not talking actually about the military; I am talking about the spouses and the children. We want to make sure that the victims are not re-traumatized.

What happens too often, I say to my colleagues, right now—and I think there is an acknowledgement of this; I

think this amendment is a positive step; I really do—what happens all too often is that many women are afraid to step forward because the conversation they have with their doctor, or wherever they go, is not confidential; it becomes public, it becomes released to too many people. And therefore what happens is she has to worry that her husband may, in fact, take action against her. So many women are afraid. They are afraid to tell anyone about what is happening to them. They are afraid to tell anyone that they themselves are being battered or that their children are being battered.

So let me just kind of conclude with an example. Annette—I do not want to use any full names—is the former wife of a naval chief petty officer and the mother of two young children. She was routinely beaten by him from June 1994 through 1996. Military protective orders and civilian restraining orders failed to protect her and her children. Her ex-husband was charged with 21 offenses by the U.S. Navy, including eight assault charges involving Annette. He was ultimately court-martialed.

During the military's investigation of abuse, she was interviewed in the presence of her batterer, and her batterer's command was notified, which resulted in a brutal escalation of the violence toward Annette. At his court-martial proceedings, her dating and marital history were reviewed publicly by prosecuting attorneys.

We need to ensure that military wives and dependents like Annette are given the same rights of privacy and confidentiality as civilian victims. That is what this is about. It calls on the Defense Department to basically issue some guidelines that will give these military wives and dependents the same rights of privacy and confidentiality that any other civilian victim has right now.

This will make an enormous difference, I say to my colleagues. We bring these amendments to the floor. I am so pleased it is supported. I thank both my colleagues for this. I certainly hope that we will keep this in conference committee. I hope I will have their support because this really will make an important difference. It is really very important.

I thank Senator MURRAY. I hope she will have time to come down. I thank both my colleagues for their support.

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER. The gallery will please refrain from commenting on comments made by Senators.

Mrs. MURRAY. Mr. President, I come to the floor to urge my Colleagues to support the pending Wellstone amendment. I want to thank Senator WELLSTONE for his efforts on behalf of battered spouses in the military and commend him for his diligence on this issue.

As many of you know, both Senator WELLSTONE and I have worked hard to

address the needs of victims of domestic violence. Stopping domestic violence should be a priority regardless of whether or not the batterer is a civilian or member of the military. Unfortunately, we have not yet done enough to protect military dependants who are victims of abuse.

The Wellstone amendment would protect the privacy of military dependent's medical and counseling records. Currently, dependents of the military are not afforded the same assumption of privacy as civilian are for their medical records. If a spouse of a member of the military is battered and she seeks health care services for the treatment of the abuse, her records should not become public where they could later be used against her.

We know one of the most important factors for domestic violence victims is privacy. If a battered woman seeks help in an emergency room or through a counselor, her medical records remain private. The records cannot be released without her consent. This assumption of privacy is crucial for women to come forward and ask for help. Because there is no assumption of privacy for military dependents, the chances that these women will seek medical help and counseling is severely reduced.

We have heard from advocates that work with battered military dependents. They have seen how this lack of privacy protection affects their ability to help victims of domestic violence and their children. They have told us that this change is necessary and important. I urge my Colleagues to listen to the recommendations of those who are truly on the front lines in preventing domestic violence. They know this is the right thing to do.

This amendment has been adopted in the past by the Senate and I urge my Colleagues to again send the message to battered military dependents that they should never fear seeking medical help or counseling and that they do not have to remain in violent, abusive relationships.

I urge my Colleagues to vote "yes" on this amendment.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. We thank the Senator for bringing this important initiative to the attention of the committee. And the committee accepts this amendment. I hope that it will be accepted by all of our colleagues. Does the Senator require a rollcall or a voice vote?

Mr. WELLSTONE. I am pleased not to have a call for the yeas and nays, but rather a voice vote.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Michigan.

Mr. LEVIN. Mr. President, let me congratulate our good friend from Minnesota for this amendment. This is a very, very, perceptive amendment.

What he is doing here is requiring that the Comptroller General make a

study in a report to the Department of Defense on policies that would protect the confidentiality of communications between military dependents who are victims of sexual harassment, sexual assault or intrafamily abuse or who have engaged in such misconduct; and therapists, counselors and advocates from whom the victim seeks professional services. The Senator has pointed out that without this confidentiality, the victims of this kind of abuse and behavior are a lot less likely to use what is available to them in terms of counseling, medical services and protection. This becomes a very essential ingredient in protecting the victims of this kind of abuse. Without this confidentiality, we don't have the necessary protection that will give the assurance to these victims.

