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Senate

The Senate met at 12:01 p.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You have made this life but a small part of the whole of eternity. You have defeated the enemy of death and made it a transition in living. Our life here on earth is only an inch on the yardstick of forever. You are Lord of earth and of heaven. It is in this confidence that we join this prayer with the millions of prayers for the Kennedy and Bessette families. Grant them supernatural strength, comfort, and courage in their time of immense anguish over the plane accident involving John F. Kennedy, Jr., his wife Carolyn, and her sister, Lauren Bessette. O dear God, we speak of these three remarkable young leaders in the present tense for, regardless of the outcome of this tragic accident, they are alive with You.

This morning, our hearts go out in profound love and caring for our friend, Senator TED KENNEDY, and the entire Kennedy family. They have endured the excruciating pain of grief so often. And yet, through it all, they have shown us the resiliency of faith in You and the uplifting strength of an indefatigable commitment to public service. No American family has given more or served this Nation more faithfully. Now we praise You for the life of John F. Kennedy, Jr.—for his winsome, winning way, for his commitment to service and, along with his wife, Carolyn, for his affirmation of life.

Now we ask You to continue to surround the families with Your everlasting arms and heal their aching hearts through Him who is the Resurrection and the Life. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore. Senator ROBERTS is now designated to lead the Senate in the Pledge of Allegiance.

The Honorable PAT ROBERTS, a Senator from the State of Kansas, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader, Senator ROBERTS, is recognized.

SCHEDULE

Mr. ROBERTS. Mr. President, today the Senate will immediately begin a period of morning business until 1 o'clock.

ORDER OF PROCEDURE

Following morning business, I ask unanimous consent that the Senate begin debate on the motion to proceed to the intelligence authorization bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, as a reminder, a cloture motion on the motion to proceed to the intelligence authorization bill was filed on Friday, and that vote has been scheduled to take place at 10:30 tomorrow morning. Therefore, that cloture vote will be the first vote of this week.

For the information of all Senators, it is the intention of the majority leader to complete action on as many appropriations bills as possible prior to the August recess. Therefore, Senators should expect votes into the evenings and on Mondays and on Fridays all throughout the next 3 weeks.

I thank my colleagues for their attention. I yield the floor. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

(Mr. ROBERTS assumed the Chair.)

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

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

MORNING BUSINESS

Mr. BYRD. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 o'clock with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. BYRD. Mr. President, I ask unanimous consent to speak for an additional 10 minutes, if necessary.

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

Mr. BYRD. I thank the Chair.

BRITISH-AMERICAN PARLIAMENTARY GROUP

Mr. BYRD. Mr. President, this week a delegation of British Members of Parliament will visit the Senate in the latest in a long line of biennial exchanges fostered by the British-American Parliamentary Group. My good and true and long-time friend, Senator STEVENS, and I serve as co-chairs for the American delegation. These exchanges date back to the aftermath of World War II, when both sides recognized the value of maintaining the kind of close working relationship that can only be realized through personal interaction and camaraderie. After graciously hosting Senator STEVENS and me in 1997, when we visited London and York with several other Senators, Lord Jopling later this week will arrive in Washington with Members from the House of Lords and the House of Commons. Lord Michael Jopling is a former Member of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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the House of Commons. This weekend, I am pleased that the group will be meeting at the famous Greenbrier in White Sulphur Springs, West Virginia, to discuss defense, trade, and environmental issues of concern to our great nations.

As an avid student of history, particularly Roman and Greek history, Persian history, English history, and American history, I remind all who will listen that those roots are essential in understanding the development of the American Constitution. In the Senate chamber, and while walking through the halls of our columned Capitol building, I am daily reminded of the unique and enduring legacy bequeathed to Americans by our English, Scot, Welsh, and Irish ancestors. The Minton tiles paving the corridors as well as the very language of debate which rings across the Senate floor in sonorous spoken cadences recall this powerful legacy. Even the physical being of the Capitol building itself—its white marble and sunny sandstone gleaming amid graceful stands of stately trees and curving drives—owes a nod of thanks to informal and inviting landscaping design pioneered in Britain.

And, less visible but more pervasive, the strong skeleton of government and law in the United States carries the indelible genetic markers of British origin—its DNA shaped by centuries of struggle between monarchs and parliaments before mutating into a new form under the guidance of the British citizens that became our Founding Fathers. Though certainly not an exact clone, like Dolly the sheep, the American bicameral legislature and our legal system based upon British Common Law bear witness to this sturdy inheritance.

From the defining moment at Runnymede in 1215, when the English barons forced King John to give his assent to a charter of liberties, the belief in fundamental written guarantees of rights and privileges has become a treasured inheritance on both sides of the Atlantic. Unknown or unpracticed in many parts of the world, the concept of individual rights guaranteed by law is a jewel in the crown of British history. Other documents written since the Magna Carta, and comprising the unwritten English Constitution, including the Petition of Right, 1628, and the English Bill of Rights, 1689, have also found new life on distant shores in the U.S. Constitution and Bill of Rights. And the concepts of ''habeas corpus,'' presentment and trial juries, ''just compensation,'' and the right against self-incrimination, all pillars of American jurisprudence, migrated to the United States from England and English law.

To my mind, however, one of the greatest legacies bestowed upon the United States by these generations of British lawmakers is in establishing control over the power of the purse in elected officials of the people, rather than in the executive. Seven hundred and two years ago, in 1297, Edward I reluctantly agreed to the ''Confirmation of the Charters,'' promising not to levy taxes without the common consent of the realm.

Parliament took on its original form during the reign of Edward I, who has been called the father of Parliament. Parliament divided into the House of Commons and the House of Lords along about 1339, 1341–42, during the reign of Edward III, who reigned from 1327 to 1377, a total of 50 years.

Paired with this spending authority came the right to audit how funds had been expended. These powers of appropriation and audit, the fraternal twins of legislative might, shaped and tested by British experience, were united by the American Founding Fathers in a single paragraph of article I, section 9, of the U.S. Constitution. It states that, ''No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.'' And so it is this sentence, together with the very first section of article 1, which invests in the Senate and the House of Representatives their broad scope to check the power of the Chief Executive and defend the interests of their various constituencies.

For this, as in so many things, I give thanks to my English forbearers, who shed their blood at the point of the sword in wresting from tyrannical monarchs the control of the power over the purse. That struggle lasted for hundreds of years, until finally, in 1689, under the English Bill of Rights, it was guaranteed. As for William of Orange and Mary, who assumed the joint rule over the British people, Parliament required that they accede to and agree to the Declaration of Rights, which had been drawn up in February of 1689. Once they agreed, then they were crowned joint monarchs. In December of that year, the English Declaration of Rights was put into statute form and designated the English Bill of Rights.

This is a pearl beyond price, and one which I hope to pass down unblemished to my descendants. Never again, after that English Bill of Rights had been put into statute form, would Kings levy taxes—excise or other taxes—upon the British people without the approval, the assent and consent of Parliament. I have fought with every ounce of energy that I could muster against such mutations of the legacy passed down to this country through a thousand years of blood and English history as the constitutional amendment to balance the budget and the line-item veto.

Our common past has built a history of cooperation between the British and the American people that has always prevailed over our differences. In this century, our sons, brothers, and fathers have stood shoulder to shoulder against common enemies from the battlegrounds of world wars to conflicts in the Persian Gulf and in the Balkans. Together, we have stood against the Soviet bear. We have stood fast through changes of governments and shifts in political power. While not always smooth, just as relations between family members are not always smooth, Anglo-American relations have weathered bigger storms than Bosnia, Kosovo, NATO expansion, and differences in how to approach the problem of global climate change.

Our blood ties are stronger than the vast and deep ocean of waters that are between us. And those unbreakable bonds will see us through to the next century and beyond, because we are brothers made so through the parenthood of historical experience. Exchanges like those fostered by the British-American Parliamentary Group are the nectar, the ambrosia, that sweetens and sustains the close ties between our nations. I look forward to this week's opportunity to join again at the flower of good fellowship.

I second the words of Winston Churchill, who said in a speech in the House of Commons on August 20, 1940:

> The British Empire and the United States will have to be somewhat mixed up together in some of their affairs for the mutual and general advantage. For my own part looking out upon the future, I do not view the process with any misgivings. I could not stop it if I wished; no one can stop it. Like the Mississippi, it just keeps rolling along. Let it roll, let it roll on full flood, inexorable, irresistible, benignant, to broader lands and better days.

Senator STEVENS, our other colleagues who have agreed to join with us at the Greenbrier, and my wife Erma and I welcome Lord and Lady Jopling. My wife and I were in England—in York, as a matter of fact—in August of the year before last, on the day that Princess Diana was killed, and on which we returned to the United States after meeting with the British-U.S. Parliamentary Group. I had the pleasure of chairing the group when we Democrats were in control of the Senate. On that occasion, I took the members of the British group down to the Greenbrier, in Greenbrier County at White Sulphur Springs. We enjoyed it. We all look forward to going there again.

Again, I welcome Lord and Lady Jopling, and the British members of this year's exchange.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. THOMAS. 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. THOMAS. As I understand it, we are in morning business.

The PRESIDING OFFICER. The Senator is correct.

Mr. THOMAS. I can speak for approximately 6 minutes.

The PRESIDING OFFICER. The Senator is correct.

SOCIAL SECURITY

Mr. THOMAS. Mr. President, I want to talk about a bill introduced on Friday on Social Security in which I and other sponsors were involved. I mention it because it seems to me that it is one of the issues that is most important. I just came back from Wyoming, and I talked with folks about issues. Social Security is one of those that is, of course, a top priority.

Obviously, most everyone knows Social Security has to be changed if we are to fulfill the goals all of us want, and that is to protect Social Security for those who are now beneficiaries, to keep it going for those who are now paying in and will pay in for many years and can then expect to be beneficiaries. Those are the things that have to happen, and there have to be changes to cause that to happen.

We have a rapidly aging population. When we started Social Security, there were some 30 people working for every one who was drawing benefits. An individual paid $30 a year into Social Security in the 1930s. Then we got to where there were five people working for every one who was a beneficiary. Now I believe it is less than three, and we will soon be to the point where there will be one individual working for every one person drawing benefits. We have to make changes. Of course, people are living longer, so that also brings new demands on the programs.

What are the options? There are several that are fairly obvious, some of which are not particularly popular. A tax increase: We already pay 12.5 percent of what we make into Social Security. That is a rather high percentage. For many people that is the largest tax they pay. So tax increases are not particularly a good option.

We could cut benefits. I do not think people generally want to cut benefits. There may be some changes made in benefits because people are living longer and there are changes in our lives.

The third alternative is one which I think probably has the most appeal, and that is to get a higher rate of return on the money we are putting into Social Security and have been putting into it for some time. That is the part of the bill we have introduced.

It is a bicameral, bipartisan bill that enhances the program through private accounts. It will take a portion of the money you and I put into Social Security—I believe it is about 2 percent of the 12.5 percent—and that becomes a personal account for each person. It can be invested then at the direction of that account owner. It can be invested in equities, stocks, it can be invested in bonds, or it can be invested in a combination of those things. It will be invested by a private investor such as the Federal employees program is now. You will have a broad choice. The owners will not be doing the investing, but they will be choosing the kinds of investment they want.

This can then accumulate as a nest egg for the owner. If the owner is unfortunate not to live long enough to receive the benefits that will accrue to his or her estate, it will be the owner's.

We have been talking a lot about a safety box, some way to take the money that comes in to Social Security and ensure it is used for that purpose and not spent for some other purpose or not loaned to the general fund. This probably and certainly is the best way to do that.

I make the point that we are not looking at total privatization. Some people accuse us of that. That is not the case. It is a partial privatization. It puts money in so it can earn more than it has earned in the past. As most people understand, excess in the trust funds now has to be invested in Government securities. It has a relatively lower return, lower than if you and I invested those securities. This is a change for improvement.

We need to work on the lockbox. We tried five times to pass the lockbox legislation to have some way to ensure Social Security funds coming in are not expended for other things, and that they are, indeed, kept for the purpose of maintaining and strengthening Social Security. That is what we want to do.

There are some other good features of the plan. It is more progressive. It guarantees larger benefits for low-income workers. It increases widow benefits, which has been unfair in the past. It repeals earnings limitations, if you are a beneficiary and choose to continue to work. In, in fact, there are several incentives for continuing to work. Since people are living longer and are healthier, there is more reason and opportunity and willingness to work.

This bill is designed to protect current retirees. Current beneficiaries will not be affected by the changes. It is aimed primarily at young people who are beginning to pay into the program. Almost all young people 20 years old say: We probably won't get anything out of this; all we will do is pay. That is very unfair, and we can change that.

There is a great deal of talk about doing something with Social Security, but, frankly, the administration and our friends on the other side generally have not come up with a plan. Now we have a bipartisan plan which is before the Senate. We can do something that will make the changes we propose to make and which are good for the American people.

Mr. President, I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Iowa is recognized.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 1390 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GRASSLEY. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. 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. DOMENICI. Mr. President, what is the pending business?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business now closed.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000—MOTION TO PROCEED

The PRESIDING OFFICER. The Senate will now resume consideration of the motion to proceed to H.R. 1555, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to the consideration of a bill (H.R. 1555) to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, frankly, this is a very important debate that starts today on a very important bill, H.R. 1555, and there is a very important amendment that we will allude to and talk about this afternoon with reference to reorganizing the Department of Energy in ways that have been suggested by many in order to minimize security risks in the future and maximize the efficiency and effectiveness of the department of the Department of Energy that works on the nuclear weapons installations, facilities, and research within that department.

I note the presence of Senator LEVIN on the floor, and I want to be as accommodating as he would like in terms of his using time. I am prepared to speak a lot today about history and the like, but whenever he is ready, I will be glad to yield to him.

I am going to start today's debate by inserting into the RECORD a June 30, 1999, column from the Wall Street Journal, written by Paul C. Light. He is a senior fellow at the Brookings Institute and the author of ''The True Size of Government,'' Brookings, 1999.

I ask unanimous consent that that article be printed in the RECORD.

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

LOOSE LIPS AND BLOATED BUREAUCRACIES

How can Washington prevent future security breaches like the one at the Los Alamos nuclear laboratory? Last week former Sen. Warren Rudman, chairman of the President's

Foreign Intelligence Advisory Board and head of a special investigating panel, recommended a ''new semi-autonomous agency'' within the Department of Energy that would have ''a clear mission, streamlined bureaucracy and drastically simplified lines of authority and accountability.''

Mr. Rudman is right to focus on the structure of the department, not the failures of one or two key bureaucrats. For the Energy Department has never had more layers of management than it does now—and its leadership has never been more disconnected from what is happening at its bottom. Secretary Bill Richardson last week appointed a security ''czar,'' Gen. Eugene Habiger, to serve as the fulcrum for a newly rationalized chain of command. But the czar may merely add one more layer to a meandering, mostly unlinked collection of overseers who can easily evade responsibility when things go wrong.

At the department's founding in 1979, its secretary, deputy secretary, undersecretary and assistant secretary ''compartments'' contained 10 layers and 56 senior executives. By 1998 those four compartments had thickened to 18 layers and 143 senior executives, including an assortment of chiefs of staff and other alter-ego deputies who fill in whenever their bosses are out.

The problem in such overlayered, top-heavy organizations is not a lack of information on possible wrongdoing. Lots of people knew about the vulnerabilities at Los Alamos. The problem is finding someone who is ultimately responsible for taking action. Which department executive does Congress hold accountable for the security breach? The secretary? His chief of staff? One of the two deputy chiefs of staff? The deputy secretary? Undersecretary? Assistant secretary for defense programs? For environmental management? For science? How about the principal deputy assistant secretary for military applications? Deputy assistant secretary for research and development? Defense laboratories office director? Perhaps the assistant secretary for strategic computing and simulation? Or the inspector general, deputy inspector general, or assistant inspector general?

The answer is everyone and no one. And the diffusion of accountability continues down into the University of California, the contractor that supervises the Los Alamos laboratory and three other DOE facilities. Whom does the federal government hold accountable at the university? The president? The senior vice president for business and finance? Vice president for financial management? Associate vice president for human resources and benefits? Assistant vice president for laboratory administration? The executive director for laboratory operations? Director of contracts management? The manager for facilities management and safeguards and security?

No wonder it takes a crisis to focus attention. With 15 to 25 layers just to get from the top of the department to the top of Los Alamos, information is bound to get lost along the way, and no one is accountable when it does.

The Department of Energy is hardly alone in such senior-level thickening. Forced by repeated hiring freezes to choose between protecting the bottom of government and bulking up its middle and top, federal departments and agencies have mostly sacrificed the bottom. In 1997, for the first time in civil service history, middle level employees outnumbered bottom-level ones. Nearly 200,000 senior and middle-level managers have retired from government in the past few years, and almost everyone next in line has been promoted—all at a cost of $3 billion in voluntary buyouts for what turned out to be a big retirement party with no effect on the basic structure of government.

Some of the lower-level jobs have disappeared forever with the arrival of time-saving technologies. Others have migrated upward into the middle-level ranks as professional and technical employees have added lower-level tasks to their higher-paid duties. Still others have migrated into the federal government's contract workforce which numbered some 5.6 million employees in 1996.

