

XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers.

S. 348

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 348, a bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes.

S. 403

At the request of Mr. ALLARD, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 403, a bill to prohibit implementation of "Know Your Customer" regulations by the Federal banking agencies.

S. 427

At the request of Mr. ABRAHAM, the names of the Senator from Georgia (Mr. COVERDELL) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 427, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 433

At the request of Mr. THURMOND, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 433, a bill to amend the Alcoholic Beverage Labeling Act of 1988 to prohibit additional statements and representations relating to alcoholic beverages and health, and for other purposes.

SENATE JOINT RESOLUTION 7

At the request of Mr. HATCH, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from Arizona (Mr. KYL) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of Senate Joint Resolution 7, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

SENATE CONCURRENT RESOLUTION 5

At the request of Mr. BROWNBACK, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Alaska (Mr. STEVENS), the Senator from Missouri (Mr. BOND), the Senator from Alabama (Mr. SHELBY), the Senator from Montana (Mr. BAUCUS), the Senator from Iowa (Mr. HARKIN), the Senator from Wisconsin (Mr. KOHL), and the Senator from California (Mrs. BOXER) were added as cosponsors of Senate Concurrent Resolution 5, a concurrent resolution expressing congressional opposition to the unilateral declaration of a Palestinian state and urging the President to assert clearly United States opposition to such a unilateral declaration of statehood.

SENATE RESOLUTION 26

At the request of Mr. MURKOWSKI, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of Senate Resolution 26, a resolution

relating to Taiwan's Participation in the World Health Organization.

AMENDMENT NO. 6

At the request of Mr. CLELAND, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 6 proposed to S. 4, a bill to improve pay and retirement equity for members of the Armed Forces; and for other purposes.

SENATE RESOLUTION 48—DESIGNATING NATIONAL GIRL SCOUT WEEK

Mrs. HUTCHISON (for herself and Ms. MIKULSKI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 48

Whereas March 12, 1999, is the 87th anniversary of the founding of the Girl Scouts of the United States of America;

Whereas on March 16, 1950, the Girl Scouts became the first national organization for girls to be granted a Federal charter by Congress;

Whereas through annual reports required to be submitted to Congress by its charter, the Girl Scouts regularly informs Congress of its progress and program initiatives;

Whereas the Girl Scouts is dedicated to inspiring girls and young women with the highest ideals of character, conduct, and service to others so that they may become model citizens in their communities;

Whereas the Girl Scouts offers girls aged 5 through 17 a variety of opportunities to develop strong values and life skills and provides a wide range of activities to meet girls' interests and needs;

Whereas the Girl Scouts has a membership of nearly 3,000,000 girls and over 850,000 adult volunteers, and is one of the preeminent organizations in the United States committed to girls growing strong in mind, body, and spirit; and

Whereas by fostering in girls and young women the qualities on which the strength of the United States depends, the Girl Scouts, for 87 years, has significantly contributed to the advancement of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning March 7, 1999, as "National Girl Scout Week"; and

(2) requests the President to issue a proclamation designating the week beginning March 7, 1999, as "National Girl Scout Week" and calling on the people of the United States to observe the day with appropriate ceremonies and activities.

Mrs. HUTCHISON. Mr. President, I rise today to submit an important resolution recognizing the Girl Scouts of America.

This year commemorates the 87th anniversary of the founding of this outstanding organization. On March 16, 1950, the Girl Scouts of the United States of America became the first national organization for girls to be granted a Federal charter by Congress.

The Girl Scout Organization has long been dedicated to inspiring girls and young women with the highest ideals of character, conduct, and service to others so that they may become model citizens in their communities.

For 86 years, the Girl Scout movement has provided valuable leadership

skills for countless girls and young women across the nation. Today, overall membership in the Girl Scouts is the highest it has been in 26 years, with 2.7 million girls and over 850,000 adult volunteers. I am proud to say that I, too, was a Girl Scout.