I want to commend Senator WELLSTONE and Senator MURRAY for this amendment. I hope it has prompt and swift approval of this body.

Mr. WELLSTONE. I thank my colleagues. Before we have the voice vote, I thank Charlotte Oldham-Moore of my staff for doing a lot of work, and I thank the people around the country for helping us.

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

The amendment (No. 16) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I wish to advise colleagues that we are proceeding toward a vote at 5:30. I am anxious to receive the further comments from those Senators actively supporting the bill of the Senator from Texas and the Senator from North Carolina. I anticipate their appearance here very shortly.

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

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

Mr. WARNER. Mr. President, leadership has now authorized the managers of the bill to advise the Senate that there will be a vote at 5:30 tonight on the amendments of the Senators from Texas and North Carolina. I see both Senators present. I yield the floor for their concluding remarks.

I wonder if I might just propound a question that I hope the Senator will address in the course of her remarks. My colleague and I, as managers of the bill, want to be careful about trying to limit the amount of additional funds put on. After careful study of the Senator's amendment, it is my view that

all authorization and funding is discretionary. Am I correct in that?

Mrs. HUTCHISON. Yes. I say to the distinguished chairman that we are obviously saying to the Department of Defense that we want to improve the TRICARE system if they find that it is feasible to do so. Obviously, they are going to have to find it feasible. But the priorities that are set will improve TRICARE and particularly allow immediately—well, when the amendment takes effect a year from now. But there will be no cost to allowing people to be able to go to another base and keep their TRICARE system in place. There is no cost in that.

Mr. WARNER. So the Secretary of Defense would have the discretion to exercise within his appropriated fund budget in the health care account. Am I correct on that item?

Mrs. HUTCHISON. That is correct.

Mr. WARNER. Is the Senator from North Carolina agreeing to that?

Mr. EDWARDS. That is correct.

Mr. WARNER. Therefore, it is the joint judgment of both sponsors that there is no point of order.

Mrs. HUTCHISON. Absolutely. In fact, I think what we are trying to do, of course, is to give the Department the ability to do some of the things that it would like to be able to do to improve the service.

Mr. WARNER. I thank both of my colleagues. Thank you very much. I yield the floor. We will have a vote at 5:30.

First, has the Chair established that vote at 5:30?

The PRESIDING OFFICER. Does the Senator wish to make that in the form of a unanimous consent?

Mr. WARNER. I so make that request of the Chair.

Mr. LEVIN. We have no objection.

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

AMENDMENT NO. 18

(Purpose: To improve the TRICARE program.)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. Edwards, Mr. HAGEL, Mr. HELMS, Mr. FITZGERALD, Mr. COVERDELL, Mr. JOHNSON, Mr. KENNEDY, Mr. BINGAMAN, and Mr. SANTORUM, proposes an amendment numbered 18.

Mrs. HUTCHISON. 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 46, after line 16, add the following:

TITLE V—MISCELLANEOUS

SEC. 501. IMPROVEMENT OF TRICARE PROGRAM.

(a) IMPROVEMENT OF TRICARE PROGRAM.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1097a the following new section:

“§ 1097b. TRICARE: comparability of benefits with benefits under Federal Employees Health Benefits program; other requirements and authorities

“(a) COMPARABILITY OF BENEFITS.—The Secretary of Defense shall, to the maximum extent practicable, ensure that the health care coverage available through the TRICARE program is substantially similar to the health care coverage available under similar health benefits plans offered under the Federal Employees Health Benefits program established under chapter 89 of title 5.

“(b) PORTABILITY OF BENEFITS.—The Secretary of Defense shall provide that any covered beneficiary enrolled in the TRICARE program may receive benefits under that program at facilities that provide benefits under that program throughout the various regions of that program.

“(c) PATIENT MANAGEMENT.—(1) The Secretary of Defense shall, to the maximum extent practicable, minimize the authorization or certification requirements imposed upon covered beneficiaries under the TRICARE program as a condition of access to benefits under that program.

“(2) The Secretary of Defense shall, to the maximum extent practicable, utilize practices for processing claims under the TRICARE program that are similar to the best industry practices for processing claims for health care services in a simplified and expedited manner. To the maximum extent practicable, such practices shall include electronic processing of claims.

“(d) REIMBURSEMENT OF HEALTH CARE PROVIDERS.—(1) Subject to paragraph (2), the Secretary of Defense may increase the reimbursement provided to health care providers under the TRICARE program above the reimbursement otherwise authorized such providers under that program if the Secretary determines that such increase is necessary in order to ensure the availability of an adequate number of qualified health care providers under that program.