Meanwhile, the top of government has grown ever taller. From 1993 to 1998, federal departments created 16 new senior-level titles including principal assistant deputy undersecretary, associate deputy assistant secretary, chief of staff to the under secretary, assistant chief of staff to the administrator, chief of staff to the assistant administrator and—lets not forget—deputy to the deputy secretary.

Spies will be spies, and the Los Alamos espionage probably would have occurred regardless of the width or height of the government hierarchy. But the breach would have been noticed earlier and closed sooner had the top been closer to the bottom. If Congress wants to increase the odds that nuclear secrets will be kept in the future, it could do no better than to order a wholesale flattening of the Energy Department hierarchy. Then it should do the same with the rest of the federal government.

Mr. DOMENICI. Mr. President, I want to talk a little bit about what Mr. Light discusses in this column on the 30th day of June, 1999, and set it a bit in perspective. As Senators and those listening today might recall, starting about 3 months before this article written by Paul C. Light appeared in the Wall Street Journal, word broke through the media in the United States of the possibility that the People's Republic of China had, in fact, breached security at Los Alamos National Laboratory and, indeed, they may have some of the most significant and profound secrets with reference to our nuclear weaponry in their possession. That broke in the New York Times in a series of articles, and thereafter it was in the headlines and on the front pages of our papers for 3 or 4 weeks. Now it seems to have dwindled a bit because Congress and the executive branch are working on what we ought to do about it.

Frankly, one of the purposes for my being on the floor today and tomorrow and for as many days as it takes until we can take up the intelligence bill, H.R. 1555, which I have little to do with because I am not on that committee, is an amendment that would permit us to organize within the Department of Energy that aspect of the Department of Energy's work that has to do with nuclear weapons.

The reason that is important is because the American people should not be misled, nor should we let this issue go to sleep. The issue is a serious one. The issue of who develops and protects our nuclear weapons, and are they doing it in the best possible way, should be front and center with the American people because if, in fact, the security was breached to the extent that the Cox committee report had—that is a House Member's name; he was chairman of a joint committee in the House that prepared a report commonly known as the Cox report. If it is as bad as he and other House Members say in that report, and as bad as some others who have reported on it say, then clearly we are at risk that the Communist Chinese has sufficient information to develop, over time, a very significant arsenal of nuclear weapons.

Coupled with the fact that they are moving rapidly with respect to delivery systems, then clearly in the next millennium we will have a new adversary in the world. It will no longer necessarily be Russia as a successor to the weapons systems and delivery systems—the U.S.S.R.—but, essentially, we may have both Russia and China with substantial nuclear weapons. We may feel secure with our Air Force and our Navy and with our Army, as we have had these skirmishes in the past 3 to 5 years, but we will still be looking at a very dangerous world.

As a matter of fact, it may be the only single source of real power and military might that Russia might have for the first 50 or 100 years in the next millennium. And that is enough for a country that is not doing very well to be a bit dangerous. It is certainly enough for the world to be dangerous and America to be in danger and fearful if the Chinese Communist regime has a determined and dedicated and significant nuclear arsenal.

With that as a background, and with many hearings in both bodies—some joint, some singular by different committees—over the weeks since this was first broken, we have heard all kinds of evidence about how this happened—some of it in secret, some of it public. As a Senator from New Mexico, I have had to learn about nuclear weapons because two of the laboratories are in my State, and I happen to be chairman of the committee that funds all of the Department of Energy. I have said that there is so much that went wrong that there is plenty of blame for everyone. This is not exclusively a problem that occurred within that laboratory at Los Alamos. It is not exclusively a problem that something happened within the Department of Energy. It is not totally dispositive of this issue to stand on the floor of the Senate and say the FBI didn't do their job right—which they didn't. The problem is, it was a comedy of errors. Everybody seems to have messed up on this one.

Frankly, it seems that enough time has passed for us to be on the verge of fixing it, and so let's talk a minute about how we are going to fix it, and then I will read excerpts from the article that I asked be printed. First of all, there is no question that we received a formidable report from the PFIAB Commission, which is made up of five members. It is a presidentially appointed group.

The President did something different about this one than in the past in that he asked them to do the report and to plan to release it to the public.

They did. It was released to the public, and its principal spokesman and chairman was the very distinguished former Senator from New Hampshire, Mr. Rudman.

We will talk at length about what they recommended. But suffice it to say they found that the management structure within the Department of Energy was in such a state of chaos that it could not control, in the form and manner that it existed over these past years, the security of valuable secrets and information within the laboratories; that it was incapable of doing it because it was disorganized, or organized in a manner where there was no accountability. So that if you wanted to blame the FBI for something that happened out of their Santa Fe, NM, office, they could clearly, if they chose, say: Yes, but somebody else fell down on the job.

If you asked the Director of the laboratories, he would say: Nobody ever told me about it. Nobody brought me on board. I thought since they were doing an investigation of an individual that they were in charge of the investigation, and I didn't have anything to do with it.

There are many examples, real and anecdotal, that say the Department of Energy is incapable of maintaining within its current framework of management such a significant system as the nuclear weapons system of the United States of America.

Frankly, it pains me to come to the floor and say that I have arrived at that conclusion unequivocally. And it pains me to say that I arrived at it some time ago. As a matter of fact, there will be a big argument made that we should move slowly.

I would like in due course, if not today, tomorrow, to outline why the time has come to fix it in the manner recommended by the Rudman commission, which is a Presidential commission. How much more time do we need?

I will tell the Senate that 2 to 3 weeks before the Rudman report was issued, this Senator from New Mexico was busy working with Senators developing the exact same model that the Rudman commission ultimately recommended to the Congress and the President of the United States for restructure, in a formidable way with significant changes, of the entire apparatus that functions within DOE and produces for us safe, sound, and reliable nuclear weapons and that has all of the ancillary functions which are related to that.

Having said that, it was not just yesterday that there were recommendations that the Department of Energy was straining under its own bureaucracy and that the nuclear weapons laboratories were victims of it. In fact, we will allude to at least two prior reports and recommendations to that of the Rudman commission by which clearly we are sending a loud and clear signal: Fix it. It is not working. It is the risky way you have it done.

I would add, it is not only risky as to security, but let me suggest there is a substantial lack of efficiency and the ability to manage the nuclear weapons system adequately and frugally to get the very best we should have. It is almost an impossibility within the structure of the Department of Energy, a hybrid department made up of many different agencies and groups thrown together in a haphazard way. And then we expect the nuclear weapons part of it to function under the overload of management, rules, and regulations that apply across the board to any kind of function within the Department, some so removed from nuclear weaponry that you wouldn't even think of them being in the same personnel department, in the same environmental department, or in the same safety and health departments.

With that, let me move to the Wall Street Journal article and paint a little history along with this writer, Mr. Light.

He starts by saying:

> How can Washington prevent future security breaches like the one at the Los Alamos nuclear laboratory? Last week former Sen. Warren Rudman, chairman of the President's Foreign Intelligence Advisory Board and a head of a special investigating panel, recommended a ''new semiautonomous agency'' within the Department of Energy that would have ''a clear mission, streamlined bureaucracy and drastically simplified lines of authority and accountability.''
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> Secretary Bill Richardson, last week appointed a security ''czar,'' Gen. Eugene Habiger, to serve as the fulcrum for a newly rationalized chain of command. But the czar may merely add one more layer to a meandering, mostly unlinked collection of overseers who can easily evade responsibility when things go wrong.

I could not say it any better.

Continuing on:

> At the department's founding in 1979, its secretary, deputy secretary, undersecretary and assistant secretary ''compartments'' contained 10 layers and 56 senior executives. By 1998 those four compartments had thickened to 18 layers and 143 senior executives, including an assortment of chiefs of staff and other alter-ego deputies who fill in whenever their bosses are out.
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> The answer is everyone and no one. And the diffusion of accountability continues down into the University of California, the contractor that supervises the Los Alamos laboratory and three other DOE facilities. Whom does the federal government hold accountable at the university? The president? The senior vice president for business and finance? Vice president for financial management?

And on it goes. I will jump down in the article to another full quote:

> No wonder it takes a crisis to focus attention. With 15 to 25 layers just to get from the top of the department to the top of Los Alamos, information is bound to get lost along the way, and no one is accountable when it does.

I am going to skip a little bit of the article and move down to the end of it with another quote. I will insert it with the underline parts being that which I read.

> Spies will be spies, and the Los Alamos espionage probably would have occurred regardless of the width or height of the government hierarchy. But the breach would have been noticed earlier and closed sooner had the top been closer to the bottom. If Congress wants to increase the odds that nuclear secrets will be kept in the future, it could do no better than to order a wholesale flattening of the Energy Department hierarchy. Then it should do the same with the rest of the federal government.

The reason I read excerpts from the article is that it is quite obvious to me this man has his finger right on the problem.

Let me now proceed to a discussion of the latest thorough investigation of the Department of Energy and its mission as the primary functionary in nuclear weapons from research to security to safekeeping, et cetera. Let me move to the latest thorough report, and then we will go back to some others that existed prior thereto.

I don't know that I want to make this report a part of the RECORD, but everybody should know if they want to read what has been said by the latest contingent of reputable, dedicated, knowledgeable Americans, I am reading from ''Science at its Best, Security at its Worst,'' a report on security problems of the U.S. Department of Energy by a special investigative panel, the President's Foreign Intelligence Advisory Board, of June 1999.

There are plenty of these reports around for anybody who wants to participate in this discussion. We will make them available. We will see that some are in the Cloakroom for people who might want to review them. I will talk a little bit about the significance of this report and why I think the time has come to adopt its principal recommendations.

For those who wonder what we are trying to do, obviously, we had to draw from a lot of people to do what was recommended in this report. While Members may not find every word of the extensive amendment I will soon allude to in detail within this report, let me repeat, for anybody interested in the security of the weapons laboratories and the nuclear weapons activity of

our Nation, the amendment we are trying to call up as part of H.R. 1555 is the recommendations from this report.

Let's get in the RECORD what this report is. This report is the result of a March 18, 1999, President Clinton request that the President's Foreign Intelligence Advisory Board, commonly known as PFIAB, undertake an inquiry and issue a report on ''The security threat at the Department of Energy's weapons lab and the adequacy of measures that have been taken to address it.''

I will read the names of the board members and make sure the Senate and everybody knows who they are: The Honorable Warren B. Rudman, chairman; appointed members are Ms. Ann Z. Caracristi, Dr. Sydney Drell, Mr. Stephen Friedman, to form the special investigative panel. They are the members. They were given detailees from several Federal agencies, including CIA, FBI, DOD, to augment the work of the staff. They spent 3 months interviewing 100 witnesses, received more than 700 documents encompassing thousands of pages, and conducted on-site research and interviews at five of the Department's National Laboratories and plants: Sandia National Lab, Pantex in Texas, Oak Ridge in Tennessee, Livermore in California, and Los Alamos in New Mexico.

This report and an appendix that supports it, both of which are unclassified, are now before the Senate. A large volume of classified material which was also reviewed and distilled for this report has been relegated to a second appendix and is authorized for special kinds of authorized recipients.

This report examines the 20-year history—which I just alluded to in reading the excellent article by Mr. Light—of security and counterintelligence issues at the laboratories, with an issue on five laboratories that focus on weapons and related weapons research. It looked at the inherent tensions between security concerns and scientific freedom at the laboratories. In effect, they looked at the institutional culture and efficacy of the Department. They looked at the growth and evolution of foreign intelligence and the threat thereafter to the National Laboratories, particularly in connection with foreign visitors programs, the implementation of effective Presidential Decision Directive No. 61, the reforms instituted by the Secretary, and other related initiatives.

At some point in time within the last 5 or 6 months when it started to evolve that, in fact, there could have been a very serious, significant, prolonged, and persistent breach at Los Alamos, the President of the United States—and others might argue that the timeliness of the President's actions is an issue. I am not sure that I will argue that point. My point in what I will discuss today and tomorrow, and for however long it takes to get this bill up and get this amendment considered, is going to be discussing how we fix what is wrong with this Department of Energy as it relates to nuclear weapons and how we do it now—not 6 months from now, not a year from now, but now.

Eventually, the President issued a Presidential decision directive which is called No. 61. Now, that suggested in no uncertain terms that some things be changed in the Department, and changed forthwith. However, those were things the Department could do without any legislation. They preceded the thorough recommendations that were made by the Rudman commission. Then it included additional measures to improve security and counterintelligence.

I ask unanimous consent to have printed in the RECORD the page of the abstract of the Rudman report, with the panel of members and the staff.

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

PANEL MEMBERS

The Honorable Warren B. Rudman, Chairman of the President's Foreign Intelligence Advisory Board. Senator Rudman is a partner in the law firm of Paul, Weiss, Rifkind, Wharton, and Garrison. From 1980 to 1992, he served in the U.S. Senate, where he was a member of the Select Committee on Intelligence. Previously, he was Attorney General of New Hampshire.

Ms. Ann Z. Caracristi, board member. Ms. Caracristi, of Washington, DC, is a former Deputy Director of the National Security Agency, where she served in a variety of senior management positions over a 40-year career. She is currently a member of the DCI/Secretary of Defense Joint Security Commission and recently chaired a DCI Task Force on intelligence training. She was a member of the Aspin/Brown Commission on the Roles and Capabilities of the Intelligence Community.

Dr. Sidney D. Drell, board member. Dr. Drell, of Stanford, California is an Emeritus Professor of Theoretical Physics and a Senior Fellow at the Hoover Institution. He has served as a scientific consultant and advisor to several congressional committees, The White House, DOE, DOD, and the CIA. He is a member of the National Academy of Sciences and a past President of the American Physical Society.

Mr. Stephen Friedman, board member. Mr. Friedman is Chairman of the Board of Trustees of Columbia University and a former Chairman of Goldman, Sachs, & Co. He was a member of the Aspin/Brown Commission on the Roles and Capabilities of the Intelligence Community and the Jeremiah Panel on the National Reconnaissance Office.

PFIAB STAFF

Randy W. Deitering, *Executive Director.*

Mark F. Moynihan, *Assistant Director.*

Roosevelt A. Roy, *Administrative Officer.*

Frank W. Fountain, *Assistant Director and Counsel.*

Brendan G. Melley, *Assistant Director.*

Jane E. Baker, *Research/Administrative Officer.*

PFIAB ADJUNCT STAFF

Roy B., *Defense Intelligence Agency.*

Karen DeSpiegelaere, *Federal Bureau of Investigation.*

Jerry L., *Central Intelligence Agency.*

Christine V., *Central Intelligence Agency.*

David W. Swindle, *Department of Defense, Naval Criminal Investigative Service.*

Joseph S. O'Keefe, *Department of Defense, Office of the Secretary of Defense.*

Mr. DOMENICI. I note the presence of the cochairman of the committee that actually has jurisdiction and is in control of the bill, H.R. 1555, Senator BOB KERREY of Nebraska.

I say to the Senator what I said to one of his staff members who was on the floor. Whenever the Senator is ready, I will relinquish the floor and yield. I am prepared to speak today and tomorrow and however long is necessary until we all get together and get the bill up and get the amendment to it called up. I am not here today to keep others from speaking. My responsibility with reference to the amendment which we propose is to start talking about the significance of it and of the Rudman report to the future security prospects for our nuclear resource development by the Department of Energy.

I started on that report of your good friend and mine, Senator Rudman. This is not a bad breaking point for me if the Senator desires to speak.

Mr. KERREY. I have a unanimous consent request, and then I am pleased to let the Senator continue.

PRIVILEGE OF THE FLOOR

Mr. KERREY. Mr. President, on behalf of Senator BIDEN, I ask unanimous consent that the privilege of the floor be granted to David Auerswald, an American Political Science fellow on the Democratic staff of the Foreign Relations Committee, during the pendency of H.R. 1555, to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities for the United States Government.

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

Mr. DOMENICI. Mr. President, what I want to do, in the presence of my friend, is recap. I heretofore, I say to the Senator from Nebraska, made the point of why we need some dramatic, drastic, and significant reform of the Department of Energy as it applies to nuclear weaponry in all its context. I have indicated there are a number of reports that point in the direction of doing something very different, not just some new boxes in the Department.

I said I would start with a review of the Rudman report as to what they recommend, because the amendment I will

be proposing and of which Senator KERREY is a cosponsor is our best effort to incorporate into the bill language the Rudman recommendations. We are not inventing something new, although some of us were on that trail before the Rudman report. It is essentially an effort to convert these recommendations, of which my colleagues are fully aware, to a bill, and that legislation will be presented when we are on the bill. We do not know when that time will come. We are now on a motion to proceed to that bill.

Let me now, in my own way, talk a bit about the Rudman report. The Senate is now fully aware of who the commissioners are, what their origins are, and the fact that this is the first such report that has been made public. In the past, Presidents have used them, but they have not made them public. The President asked from the outset that this report be made public. That was prudent because we were in such a state of confusion and chaos regarding how much of our future security was actually stolen. This was a good way to say some people are recommending ways to fix it. It is public.

Let me state to the Senate, and those interested, some of the significant findings of this report. Remember, the reason the report is significant is not because it is the only report of its type, but it is the last one recommending drastic change. These findings I am going to be talking about are in support of the bill we want to introduce, because they are in support of the Rudman commission's recommendations.

Findings found at pages 1 through 6—I am going to pick out the ones I think most adequately present the issue and the reasons for doing something.