I am pleased to be joined by Senator MIKULSKI in introducing this legislation, which would designate the week beginning March 7, 1999, as "National Girl Scout Week." I ask our colleagues to join us.

AMENDMENTS SUBMITTED

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

ROBB (AND OTHERS) AMENDMENT NO. 8

Mr. ROBB (for himself, Mr. CLELAND, Mr. KENNEDY, Mr. BINGAMAN, and Mr. KERREY) proposed an amendment to the bill (S. 4) to improve pay and retirement equity for members of the Armed Forces; and for other purposes; as follows:

On page 28, between lines 8 and 9, insert 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 reenlistments and extensions of enlistments taking effect 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 enlistments and extensions of enlistments taking effect 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.

(3) The amendments made by subsection (c) shall apply with respect to nuclear service years beginning 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.—An enlisted member referred to in subsection (a) is an enlisted member of the armed forces who—

“(1) is entitled to basic pay under section 204 of this title or is entitled to compensation under paragraph (1) or (2) of section 206(a) of this title;

“(2) holds a military occupational specialty or military rating designated as a career enlisted flyer specialty or rating by the Secretary concerned in regulations prescribed under subsection (f) and continues to be proficient in the skills required for that specialty or rating, or is in training leading to the award of such a specialty or rating; and

“(3) is qualified for aviation service.

“(c) MONTHLY PAYMENT.—(1) Career enlisted flyer incentive pay may be paid a member referred to in subsection (b) for each month in which the member performs aviation service that involves frequent and regular performance of operational flying duty by the member.

“(2)(A) Career enlisted flyer incentive pay may be paid a member referred to in subsection (b) for each month in which the member performs service, without regard to whether or the extent to which the member performs operational flying duty during the month, as follows:

“(i) In the case of a member who has performed at least 6, and not more than 15, years of aviation service, the member may be so paid after the member has frequently and regularly performed operational flying duty in each of 72 months if the member so performed in at least that number of months before completing the member’s first 10 years of performance of aviation service.

“(ii) In the case of a member who has performed more than 15, and not more than 20, years of aviation service, the member may be so paid after the member has frequently and regularly performed operational flying duty in each of 108 months if the member so

performed in at least that number of months before completing the member’s first 15 years of performance of aviation service.

“(iii) In the case of a member who has performed more than 20, and not more than 25, years of aviation service, the member may be so paid after the member has frequently and regularly performed operational flying duty in each of 168 months if the member so performed in at least that number of months before completing the member’s first 20 years of performance of aviation service.

“(B) The Secretary concerned, or a designee of the Secretary concerned not below the level of personnel chief of the armed force concerned, may reduce the minimum number of months of frequent and regular performance of operational flying duty applicable in the case of a particular member under—

“(i) subparagraph (A)(i) to 60 months;

“(ii) subparagraph (A)(ii) to 96 months; or

“(iii) subparagraph (A)(iii) to 144 months.

“(C) A member may not be paid career enlisted flyer incentive pay in the manner provided under subparagraph (A) after the member has completed 25 years of aviation service.

“(d) MONTHLY RATES.—(1) The monthly rate of any career enlisted flyer incentive pay paid under this section to a member on active duty shall be prescribed by the Secretary concerned, but may not exceed the following:

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

“(2) The monthly rate of any career enlisted flyer incentive pay paid under this section to a member of a reserve component for each period of inactive-duty training during which aviation service is performed shall be equal to  $\frac{1}{30}$  of the monthly rate of career enlisted flyer incentive pay provided under paragraph (1) for a member on active duty with the same number of years of aviation service.

“(e) 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.

“(f) REGULATIONS.—The Secretary concerned shall prescribe regulations for the administration of this section. The regulations shall include the following:

“(1) Definitions of the terms ‘aviation service’ and ‘frequently and regularly performed operational flying duty’ for purposes of this section.

“(2) The military occupational specialties or military rating, as the case may be, that are designated as career enlisted flyer specialties or ratings, respectively, for purposes of this section.