“(2) The amount of reimbursement provided under paragraph (1) with respect to a health care service may not exceed the lesser of—

“(A) the amount equal to the local usual and customary charge for the service in the service area (as determined by the Secretary) in which the service is provided; or

“(B) the amount equal to 115 per cent of the CHAMPUS maximum allowable charge for the service.

“(e) AUTHORITY FOR CERTAIN THIRD-PARTY COLLECTIONS.—(1) A medical treatment facility of the uniformed services under the TRICARE program may collect from a third-party payer the reasonable charges for health care services described in paragraph (2) that are incurred by the facility on behalf of a covered beneficiary under that program to the extent that the beneficiary would be eligible to receive reimbursement or indemnification from the third-party payer if the beneficiary were to incur such charges on the beneficiary's own behalf.

“(2) The reasonable charges described in this paragraph are reasonable charges for services or care covered by the medicare program under title XVIII of the Social Security Act.

“(3) The collection of charges, and the utilization of amounts collected, under this subsection shall be subject to the provisions of section 1095 of this title. The term ‘reasonable costs’, as used in that section shall be deemed for purposes of the application of that section to this subsection to refer to the reasonable charges described in paragraph (2).

“(f) CONSULTATION.—The Secretary of Defense shall carry out any actions under this

section after consultation with the other administering Secretaries.”.

(2) The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1097a the following new item:

“1097b. TRICARE: comparability of benefits with benefits under Federal Employees Health Benefits program; other requirements and authorities.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect one year after the date of the enactment of this Act.

(c) REPORT ON IMPLEMENTATION.—(1) Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense, in consultation with the other administering Secretaries, shall submit to Congress a report assessing the effects of the implementation of the requirements and authorities set forth in section 1097b of title 10, United States Code (as added by subsection (a)).

(2) The report shall include the following:

(A) An assessment of the cost of the implementation of such requirements and authorities.

(B) An assessment whether or not the implementation of any such requirements and authorities will result in the utilization by the TRICARE program of the best industry practices with respect to the matters covered by such requirements and authorities.

(3) In this subsection, the term “administering Secretaries” has the meaning given that term in section 1072(3) of title 10, United States Code.

(d) INAPPLICABILITY OF REPORTING REQUIREMENTS.—The reports required by section 401 shall not address the amendments made by subsection (a).

Mrs. HUTCHISON. Mr. President, I want to announce the cosponsors for whom I am offering this amendment. The cosponsors are Mr. EDWARDS, Mr. HAGEL, Mr. HELMS, Mr. FITZGERALD, Mr. COVERDELL, Mr. JOHNSON, Mr. KENNEDY, Mr. BINGAMAN, and Mr. SANTORUM.

Mr. President, this is an amendment that I think goes very well in the bill before us. This is a military Bill of Rights. This bill is going to try to help alleviate a very bad situation that we have with our military. Right now we are having a hard time recruiting. We have had the worst recruiting year in the Army for the United States since 1979. We are having a hard time retaining our best people. For every two pilots that we lose, we are only gaining one to replace those pilots. So you can see, if we are losing two pilots and gaining one, pretty soon we are going to have a pilot shortage in the Air Force, and the time has come.

It is also going to add to the expense of training the pilots in the Air Force. The Navy has had to lower its educational standards to recruit. This is not good. So many of us in Congress on a bipartisan basis said, What can we do? What can we do to make sure we are giving quality of life to those who are giving their lives to protect our freedom? What can we do to make it worthwhile for them?

The basic things we have heard that are a problem that cause us to lose personnel are pay, health care, and pension benefits. This bill, with our

amendment, will address all three. The bill before us today is a pay raise. It does increase pension benefits. But what it hasn't addressed until our amendment is health care. And when I go across my State or when I visit a base in Saudi Arabia, or Tuzla, Bosnia, I hear that people are worried about health care. They are worried that their families back home are not able to get the quality health care they need.

So the amendment that Senator EDWARDS and I are proposing today, along with all of our cosponsors, would reform the TRICARE system. It would require that benefits be portable across the regions that are established in the current system.

We all know that military personnel have to move every 2 to 3 years. We want them to be able to take the benefits of their TRICARE system with them when they go to another base. That costs nothing, but it certainly does help ease the transition for the military family.

We would ensure military coverage as comparable to the average coverage available to civilian Government employees. Many times on our bases we have civilian Federal employees working side by side with military personnel. We want them to have comparable health care. So within the bounds that the Department of Defense can produce, we want to try to make that comparable and equal if we can get it there. We want to minimize the bureaucratic red tape and streamline the claims processing.

One of the big complaints of the doctors who serve our military personnel from the community is that there is so much bureaucratic red tape that they can't get their claim, and it is not worth the hassle. So what happens? The doctor says, "I'm not going to serve military families."