No. 1, from my standpoint:

> More than 25 years worth of reports, studies and formal inquiries—by executive branch agencies, Congress, independent panels and even the DOE itself—have identified a multitude of chronic security and counterintelligence problems at all the weapons labs.

I give this fact at the outset because I am very concerned there still will be some in the public, at the laboratories and in the Senate, who will say we need more time. Remember, the finding I just stated was that for 25 years there have been reports, studies, and inquiries that addressed the issues in this amendment we want to call up on the bill.

No. 2:

> Organizational disarray, managerial neglect, and a culture of arrogance—both at DOE headquarters and at the labs themselves—conspired to create an espionage scandal waiting to happen.

Those are not my words. I might have phrased it differently. Essentially, in the amendment we want to call up, we are also trying to change the organizational disarray. We are trying to change it so that managerial neglect will be harder to be vested in this part of the DOE. We are addressing the culture, but we are not destroying the actual necessary component within these laboratories of freedom for scientists. But freedom is not absolute for scientists who work on nuclear weapons. We want to give them as much freedom as is consistent with minimizing security risks, and that means there has to be pushed through management a change in the culture without changing the scientific excellence.

> . . . DOE headquarters and at the labs themselves—conspired to create an espionage scandal waiting to happen.

The way it is phrased one would think they were doing something intentional in that regard. I would not have used ''conspired.'' It happened that way because of the way it is managed and the way the culture has developed.

Let me move down to another couple I think are very important:

> DOE has a dysfunctional management structure and culture that only occasionally gave proper credence to the need for rigorous security and counterintelligence programs at the weapons laboratories. For starters, there has been a persistent lack of real leadership and effective management of the DOE.

They also factually concluded that the Department—and this is very important—is a dysfunctional bureaucracy that has proven it is incapable of reforming itself. Why do I pull that one out? Because we are hearing that we do not need to do everything this report recommends because the Secretary is going to do it. As a matter of fact, the Secretary is a friend of mine. He is from my State. He served in the House and I in the Senate, and I have great respect for what he did. He has done more in the Department in the past few months than anybody we have had around in terms of seeing that it is really risky and things are dangerous there; we have to get on with fixing them.

The point is, the Rudman commission said the Department's bureaucracy is so dysfunctional that it cannot reform itself. For those who will come to the Chamber either in opposition to the amendment or indicating we should go slowly because the Secretary is doing some things, I will keep reading them this statement.

This is not our statement. This is the statement of five of the best people around appointed by the President of the United States to tell us how to fix this. In fact, I will tell you one of them, Dr. Drell, would be picked by anyone on any five-member commission that was going to survey and recommend how we should handle nuclear weapons within our bureaucracy better.

He is on this, and he agrees. They are saying the Secretary cannot fix it because the bureaucracy is so rambunctious, so overlapping, so inconsistent that it cannot fix itself.

Last:

> Reorganization is clearly warranted to resolve the many specific problems with security and counterintelligence in the . . . laboratories, but also to address the lack of accountability that has become endemic throughout the entire Department.

I am going to move to a couple more facts. We all know—no, we do not all know; some of us know because we have been around here long enough—that we can look at who have been the Secretaries of Energy over time, and the Rudman report has something to say about that.

This is a complicated Department, but if you know anything about it, it runs all the nuclear weapons activities in the country. For starters, one would think: Boy, we ought to put somebody in who knows a little bit about that.

The report says:

> The criteria for the selection of Energy Secretaries have been inconsistent in the past. Regardless of the outcome of ongoing or contemplated reforms, the minimum qualifications for Energy Secretary should include experience in not only energy and scientific issues, but national security and intelligence issues. . . .

I am not going to list the Secretaries in the last 30 years since the DOE was formed, and prior to it ERDA, but I am going to merely say there have not been very many Presidents who gave serious consideration to who should be the Secretary in the same context that the five-member commission looked at what should be the qualifications.

There will still be some who will say: Well, look, we have a Secretary who is trying. This has just come upon us. Let's go a little slower.

The Rudman commission made another finding, and it is the following:

> However, the Board is extremely skeptical that any reform effort, no matter how well-intentioned, well-designed, and effectively applied, will gain more than a toehold at DOE, given its labyrinthine management structure, fractious and arrogant culture, and the fast-approaching reality of another transition in DOE leadership. Thus we believe that he has overstated the case when he asserts, as he did several weeks ago, that ''Americans can be reassured; our nation's nuclear secrets are, today, safe and secure.''

That is an allusion to a statement by our Secretary of Energy. I take it Secretaries have tried to tell us they are doing everything they can within the structure they have and that we are moving in the direction of making things safe.

This board—I frequently call it a commission—the Rudman board, has taken a look at that statement versus what they think you can do in that Department, and they have concluded that things are still kind of at risk.

I note today, in the presence of the press the new securities czar, the distinguished four-star general who was appointed, is saying: We're working on it, but it is at least a year away in terms of having something in place. I note that is in the news today.

What did this distinguished board—sometimes referred to in my remarks as commission—actually recommend by way of reorganizations? I want everyone to know I am going to repeat that there are other reports, prior to this, that recommended dramatic changes within the Department, and I

have not yet alluded to them. I am only talking about the Rudman recommendations.

They suggest that:

The panel is convinced that real and lasting security and counterintelligence reform at the weapons labs is simply unworkable within DOE's current structure and culture. To achieve the kind of protection that these sensitive labs must have, they and their functions must have their own autonomous operational structure free of all the other obligations imposed by [the department].

In order to do that, they say it can be done in one of two ways.

It could remain an element of DOE but become semi-autonomous—by that we mean strictly segregated from the rest of the Department. This would be accomplished by having an agency director report only to the Secretary of Energy. The agency directorship also could be ''dual-hatted'' as an Under Secretary, thereby investing [him] with extra bureaucratic clout both inside and outside the department.

They go on to say:

Regardless of the mold in which this agency is cast, it must have staffing and support functions that are autonomous from the remaining operations at DOE.

Essentially, when you read the recommendations, the most significant words are their functions must have their own autonomous operational structure free of all other obligations imposed by DOE management.

You get that one of two ways. You get it semiautonomously—which I have just read—or you can take it out of the Department of Energy in toto, stand it free, i.e., NASA. They have suggested those are the two ways.

Those of us who have been involved for years think that we ought to start by trying to convince the Senate and House that we should make it semi-autonomous, leaving it within the DOE, for a number of reasons, and only if all fails should we go the other route.

This Senator is very concerned about the laboratories that make us so strong and contribute so much to our science effectiveness in the world, that they remain the very best. I would not, for a minute, be talking about restructuring if I did not think those laboratories could continue to do work for others, work for other agencies, and work for the Department of Defense and nuclear weapons. I believe they can and they will. I believe they will, under the amendment about which we are talking.

So while there is much more to talk about, in summary, H.R. 1555, which is the annual intelligence authorization bill, the sooner we can get it up on the Senate floor, the sooner we can bring up this amendment, the Kyl-Domenici-Murkowski, et al. amendment, which has every chairman of every committee who is involved in this as cosponsors, along with a number of other Senators, and the distinguished Senator from Nebraska, who is here on the floor with us, Senator KERREY, and Senator FEINSTEIN of California. As soon as we can start debating it—obviously, we are willing to listen; we do not claim that every ''t'' is crossed right and every ''I'' is in the proper place, but we believe the format to accomplish what the Rudman five-member board recommended is within the four corners of that amendment, and that is what we ought to be looking at now in the next few days to get it done.

I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Nebraska.

Mr. KERREY. Mr. President, the Senator from New Mexico has done a very good job of outlining an urgent need to change our law governing the Department of Energy. I have high praise for him and Senators WARNER, MURKOWSKI, KYL, and, on our side, Senators LEVIN, BINGAMAN, and LIEBERMAN, who have worked to try to fashion a piece of legislation, a law that will balance our need for secrecy and our need for security.

I appreciate very much, I say to the Senator, his leadership on this and the sense of urgency that he has brought to the need to change our law. My hope is that we, at the end of the day, at the end of this debate—I do not think there is going to be very much objection to moving to this bill—my hope is that we can get a very large majority, if not a unanimous vote in support.

I know the Senator from Michigan, Mr. LEVIN, has some amendments he wants to offer. He has talked to me a little bit about them. We will have a chance to talk about those, I guess, tomorrow when we come to it.

But there is no question that the laboratories have been a tremendous source of pride and a tremendous source of discovery and a tremendous success story as far as delivering to the United States of America things that have made the United States of America more secure and more prosperous.

Likewise, there is no question that over the years—over the last 20 years or so—since the Department of Energy was created, there has been sort of a gradual buildup of layers of bureaucracy that make it more and more difficult for any Secretary of Energy, whether that individual has the requisite skills or not, to know what is going on in the laboratories and to have the authority needed to manage those agencies so those laboratories, as Senator Rudman, chairman of the PFIAB says in the title of his report, can get both the best science and the best security simultaneously. We unquestionably have the best science. I am quite certain the Senator from New Mexico believes the same way I do. In visiting the labs, in particular the lab that is under question, Los Alamos, most of the people I have met there described themselves as being very conservative to extremely conservative on the question of security and expressed their concern that their reputation for keeping the United States of America safe has been damaged. Of all the people who are anxious to get the law changed so that the lab's reputation for being the world's finest both for science and security can be restored, there are no more powerful advocates of that than at Los Alamos Laboratory from Dr. Brown on down.

This is an unusual opportunity because normally the intelligence authorization bill goes through almost with unanimous consent. Since I have had the opportunity a few years to come here with the chairman, with usually about 15 minutes' worth of conversation and without a lot of interest, the bill goes through. The good news this year is that it will not go through quite so quickly. It is good news because it gives us an opportunity to examine what it is this bill does and what it is this bill does not do.

Unfortunately, current law does not allow us to tell the people of the United States of America either how much we spend on all of our intelligence collection, analysis, or dissemination efforts, or does it allow us to tell what the individual components of that are. I say ''unfortunately'' because I do believe quite strongly that we would be better off changing the law so the public did know both of those things. I believe that unless the people of the United States of America support what it is we are doing with our intelligence efforts, it is very difficult, over a long period of time, to sustain that effort. I myself am very much concerned that at the moment the general public does not either understand what it is we do on the intelligence side, or as a consequence of some very highly publicized failures are they terribly confident that we are doing a very good job of collecting intelligence, analyzing that intelligence, producing that intelligence, and then disseminating that intelligence to either warfighters or to national policymakers.

I have had the good fortune of watching the men and women who do this work for a number of years. I am not only impressed with their skills, but I am impressed with their patriotism and impressed with their successes, most of which I cannot talk about on the floor this afternoon.

Let me make the case, first of all, for secrecy. I think there are times when it is absolutely vital and needed. When we have warfighters on the field, as we recently had in Kosovo, we obviously can't provide the target list to the public and let people know where it is that these pilots are going to be flying. We cannot obviously provide battlefield information. Otherwise, we are going to increase the risk to these warfighters. It is always difficult in an environment where it is just the United States, let alone where there are 18 allies, to contain that intelligence and not have a terrible example of something where intelligence information got to our enemies, and as a consequence, they were better prepared, and as a consequence either we were not as successful as we wanted to be or there were casualties as a consequence.

It is a life-or-death matter that we keep these secrets. We have asked men and women to put their lives at risk, and we have to protect their interests. Otherwise, we will find it very difficult to find volunteers to go on these missions.

It is needed for military operations. It is needed for some covert operations as well, where the President has signed a finding. He has asked that certain things be done, again, in the interest of the United States, overseen by the Congress. Today, I have very high praise for this administration in that regard. Since the Aldrich Ames spy incident where Aldrich Ames, traitor to his country, not only gave up U.S. secrets, he gave up secrets that led to the deaths of many men and women who were working on our behalf, this administration has increasingly come to the oversight committees, one in the House and one in the Senate that were created in 1976, with what are called notifications of errors, notifications of problems and mistakes that were made on a weekly basis.

We are receiving information that the executive branch thinks we need to know in order for us to make judgments about what it is we think the United States of America ought to be doing. So there is a lot more—in fact, it feels like a fire hose at times—notifications that are occurring in both the House and the Senate committee.

Indeed, our committee was notified about this particular incident in 1996, and I think we responded appropriately to it at the time. We pushed back and asked for additional counterintelligence. When I say ''this particular incident,'' I am talking about the notification of the possibility that the Chinese had acquired what we now know in published accounts to be details about a weapons system known as the W–88, our most sophisticated nuclear weapon, that the Chinese had acquired that through espionage in the 1980s.

We were notified of that in 1996, 11 years after it was suspected to have happened. I think the committees were properly notified, and I think the committees properly responded and measured the relative threat to other things in the world and pushed back and responded, I thought, in an appropriate fashion. There was much more that we probably could have done. I will let history judge whether or not we did enough. The point is, there are secrets. As a consequence of those secrets, under law, under a resolution we have created, the Senate Committee on Intelligence and the House has done the same. Those committees have congressional responsibility for hearing these secrets and making judgments, first, about what kind of structure, what kind of budget, and what kind of operations we are going to approve.

I make the case that secrecy is needed in order to maintain our security both for military and for our operations. There are sources that we use, there are methods we use, both of which must be kept secret in order for us to continue to recruit and in order for us to continue to operate with a maximum amount of safety for, again, the men and women who have chosen, as a result of their patriotic love of their country, to serve their country in these missions. We need to make certain we provide them with the secrecy needed for them to conduct their operations.

However, there are times when secrecy does not equal security. It is a very important point for us to consider as we both debate this bill and try to think about how we want to write our laws and think about how we are going to do our operation. Sometimes secrecy can make security more difficult.

There is a recently declassified report called the Venona Report that describes the acquisition of information about spies inside the United States during the post-World War II era. In that report, there is a very interesting moment when General Omar Bradley, who at that time was in charge of intelligence, made the decision not to inform the President of the United States that Klaus Fuchs and others were spies for the Soviet Union. The President was not informed. Secrecy was maintained. General Bradley liked President Truman; he was an Army man like himself. But he made a judgment that secrecy had to be maintained, that the commanding officer of all our forces, that the President, duly elected by the people, didn't have a need to know. So a judgment was made to preserve secrecy.

I believe, as a consequence, policies didn't turn out to be as good as they should have and security was compromised as a consequence. I am not blaming General Bradley. I see it from time to time. Indeed, what caused me to talk about this was my belief that we should change the law and allow the people of the United States of America to know how much of their money we are allocating for intelligence and how much in the various categories is being allocated. I fear that all the public has are bad stories about mistakes that are being made, the most recent one being a mistake in targeting inside of Belgrade.

The Chinese Embassy was mistakenly hit one block away from another target that should have been hit. A great deal of examination of that has already been done. It caused us a great deal of trouble with the Chinese Ambassador. Under Secretary of State Pickering had to make a trip to China. This all occurred at a very delicate time when we were trying to get the Chinese to agree to some changes in their policy to ascend to the WTO. It was a big embarrassment.

I get asked about it all the time: What kind of so-and-so's are over there? Are we getting our money's worth? Are we wasting our money? Couldn't they just have spent $2 on a map that was readily available to show where the Chinese Embassy was? Why spend billions of dollars on all these folks if they don't even have good enough sense to use a commercially made $2 map?

There are questions about the failure to predict the detonation of a nuclear weapon in India over a year ago, which was followed by a detonation by Pakistan. A third item I hear a lot is that the CIA failed to predict the end of the Soviet Union, and anybody that can't predict that doesn't deserve to get a lot of U.S. tax dollars.

It is unfortunate that only the bad stories get out. First of all, on the targeting of the embassy, it was a mistake, but we were in a war, for gosh sakes. We are being asked to deliver targets, asked to identify the targets, and the operation's requirement was to minimize the casualties to the United States and our allies. Not a single American or single ally was killed during that entire operation. I consider that a mark of tremendous success. That did not occur by accident. There is no shelf of books with one saying ''T'' for targets in Belgrade and Kosovo. We had to develop those targets on our own and relatively late. We didn't expect the bombing operation to go on that long. We had—when I say ''we,'' I mean the administration—the impression that possibly it would be over quicker, based upon the experience of 1995.

In short, it was a tremendous success. Not only were we able to conduct that operation without a single allied casualty, but, in addition, we reversed the trend of modern warfare in the 20th century. Modern warfare in the 20th century has seen an increasing fraction of casualties that are noncombatants. I believe, in this case, except for the casualties produced by the Serbian army and their military police and their paramilitary units in Kosovo, there was also success in minimizing civilian casualties in this effort.

We could not, for example, have implemented Dayton. One of the untold stories is the success of the intelligence operations. At that time, it was General Hughes who organized the takeover authority in December of 1995. It was a United Nations operation, transferred over to NATO. They worked night and day to set up a communications system that allowed us to know who was and who wasn't abiding by the Dayton agreement—a very, very complicated agreement. The people who were in charge of developing our intelligence operation read it, knew it, and disseminated it down the ranks. Everybody understood what had to be done. It was impressive that, in a very small amount of time, we were able to put together an intelligence collection and dissemination effort that enabled us to implement the Dayton agreement.

There are many other examples, such as the Indian detonation of a nuclear weapon. In fact, we had the intelligence collection that predicted and prevented one about 18 months earlier.

Nobody should have been surprised. We don't really need to have intelligence officers collecting and predicting a detonation of nuclear weapons in India when the successful party in an election promised, and made a part of their campaign a promise, to detonate if they were elected, to test a nuclear weapon.