“(g) DEFINITION.—In this section, the term ‘operational flying duty’ means—

“(1) 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

“(2) flying performed by members in training that leads to the award of a military occupational specialty or rating referred to in subsection (b)(2).”

(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 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 of a uniformed service who is a designated career enlisted flyer entitled to receive hazardous duty incentive pay under section 301(b) or 301(c)(2)(A) of title 37, United States Code, as of October 1, 1999, the member shall be entitled from 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(b) or 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 a military occupational specialty or designator identified by the Secretary concerned as a special warfare military occupational specialty or designator and is serving in a position for which that specialty or designator is authorized;

“(2) is in pay grade O-3, or is in pay grade O-4 and is not on a list of officers recommended for promotion, 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 to be commissioned as an officer.

“(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 being payable

at the time the agreement is accepted by the Secretary concerned and subsequent payments being payable on the anniversaries 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 in special warfare service as 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 sections 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 of the Navy, 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 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 to be commissioned as an officer.

“(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 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 being payable at the time the agreement is accepted by the Secretary and subsequent payments being payable on the anniversaries 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 the 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 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 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.

#### CRAPO AMENDMENT NO. 9

Mr. CRAPO proposed an amendment to the bill, S. 4, supra; as follows:

On page 39, between lines 8 and 9, insert the following:

#### SEC. 204. REPEAL OF REDUCTION IN RETIRED PAY FOR CIVILIAN EMPLOYEES.

(a) REPEAL.—(1) Section 5532 of title 5, United States Code, is repealed.

(2) The chapter analysis at the beginning of chapter 55 of such title is amended by striking out the item relating to section 5532.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins after the date of the enactment of this Act.

#### HUTCHINSON (AND WELLSTONE) AMENDMENT NO. 10

(Ordered to lie on the table.)

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

At the appropriate place, insert the following:

#### SEC. \_\_\_\_\_. SENSE OF SENATE REGARDING HUMAN RIGHTS SITUATION IN THE PEOPLE’S REPUBLIC OF CHINA.

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

(1) The annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, provides a forum for discussing human rights and expressing international support for improved human rights performance.

(2) According to the United States Department of State and international human rights organizations, the Government of the People’s Republic of China continues to commit widespread and well-documented human rights abuses in China and Tibet and continues the coercive implementation of family planning policies and the sale of human organs taken from executed prisoners.

(3) Such abuses stem from an intolerance of dissent and fear of unrest on the part of authorities in the People’s Republic of China and from the absence or inadequacy of laws in the People’s Republic of China that protect basic freedoms.

(4) Such abuses violate internationally accepted norms of conduct.

(5) The People’s Republic of China is bound by the Universal Declaration of Human Rights and recently signed the International Covenant on Civil and Political Rights, but has yet to take the steps necessary to make the covenant legally binding.

(6) The President decided not to sponsor a resolution criticizing the People’s Republic of China at the United Nations Human Rights Commission in 1998 in consideration of commitments by the Government of the People’s Republic of China to sign the International Covenant on Civil and Political Rights and based on a belief that progress on human rights in the People’s Republic of China could be achieved through other means.

(7) Authorities in the People’s Republic of China have recently escalated efforts to extinguish expressions of protest or criticism and have detained scores of citizens associated with attempts to organize a legal democratic opposition, as well as religious leaders, writers, and others who petitioned the authorities to release those arbitrarily arrested.

(8) These efforts underscore that the Government of the People’s Republic of China’s has not retreated from its longstanding pattern of human rights abuses, despite expectations to the contrary following two summit meetings between President Clinton and President Jiang in which assurances were made regarding improvements in the human rights record of the People’s Republic of China.

(b) SENSE OF SENATE.—It is the sense of the Senate that, at the 55th Session of the United Nations Human Rights Commission in Geneva, Switzerland, the United States should introduce and make all efforts necessary to pass a resolution criticizing the People's Republic of China for its human rights abuses in China and Tibet.