Well, we want to stop that right now. We would increase the reimbursement levels to attract and retain quality health care providers. Where a base city does not have the capability to attract pediatricians or OB-GYN or key areas of specialty to serve the military families, we want to authorize the Department of Defense to reimburse at greater levels in order to attract that service for our military families. That is what the amendment does.

We also allow our military treatment facilities, our military hospitals, to be reimbursed at Medicare rates from third party givers. This is not adding a cost. In fact, it will help these military hospitals to be reimbursed at a better rate so that they will be able to give better care to our military participants.

So that is what our amendment does. We think it is a good amendment, that the Department of Defense will be able to do some of the things they have said they want to be able to do to get better health care in the TRICARE system, and our amendment will allow them to do it.

So I appreciate very much that the distinguished chairman and ranking member of the Armed Services Committee are supporting this amendment. I think it is essential to make a true improvement in the quality of life for our military to improve their health care benefits at the same time that we are giving them pay raises.

At this time, I would like to yield to the Senator from North Carolina, my cosponsor, Senator EDWARDS.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. I thank the Chair.

It is a great honor for me to help cosponsor this particular piece of legislation. The truth is that the TRICARE system, which covers over 6 million Americans and over 300,000 North Carolinians is broken and it needs to be fixed.

Senator HUTCHISON's amendment goes a long way toward addressing the problems of the TRICARE system. It begins by setting minimum standards which the system clearly needs.

What I would like to do is talk just briefly today about why this is so important to Americans, and why it is so important to the people of North Carolina. And there are three or four examples that I think show that very clearly.

We have had lots of correspondence, lots of calls about problems with the TRICARE system. Comdr. Ronald Smith, who is from the Greensboro area in North Carolina, Guilford County, which is one of the most populous counties in North Carolina, tells us stories about the fact that in Greensboro there is no primary care provider who is willing to provide medical care for his soldiers and their dependents.

One example of the problem that creates is of a female soldier who had to travel to a different county to be treated, and when she went there, she had to actually write a check for a copayment before they would allow her to leave.

A second problem that Commander Smith tells us about is the problem pharmacies have getting reimbursed for their prescriptions. An example he gave was a soldier who had a case of the flu, a bad case of the flu, and needed prescription medication. But when the soldier went to get the prescription medication, she learned that she had to make a payment, cash payment, and didn't have the money. So this soldier had to actually go out and obtain a loan in order to get the prescription medication that she needed to treat the flu.

Another example of this problem is a soldier who was taking blood pressure medication that was critical to that soldier's health. The soldier put off for over a week taking the blood pressure medication because she didn't have the money to pay the cash that was needed to get the prescription medication.

This is a serious problem. These are problems that need to be addressed. A Sergeant Williams, who is from Fayetteville, NC, where the Womack Army

Hospital is located, told me a story about his daughter which was really amazing. His daughter had a problem with a small rash. She went to the Womack Army Hospital and got a dermatology consult. That was easy to do because the hospital is located nearby.

Then he tried to schedule a number of office appointments for his daughter, but they kept being canceled. And then he decided, well, maybe I need to take her to see a private physician, perhaps at Duke in Durham, which is a little over an hour away. And he was told if he did that, he would have to make an out-of-pocket cash payment of \$300 to have her seen. He was finally able to get something scheduled for her. At the time of his letter to me, it had been over 80 days since her initial consult and this rash, which began as a very small, inconsequential rash, had then spread over her entire body.

This is a serious problem. It is one that needs to be addressed, and it is one that Senator HUTCHISON's amendment addresses very directly. I do think that what we are here about is not increasing health care costs, but increasing efficiency. I think Senator HUTCHISON has some wonderful provisions in this amendment to address that problem.

We have an obligation to honor the commitment that the soldiers and their dependents have made to this country, and we need to provide quality health care to these folks. They deserve it. They have made an extraordinary commitment to this country. This country needs to show its commitment to the soldiers who have served and are serving and their dependents. I strongly urge my colleagues to vote for this amendment. This TRICARE system needs to be fixed, and this amendment goes a long way towards fixing it. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I really appreciate the one-on-one experiences that Senator EDWARDS has mentioned because that really brings it home, when that poor child started with a small rash and by the time she could get an appointment with a doctor the rash had covered her body. That is a terrible story, and I have heard stories like that as well. It is why I became interested in trying to fix a problem that was really hurting the military families and our ability to retain those military families.

Just last week I toured Lackland Air Force Base. That is the basic training base for all Air Force personnel. A young drill instructor came up to me and said, "Senator, keep up the good work and fix TRICARE." I told him that we would. Certainly, this is the answer to that drill instructor, because he clearly was having a hard time getting care for his family.