Anyway, I think it is very important for me, as somebody who has been given by my leader the opportunity to sit on this committee and to observe what is going on, to attempt to correct things I thought were wrong, make decisions about how much taxpayer money to allocate, about how to respond to mistakes made and intelligence errors that occur, how to respond and correct those errors—it is very important for me to say to taxpayers that my view is that you are getting your money's worth.

According to published accounts, we spend $28 billion a year. I wish I could provide that number as well as some additional details, but if that is the current dollar amount, according to published accounts, in my view, just watching what is done, the American people are getting their money's worth. There are tremendous threats in the world that our intelligence agencies collect against. They supply that intelligence to our warfighters, to our military people. Imagine what it would be like to be in charge of U.S. forces in South Korea. You have the most heavily militarized area in the world between North and South Korea. There are about 37,000 young men and women in South Korea defending against a possible attack from North Korea, and the question to their commanding officer is: What are North Korea's intentions? What are they doing? They need an answer.

It is an extremely hard target to penetrate and to know what is going on. Those warfighters need to know that information. They can't operate in the dark. Our intelligence collection operators do that time in and time out, day in and day out, try to collect, process, produce, and disseminate intelligence to warfighters and the national policymakers and decisionmakers, in order that the United States of America can be as safe as it possibly can be. My view is that they have achieved a substantial success. They are not perfect; none of us are. But their substantial success deserves a very high amount of praise.

Mr. President, a related problem we have with intelligence is that many people presume that the Director of Central Intelligence, who manages the CIA and other national intelligence efforts, controls it all. Not true, though the Brown commission report that was assembled after the Aldrich Ames betrayal recommended that increased authority be given to the Director of Central Intelligence to budget and select personnel for these other areas. For many reasons, these authorities were not granted the Director. The current Director, Mr. Tenet, controls far less than they realize, under law.

I don't believe that is a healthy situation. We were successful 2 years ago in getting the Director, under statute, some additional authorities. But my view is that it is not enough to match authority with responsibility. We have not done that. We are holding the Director responsible for intelligence failures in many areas over which he has no real direct budget authority or personnel authority.

So the distinguished Senator from New Mexico has properly identified a problem at the laboratories, as a result of the structure of the law that governs the Department of Energy, that needs to be fixed. The concern is that through some set of facts—today, we don't even know what the set of facts are—the Chinese probably acquired information about our nuclear secrets, and, as a consequence, they may have the capacity to build and deploy very dangerous weapons. They stole secrets from us, and, as a consequence, we are concerned about how to increase the secrecy of these labs.

I underscore with this statement that secrecy does not in all cases equal security. There are times when secrecy will make security more difficult to achieve. My own view is that the failure under law to let the public know what our expenditures are, and how those moneys are spent, decreases our security because, unless I am mistaken in just sensing citizens' attitudes toward our intelligence agencies, they do not have a sufficient amount of confidence that they are getting their money's worth. As a consequence of that lack of confidence, I think we are having a difficult time acquiring the resources necessary in a world that is more complicated and a world that, in many ways, is more dangerous than it was prior to the end of the cold war.

My hope is that this debate about the Department of Energy can occur relatively quickly, that we can get to it tomorrow, that we can resolve the remaining conflicts, and that we can get this intelligence authorization bill passed. Both the chairman and I see the year 2000 as a watershed year. We were successful last year in increasing the resources given to our intelligence checks and analysis and production and dissemination efforts. We need to continue that trend.

We have been downsizing in the 1990s. I believe very strongly that that downsizing must stop if we are going to be able to honestly say yes to the American people, that we are doing all we can to keep them as safe as possible against a real range of threats which are still out there in the world.

The United States of America is the leading nation on this planet. We have the strongest economy. We have the strongest military. We have the longest running democracy. We tend to take sides on issues, whether it is in the Middle East, Northern Ireland, or someplace else on the planet. We clearly take sides when it comes to fighting for individual freedom—for the freedom of people in China, for the freedom of people in Russia, and throughout this planet. We put our resources and our reputation and our lives on the line.

In 1996—it has been so long ago—Americans stationed in Saudi Arabia after the gulf war, flying missions and supporting missions in the southern area, were killed. We suspect a variety of possibilities as perpetrators. But they were killed not because they were in Saudi Arabia by accident; they were in Saudi Arabia defending U.S. interests, and they were killed because they were targeted by people who didn't want them in Saudi Arabia.

We take sides, and, as a consequence, we are targets. We are targets as well because we have been successful. There is jealousy and hatred towards the people of the United States of America.

We understand the interconnected nature of our economy and of our diplomacy throughout the world. A problem in Angola can be a problem in Omaha, NE relatively quickly.

So we forward-deploy our resources. We don't just have missions in NATO or missions that involve the United Nations. We are forward-deployed throughout the world in an attempt to make the world more peaceful, more democratic, and more prosperous. It is a mission the United States of America has selected for itself. I thank God that it has. It is a mission that has resulted in enormous success.

I don't know how the rest of my colleagues felt at the time, but I remember quite vividly and was very moved for moments during Joint Sessions of Congress—not that Presidents haven't moved me with their State of the Union Addresses. But far more moving to me was Vaclav Havel, Nelson Mandela, Lech Walesa, and Kim Dae-jung of South Korea.

All four of these men came to a Joint Session of Congress and said to the representatives of the people of this country: Thank you; you have put your lives on the line for our freedom; you put your money on the line for our freedom; you stayed the course, and we are free.

Since Kim Dae-jung of South Korea gave that address, if I ever ran into a man who fought in the ''forgotten war'' in South Korea in the 1950s, I am quick to say this. I know there are many criticisms of that war. Many people wondered whether or not it was worthwhile. Let me tell you, on behalf of the President of South Korea and the people of South Korea, that that war was worth fighting.

All one has to do is look at the difference between living in freedom in South Korea—an imperfect democracy, as many are; but, nonetheless, the people of South Korea are free; their standard of living is higher; they have the liberty to practice their religion, to speak on the streets—and North Korea, which is a nation of great suffering and great anguish. Large numbers of people

are dying as a consequence of malnutrition. The country is arguably in the worst condition of any country on the face of this Earth.

That didn't occur by accident. The world marketplace didn't get that done. I am a big fan of the marketplace and a big fan of what business can do. The intervention that liberated the people of South Korea was not the intervention of Sears & Roebuck; it was the intervention of American forces, American will, American blood, and American money. The people of South Korea are free as a consequence.

We didn't make a decision based on the shape of their eyes or based on the color of their skin or based upon their religion. We didn't do it based upon a desire to own territory or a desire to own wealth or a desire to establish a colony. We did it based upon a desire to fight and to keep the people of South Korea free.

When you take a stand such as that, as the distinguished occupant of the Chair knows—he has been in politics a very long time, an outstanding public servant—you know when you take a stand, especially on a controversial subject, you are apt to provoke some enemies; you are apt to get people organized against you. They don't agree with the position on this, that, or the other thing.

The United States has enemies as a result of taking a stand and as a result of our having taken a stand throughout the world in general on behalf of freedom.

We provoke animosity in many ways. We are at risk, as a consequence, not just from nation states—that is the older world where nation states were the No. 1 threat—today, it is nonnation state actors such as Osama bin Laden and other terrorists who organize themselves away from the normal powers and structures of government. Cyber warfare, biological and chemical warfare—all of these things we have discussed at length are real and present dangers to the people of the United States of America.

It is certainly true that our diplomats at the State Department and our diplomats in other areas of Government have to try to use our intelligence and produce diplomatic successes, as well as to reduce threats. But the State Department, the Department of Justice, the Department of Defense, the Department of Energy, the Department of Agriculture—throughout Government—the Congress, and the President of the United States regularly receive analysis that has occurred after checks have been done, after analysis has been done, after production has occurred, and then it is disseminated to people who make decisions all the time and, hopefully, make better decisions as a consequence of the intelligence delivered to them.

My view is that this budget decline we have experienced in the 1990s needs to stop. I hope that this intelligence authorization bill will be passed by the Senate, that we can go to conference quickly with the House, and get it to the President for his signature. I have no doubt that the President, subject to our not putting things on here that the President can't support, will sign the bill.

One of the things that I think undercuts our ability to do that is the continued belief we have to keep from the American people how much money is being spent. I have said that often enough now. I am not going to offer an amendment. I can count votes. I know that amendment would not succeed. But I intend to continue to make the point and try to persuade, especially my friends on the other side of the aisle, that we will increase the Nation's security by making this information publicly available to the American people.

Again, the point here is that 100 percent secrecy does not always equal 100 percent security. Sometimes 100 percent secrecy can actually decrease the security, as a consequence of the right people not getting the information. As a consequence of discussions not proceeding subject to compartmentalization that prevented one key person from talking to another key person, and, as a consequence, neither one of them knew what the other was doing, the result is that a bad decision was made.

I also would like to discuss an issue that, to me, is extremely important. I don't know if the Senator from New Mexico has additional things he wants to say.

Does the Senator from Michigan desire to speak? Since I will be assigned to sit down for a long period of time, Senators may want to move on. I think I will have plenty of time to talk about this bill.

Mr. President, I presume they would like to speak. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank my good friend from Nebraska and my friend from New Mexico for their courtesies in sharing the floor so that we can chat about some of the issues which we will be taking up when we move to this bill tomorrow, which I hope and expect we will.

One of the issues we are going to be taking up, which will probably take more time than other issues in this bill, is the Department of Energy reorganization issue. This comes to the floor on this bill. Whether it is the best place or not, it is going to happen. I think everyone wants this reorganization issue to be resolved, hopefully, in some kind of a consensus manner, if possible, in a way that it can become law.

There is strong opposition in the House to the reorganization of the Department of Energy being added to either the Department of Defense authorization bill or to this appropriations bill, this intelligence appropriation. That is a fact of life we have to deal with.

I suggest the more we are able to come together in a bill which has more of a consensus support, the stronger position we are going to be in, in trying to persuade the House to take up this matter promptly, for all the reasons the Senator from New Mexico gave, as well as to get the President to sign the bill. I hope we will take these hours between now and the time this bill is before the Senate to attempt to work out some of the differences that do exist.

I simply want to summarize where at least I am in terms of the recommendations of the Rudman commission. I am for those recommendations. The label of the agency is not as important to me as the powers of this new agency—semiautonomous agency, separately organized agencies, as they are called, including DARPA. I believe we should have a separately organized agency which is synonymous with, I presume, a semiautonomous agency.

That does not resolve the issue, simply to agree on a label. The question then is: What powers will that agency have and what is the relationship of that new agency to the Department of Energy? That is the issue we should try to resolve in a consensus manner if we possibly can.

We want two things to be true: We want this agency to have a significant degree of autonomy, independence, separate organization, separate staff, legal advice, personnel advice. We want them to have their own set of staff so they can operate in a significantly independent way.

On the other hand, we want the Secretary to be able to run his agency, to run the overall agency. If it is going to be in the Energy Department, if it is not going to be carved out of the Energy Department—which was the other alternative that Rudman suggested as a possibility—if it is going to be inside the Energy Department, then we have to have the Secretary be able to implement the policies of the Department of Energy, which have to apply to all parts of the Department of Energy, whether or not they are ''separately organized'' agencies within the Department.

That is the balance we are trying to strike. I will come to that a little bit later, as to how other separately organized agencies within the Department of Defense have struck that balance. Reaching a consensus, instead of having a significantly divided vote, is going to strengthen the prospects for reorganization of the Department of Energy along the lines Senator Rudman has proposed.

Do we need to reorganize the Department? We sure do. For 20 years or longer, there have been reports after reports after reports of lack of accountability, of duplication, of an inability for this Department to function in a very smooth and strong way, particularly as it relates to elements of national security. We should do something about it. We should do it now. It

doesn't mean we should simply say let's delay it for some later time. On that, I think, there is a consensus. We ought to fix this Department, not just say let's do it at a later time.

I hope there is also some agreement that we ought to take the few days that may be necessary to try to put together a reorganized DOE—one which has a separately organized agency to handle these nuclear issues—so we can have a stronger chance of this becoming law. We have all been frustrated by the breakdown in security which the Cox commission report highlighted by the so-called PFIAB report, the President's Foreign Intelligence Advisory Board, which Senator Rudman chaired. That frustration has been compounded by the fact that past administrations and past Congresses have received literally dozens of intelligence studies, GAO reports, FBI briefings, going back to the mid-1970s, detailing inadequate security safeguards at the Department of Energy labs and detailing foreign espionage efforts to obtain sensitive U.S. technology. This has been going on for over 20 years.

This is what Senator Rudman said at a joint hearing of four Senate committees:

> I had our staffs sit down and add up the number of reports that have found problems with the security of the DOE for the past 20 years. The numbers are astounding. 29 reports from the General Accounting Office, 61 internal DOE reports and more than a dozen reports from special task forces and ad hoc panels. Altogether, that is more than 100 reports, or an average of five critical reports a year for the past two decades.

Here we are, 20 years down the road, Senator Rudman said, still battling with the same issues. I think you would agree with me, that is totally unacceptable. All Members listening that day I think were nodding our heads, without exception.

As Senator Rudman noted last month, security at the Department of Energy has been an accident waiting to happen for over 20 years. Three administrations and Congress share the responsibility for not doing more over the years to heed the warnings of those reports to legislate corrective action. The challenge is to put that frustration, which we all share, to constructive use and to put in place an effective and workable management structure, the Department of Energy's nuclear weapons program, that ensures our vital national security secrets are not compromised in the future.

The Rudman recommendations include not just putting in place a separately organized agency but also putting that agency under the effective direction and control of the Secretary of Energy. That is going to be, it seems to me, what we have to resolve. We want it separately organized, but we want the Secretary to have effective direction and control of that agency. Those are two goals. Those two goals can be harmonized. They have been with other separately organized agencies, including some that I will mention in the Department of Defense which are used by Senator Rudman as his model, including DARPA.

We should seek both things: That semiautonomy, or that separate organization, which will put some focus and accountability inside that agency. If we are going to leave it in the Department of Energy—and that seems to be the consensus, that we leave it inside the Department—we must be able to have a Secretary who can effectively direct and control that semiautonomous or separately organized agency within his Department. It is a real challenge, but it is doable. We will do it with some care. They are both legitimate goals.

There have been some steps taken already to achieve those goals. As the Senator from New Mexico pointed out, we had a Presidential Decision Directive No. 61 which President Clinton signed over a year ago. The Rudman report noted, to its credit, in the past 2 years the Clinton administration has proposed and begun to implement some of the most far-reaching reforms in DOE's history. In February of 1998 that directive was signed. The Rudman report highlighted 5 of the most significant of the 13 initiatives in Presidential Directive No. 61.

First, counterintelligence and foreign intelligence elements in DOE would be reconfigured into two independent offices and report directly to the Secretary of Energy.

Second, the Director of the new Office of Counterintelligence would be a senior executive from the FBI and would have direct access to the Secretary of Energy. That is a very important question we are going to have to resolve and take up again, whether or not we want the director of a new Office of Counterintelligence to be not only a senior executive from the FBI but to have direct access to the Secretary of Energy. If we want to hold the Secretary of Energy accountable, which I do, then we have to access to him directly, it seems to me, a director of a new Office of Counterintelligence. That will be one of the issues we will be discussing and hopefully resolve.

Third, existing DOE contracts with the labs would be amended to include counterintelligence program goals, objectives, and performance measures to evaluate compliance with these contractual obligations.

Counterintelligence personnel assigned to the labs would have direct access to lab directors and would report concurrently to the Director of the Office of Counterintelligence.

The Senate has also acted in a number of ways. We passed significant legislation this year under the leadership of Chairman WARNER in the Armed Services Committee. We have adopted a series of measures in the National Defense Authorization Act which were designed to enhance counterintelligence, security, and intelligence activities at DOE facilities.

These measures include putting in statute most of the specific recommendations on security and counterintelligence contained in PDD–61. For instance, our bill, which is now in conference, includes a provision establishing separate offices of counterintelligence and security at DOE, each reporting to the Secretary. That provision, which the Senate already adopted, is in the DOD authorization conference, which is going on right now. It is taking up a Senate provision which establishes an office of counterintelligence and security at the DOE reporting directly to the Secretary.

That is not inconsistent, in my book, with having a counterintelligence chief at the agency. I do not view that as being inconsistent. On the other hand, we have to be clear one way or the other as to whether or not we believe there is an inconsistency in having both a counterintelligence person for the entire agency directly reporting to the Secretary, as well as having this new agency having its own counterintelligence chief. To me, that is not inconsistent, but the people who are offering the amendment may view that as being an inconsistency.

Mr. DOMENICI. Will the Senator yield?

Mr. LEVIN. Yes, I will yield.

Mr. DOMENICI. On page 5 of the amendment, which I think my colleagues have, we adopted the language that is in the Armed Services bill:

> The Chief of Nuclear Stewardship Counterintelligence shall have direct access to the Secretary.

Secretary of Energy.

Mr. LEVIN. That is somewhat different than the provision in the Senate bill which established the separate Office of Counterintelligence and Security at the DOE reporting directly to the Secretary. We have to work out whether we intend that to be the same or whether we intend that to be two separate offices of counterintelligence.