**ENZI AMENDMENT NO. 11**

(Ordered to lie on the table.)

Mr. ENZI submitted an amendment intended to be proposed by him to the bill, S. 4, *supra*; as follows:

At the end of title I, add the following:

**SEC. 104. INCREASED TUITION ASSISTANCE FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION OR SIMILAR OPERATION.**

(a) INAPPLICABILITY OF LIMITATION ON AMOUNT.—Section 2007(a) of title 10, United States Code, is amended—

(1) by striking “and” at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting “; and”; and

(3) by adding at the end the following:

“(4) in the case of a member deployed outside the United States in support of a contingency operation or similar operation, all of the charges may be paid while the member is so deployed.”.

(b) INCREASED AUTHORITY SUBJECT TO APPROPRIATIONS.—The authority to pay additional tuition assistance under paragraph (4) of section 2007(a) of title 10, United States Code, as added by subsection (a), may be exercised only to the extent provided for in appropriations Acts.

**JEFFORDS (AND OTHERS) AMENDMENTS NOS. 12-14**

(Ordered to lie on the table.)

Mr. JEFFORDS (for himself, Mr. BINGAMAN, Mr. CLELAND, and Ms. LANDRIEU) submitted three amendments intended to be proposed by them to the bill, S. 4, *supra*; as follows:

**AMENDMENT NO. 12**

On page 46, strike lines 6 through 8 and insert the following:

**TITLE IV—OTHER EDUCATIONAL BENEFITS**

**SEC. 401. ACCELERATED PAYMENTS OF CERTAIN EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.**

Section 16131 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(j)(1) Whenever a person entitled to an educational assistance allowance under this chapter so requests and the Secretary concerned, in consultation with the Chief of the reserve component concerned, determines it appropriate, the Secretary may make payments of the educational assistance allowance to the person on an accelerated basis.

“(2) An educational assistance allowance shall be paid to a person on an accelerated basis under this subsection as follows:

“(A) In the case of an allowance for a course leading to a standard college degree, at the beginning of the quarter, semester, or term of the course in a lump-sum amount equivalent to the aggregate amount of monthly allowance otherwise payable under this chapter for the quarter, semester, or term, as the case may be, of the course.

“(B) In the case of an allowance for a course other than a course referred to in subparagraph (A)—

“(i) at the later of (I) the beginning of the course, or (II) a reasonable time after the

Secretary concerned receives the person's request for payment on an accelerated basis; and

“(ii) in any amount requested by the person up to the aggregate amount of monthly allowance otherwise payable under this chapter for the period of the course.

“(3) If an adjustment in the monthly rate of educational assistance allowances will be made under subsection (b)(2) during a period for which a payment of the allowance is made to a person on an accelerated basis, the Secretary concerned shall—

“(A) pay on an accelerated basis the amount of the allowance otherwise payable for the period without regard to the adjustment under that subsection; and

“(B) pay on the date of the adjustment any additional amount of the allowance that is payable for the period as a result of the adjustment.

“(4) A person's entitlement to an educational assistance allowance under this chapter shall be charged at a rate equal to one month for each month of the period covered by an accelerated payment of the allowance to the person under this subsection.

“(5) The regulations prescribed by the Secretary of Defense and the Secretary of Transportation under subsection (a) shall provide for the payment of an educational assistance allowance on an accelerated basis under this subsection. The regulations shall specify the circumstances under which accelerated payments may be made and the manner of the delivery, receipt, and use of the allowance so paid.

“(6) In this subsection, the term ‘Chief of the reserve component concerned’ means the following:

“(A) The Chief of the Army Reserve, with respect to members of the Army Reserve.

“(B) the Chief of Naval Reserve, with respect to members of the Naval Reserve.

“(C) The Chief of the Air Force Reserve, with respect to members of the Air Force Reserve.

“(D) The Commander, Marine Reserve Forces, with respect to members of the Marine Corps Reserve.