In a letter that was written to me recently, a retired veteran explained the difficulties he was experiencing with TRICARE. But, he said, "Senator,

please don't concentrate your efforts on my individual problems—this is a systemic problem * * *

It is a problem. We are losing access to care because of the nightmare associated with claims processing and the dismal rate of reimbursement for services. In fact, if you go to a smaller community that has a base, often you cannot see a heart surgeon because they just will not see a military person because they know the rate of reimbursement is so low. We cannot allow that to be the case for our military personnel.

General Dennis Reimer is the Chief of Staff of the Army. He recently said, "This is about readiness and this is about quality of life linked together. We must ensure that we provide those young men and women who sacrifice and serve our country so well * * * the quality medical care that is the top priority for them * * *". General Reimer said, "We must help them or else we're not going to be able to recruit this high quality force."

When we are talking about readiness, we are talking about the high quality people that make up our Armed Forces and we are talking about keeping them. The last thing we want is a lot of great equipment but not people to run that equipment.

We have to realize that times have changed in the military. No longer are most of our military personnel unmarried. They are now married and they have families. They expect to have health care for those families and housing and good pay. That is what they expect, and that is what they deserve. We need to give it to them.

That is why our amendment is so important, to be part of adding to the quality of life of our military. We cannot allow the retention problems to continue to erode the powerful military that we have. Our military strength is based on people, good people, quality people, people who are dedicated, people who care about this country and want to protect it. They want to protect our freedom. If they are going to give their lives to protect our freedom, I think in return they deserve a quality of life for themselves and for their families that would make us all proud.

That is why Senator EDWARDS and I, Senator HAGEL, Senator HELMS, Senator FITZGERALD, Senator COVERDELL, Senator JOHNSON, Senator SANTORUM, Senator KENNEDY, Senator BINGAMAN, and Senator SESSIONS have come together on this amendment to try to add quality health care and improvements to the TRICARE system to the military pay raise and the pension improvements that are already in this bill.

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

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

ORDER OF PROCEDURE

Mr. WARNER. Mr. President, on behalf of the leadership, there will be no further votes after the vote now scheduled to begin at 5:30. I wish to advise Senators that we are scheduling votes for tomorrow morning at 9:45 a.m. It is a vote on an amendment by myself and Senator SARBANES relating to civil service pay. That would be followed—and I presume with a 10-minute vote—by an amendment by Senator CLELAND, who will address that vote tonight. But it is a further expansion, and an important one, of the Montgomery GI bill provisions, which Senator CLELAND put in the basic bill.

So I just wished to give those pieces of information to our colleagues.

PRIVILEGE OF THE FLOOR

Also, I ask unanimous consent that a fellow with Senator JEFFORDS, Ernie Audino, be granted the privilege of the floor during the pendency of S. 4.

Mrs. HUTCHISON. 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.

UNANIMOUS-CONSENT AGREEMENT

Mr. WARNER. Mr. President, in just a moment we are about to request an order for the two votes in the morning. I say to my colleagues, I certainly appreciate the cooperation of Senators. I think this bill has moved along at a very good pace. We had good debate on important subjects. I especially thank our two leaders, Senator LOTT and Senator DASCHLE, for giving strong support to the managers.

Having said that, I now ask unanimous consent the Chair place an order that we will have two votes in the morning, at 9:45 a.m., on the Warner-Sarbanes amendment, and a second vote to follow thereafter, not to exceed 10 minutes, on an amendment by the distinguished Senator from Georgia, Senator CLELAND. He will lay that down immediately following the 5:30 vote. We will have a certain amount of debate, and it will be pending the following day.

Do I have the concurrence of my colleague?

Mr. LEVIN. No objection. We support that.

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

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, if there is a moment, I wish to commend the Senator from Texas and the Senator from North Carolina again on their amendment. The DOD has been working hard to improve the delivery of medical care through the TRICARE program. This amendment gives strong encourage-

ment to the Secretary of Defense to broaden the services which were provided under the TRICARE system. It is important that these services be provided to military members and their families. It is important to improve the claims and the reimbursement process, and to make benefits under the TRICARE program uniform across the country. So, again, I thank the Senators from Texas and North Carolina and their supporters for their leadership on this issue.

Mr. WARNER. Mr. President, if I may, I associate myself with those remarks. Indeed, it is a very important contribution. I have counseled with the good Senator from Texas for some several months. This has been a very important part of her overall legislative goals for a period of time.

Now is the time. I think we are about ready.

Mr. President, I think the hour of 5:30 having arrived—are the yeas and nays ordered on that?