For instance, the new agency, I say to my good friend, is going to presumably have its own personnel director and its own programs inspector general and its own general counsel, but so is the Department of Energy going to have its own general counsel and its own personnel director and its own inspector general. There will be an office in that separate agency, and there will be an office at the Department. That is not inherently inconsistent. We do similar things with DARPA and with other separately organized agencies.

It seems to me, to make sure that we are not creating confusion and lack of accountability, we would want to make that clear in the amendment that we, indeed, are talking about an office at the departmental level, as well as now a separate office with some of these staff functions at this separately organized agency.

Again, that is the kind of language which I think is important we attempt to work out.

Mr. DOMENICI. Mr. President, I do not know how much longer the Senator wants to speak, but I can only be here

about 15 or 20 minutes and I still have a few comments. I want to listen attentively to what he is saying.

I believe I heard the Senator mention four or five things. I ticked them off as he mentioned them, and we find there may be two that are not in the bill which were thought to be management techniques. Three out of five or three out of six are in the bill. I am willing to work on anything my colleagues want to work on, except I want to make sure of what I consider to be the most important recommendation of all, when the Rudman report says:

To achieve the kind of protection that all these laboratories have, they and their functions must have their own autonomous operational structure free of all the other obligations of DOE management.

If we start with that, then I think we can work on that in terms of how you get there and make sure it means what you want it to mean. Frankly, I am very pleased this afternoon because I heard both the Senator from Michigan and the cochairman of the Committee on Intelligence say they want to get on with the bill and they want to try to work on the amendment to get it as bipartisan as we can.

Frankly, if that is the way we are moving, I am ready to say, let's work on it. I have given my colleagues my draft. It is the final draft. As soon as my colleagues have amendments, we want to look at them. I have three or four Senators to check with, and I am sure my colleagues have, too, but I do think you clearly understand, in the way the Senator has expressed it, that it will have its autonomous functions within that agency.

The Senator has a great concern, and if I was not positive that we had satisfied it, I would not be here.

On the second page, paragraph (C), we say:

The Secretary shall be responsible for all policies of the agency. The Under Secretary for Nuclear Stewardship shall report solely and directly to the Secretary and shall be subject to the supervision and direction of the Secretary.

That was put in because everybody said we ought to do that. It was a little earlier than some of you think. My colleagues missed it for a while. It is there.

At the end of the page we also say:

That the Secretary may direct other officials of the Department who are not within the agency for nuclear stewardship to review the agency's programs and to make recommendations to the Secretary regarding the administration of these programs, including consistency with similar programs and activities of the Department.

The Senator from Michigan has expressed a concern about that one. This may not be exactly the wording he would like, but I believe it moves in the direction of one of his previous concerns.

Mr. LEVIN. Mr. President, I thank my friend from New Mexico. Senator Rudman has said the following, in addition to the quotation my colleague cited:

That the Secretary is still responsible for developing and promulgating DOE-wide policy on these matters.

Then he said, and this is in his memorandum of clarification dated June 30, the second paragraph from the bottom:

He is still responsible——

Talking about the Secretary——

for promulgating DOE-wide policy on these matters, and it makes sense to us that a Secretary would want advisers on his or her immediate staff to assist in this vein. We understand that is why Secretary Richardson recently created DOE-wide czars to advise him on security and counterintelligence.

There is a need for a Secretary who is running a Department to have, as Senator Rudman points out, advisers on his or her immediate staff to assist him in developing and promulgating DOE-wide policy on these matters.

I want to take up the suggestion of my friend from New Mexico. It is possible we can achieve both, as the DOD does with DARPA and other separately organized agencies, or what I think the Senator from New Mexico would indicate are semi-autonomous agencies, agencies which are not separate from a Cabinet-level agency; they are not separate from the Department. We are not creating a new department, and I do not think the Senator from New Mexico wants to create a new department. We want this inside a department which is subject to departmental-wide policies and a Secretary who is able to effectuate those policies.

Mr. DOMENICI. Can I comment?

Mr. LEVIN. Sure.

Mr. DOMENICI. That is a fair statement that the Senator made about what I would like to see. I also stated on Friday past, the first time I ever said this as a Senator who has been involved with these nuclear activities since I arrived—and I have been chairman of the subcommittee that appropriates it for almost 6 years—if the semiautonomous agency is weakened, to the extent it is really just another of blocks on a chart, I will wholeheartedly support taking it all out of the Energy Department and making it a freestanding department. In fact, I am almost looking at this that if it were a freestanding agency like NASA, and moved within the Department, how would the Secretary control it? I am beginning to think of it that way. He still would have to control it so long as it is in his Department. But I think we have said that in the amendment.

We are willing to work with you on whether there are better ways to make sure he still is the boss; that is what you are talking about, that he is in control. The Under Secretary in charge of this new semiautonomous agency is not totally independent or we would not call him ''semiautonomous.''

Mr. LEVIN. Exactly.

Mr. DOMENICI. If we wanted him independent, we would put him out here like NASA and call him an Administrator or Director. So as long as we are thinking the same way, we are willing to work with you.

Mr. LEVIN. As I understand what you are saying, you want one Secretary to be able to have effective direction and control of this quasi-autonomous agency that is in his Department. With that standard, if that is a standard which you also accept, it seems to me that we ought to be able to find common ground. Whether that includes all the other Senators who have interests in this, neither of us can say. But as far as I am concerned, the test for me is whether or not we leave the Secretary of Energy like the Secretary of Defense with DARPA, having effective direction and control of that separately organized agency which has been called here a semiautonomous agency. That is my standard.

I am going to continue to work with colleagues on both sides of the aisle; and our staffs will share some amendment language which at least this Senator is working on. There are other Senators who have amendments as well. We will get you our amendment language by the end of the day in the spirit of trying to achieve some kind of a joint position on this going into the debate tomorrow.

I am happy to yield the floor. I heard my friend from New Mexico indicate that he is only able to stay a few more minutes. I am basically done. There are a few more thoughts I have about some of the separately organized agencies inside the Department of Defense and the way they are organized. They were used as the models by Senator Rudman. If we follow those models, I think—not exactly and not precisely—but if we follow the spirit of those models, we will have a Secretary of Energy who can effectively direct and control his semiautonomous agency that would be created, including, it seems to me, to be effective, the use, as Senator Rudman pointed out, of advisers on his immediate staff to assist him in effectively directing and controlling—which are my last words, not Senator Rudman's.

I yield the floor and thank my friend from New Mexico.

Mr. DOMENICI. I say to the Senator, I will not take very long.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from New Mexico.

Mr. DOMENICI. I thank you for recognizing me.

I say to Senator LEVIN, I have read that part of the Rudman report which talks about the Secretary having adequate input and having staff to make input. Let me tell you what I would be very worried about; and I remain worried about it as we talk with the members of the staff of the Secretary.

I think the worst thing we could do is to create this semiautonomous agency on paper but make it still like it is subject in every detail to the Secretary of Energy and his staff. So I am not going to sit by and tell you I agree because I do not agree that we should say on the one hand an Under Secretary is going to run it, and it is created with autonomous authority for him, and then say

the Secretary's office can, with various staffers, run it day by day. Because then all we have done is created autonomy and then taken it away.

There are two ways to take it away. One is very direct. For example, just take out the environment and say they do not have control of the environment. That is one way. The other is to put it all back into the Secretary in detail so his staff can be running it.

I think you and I would be serving our country terribly if we created it, in a poor manner, semiautonomous and then found in 5 years, when it was set up, that three strong men in the Secretary's office were running it. I think that would be the worst ending we could have because we would be back to seeing how good they were at things; and without that, it would be an unsuccessful operation. There would be more masters rather than just the one we are looking for.

Having said that, I want to speak for a moment—because I forgot to during my opening remarks—about the kind of science that exists at these laboratories, especially our three deterrent laboratories and two that help them that are partially in this mode, and a little bit about the origin of all this work.

I want to start by ticking off a few names. This is by far not the entire list.

This whole scientific entourage that we have here which we call the nuclear weapons laboratories, the great crown treasures of our science-based research, was started in an era when America did not have enough scientists of its own who were nationalists, American born and raised, educated in America.

So guess what the list of the early Manhattan Project scientists who helped us get a bomb sounded like. They sounded like Italians. Enrico Fermi; he was an Italian. He was at one of the other laboratories in the country. Both he and his wife were taken to Los Alamos and they became some of the principal players. It sounded like Hans Bethe; it sounded liked Edward Teller, Carl Fuchs—and the list goes on.

Frankly, we were taking a real gamble because they knew what they were doing, each and every one of them. Collectively, they knew they were preparing an atomic bomb for the United States of America to either win the Second World War or to use it to stop it. They were working at a ferocious pace to get it done before the Germans got it done. We all remember that as we read about it.

Those scientists had contacts all over the world, whatever kind of world it was at that point in time. The same thing is happening today. We should not be surprised that we have marvelous Chinese scientists at our laboratories. They are American born, American educated, and I assume some are naturalized citizens, and they are among our best.

It just so happens that the Chinese seem to have breached our security in some intricate ways, not the way the Russians did it. They did not come along with a big bribe and pay somebody off. They did it in an intricate way by little bits and pieces. Since the Chinese scientists who make their nuclear program work are intimate about Americans in science, would you believe that it is our understanding that the chief scientist in charge of their nuclear weapons development has a Ph.D. from one of our universities? You do not think he knows American scientists of his era? He was apparently a very good nuclear physicist or scientist—Ph.D.—from one of our universities. We understand in the hierarchy there may be six or seven who were educated as MIT or Caltech or someplace, and they are running their program.

The point of it is, we cannot, in some fit or frenzy, put a wall up around these laboratories and say these scientists cannot exchange views around the world; they cannot travel to conferences.

Let me ask you, do you think they would stay at the laboratories, if they are among the greatest minds around, if you told them they can be only half a scientist, that they cannot go to a conference where Chinese scientists are coming who may exchange views on something extraordinarily new in the field of physics which has nothing necessarily to do with nuclear bombs? The truth of the matter is, if you try it, do you know who the losers will be? The losers will be the American people, because we won't have the greatest scientists in those laboratories. What has made us the most secure nuclear power in the world? Our scientists. We talk about everything else, but it is the scientists over the last 40 years, successors to this list I gave —incidentally, I did not mean to imply that there weren't many early scientists who were American; obviously there were. Some of the leaders were Americans, no question about it. We should not leave the impression that we don't want scientists, whatever their national origin is or whatever their basic culture is, working in our laboratories and we want to muzzle them; for if we put a wall around the laboratories, it will be a matter of a decade and nobody will want in the laboratories, much less out of the laboratories. Instead of worrying about getting secrets out, we will have to worry about getting enough good things to happen where there are some secrets.

I want to make that point so everyone will know that my approach and the approach I am working on with other Senators to create this semiautonomous agency is not directed at closing these laboratories, closing the lips and the brains of scientists and putting them behind a bar up there.

When I was a young boy, believe it or not, we had a family that could all fit in one big car. On a number of occasions we drove from Albuquerque to Los Alamos because we were inquisitive. We had heard that if you went up there, they wouldn't let you in. So we would drive up, and they wouldn't let us in. We would drive up to these big gates, and that was the Los Alamos scientific laboratory. No trespassing. So I was there. That was the early version of this. Now they have grown into much larger institutions, much more sophisticated kinds of science.

In addition, because my friend Senator LEVIN has been talking about things that concern him, I will mention two or three things that I want everyone to know.

First, what is a semiautonomous agency and what is an independent agency? The best I can tell Senators is, a model of independence would probably be NASA. I don't know the best model for a semiautonomous agency within a department, but I will tell my colleagues that what it means is described very clearly in the Rudman report, that the functions of this agency must be autonomous and not subject to the everyday rule of the larger department.

If we are not prepared to do that, then let's not kid ourselves and say we have done it halfway. It must be done in a way that is consistent with the agency director reporting only to the Secretary of Energy and in a manner that would assure that its functions are autonomous, even if it means we must have a duplication of functions. Because if there is one set of functions, we are back where we are. If it is not subject to the Secretary's power, then it is not semiautonomous; it is autonomous.

I think we are on the same side, trying to make it semiautonomous, which means the Secretary is still all powerful. Having said that, let me say that as we proceed, I am willing to look at the document line by line as it gets introduced—it has been circulated—and cite where I believe we have covered most of the aspects that are of concern and that have been expressed as of concern on the floor, save two.

One of them has to do with the laboratories being able to take work for other agencies, for the Defense Department and from the Energy Department, and thus remain laboratories that are diversified, that are, thus, very attractive to scientists. I will insert in the RECORD, and not read much from it, testimony given in the Committee on Commerce Subcommittee on Energy and Power and the Committee on Science Subcommittee on Energy in the House, by William Happer.

Dr. Happer is one of the distinguished scientists in the United States and used to be in the department. He concludes in the statement, in reference to the new agency:

> I do not think that the ANS need hinder the support by other parts of DOE, or by outside agencies, of science at the Weapons Laboratories. As a former director of the Office of Energy Research, I saw, at very close quarters, how work was funded by my office at the Weapons Laboratories, and how other Federal agencies—for example, the National

Institutes of Health, or DARPA—arrange to have work done. The creation of an ANS within DOE might actually help the interactions between the Science Laboratories and the Weapons Laboratories if it leads to better management [at the semiautonomous agency].

I ask unanimous consent that the Happer statement of July 13 in its entirety be printed in the RECORD.

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

TESTIMONY OF WILLIAM HAPPER

Thank you for this opportunity to testify on current proposals to restructure the DOE. I am a Professor of Physics at Princeton University and Chair of the University Research Board. I am also the Chairman of the Board and one of the founders of a high-tech startup company, Magnetic Imaging Technologies, Inc., which makes images of human lungs with laser-polarized gases. So I have experience with the business world outside of academia. I have had a long familiarity with the activities of DOE, as a practicing scientist, as a member of advisory committees for DOE Weapons Laboratories and Science Laboratories, and as the Director of the Office of Energy Research under Secretary of Energy James Watkins during the Bush administration.

The DOE has many missions, but none more important than nuclear stewardship, that is, ensuring the safety, security and reliability of the US nuclear stockpile. Connected with this mission are—or at least used to be—many others, the construction and operation of nuclear reactors for the production of special nuclear materials, the enrichment of stable isotopes, the construction of scientific facilities to learn more about the fundamental scientific issues connected with nuclear weapons, and how to ensure the safety of those working with dangerous materials—radioactive, toxic or both. I could go on, but my point is that the DOE weapons program is so challenging that it needs the most capable technical, scientific and managerial talents available. As long as the United States maintains its own nuclear weapons and feels it necessary to cope with those of others, we must ensure that the part of DOE responsible for nuclear weapons functions as well as possible.

Regretfully, I must agree with various assessments, stretching back many years, that DOE's missions—including the nuclear weapons mission—are often poorly managed. The recent Rudman and IDA reports, the Galvin report of a few years ago, and many others have clearly spelled out what is wrong. The DOE has become a bureaucratic morass, with many paper-pushing, regulatory offices competing to build up their staffs of FTE's and SES billets, to take credit for successes of increasingly-harried, front-line scientists, engineers and technicians, and to avoid responsibility for anything that may go wrong. The recent revelations of Chinese espionage and the DOE reaction to it are but one example of how difficult it is for the DOE to cope with serious real and potential problems in the weapons program, and other DOE programs as well. So I support a reorganization of DOE along the lines suggested in the Rudman report. If a reorganized DOE with a more efficiently operating Nuclear Stewardship Agency (NSA) is a result of the Chinese espionage, at least we will have some benefit from the regrettable affair.

I have no illusions that a semiautonomous Nuclear Stewardship Agency within DOE will correct all of the problems we are struggling with, but I am sure that the current DOE structure will not work. I say this as a pragmatist and an experimental scientist. We have tried to make the current structure work for many years and it always fails. When one of my experiments does that again and again, I try something else.

We have several reasons to be hopeful that a semiautonomous agency could work. The example of NSA within the Department of Defense (DoD) has often been cited as a successful, semiautonomous agency, and there are other precedents like DARPA in DoD or the Naval Reactor Program within DOE. I like the word ''Agency,'' which comes from the Latin root ''to do.'' An agent does something for you. Some in the current structure of DOE and its supervisors seem not to care if anything ever gets done. This is not acceptable for any worthwhile mission, but it is simply not tolerable for Nuclear Stewardship.

Nuclear weapons, ours and those of our potential adversaries are real and very dangerous. They are too important not to take very seriously.

There is a wise old saying, sometimes ascribed to the Chinese, that ''The best fertilizer for a farm is the feet of the owner.'' Someone has to own the mission of nuclear stewardship, or at the very least someone must be a dedicated Steward. To succeed, the Steward must have the means to manage. As best I understand the proposed the Agency for Nuclear Stewardship, it will give the Steward both ownership and the means to do the job.

You cannot be a good Steward of the Nuclear Weapons mission of DOE unless you control all of the key functions, manufacturing, security, research, safety, etc. There is never enough money or enough personnel to do everything that is needed, so the Steward will have to balance many competing needs: the security of plutonium facilities; human resources; environmental, safety and health requirements; research needed to ensure that aging nuclear weapons remain safe and effective; counterintelligence precautions—the list is extremely long and every issue is important. However, someone must make the decision on how to distribute finite resources to do the best possible job. With the current DOE structure, various offices can demand that this action or that be taken with no concern for the broader problem of how to optimize finite resources of funds and people. One unfunded mandate after another comes down from headquarters or the field office. It is not possible to fully respond to all of the mandates. So the poor front-line troops do the best they can, and a year later another GAO report comes out saying that this or that requirement was not met. There is substantial duplication, triplication or even quadruplication of roles in DOE, with the front-line DOE contractor, the DOE site office, the DOE field office and headquarters all contributing to some issues.