“(E) The Chief of the National Guard Bureau, with respect to members of the Army National Guard and the Air National Guard.

“(F) The Commandant of the Coast Guard, with respect to members of the Coast Guard Reserve.”.

**TITLE V—REPORT**

**SEC. 501. ANNUAL REPORT ON EFFECTS OF INITIATIVES ON RECRUITMENT AND RETENTION.**

**AMENDMENT NO. 13**

On page 46, strike lines 6 through 8 and insert the following:

**TITLE IV—OTHER EDUCATIONAL BENEFITS**

**SEC. 401. MODIFICATION OF TIME FOR USE BY CERTAIN MEMBERS OF THE SELECTED RESERVE OF ENTITLEMENT TO CERTAIN EDUCATIONAL ASSISTANCE.**

Section 16133(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5)(A) In the case of a person who continues to serve as member of the Selected Reserve as of the end of the 10-year period applicable to the person under subsection (a), as extended, if at all, under paragraph (4), the period during which the person may use the person's entitlement shall expire at the end of the 5-year period beginning on the date the person is separated from the Selected Reserve.

“(B) The provisions of paragraph (4) shall apply with respect to any period of active duty of a person referred to in subparagraph

(A) during the 5-year period referred to in that subparagraph.”.

**TITLE V—REPORT**

**SEC. 501. ANNUAL REPORT ON EFFECTS OF INITIATIVES ON RECRUITMENT AND RETENTION.**

**AMENDMENT NO. 14**

On page 46, strike lines 6 through 8 and insert the following:

**TITLE IV—OTHER EDUCATIONAL BENEFITS**

**SEC. 401. TRANSFER OF ENTITLEMENT TO CERTAIN EDUCATIONAL ASSISTANCE BY MEMBERS OF THE SELECTED RESERVE.**

(a) AUTHORITY TO TRANSFER.—Chapter 1606 of title 10, United States Code, is amended by inserting after section 16133 the following new section:

**“§ 16133a. Transfer of entitlement**

“(a) The Secretary concerned, in consultation with the Chief of the reserve component and in the Secretary's sole discretion, may, for purposes of enhancing recruiting and retention, permit a person entitled to educational assistance under this chapter to transfer the person's entitlement to such assistance, in whole or in part, to the individuals specified in subsection (b).

“(b) A person's entitlement to educational assistance may be transferred when authorized under subsection (a) as follows:

“(1) To the person's spouse.

“(2) To one or more of the person's children.

“(3) To a combination of the individuals referred to in paragraphs (1) and (2).

“(c)(1) A person electing to transfer an entitlement to educational assistance under this section shall—

“(A) designate the person or persons to whom the entitlement is being transferred and the percentage of the entitlement to be transferred to each such person; and

“(B) specify the period for which the transfer shall be effective for each person so designated.

“(2) The aggregate amount of the entitlement transferable by a person under this section may not exceed the aggregate amount of the person's entitlement to educational assistance under this chapter.

“(3) A person electing to transfer an entitlement under this section may modify or revoke the transfer at any time before the use of the transferred entitlement. A person shall elect to modify or revoke a transfer by submitting written notice submitted to the Secretary concerned.

“(d)(1) The use of any entitlement transferred under this section shall be charged against the entitlement of the person making the transfer at the rate of one month for each month of transferred entitlement that is used.

“(2) Except as specified under subsection (c)(1)(B) and subject to paragraph (3), a person to whom entitlement is transferred under this section is entitled to educational assistance under this chapter in the same manner and at the same rate as the person from whom the entitlement was transferred.

“(3) A child shall complete the use of any entitlement transferred to the child under this section before the child attains the age of 26 years.

“(e) For purposes of section 3685 of title 38 (as made applicable under section 16136 of this title), a person to whom entitlement is transferred under this section and the person making the transfer shall be jointly and severally liable to the United States for the amount of any overpayment of educational assistance under this chapter.