The PRESIDING OFFICER. The yeas and nays have been ordered.

The question is on agreeing to the amendment of the Senator from Texas. The clerk will call the roll.

The bill clerk called the roll.

The result was announced, yeas 100, nays 0, as follows:

[Rollcall Vote No. 21 Leg.]

YEAS—100

Abraham	Feingold	Mack
Akaka	Feinstein	McCain
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Mikulski
Baucus	Gorton	Moynihan
Bayh	Graham	Murkowski
Bennett	Gramm	Murray
Biden	Grams	Nickles
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	Hagel	Robb
Breaux	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bryan	Helms	Roth
Bunning	Hollings	Santorum
Burns	Hutchinson	Sarbanes
Byrd	Hutchison	Schumer
Campbell	Inhofe	Sessions
Chafee	Inouye	Shelby
Cleland	Jeffords	Smith (NH)
Cochran	Johnson	Smith (OR)
Collins	Kennedy	Snowe
Conrad	Kerrey	Specter
Coverdell	Kerry	Stevens
Craig	Kohl	Thomas
Crapo	Kyl	Thompson
Daschle	Landrieu	Thurmond
DeWine	Lautenberg	Torricelli
Dodd	Leahy	Voinovich
Domenici	Levin	Warner
Dorgan	Lieberman	Wellstone
Durbin	Lincoln	Wyden
Edwards	Lott	
Enzi	Lugar	

The amendment (No. 18) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, we have two Senators desiring to lay down amendments tonight which will be voted on tomorrow, pursuant to an order entered into a short time ago, beginning at 9:45, back to back.

The first amendment is from my distinguished colleague, the Senator from

Maryland, and I am his principal cosponsor; the second amendment is from the Senator from Georgia.

I yield the floor.

AMENDMENT NO. 19

(Purpose: To express the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maryland [Mr. SARBANES], for himself, Mr. WARNER, Mr. ROBB, and Ms. MIKULSKI, proposes an amendment numbered 19.

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

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

The amendment is as follows:

On page 28, between lines 8 and 9, insert the following:

SEC. 104. SENSE OF CONGRESS REGARDING PARITY BETWEEN ADJUSTMENTS IN MILITARY AND CIVIL SERVICE PAY.

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

(1) Members of the uniformed services of the United States and civilian employees of the United States make significant contributions to the general welfare of the United States.

(2) Increases in the levels of pay of members of the uniformed services and of civilian employees of the United States have not kept pace with increases in the overall levels of pay of workers in the private sector so that there is now up to a 30 percent gap between the compensation levels of Federal civilian employees and the compensation levels of private sector workers and a 9 to 14 percent gap between the compensation levels of members of the uniformed services and the compensation levels of private sector workers.

(3) In almost every year of the past two decades, there have been equal adjustments in the compensation of members of the uniformed services and the compensation of civilian employees of the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

Mr. SARBANES. Mr. President I will be very brief. I appreciate the courtesy of the distinguished Senator from Georgia in allowing me to present this amendment before he presents his. We will take this up in the morning. There will be a very limited amount of time.

Very simply, this is a sense-of-the-Congress resolution that there should be parity between the adjustments and the compensation of members of the uniformed services and the adjustments and the compensation of civilian employees of the United States. In almost every year over the past two decades, there have been equal adjustments in the compensation of members of the uniformed services and the compensation of civilian employees of the

United States, and this expresses the sense of the Congress that this parity in adjustments should continue.

I know a number of Members wish to join in cosponsoring, and I add Senators ROBB and Senator MIKULSKI as cosponsors at this point. Members will obviously have a chance to do that first thing in the morning. Senator WARNER and I can speak to it briefly in the morning.

It is a very straightforward amendment. I don't know of any opposition to it. I very strongly urge my colleagues to be supportive of this amendment.

I again thank the Senator from Georgia for his kindness, and I yield the floor.

Mr. WARNER. Mr. President, this is my 21st year in the Senate, and I have had the privilege to work with my good colleague and other members of the delegation from Maryland and Virginia through these many years. I think we have done our duty as trustees to protect the parity of the civil servants who are just as key players in defense and other areas as any other individuals. So many of them have made their lifetime careers serving the country. Many of them are very highly technically qualified.

Mr. President, I rise today to cosponsor a sense of Congress amendment to S. 4 along with my colleagues Senator SARBANES, Senator MIKULSKI, and Senator ROBB on behalf of the hard working federal civilian employees.

This sense-of-Congress amendment states that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States. In the past, military employees and federal civilian employees have received equal pay adjustments in compensation.