I have testified before that part of DOE's problem is that it has too many people at headquarters and in the field offices. I would hope that the ANS Steward would not be saddled with making work for every DOE employee currently on a payroll related to the ANS mission. But I am a realist, and if every employee remains, the system could probably still be made to work better with the sort of crisp management structure envisaged for the ANS. Almost all of the DOE civil servants I met during my time there were good and talented people, determined to do something to earn their keep. It is a shame that so many of them are used for counterproductive activities.

Some would say letting the ANS Stewart control most of the important oversight now assigned to various independent DOE offices would be letting the fox watch the hen house. I do not think this needs be the case, and in any event the current structure is not working. The proposed ANS Steward will have a clear list of responsibilities, and will have to report annually to the Secretary of Energy—and through the Secretary to the Congress and to the President—on how well these responsibilities have been fulfilled, and why the allocation of funds and people for safety, security, research programs, etc. is optimum. One could also enlist the aid of other federal agencies for periodic tests of how well the ANS is fulfilling its mandate. For example, another competent federal agency could be tasked to try to penetrate the computer security of the ANS.

Concerns have been raised about possible bad effects of ANS on DOE science. Indeed, one of the strengths of the DOE weapons laboratories has been the strong basic science done there and the close ties their scientists maintain to other DOE laboratories and to the rest of the scientific world. This has paid important dividends to our country and we do not want to lose these benefits in a restructuring of DOE. One of the benchmarks on which the Nuclear Steward will be judged should be the health of science in the Weapons Laboratories.

To help maintain ties of the laboratories to the entire scientific world, visits by foreign scientists to the weapons laboratories should continue, but we should redouble our efforts to be sure such visits do not result in the loss of classified information. Those of you who have visited weapons laboratories realize that non-classified scientific work is often done ''outside the fence'' where security issues are less urgent. The Steward should ensure that there is a graded system of visitor controls. It would be silly to follow the same procedures for a scientist coming to talk to colleagues about human genome sequencing as for one who may be interested in weapons-related topics. Visitor controls should be very stringent in the latter case, but relatively light in the former.

I do not think that the ANS need hinder the support by other parts of DOE, or by outside agencies, of science at the Weapons Laboratories. As a former Director of Office of Energy Research, I saw, at very close quarters, how work was funded by my office at the Weapons Laboratories, and how other federal agencies—for example, the National Institutes of Health, or DARPA—arranged to have work done. The creation of an ANS within DOE might actually help the interactions between the Science Laboratories and the Weapons Laboratories if it leads to better management within the ANS.

Mr. DOMENICI. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Mr. KERREY. Madam President, this bill doesn't normally get a lot of attention, but because of the concern over the loss of secrets through our laboratories at the DOE, we are going to have a debate about an amendment to restructure the Department of Energy.

I want to make a point that I made earlier, which is that secrecy and security are not the same thing. Sometimes secrecy equals security. Sometimes secrecy can make security more difficult, harder for us to accomplish the mission

of keeping the United States of America as secure as we possibly can.

I am not going to offer an amendment to this bill, because it has been defeated pretty soundly in the past—although I must say I am tempted to do so—to disclose to the American people how much is spent on intelligence gathering. Right now, under law, we cannot do that. I want to call my colleagues' attention to what is happening. Our first vote is on cloture. I think cloture will be invoked pretty easily. Our leader is not going to hold anybody up from voting for cloture. Maybe we can go right to the bill.

Listening to Senators DOMENICI and LEVIN earlier, I think they may be able to solve their differences. The vote may end up being unanimous, which is my wish. I hope we can continue to move closer together on that piece of legislation, an important piece of legislation on which Senator DOMENICI and others have been working.

I want to call my colleagues' attention to what we do every year basically, and that is, the authorization of appropriations for the intelligence bill is very small, as a consequence of not being able to disclose to the American people what is in the bill. The House bill contains six titles. The Senate bill, which will be offered as a substitute for the House bill, also contains six titles. The first two titles are identical. Titles I and II in the House bills are identical. Then there are general provisions, and then each bill has additional things in there.

But you can see the problem we have getting public support for intelligence collection. That is one step in the process of intelligence. We collect with imaging efforts, we collect with signals intercepts, we collect with human intelligence, and we have measurement intelligence. We have all sorts of various what are called INTs that are used to gather raw data.

Then somebody has to take that data and analyze it. What does it mean? What does this data mean? What is the interpretation of it? Oftentimes secrecy can be a problem because one compartment may not be talking to another.

This administration and others have worked to try to bring various people together so there is more consultation than there has been in the past. But oftentimes decisions have to be made very quickly. Sometimes interpretations of public information are made, and an adjustment is made.

Let me be very specific. About 80 percent, in my view, of the decisions that most elected people make in Congress having to do with national security are made as a result of something they acquired in a nonclassified fashion in a TV report, in a radio report, in a newspaper report, or a published document. Staff analyze it and come and say: This is what we think is going on—about 80 percent of the information that we process.

I would say that would probably be on the low side. It may be even higher than that. Indeed, the President may be in a similar situation. He may be making a decision on a very high percentage of publicly accessible information as opposed to classified information.

That is quite the trend. The trend is both healthy and at times disturbing because more and more information is being made available to the public that was not available in the past. The good news is citizens have more information. They process that information. We have a lot of independent analysts out there.

In a couple of years, when metering satellite photographs are available, we are going to see competing analyses being done over images. This is what I see when I take that photograph.

I say this because I think it is true that it is very difficult, for any length of time for the Congress and the President to do something the public doesn't support, especially when it comes to spending their money.

In this case, I just hazard a guess. I never polled on this. But certainly I take a lot of anecdotal stories on board from citizens who question whether or not they are getting their money's worth. Is all the money we are spending worthwhile when we aren't able to tell where the Chinese Embassy is in Belgrade? A $2 map would have told us where it was. When we were unable to forecast a class of facility, when we were unable to foresee that India was going to test a nuclear weapon following an election, during which the party that was successful campaigned, and their platform said, if we are elected and we come to power, we are going to test a nuclear weapon? Many failures, in short, are out in the public, and the public acquires the information. I think it has caused them to lose confidence that they are getting their money's worth.

It is a real crisis for us. It is a real challenge for us because, again, if you look at the document we will be voting on sometime in the next couple of days—usually this thing goes through very quickly and we don't have much time to consider it. In an odd way, I thank the Senator from New Mexico for bringing so much attention to the Department of Energy's need for restructuring because it has given us some time to pause and look at this piece of legislation.

As I said, the two most important titles, the ones you will see in almost every intelligence authorization bill, is title I and title II. Title I has five sections. It authorizes appropriations. It give us classified schedule authorization, personnel ceiling adjustment authorization, community management account authorization, and emergency supplemental appropriations. That is in the House bill. The Senate bill has four titles. It is quite revealing when you go into title I.

Again, normally, if this is a Department of Defense authorization, each one of these titles would provide the detailed and specific number of how much is being spent, all the way down to the very small individual accounts that would be disclosed to the public. There would be a great debate going on. The committee report comes out. The budget comes out. The bill is reported by the Armed Services Committee. Editorials are written. Journalists and specialists say we are spending too little; we are spending too much; we need to build this weapons system, and so forth. A great public debate then ensues when the committee brings the bill up and reports it out for full consideration by the Senate.

I think that debate is healthy. The public participates and helps us decide what it is we ought not be doing. Sometimes we still put things in we shouldn't and some things we should. We still make mistakes. That public debate helps us.

Under this authorization, what you see in section 101 is the following: The funds are hereby authorized to be appropriated for fiscal year 2000 for the conduct of intelligence and intelligence-related activities of the following elements of the U.S. Government: the CIA, the Department of Defense, the Defense Intelligence Agency, the National Security Agency, the Department of the Army, the Department of the Navy, the Department of Air Force, the Department of State, the Department of Treasury, the Department of Energy, the Federal Bureau of Investigation, the National Conference Office, and the National Imagery and Mapping Agency—11 different Government agencies are named but no dollar figure is included. The only dollar figure in this entire budget comes in section 104 where the public learns we are authorizing $171 million to be appropriated for the Community Management Act of the Director of Central Intelligence. We have that piece of information.

Later in the bill that we will be voting on, we learn $27 million is available for the National Drug Intelligence Center. Then later, a third time we get another number. We learn $209.1 million is authorized to be appropriated to the Central Intelligence Agency's retirement and disability fund for fiscal year 2000.

That is all the public learns. That is all the public knows. The public does not know how much we spend in each one of these agencies, nor how much the committee is recommending in this authorization bill, nor the total amount of dollars being spent.

We have had debates about this before. There are good arguments usually filed against it: This is going to deteriorate our national security; we need to maintain, in short, a secret in order to preserve national security.

I have reached the opposite conclusion, that this is a situation where the preservation of a secret deteriorates our national security as a consequence, first of all, of not having a public debate about whether this is the right allocation but, most importantly, as a

consequence of deteriorating citizens' confidence that we are authorizing and appropriating the correct amount.

In short, keeping this secret from the American people has caused difficulty in retaining their consensus that we ought to be spending an amount of money they do not know in order to collect, analyze, produce, and disseminate intelligence. I think that is a problem for us.

Again, I have not done any polling on this, so I don't know. I typically don't poll before I make a decision, to the consternation of my staff and supporters. But my guess is, just from anecdotes, there is a deterioration of confidence.

It bothers me because my term on the Intelligence Committee—thanks to the original appointment by our former Democratic leader, George Mitchell, from the great State of Maine, and also Leader DASCHLE's confidence in retaining me on this committee—over time my confidence has increased.

Indeed, the argument in my opening statement about this bill is that we have drawn down intelligence investments in the 1990s as we have drawn down our military from roughly 2 million men and women under active duty uniform to 1.35 million. We have also drawn down our intelligence efforts to a point where I don't believe we can do all of the things that need to be done either today or in the future.

As I said, I have to collect intelligence. I have to analyze the information. I have skilled people who can analyze it. These images delivered from space very often mean nothing to me when I look at them. It requires somebody who is not only skilled but can process it in a hurry and can make something of it in a hurry.

In the situation with India, where we had difficulty warning the President that a test might occur, again, according to published accounts, the Indians were aware that we, first, were able to identify a year earlier they were about to test, and we warned them not to test, as a result of overhead imaging. And they took evasive measures in the future.

These are very difficult things to tell. You have to hire skilled people to do it. That is the analysis. The next piece is the production. It is getting very exciting but also very complicated. There is a lot of competition with the private sector to do this production work.

Back in the ice age when I was on the U.S. Navy SEAL team, we were given a map if we were going to do an operation in an area in Vietnam. We would look at a map and say: This is the area we will operate in. The map might be 10 years old. Then we would supplement that with human intelligence. Somebody would say: There are some changes here that aren't quite the same as the map.

Today an image is used. It is enhanced. It is remarkable how quickly we can deliver very accurate pictures of theaters of operation to the warfighter to disseminate differently, produced in a much different way, and enable that warfighter to have a competitive edge on the battlefield.

Indeed, anybody who is thinking about becoming an enemy of the United States of America knows we have tremendous capability on the intelligence side. We get warnings, and those warnings are delivered when threats begin to build. Oftentimes a mere warning enables the heading off of a potential threat that could have erupted into a serious conflict and would have resulted in a loss of lives.

The effort to collect, analyze, produce, and disseminate to the right person at the right time, and to make a decision, is not only complicated, but it is also quite expensive. It is not done accidentally.

I hope this year is a watershed year and we are able to authorize additional resources for our intelligence agencies. If we don't, at some point we will have a Director of Central Intelligence in the future deliver the bad news to Congress that there is something we want to do but we can't because we cannot accomplish the mission we want to accomplish—not just because of resources but also because it is getting harder and harder to do things we have in the past taken for granted, such as intercept signals, conversations, or communications of some kind between one bad person and another bad person with hostile intent against the United States.

Increasingly, we are seeing a shift in two big ways away from nation states. In the old days, we could pass sanctions legislation or do something against a government that was doing something we didn't like. What do we do if Osama bin Laden starts killing Americans or narcoterrorists or cyberterrorists say they hate the United States of America and are going to take action against us? It is very difficult—indeed, it is impossible—for diplomacy to reduce that threat. We need to intercept and try to prevent it and, very often, try to prevent it with a forceful intervention.

Not only is it shifting away from the nation state, making it harder both to collect and to do the other work—the analysis, the processing and dissemination, or production of dissemination—the signals are becoming more complex and difficult to process, and they are becoming more and more encrypted.

I have had conversations with the private sector, people in the software business, who say we have to change this export regimen that makes it difficult for these companies to sell encryption overseas. This administration has made tremendous accommodation within the industry to try to accommodate their need to sell to companies that are doing business all over the world.

Don't doubt there is a national security issue here. There is significant interception, both on the national security side and the law enforcement side. That encryption at 128 bits or higher is actually deployed. We will find our people in the intelligence side coming back and saying: Look, I know something bad happened, and do you want to know why I didn't know? I will tell you why I didn't know. I couldn't make sense of the signal. We intercept, and all we get is a buzz and background noise. We cannot interpret it. We can't convert it.

In the old days, we converted with a linguist or some other technological application. In the new world, we are being increasingly denied access to the signals. As described by the technical advisory group that was established on the Intelligence Committee, it was described as number of needles in the haystack but the haystack is getting larger and larger and harder, as a result, for the intelligence people to do the work they need to do.

The chairman is moving to the floor. I know he will make a brilliant and articulate statement.

Earlier, the Senator from New Mexico offered a statement on his amendment that he hopes to offer tomorrow. Senator LEVIN was here as well. I believe there is reason to be encouraged that we will move this bill quickly tomorrow, and reasonably encouraged, as well, that the differences which still exist on this bill can be resolved, and we can get a big bipartisan vote and move this on to conference.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Madam President, I have been listening in my office, before I came to the floor, to Senator KERREY's comments. While we don't agree on everything, we agree on most things working on the Intelligence Committee.

I want to say this about the distinguished Senator from Nebraska who is the vice chairman of the committee. We have tried to work together on very tough issues in the Intelligence Committee and tried to bring them to the floor of the Senate together—not separately. I think it says a lot when we can do this. I certainly have a lot of respect for the Senator from Nebraska and enjoy working with him. One thing about him, he is candid, and that goes a long way on anything.

I think we have to devote our time and our effort in the Intelligence Committee and in the Senate to what works, what works best on basic intelligence gathering, as well as counterintelligence, where there is a shortfall.

In that spirit, Madam President, I rise in support of the motion to proceed to consideration of H.R. 1555, the Intelligence Authorization Act of Fiscal Year 2000.

As chairman of the Senate Select Committee on Intelligence, I am deeply disappointed that certain Members of the minority have decided to oppose this motion. I hope it will be short lived. The intelligence bill, I believe, is

a balanced, thoroughly bipartisan piece of legislation that is critical to our national security.

Some Senators are objecting to the Kyl-Domenici-Murkowski amendment to restructure the Department of Energy, not the underlying bill. I am a cosponsor of that amendment, as is the distinguished vice chairman of the Intelligence Committee, Senator KERREY.

Basically, this is essentially the same proposal that prompted a filibuster threat when it first was offered to the Defense authorization bill back before the Memorial Day recess. At that time, the argument was, ''it's too soon, it's premature, there haven't been any hearings yet.''

Whatever the merit of those arguments at the time, I believe, they are wholly without merit today. The Intelligence Committee has held two open hearings on the Kyl amendment and DOE security and counterintelligence issues, including a joint hearing with the Energy, Armed Services, and Government Affairs Committees that more than 60 Senators had the opportunity to attend. The Intelligence Committee also held a detailed, closed briefing on the report of the President's Foreign Intelligence Advisory Board, also known as the Rudman report.

We heard testimony from Secretary of Energy Richardson twice, from Senator Rudman twice, and from the sponsors of this amendment.

I also should point out that, long before the current controversy, the Senate Intelligence Committee, on a bipartisan basis, identified problems in DOE's counterintelligence program and took steps to address those weaknesses. Most importantly, it sought to energize the Department of Energy to allocate the necessary resources, and take the necessary steps, to eliminate these vulnerabilities.

Since the Kyl et al amendment was first offered, the sponsors have negotiated extensively, and in good faith, with the Department of Energy in order to address the concerns that Secretary Richardson has expressed, without changing the underlying thrust of the amendment, which is to create a semiautonomous agency for nuclear security within the Department of Energy.

Last month, the need for action was dramatically reinforced by the publication of the Rudman report, entitled ''Science at its Best; Security at its Worst: A Report on Security Problems at the U.S. Department of Energy''—a report on security problems at the U.S. Department of Energy.

I commend former Senator Rudman and also Dr. Drell, and others, who were so involved in this work.