“(f) The regulations prescribed by the Secretary of Defense and the Secretary of

Transportation under section 16131(a) of this title shall provide for the administration of this section. The regulations shall specify the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (c)(3).

“(g) In this section:

“(1) The term ‘child’ shall have the meaning given that term in section 101(4) of title 38.

“(2) The term ‘Chief of the reserve component concerned’ means the following:

“(A) The Chief of the Army Reserve, with respect to members of the Army Reserve.

“(B) the Chief of Naval Reserve, with respect to members of the Naval Reserve.

“(C) The Chief of the Air Force Reserve, with respect to members of the Air Force Reserve.

“(D) The Commander, Marine Reserve Forces, with respect to members of the Marine Corps Reserve.

“(E) The Chief of the National Guard Bureau, with respect to members of the Army National Guard and the Air National Guard.

“(F) The Commandant of the Coast Guard, with respect to members of the Coast Guard Reserve.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1606 of that title is amended by inserting after the item relating to section 16133 the following new item:

“16133a. Transfer of entitlement.”.

## TITLE V—REPORT

### SEC. 501. ANNUAL REPORT ON EFFECTS OF INITIATIVES ON RECRUITMENT AND RETENTION.

#### ROBB (AND OTHERS) AMENDMENT NO. 15

Mr. ROBB (for himself, Mr. McCAIN, and Mr. BINGAMAN) proposed an amendment to the bill, S. 4, supra; as follows:

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

### SEC. 104. AVIATION CAREER OFFICER SPECIAL PAY.

(a) PERIOD OF AUTHORITY.—Subsection (a) of section 301b of title 37, United States Code, is amended—

(1) by inserting “(1)” after “AUTHORIZED.”;

(2) by striking “during the period beginning on January 1, 1989, and ending on December 31, 1999,” and inserting “during the period described in paragraph (2),”; and

(2) adding at the end the following:

“(2) Paragraph (1) applies with respect to agreements executed during the period beginning on the first day of the first month that begins on or after the date of the enactment of the Soldiers’, Sailors’, Airmen’s, and Marines’ Bill of Rights Act of 1999 and ending on December 31, 2004.”.

(b) REPEAL OF LIMITATION TO CERTAIN YEARS OF CAREER AVIATION SERVICE.—Subsection (b) of such section is amended—

(1) by striking paragraph (5);

(2) by inserting “and” at the end of paragraph (4); and

(4) by redesignating paragraph (6) as paragraph (5).

(c) REPEAL OF LOWER ALTERNATIVE AMOUNT FOR AGREEMENT TO SERVE FOR 3 OR FEWER YEARS.—Subsection (c) of such section is amended by striking “than—” and all that follows and inserting “than \$25,000 for each year covered by the written agreement to remain on active duty.”.

(d) PRORATION AUTHORITY FOR COVERAGE OF INCREASED PERIOD OF ELIGIBILITY.—Subsection (d) of such section is amended by striking “14 years of commissioned service” and inserting “25 years of aviation service”.

(e) TERMINOLOGY.—Such section is further amended—

(1) in subsection (f), by striking “A retention bonus” and inserting “Any amount”; and

(2) in subsection (i)(1), by striking “retention bonuses” in the first sentence and inserting “special pay under this section”.

(f) REPEAL OF CONTENT REQUIREMENTS FOR ANNUAL REPORT.—Subsection (i)(1) of such section is further amended by striking the second sentence.

(g) TECHNICAL AMENDMENT.—Subsection (g)(3) of such section is amended by striking the second sentence.

(h) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

#### WELLSTONE (AND MURRAY) AMENDMENT NO. 16

Mr. WELLSTONE (for himself and Mrs. MURRAY) proposed an amendment to the bill, S. 4, supra; 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.

#### HARKIN (AND BINGAMAN) AMENDMENT NO. 17

(Ordered to lie on the table.)

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

On page 25, strike lines 10 through 15, and insert the following:

(b)(1), the Secretary concerned shall pay the member a special subsistence allowance for each month for which the member is eligible to receive food stamp assistance, as determined by the Secretary.