Throughout my tenure in the Senate, I have fought to ensure the fair and equitable treatment of all of our federal employees. Our federal employees play an important role in the efficient and intelligent operation of our government. These dedicated public servants should be compensated justly.

Mr. President, increases in the levels of pay of members of the uniformed services and of civilian employees of the United States have not kept pace with increases in the overall levels of pay of workers in the private sector so that there is now up to a 30 percent gap between the compensation levels of Federal civilian employees and the compensation levels of private sector workers. Retention and labor shortage issues in areas related to high technology jobs, and specialized trade occupants in the current economy poses significant gaps in pay for our federal civilian employees from their private sector counterparts. This is particularly prevalent in the Greater Metropolitan Washington area due to the high demand for high tech workers in the private sector where salaries continue to increase.

Mr. SARBANES. Will the Senator yield?

Mr. WARNER. Yes.

Mr. SARBANES. I want to add that there was a time not too far back when Maryland and Virginia watermen used to shoot at each other on the Potomac River and the Chesapeake Bay. I am happy to report that has never been the tenor of the relationship between myself and the distinguished Senator from Virginia. I have enjoyed working in cooperation with him on a whole range of issues which have been to the benefit of our respective constituencies, and, indeed, to the benefit of the country. I am delighted to be aligned with him once again on an important issue.

Mr. WARNER. I thank my distinguished colleague.

It is quite true, there were vicious battles—over oysters primarily. I hope now the striped bass matter—and crabs—will not further engender that type of dispute.

Mr. President, that will be the first vote in the morning.

The distinguished Senator from Georgia has been patiently waiting, and therefore I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 6

(Purpose: To permit members of the Ready Reserve to contribute to the Thrift Savings Plan for compensation attributable to their service in the Ready Reserve)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. CLELAND], for himself, Mr. JEFFORDS, Mr. BINGAMAN, and Ms. LANDRIEU, proposes an amendment numbered 6.

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

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

The amendment is as follows:

On page 33, line 16, strike “for a period of more than 30 days” and insert “and a member of the Ready Reserve in any pay status”.

On page 34, beginning on line 10, strike “on active duty” and insert “: members on active duty; members of the Ready Reserve”.

On page 35, strike lines 3 through 6 and insert the following:

“(c) MAXIMUM CONTRIBUTION.—(1) The amount contributed by a member of the uniformed services for any pay period out of basic pay may not exceed 5 percent of such member's basic pay for such pay period.

“(2)(A) Subject to subparagraph (B), the amount contributed by a member of the Ready Reserve for any pay period for any compensation received under section 206 of title 37 may not exceed 5 percent of such member's compensation for such pay period.

“(B) Notwithstanding any other provision of this subchapter, no contribution may be made under this paragraph for a member of the Ready Reserve for any year to the extent that such contribution, when added to prior contributions for such member for such year under this subchapter, exceeds any limitation under section 415 of the Internal Revenue Code of 1986.

On page 35, line 9, insert “, or out of compensation under section 206 of title 37,” after “out of basic pay”.

On page 35, line 12, strike “308a, 308f,” and insert “308a through 308h.”.

On page 36, in the matter following line 15, strike “on active duty” and insert “: members on active duty; members of the Ready Reserve”.

Mr. CLELAND. Mr. President, I am extremely pleased to offer an amendment to S. 4 with my colleagues, Senator JEFFORDS, Senator BINGAMAN, and Senator LANDRIEU. Of course, S. 4 is the Soldiers', Sailors', Airmen's and Marines' Bill of Rights Act of 1999. This legislation will give the men and women of the National Guard and Reserve the opportunity to participate in the Thrift Savings Plan. S. 4 offers this benefit to their active duty counterparts. Our amendment will offer this to men and women of the National Guard and Reserve.

The Thrift Savings Plan is an excellent way for military families to save for the future. It is not meant to take the place of a retirement system. It is a tax-deferred savings plan that will grow while a service member is actually serving, unlike the delayed benefits of the military retirement system. Furthermore, the Thrift Savings Plan is a portable benefit that can be rolled over into a civilian 401(k) plan, in the event the service member, for whatever reason, must leave military service.

In my opinion, the men and women of the Guard and Reserve must be given the same opportunity to participate in this excellent savings plan as their active duty counterparts. Although the amount of money they will be able to deposit in the Thrift Savings Plan may not be substantial at first, every dollar counts. The Thrift Savings board themselves allows contributions “as little as a dollar each pay period.”

With the increase in worldwide taskings, Guardsmen and Reservists are participating significantly above and beyond their mandatory one-week-end-a-month and two-weeks-a-year duty, their contributions will grow over time. While some Guardsmen and Reservists may have savings plans through their civilian employers, allowing them to participate in the Thrift Savings Plan allows them to contribute based on their military earnings. For many Guardsmen and Reservists, their military duty has become a second job.