The Rudman report found among other things, that:

> At the birth of DOE, the brilliant scientific breakthroughs of the nuclear weapons laboratories came with a troubling record of security administration. Twenty years later, virtually every one of its original problems persists. . . . Multiple chains of command and standards of performance negated accountability, resulting in pervasive inefficiency, confusion, and mistrust. . . .
>
> In response to these problems, the Department has been the subject of a nearly unbroken history of dire warnings and attempted but aborted reforms.

Building on the conclusions of the 1997 Institute for Defense Analyses report and the 1999 Chiles Commission, the Rudman panel concluded that:

> The Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself. . . . Reorganization is clearly warranted to resolve the many specific problems . . . in the weapons laboratories, but also to address the lack of accountability that has become endemic throughout the entire Department.
>
> The panel is convinced that real and lasting security and counterintelligence reform at the weapons labs is simply unworkable within DOE's current structure and culture. . . . To achieve the kind of protection that these sensitive labs must have, they and their functions must have their own autonomous operational structure free of all the other obligations imposed by DOE management.

To provide ''deep and lasting structural change that will give the weapons laboratories the accountability, clear lines of authority, and priority they deserve,'' the Rudman report endorsed two possible solutions:

One was the creation of a wholly independent agency, such as NASA, to perform weapons research and nuclear stockpile management functions; or two, placing weapons research and nuclear stockpile management functions in a ''new semiautonomous agency within DOE that has a clear mission, streamlined bureaucracy, and drastically simplified lines of authority and accountability.''

The latter option, or the second approach, is the one contained in the Kyl-Domenici-Murkowski; amendment. Examples of organizations of this type are the National Security Agency and the Defense Advanced Research Projects Agency, DARPA, within the Defense Department.

The new semi-autonomous agency, the Agency for Nuclear Stewardship, would be a single agency, within the DOE, with responsibility for all activities of our nuclear weapons complex, including the National Laboratories—nuclear weapons, nonproliferation, and disposition of fissle materials.

This agency will be led by an Under Secretary. The Under Secretary will be in charge of, and responsible for, all aspects of the agency's work, who will report—and this is very important—who will report directly and solely to the Secretary of Energy, and who will be subject to the supervision and direction of the Secretary of Energy. The Secretary of Energy will have full authority over all activities of this agency. Thus, for the first time—yes, Madam President the first time—this critical function of our national Government will have the clear chain of command that it requires.

As recommended by the Rudman report, the new agency will have its own senior officials responsible for counterintelligence and security matters within the agency. These officials will carry out the counterintelligence and security policies established by the Secretary and will report to the Under Secretary and have direct access to the Secretary. It is very important that this happen. The agency will have a senior official responsible for the analysis and assessment of intelligence within the agency who will also report to the Under Secretary and have direct access to the Secretary.

The Rudman report concluded that purely administrative reorganizational changes are inadequate to the challenge at hand: They say: ''To ensure its long-term success, this new agency must be established by statute.''

For if the history of attempts to reform DOE underscores one thing, it is the ability of the DOE and the labs to hunker down and outwait and outlast Secretaries and other would-be agents of change—yes, even Presidents.

For example, as documented by Senator Rudman and his colleagues, ''even after President Clinton issued Presidential Decision Directive 61 ordering that the Department make fundamental changes in security procedures, compliance by Department bureaucrats was grudging and belated.''

At the same time, we in the Senate should recognize that our work will not be done even after this amendment is adopted and enacted into law. As the Rudman report warned, ''DOE cannot be fixed by a single legislative act: management must follows mandate. . . . Thus, both Congress and the Executive branch . . . should be prepared to monitor the progress of the Department's reforms for years to come.''

It is an indication of how badly the Department of Energy is broken that it took over 100 studies of counterintelligence, security, and management practices—by the FBI and other intelligence agencies, the GAO, the DOE itself, and others, plus one enormous espionage scandal—to create the impetus for change.

I am encouraged by what appears to be some progress toward getting to this bill. I think we all are seeking—and I hope we are—the same thing: A better and more secure Department of Energy. This nation must have no less.

I ask my colleagues: please, do not let the Senate become the lastes obstacle to reform at the Department of Energy.

Stop the delay. Vote for cloture tomorrow morning, and let's get on with the business of the people and make our labs safe for our future and our country.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

Madam President, I rise in support of the Kyl-Domenici-Murkowski-Kerrey

amendment. I will first identify the need for the amendment.

What we found in this issue concerning the Department of Energy is lack of accountability. What this amendment will do, in a nutshell, is to create a single agency in the Department of Energy, an Agency for Nuclear Stewardship, that will undertake all activities of our nuclear weapons laboratories programs, including the nuclear weapons laboratories themselves. It puts one person in charge, and that will be the Under Secretary for Nuclear Stewardship. That is the person in charge of and responsible for all aspects of the new Agency for Nuclear Stewardship. It creates a clear chain of command, a new Under Secretary for Nuclear Stewardship solely and directly reporting to the Secretary of Energy.

Why do we need this? I believe all my colleagues will agree that the Department of Energy, as far as its security arrangements are concerned, is badly broken. To suggest that we should take time to evaluate at greater length when we have in the report of the investigative panel, the President's Foreign Intelligence Advisory Board—a report which I have before me entitled ''Science At Its Best, Security At Its Worst.''

I am very proud of the role of the laboratories as far as science is concerned, but what we have is a severe breach of our national security.

In summary, the amendment would create a new agency within the Department of Energy called the Agency for Nuclear Stewardship.

The Agency for Nuclear Stewardship would be semiautonomous because it would be responsible for all of its activities. It provides that the Secretary of Energy shall be responsible for all policies of the agency; that the Agency for Nuclear Stewardship, headed by the Under Secretary for Nuclear Stewardship, would be just that, responsible, again, to the Secretary of Energy. The Under Secretary for Nuclear Stewardship shall report solely and directly to the Secretary; and that individual shall be subject to the supervision and direction of the Secretary.

Make no mistake about it, the chain of command is to the Secretary of Energy. The Under Secretary for Nuclear Stewardship will have authority over all programs at the Department of Energy related to nuclear weapons, nonproliferation, and fissile material disposition.

The agency's semiautonomy, as recommended by the Rudman report, is created by making all employees of the agency accountable to the Secretary and Under Secretary of Energy but not to other officials of the Department of Energy outside the agency.

Specifically, the language reads:

All personnel of the Agency for Nuclear Stewardship, in carrying out any function of the agency, shall be responsible to and subject to the supervision and direction of the Secretary and the Under Secretary for Nuclear Stewardship, or his designee within the agency, and shall not be responsible to or subject to the supervision or direction of any other officer, employee or agent of any other part of the Department of Energy.

The Secretary, however, may direct other officials, other departments who are not within the Agency for Nuclear Stewardship, to review the agency's programs and to make recommendations to the Secretary regarding the administration of such programs, including consistency with other similar programs and activities in the Department.

The Under Secretary for Nuclear Stewardship will have three deputy directors who will manage programs in the following areas:

First, Defense programs; that is, the lab directors and the heads of the production and test sites will report directly to this person; second, the nonproliferation and fissile materials disposition; and third, the naval reactors.

The Under Secretary for Nuclear Stewardship will appoint chiefs of—and they are as follows—first, counterintelligence—this must be a senior FBI executive whose selection must be approved by the Secretary of Energy and the Director of the Federal Bureau of Investigation—second, is security; and third is intelligence.

These three chiefs shall report to the Under Secretary and shall have, statutorily provided, direct access to the Secretary and all other officials of the Department and its contractors concerning these matters. It requires the Under Secretary for Nuclear Stewardship to report annually to the Congress regarding the status and effectiveness of security and counterintelligence programs at the nuclear weapons facilities and laboratories, the adequacy of the Department of Energy procedures and policy for protecting national security information, and whether each DOE National Laboratory and nuclear weapons production test site is in full compliance with all departmental security requirements, and, if not, what measures are being taken to bring the lab into compliance—security violators at the nuclear weapons facilities and laboratories, foreign visitors at the nuclear weapons facilities and laboratories.

In other words, what we have is a complete listing of requirements for the Under Secretary for Nuclear Stewardship to report annually to the Congress. So not only will he report to the Secretary but he will report to the Congress.

It requires the Under Secretary for Nuclear Stewardship to keep the Secretary and the Congress fully and currently informed regarding losses of national security information and requires every employee of the Department of Energy, the National Laboratories, or associated contractors to alert the Under Secretary whenever they believe there is a threat to or a loss of national security information.

In order to address concerns that Department of Energy officials were blocked from notifying Congress of security and counterintelligence breaches, the amendment contains a provision stating that the Under Secretary shall not be required to obtain the approval of any DOE official except the Secretary before delivering these reports to the Congress and, likewise, prohibits any other Department or agency from interfering.

As we look over the history of the debacle associated with the breach of our national security regarding the laboratories, clearly, we have case after case, as we look to the former Secretaries, where there was a lack of an effective transfer of information, transfer of security matters, and just the transfer of everyday activities associated with responsibility and accountability. The system failed.

The system failed because various people did not have access to the Secretary who were in charge of responsible security areas that mandated that they have such access in order to complete the communication within the chain of command.

As a consequence, I support this amendment. We need this amendment to protect the national security. We need it to keep our nuclear weapons secrets from falling into the wrong hands. We have already suffered a major loss of our nuclear weapons secrets.

According to the House Select Committee, the Cox report, the Chinese have stolen design information on all of the United States' most advanced nuclear weapons. This is simply unacceptable.

The question we now face is: Will we lose more national security information if we do not take action? The answer is: Certainly that we stand greater exposure. The problem is the management of the Department of Energy. The problem is lack of accountability and lack of responsibility.

Let me quote from the report of the President's Foreign Intelligence Advisory Board, the Rudman report. Again, I refer to this report, ''Science at its Best, Security at its Worst.''

Organizational disarray, managerial neglect, and a culture of arrogance—both at DOE headquarters and the labs themselves—conspired to create an espionage scandal waiting to happen.

This is in the report itself.

Further:

The Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself.

Right out of this report.

I quote further:

Accountability at the Department of Energy has been spread so thinly and erratically that it is now almost impossible to find.

Right out of the report.

Further:

Never have the members of the Special Investigative Panel witnessed a bureaucratic culture so thoroughly saturated with cynicism and disregard for authority.

Further quote:

Never before has this panel found such a cavalier attitude toward one of the most serious responsibilities in the federal government—control of the design information relating to nuclear weapons.

Further:

Never before has the panel found an agency with the bureaucratic insolence to dispute, delay, and resist implementation of a Presidential directive on security.

If that isn't evidence enough that the security is at its worst, I do not know what other points to make. To date, the only DOE people who have been removed from their jobs as a consequence of the question of who is accountable are: Wen Ho Lee, who is alleged to have engaged in espionage at Los Alamos, is yet to be even charged with anything—not everyone a security violation; a gentleman by the name of Notra Trulock, the person who uncovered the alleged espionage and pushed perhaps too hard to stop it—which I might add, the Department of Energy felt a little uncomfortable with. He was shuffled off to a sideline position in the Department of Energy because he was too aggressive in bringing this matter to light. A gentleman by the name of Vic Reis, Assistant Secretary of the Department of Energy for Defense Programs, has, I understand, resigned because he disagrees with the officials down there and happens to support the pending amendment, the Kyl-Domenici-Murkowski amendment.

Not a single high-level bureaucrat at the Department of Energy, the FBI, or the Justice Department has been removed, demoted, or disciplined over this massive failure. One has to wonder with all the talent associated with these agencies who bears the responsibility for failure in this case?

The questions we must answer are certainly clear: How long are we willing to put up with this? Do we want to continue with the status quo? Our proposal is pending the cloture vote tomorrow. Those that are in opposition—who feel perhaps a bit uncomfortable with this—do they have a proposal to fix it? Clearly, they don't. We want to fix the problem.

For reasons that I fail to understand, the administration is very reluctant to address this problem with a strong proposal for identifying accountability in the Department of Energy. Unfortunately, Secretary Richardson is opposed to our amendment as it stands. When it came up the last time on the defense bill, Secretary Richardson sent two letters threatening a veto by the President. Why doesn't the administration want to do anything significant to correct this problem? They seem to be willing only to rearrange the deck chairs, so to speak. They seem to be willing to make changes, but only those that ultimately result in the status quo.

We want to steer the ship in a different direction so that it won't hit another iceberg. This Nation should not have to suffer from another massive loss of our most sensitive nuclear weapons secrets. The President's own intelligence advisory board agrees with our legislative solution. That is what the Rudman report said.

Our amendment is patterned after the Rudman report. Let me again quote from this report:

The panel is convinced that real and lasting security and counterintelligence reform at the weapons labs is simply unworkable within the Department of Energy's current structure and culture. Further, to achieve the kind of protection that these sensitive labs must have, they and their functions must have their own autonomous operational structure, free of all of the other obligations imposed by the Department of Energy management.

Well, today we have a situation where everybody is pointing the finger at everybody else. No one wants to take the responsibility. No one wants to be held accountable.

Fundamentally, the issue is how to create accountability and responsibility at the Department of Energy. I encourage my colleagues to examine our amendment because that is just what it does. It creates accountability. It creates responsibility. No longer can we have a situation such as we have seen within the Department, where it is impossible to determine who bears the responsibility for the Wen Ho Lee breach of security. It creates accountability and responsibility by establishing a new Agency for Nuclear Stewardship inside of the Department of Energy to be headed up by a new Under Secretary of Energy.

This new agency is now made responsible for all aspects of our nuclear weapons programs, including the previously loosely-managed laboratories. If there is a problem in the future, we will know who to point the finger at, who to hold responsible, a single agency with a single person heading it and in charge of all aspects of nuclear weapons programs. Our amendment also requires the new Under Secretary to report to the FBI and Congress all threats to our national security. No longer will we be kept in the dark, having to pretty much depend on the New York Times to find out what is going on.

The Secretary of Energy is uncomfortable with this reorganization. Evidently, his idea is to rely on the same old management team, everyone in charge but no one responsible, no clear identifiable accountability.

In conclusion, let me quote the testimony of Mr. Vic Reis. This came up late last week. Mr. Reis is the Assistant Secretary of Energy for Defense Programs. He testified before the Energy Committee last week.

I might add, Mr. Reis' responsibility in the line of command is that the lab directors report directly to Mr. Reis.

Mr. Reis said:

You may recall at previous hearings, Mr. Chairman, you noticed me in the audience and you asked for my opinion as to who or what was to blame for the security issues at the national laboratories. I responded that I didn't think you would find any one individual but that there were organizational structures of the Department of Energy that were so flawed that security lapses are almost inevitable.

Now, this is the gentleman to whom heads of the labs report. He says that you can't find any individual to blame. The organizational structure was so flawed that security lapses were inevitable.

Then Mr. Reis went on to say:

The root cause of the difficulties at the Department of Energy is simply that the Department of Energy has too many disparate missions to be managed effectively as a cohesive organization. The price of gasoline, refrigerant standards, Quarks, nuclear cleanup and nuclear weapons just don't come together naturally. Because of all this multilayered crosscutting, there is no one accountable for the operation of any part of the organization except the Secretary, and no Secretary has the time to lead the whole thing effectively. By setting up a semi-autonomous agency, many of these problems will go away.

Madam President, in short, if you want espionage to continue at the laboratories and maintain the environment where it can occur, then stick with the present system. But if you, like me, want to stop this atmosphere where espionage can flourish, I think you should vote for the motion and invoke cloture for the amendment.

What we have here is a situation where I think it is appropriate that we identify where the differences are between the Secretary, Senator KYL, Senator DOMENICI, Senator KERREY, and Senator MURKOWSKI and in our amendment. What we do is we create a single semiautonomous agency, as I have indicated, that reports directly to the Secretary of Energy. The new Under Secretary for Nuclear Stewardship will be responsible for both setting policy and implementation of policy, subject to the overall supervision and direct control of the Secretary of Energy.

I want to make that clear: Subject to the overall supervision and direct control of the Secretary of Energy.

Evidently, that is not what the Secretary wants. The Secretary is willing to allow the new Under Secretary for Nuclear Stewardship to implement policy but not set policy. There is a big difference, implementing and setting. More significantly, the Secretary wants to allow any part of the Department of Energy to set the policies that the new Under Secretary would have to follow. So somebody else is setting it.

The Secretary's proposal would violate our fundamental concept; that is, clear and identifiable lines of authority and responsibility—in other words, a direct chain of command. We have been discussing our differences, but so far we seem to be unable to resolve them.

There is one other thing I will mention that was said the other day that relates to this matter under discussion. Two current nuclear weapons lab directors and one former lab director said at a hearing that while they could report their problems and issues to Mr. Reis,

who is their supervisor, that Mr. Reis has no clear line of authority to pass those up through the chain of command to the Secretary.

So here we have it. This substantiates the justification for our amendment. Here is the gentleman who is responsible to have the input from the lab directors report to him, the three labs, Livermore, Sandia, Los Alamos.

But the gentleman in charge, Mr. Reis, under the current structure and chain of command within the Department of Energy, has no clear line of authority to pass those recommendations, those matters, up through the chain of command to the Secretary. So here you have the person that is responsible to get the information from the lab directors, but there is no provision, no requirement, no line of command up to the Secretary so that policy matters can be addressed. That one observation with these three lab directors illustrates the problem we are trying to fix with this legislation.

As it stands today, there is no chain or lines of authority and responsibility. Right now, everybody is in charge, but nobody is responsible. I guess it is fair to say there are several missing links, if you will, in the DOE chain of command and authority. The purpose of the amendment is to fix that problem.