(b) COVERED MEMBERS.—(1) A member referred to subsection (a) is an enlisted member in pay grade E-5 or below.

(2) For the purposes of this section, a member shall be considered as being eligible to receive food stamp assistance if the household of the member meets the income standards of eligibility established under section 5(c)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)(2)), not taking into account the special subsistence allowance that may be payable to the member under this section and any allowance that is payable to the member under section 403 or 404a of this title.

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

### SEC. 104. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) CLARIFICATION OF BENEFITS RESPONSIBILITY.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking “may carry out a program to provide special supplemental food benefits” and inserting “shall carry out a program to provide supplemental foods and nutrition education”.

(b) RELATIONSHIP TO WIC PROGRAM.—Subsection (b) of such section is amended to read as follows:

“(b) FEDERAL PAYMENTS.—The Secretary of Defense shall use funds available for the Department of Defense to provide supplemental foods and nutrition education and to pay for costs for nutrition services and administration under the program.”.

(c) PROGRAM ADMINISTRATION.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: “In the determining of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1996 (42 U.S.C. 1786) shall be considered eligible for the duration of the certification period under that program.”.

(d) NUTRITIONAL RISK STANDARDS.—Subsection (c)(1)(B) of such section is amended by inserting “and nutritional risk standards” after “income eligibility standards”.

(e) DEFINITIONS.—Subsection (f) of such section is amended by adding at the end the following:

“(4) The terms ‘costs for nutrition services and administration’, ‘nutrition education’ and ‘supplemental foods’ have the meanings given the terms in paragraphs (4), (7), and (14), respectively, of section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).”.

(f) REPORT.—Not later than March 1, 2001, the Secretary of Defense, in consultation with the Secretary of Agriculture, shall submit to Congress a report on the implementation of the special supplemental food program required under section 1060a of title 10, United States Code. The report shall include a discussion of whether the amount required to be provided by the Secretary of Agriculture for supplemental foods under subsection (b) of that section is adequate for the purpose and, if not, an estimate of the amount necessary to provide supplemental foods under the program.

#### HUTCHISON (AND OTHERS) AMENDMENT NO. 18

Mrs. HUTCHISON (for herself, Mr. EDWARDS, Mr. HAGEL, Mr. HELMS, Mr. FITZGERALD, Mr. COVERDELL, Mr. JOHNSON, Mr. BINGAMAN, Mr. KENNEDY, Mr.

SANTORUM, and Mr. SESSIONS) proposed an amendment to the bill, S. 4, *supra*; 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).

**SARBANES (AND OTHERS)  
AMENDMENT NO. 19**

Mr. SARBANES (for himself, Mr. WARNER, Mr. ROBB, and Ms. MIKULSKI) proposed an amendment to the bill, S. 4, *supra*; 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.

**NOTICE OF HEARING**

**COMMITTEE ON RULES AND ADMINISTRATION**

Mr. McCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, February 25, 1999 at 9:30 a.m. in Room SR-301 Russell Senate Office Building, to conduct the Committee’s organizational meeting for the 106th Congress.

For further information concerning this meeting, please contact Lory Breneman at the Rules Committee on 4-0281.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, February 23, 1999, to conduct an oversight hearing on monetary policy report to Congress pursuant to the Full Employment and Balanced Growth Act of 1978. The witness will be: Hon. Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System. Chairman Greenspan, will also give testimony on financial services modernization legislation.

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

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee be authorized to meet on Tuesday, February 23, 1999, at 9:30 am on S. 303, Satellite Home Viewers Act.

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

**COMMITTEE ON FINANCE**

Mr. ALLARD. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Tuesday, February 23, 1999 beginning at 10:00 a.m. in room 215 Dirksen.

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

**COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, be authorized to meet for a hearing on Education Reform: Governors’ Views during the session of the Senate on Tuesday, February 23, 1999, at 8:30 am.