Since the end of the cold war, the services have increasingly relied upon their Reserve components to meet worldwide obligations. The active duty force has been reduced by one-third, yet worldwide commitments have increased dramatically.

In recent years, thousands of Reservists and Guardsmen have supported contingencies, peacekeeping operations and humanitarian missions around the world: in the Persian Gulf, Bosnia, Somalia, Haiti, and Kenya, just to name a few. Guard and Reserve units responded immediately to requests for

assistance after Hurricane Mitch, delivering over 10 million pounds of humanitarian aid to devastated areas in Central America.

Closer to home, Reserve and National Guard personnel answered the cries for help after devastating floods struck in our Nation's heartland. They braved high winds and water to fill sandbags, provide security, and transport food, fresh water, medical supplies, and disaster workers to affected areas. The Air Force Reserve's “Hurricane Hunters” routinely fly into tropical storms and hurricanes in specially configured C-130s to collect data to improve forecast accuracy, which dramatically minimizes losses due to the destructive forces of these storms.

As we transition into the high-tech 21st century, the Guard and Reserve will continue to take on new and exciting roles. The Guard and Reserve now have units performing satellite control and security functions in order to maintain our country's lead in space-based technology. And, because our country faces the increased threat of chemical and biological weapons, the White House, the Department of Defense, and Congress have joined to develop a “Homeland Defense” policy designed to respond to threats against the United States. The Guard and Reserve will play a significant role in the implementation of the policy, because their knowledge of local emergency response plans and infrastructure is critical to an effective response.

The days of holding our Reserve Component forces “in reserve” are long gone.

Just who are these citizen soldiers, sailors, airmen, and marines? They are doctors, they are lawyers. They are farmers, grocers, teachers and small business owners. They have longstanding roots in communities across our great country. And, like their active-duty counterparts, they have volunteered to serve. Remarkably, they must balance their service with the demands of their full-time civilian jobs and families.

In September 1997, Secretary of Defense Cohen wrote a memorandum acknowledging an increased reliance on the Reserve Components. He called upon the services to remove all remaining barriers to achieving a “seamless Total Force.” He has also said that without Reservists, “we can't do it in Bosnia, we can't do it in the Gulf, we can't do it anywhere.”

Giving the men and women who serve in the Reserve Components the opportunity to participate in the Thrift Savings Plan would carry on the spirit of Secretary Cohen's Total Force policy. This amendment has received the resounding support of the Reserve Officers Association, the National Guard Association of the United States, the Enlisted Association of the National Guard of the United States, and other members of the military coalition representing 5.5 million active and retired members.

The Reserve Components face many of the same challenges and dangers as their active duty counterparts in this time of high operations tempo. We should give them the same opportunity to participate in the Thrift Savings Plan. It is important to send the right message to our citizen soldiers, sailors, airmen, and marines: that we recognize and appreciate their sacrifices. It's the right thing to do.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I, first, want to state my complete support and concurrence for the amendment which we will have tomorrow morning by our distinguished colleague and member of the Armed Services Committee jointly. The provisions relating to the GI bill, this benefit, originated with our colleague. I thank him for his participation. He has this Senator's strong support, and I anticipate the Senate's as a whole. I thank our colleague very much.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

USE OF FORCE IN KOSOVO

Mr. SPECTER. Mr. President, I had intended to offer a joint resolution on the subject of the use of force in Kosovo for this bill, but events have overtaken this issue as the picture is now unfolding. I did want to put this joint resolution in the RECORD. I did want to talk about it for a few minutes. I discussed it with the distinguished chairman of the committee.

The concern I have is on the repeated use of force that constitutes acts of war by the President of the United States without authorization by Congress, in violation of the constitutional provision that only the Congress of the United States has the authority to involve the United States in war.

We have seen an erosion of the congressional authority in modern times on many, many occasions. Perhaps the strongest, sharpest example is the Korean war, a subject on which I have questioned nominees for the Supreme Court of the United States, trying to get a delineation on the power of the Commander in Chief under the Constitution, contrasted with the authority of Congress. But where we have had the air and missile strikes recently in Iraq, I raised the same question challenging or questioning the authority of the President. And as it has appeared in the past several days, there has been discussion of using force, air-strikes, perhaps missile strikes, in Kosovo, and it seems to me this is a matter that ought to be decided by the Congress.

I do think there is a good bit to be said in support of the United States participating in the air-strikes in light of what has gone on there, and I shall not speak at any length. The issues are submitted in this joint resolution. I