I often think back to military concept and a ship at sea. Someone is in charge of the CON—in other words, the ship is under the direction of the officer in charge, and he has the CON. There is no question of where the responsibility sets. If he is relieved, the command of the ship is taken over and that person accepts the responsibility. In the DOE, we don't have those clear lines of authority, and that is the justification for the amendment pending before this body today.

Is this thing broke to the point where it mandates that the Senate take action? I think it is fair to say that the answer is clearly yes. The ineptness, the bungling, the pure mismanagement at all levels are things that have occurred within this agency. The Department of Energy never took the most basic precautions to guard against the theft of the nuclear secrets. The FBI conducted feeble investigations. The Department of Justice, led by Attorney General Reno, virtually ignored requests for warrants to search Wen Ho Lee's computers. What we have here are the results of one of the worst cases in the history of this Nation of our national security being jeopardized.

I have held about 9 hearings as chairman of the Energy and Natural Resources Committee on these matters, and three important discoveries were made by my committee. First, the Department of Energy and the FBI bungled the computer waiver issue. I have a chart here. The lab directors, the attorneys, and directors of counterintelligence all agree that the DOE had the authority to search Lee's computer because he signed a waiver. Well, this is the waiver. This is a copy of the waiver that actually Wen Ho Lee signed, dated April 19, 1995:

> Warning: To protect the LAN system from unauthorized use and to ensure that the systems are functioning properly, activities on these systems are monitored and recorded and subject to audit. Use of these systems is expressed consent to such monitoring and recording. Any unauthorized access or use of this LAN is prohibited and could be subject to criminal and civil penalties.

Here is the part Wen Ho Lee signed:

> I understand and agree to follow these rules in my use of the ENCHANTED LAN. I assume full responsibility for the security of my workstation. I understand that violations may be reported to my supervisor or FSS–14, that I may be denied access to the LAN, and that I may receive a security infraction for a violation of these rules.

Now, the issue here is that the FBI claimed that the Department of Energy told him there was no waiver; no such waiver existed. The FBI wrongly assumed, then, that they needed a warrant to search. What is the result of this inept communication? Well, Lee's computer could have been searched, but instead was not searched for some three years. When the computer was finally searched, they discovered evidence that Wen Ho Lee had downloaded legacy codes to an unclassified computer.

The fundamental problem is that nobody was looking at the big picture. Surely, protecting nuclear secrets and national security outweighs the feeble attempts that were made to get a possible conviction.

What we have here is, one, the Department of Energy did not know that Wen Ho Lee had signed a waiver. They could not find it in his personnel file because the file had been mislaid. Had they known that, as I indicated earlier, they could have monitored his computer. Instead, the FBI said, no, they were doing an investigation, and since they didn't have a waiver, his computer was not monitored by the Department of Energy. Yet, they found later that the waiver existed, as evidenced by the poster I just showed in evidence.

The FBI and the Department of Justice next bungled the counterintelligence warrant or the FISA, as evidenced by chart 2. The FBI, not once or twice, but three times requested warrants from the DOE. This is chart 2. This is the FISA report. Department of Energy, FBI, Department of Justice, and the FISA warrant, approved or rejected. Notra Trulock briefs the FBI. An FBI request was made by John Lewis, then assistant director of the FBI National Security Division. An FBI request was made to Gerald Schroeder, Acting Director, Office of Intelligence Policy and Review. It was rejected. Here is the rejection. Here is the sequence of events. The first time we had the sequence of the DOE, FBI, and Department of Justice proceeding to authorize the FISA warrant to investigate the alleged counterintelligence and espionage charges alleged against Wen Ho Lee.

The second time, Notra Trulock and others continued to prod FBI's investigation of Wen Ho Lee. FBI request made to John Lewis, then Assistant Director of the FBI National Security Division. FBI request made to Gerald Schroeder. Again, it was rejected. The second time it was rejected by the Department of Justice.

Now, then the last time, Mr. Lewis, who is up there in the hierarchy, Assistant Director of the FBI, National Security Division, feels so frustrated that he makes a personal plea to Attorney General Janet Reno. Again, Notra Trulock and others continue to prod the FBI. John Lewis makes a personal request to the Attorney General because he feels so strongly that there is justification to authorize this investigation. But the personal appeal falls on deaf ears.

Why was it rejected? What happened? We don't know. Nothing happened. But we do know that the Attorney General ignored two pleas for help. Notra Trulock, then DOE Director of Intelligence, personally briefed Janet Reno in ''great detail'' about the Lee case in August of 1997. John Lewis, FBI Director of Intelligence, also indicated he personally pled to Janet Reno to approve the FBI's request for a warrant to search Lee in August of 1997.

Why did Attorney General Janet Reno ignore pleas from two top national security advisers? We don't know. We don't know because there is a great reluctance to provide the committees of jurisdiction with that information.

I am personally disappointed in the FBI and the Department of Justice's refusal to testify publicly. Probably 90 percent of what has been found in closed sessions is not really classified, in my opinion.

What we are looking for here is accountability. We in the Energy and Natural Resources Committee intend to continue to identify those persons whose inaction has led to one of the most potentially catastrophic losses in our national security history. Now we have a situation where they seem to want to hide behind the smokescreen of ''national security'' or to finger-point and say it is not our responsibility. That is simply an unconscionable set of circumstances.

Finally, as we address a couple of other points that may come up in the debate which I think deserve consideration, why create one semiautonomous agency within the Department of Energy? We are creating a hybrid that has no other identifiable comparison. Let me put that myth to rest. There are other semiautonomous agencies that function extremely well. That is what we are proposing with the amendment which has been laid down.

Let's look at three of those semiautonomous agencies.

DARPA, the Defense Advanced Research Project Agency, is a separate agency within the Department of Defense under a director appointed by the Secretary of Defense. It works.

NOAA, the National Oceanic and Atmospheric Administration, is the largest bureau within the Department of Commerce. It is a semiautonomous agency. It works.

NSA, the National Security Agency, was established by Presidential directive as a separate department organized as an agency within the Department of Defense. It was structured in that manner and form because it was necessary that there be accountability and responsibility within the National Security Agency. It is a semi-autonomous agency.

I encourage my colleagues as we proceed to vote tomorrow—my understanding is that we are going to have one hour of debate equally divided on the cloture motion on the amendment—to recognize that the time to address this is now, that the responsibility clearly is within this body, and that the amendment we offered identifies the one thing that was lacking as we look at how this set of security breaches could have occurred, and that is, it addresses accountability and responsibility.

For those who feel uncomfortable, I encourage them to recognize that they have a responsibility of coming up with something that will work. We think that the amendment pending, the Kyl-Domenici-Murkowski-Kerrey amendment—I understand that Senators THOMPSON, SPECTER, GREGG, HUTCHINSON, SHELBY, WARNER, BUNNING, HELMS, FITZGERALD, LOTT, KERRY, FEINSTEIN, and BOB SMITH are a few of the other Members of the Senate who are cosponsoring this amendment.

It is a responsible amendment. Let's get on with the job. Let's put this issue in the restructured form that provides for accountability and responsibility, and move on. The American people and the taxpayers certainly deserve prompt action by this body. We have that obligation. The time is on the vote tomorrow.

I urge my colleagues to support the amendment.

I see no other Senator wishing time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

TRIBUTE TO COACH DAVEY WHITNEY, ALCORN STATE UNIVERSITY

Mr. LOTT. Mr. President, today I honor a Mississippian who made numerous contributions to Alcorn State University, to countless young student athletes and to the community. Coach Davey L. Whitney, Head Coach of the Men's Basketball team at Alcorn State University, has served as a leader at this educational institution, a professor of championship athletics and a mentor for many of his players.

Nearly 30 years ago, Coach Whitney first arrived on the Lorman, Mississippi, campus. From the beginning, Davey's tenure at Alcorn was destined for greatness. Within ten years, the Alcorn State Men's Basketball team went from little notoriety to groundbreaking achievement. His list of accomplishments is exemplary. His determination is heroic.

He was the first coach to lead an historically black college team to wins in both NCAA and NIT tournaments. His teams also won nine Southwestern Athletic Conference titles. In 1979, Alcorn accomplished something that no previous historically black college had done—winning a National Invitational Tournament game—when they defeated Mississippi State University.

Coach Whitney has been a mentor to many young men. Many of his players have become successful businessmen. Several of his players even had successful professional athletic careers in the National Basketball Association. Larry Smith, who was drafted by the Golden State Warriors, is now an assistant coach with the Houston Rockets. He is reproducing Coach Whitney's approach of discipline coupled with a warm personal devotion for the players.

Coach Whitney's career has not been one without trials. In 1989 he was fired after losing three successive seasons. Still Coach Whitney stayed involved in basketball by coaching in the Continental Basketball Association and the United States Basketball League.

Coach Whitney also remained close to Alcorn State for the next eight years, while the Braves struggled and in 1997 Alcorn asked him to return. After much thought, Coach Whitney returned to the Alcorn State University Family as head coach. Within two years, he took the struggling Braves to the 1999 Southwestern Athletic Conference Regular Season Championship where they not only won, they triumphed. This tournament championship earned the Braves a berth in the NCAA Tournament. This marked the first time since the 1986 season that the Braves have won the Southwestern Athletic Conference regular season title. This was also the first time since 1984 that the Braves have won the tournament title and appeared in the NCAA tournament.

Coach Whitney's 442 wins in 28 years—with 10 regular season titles, four consecutive titles between 1978–82, twelve post season tourneys and five NAIA district titles—earned him nine Southwestern Athletic Conference Coach of the Year honors. It is a fitting tribute to Coach Whitney's accomplishments that he coaches in the complex named after him. Various groups have recognized Coach Whitney for his renowned success. USA Today's Reporter Jack Carey wrote, ''At Alcorn State Coach Davey Whitney is proving not only that you can go home again, but you also can be darned successful once you get there.'' Whitney is surely a man worthy of recognition.

Coach Whitney is not only a successful coach but an accomplished family man. He and his wife of more than 40 years have reared a fine family of four daughters and one son, all of whom attended Alcorn State University. He is a member of the National Association of Coaches, the Mississippi Association of Coaches, the National Black Association of Coaches, and Alpha Phi Alpha Fraternity, Inc., just to name a few.

Mr. President, it is a great honor to pay tribute to Coach Davey L. Whitney for his athletic accomplishments and his dedication to the students of Alcorn State University. His efforts are both uplifting and encouraging. I ask my colleagues to join me in wishing Davey Whitney many more years of success.

BUDGET SCOREKEEPING REPORT

Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. The report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget of 1986.

This report shows the effects of congressional action on the budget through July 14, 1999. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Res. 209, a resolution to provide budget levels in the Senate for purposes of fiscal year 1999, as amended by S. Res. 312. The budget levels have also been revised to include adjustments made on May 19, 1999, to reflect the amounts provided and designated as emergency requirements. The estimates show that current level spending is above the budget resolution by $0.4 billion in budget authority and above the budget resolution $0.2 billion in outlays. Current level is $0.2 billion above the revenue floor in 1999. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $56.1 billion, $0.1 billion above the maximum deficit amount of 1999 of $56.0 billion.

Since my last report, dated June 21, 1999, the Congress has taken no action that changed the current level of budget authority, outlays, and revenues.

I ask unanimous consent to have a letter accompanying the report and the budget scorekeeping report printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 15, 1999.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on

the 1999 budget and is current through July 14, 1999. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Res. 209, a resolution to provide budget levels in the Senate for purposes of fiscal year 1999, as amended by S. Res. 312. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

Since my last report, dated June 17, 1999, the Congress has taken no action that changed the current level of budget authority, outlays, and revenues.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosures.

TABLE 1.—FISCAL YEAR 1999 SENATE CURRENT LEVEL REPORT, AS OF CLOSE OF BUSINESS, JULY 14, 1999

[In billions of dollars]

	Budget resolution S. Res. 312 (Adjusted)	Current level	Current level over/under resolution
ON-BUDGET			
Budget Authority	1,465.3	1,465.7	0.4
Outlays	1,414.9	1,415.2	0.2
Revenues:			
1999	1,358.9	1,359.1	0.2
1999–2003	7,187.0	7,187.7	0.7
Deficit	56.0	56.1	0.1
Debt Subject to Limit	(1)	5,536.1	(2)
OFF-BUDGET			
Social Security Outlays:			
1999	321.3	321.3	0.0
1999–2003	1,720.7	1,720.7	0.0
Social Security Revenues:			
1999	441.7	441.7	(3)
1999–2003	2,395.6	2,395.5	−0.1

1 Not included in S. Res. 312.
2 =not applicable.
3 Less than $50 million.

Note.—Current level numbers are the estimated revenue and direct spending effects of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest information from the U.S. Treasury.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE FISCAL YEAR 1999 ON-BUDGET SENATE CURRENT LEVEL REPORT, AS OF CLOSE OF BUSINESS, JULY 14, 1999

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			1,359,099
Permanents and other spending legislation	919,197	880,664	
Appropriation legislation	820,578	813,987	
Offsetting receipts	−296,825	−296,825	
Total previously enacted	1,442,950	1,397,826	1,359,099
ENACTED THIS SESSION			
1999 Emergency Supplemental Appropriations (Act (P.L. 106–31)	11,348	3,677	
1999 Miscellaneous Trade and Technical Corrections Act (P.L. 106–36)			5
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	11,393	13,661	
TOTALS			
Total Current Level	1,465,691	1,415,164	1,359,104
Total Budget Resolution	1,465,294	1,414,916	1,358,919
Amount remaining:			
Under Budget Resolution			
Over Budget Resolution	397	248	185

Note.—Estimates include the following in emergency funding: $34,226 million in budget authority and $16,802 million in outlays.

Source: Congressional Budget Office.

PRESIDENT CLINTON'S EXECUTIVE ORDER TO INCREASE ENERGY EFFICIENCY IN THE FEDERAL GOVERNMENT

Mr. KERRY. Mr. President, I would like to speak for just few minutes today in support of President Clinton's Executive Order of June 3, 1999, which ordered the Federal Government to undertake a comprehensive program to save energy, save money and cut pollution.

The Federal Government is the nation's largest consumer of energy, purchasing energy to light, heat and cool more than 500,000 buildings and power millions of vehicles. Each year the Federal Government purchases more than $200 billion worth of products, including enormous quantities of energy-intensive goods. Current efficiency programs already save more than $1 billion a year according to an estimate in the Wall Street Journal of July 15, 1999. In addition, the government's vast purchases give it significant market influence to impact the development, manufacture and use of clean energy technologies.

This Executive Order sets worthwhile—and unfortunately too long overlooked—goals, including the reduction of greenhouse gas emissions, energy efficiency improvements, increased use of renewable energy, reduced use of petroleum, water conservation and changes in how we measure energy use. I believe these goals have tremendous merit and will deliver the ''win-win'' results of sound environmental and energy policy, because each goal stresses reduced pollution and reduced costs.

To achieve these goals, the Order sets in place several new administrative policies for organization and accountability. To begin, each agency will designate a single officer to oversee implementation. Agencies will submit a budget request to the Office of Management and Budget for investments that will reduce energy use, pollution and life-cycle costs, and they will track and report progress. The Order applies to all Federal departments and agencies, with an appropriate exception for the Department of Defense when compliance may hinder military operations and training.

Federal agencies will be able to employ a range of Federal programs including Energy Star, sustainable building design research from the Department of Energy and the Environmental Protection Agency and others. For example, to the extent practicable, agencies will strive to achieve the Energy Star standards for energy performance and indoor environmental quality for all facilities by 2002. Agencies will apply sustainable design principles to the siting, design and construction of new facilities—meaning energy use, costs and reduced pollution will be optimized across a facility's life. And such measures will extend to transportation, including the use of efficient and renewable-fuel vehicles.

Finally, the Executive Order endorses the use of ''source energy'' as a measure of efficiency. Measuring energy consumption by ''source''—as opposed to ''site''—means taking into account not only the energy consumed by a light bulb, appliance or other product to perform a certain function, but also the energy consumed in the generation, transmission and distribution of that energy to the product in question. Research in energy use increasingly shows that a ''source'' measurement is a more accurate measure of the total costs that we pay to operate appliances and other equipment.

Mr. President, I add my sincere appreciation to President Clinton for executing this Order and endorsing its policies. I believe that if this Executive Order is properly implemented, it will pay dividends for the environment and taxpayers.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, July 16, 1999, the Federal debt stood at $5,626,175,786,965.76 (Five trillion, six hundred twenty-six billion, one hundred seventy-five million, seven hundred eighty-six thousand, nine hundred sixty-five dollars and seventy-six cents).

One year ago, July 16, 1998, the Federal debt stood at $5,531,080,000,000 (Five trillion, five hundred thirty-one billion, eighty million).

Fifteen years ago, July 16, 1984, the Federal debt stood at $1,532,716,000,000 (One trillion, five hundred thirty-two billion, seven hundred sixteen million).

Twenty-five years ago, July 16, 1974, the Federal debt stood at $473,710,000,000 (Four hundred seventy-three billion, seven hundred ten million) which reflects a debt increase of more than $5 trillion—$5,152,465,786,965.76 (Five trillion, one hundred fifty-two billion, four hundred sixty-five million, seven hundred eighty-six thousand, nine hundred sixty-five dollars and seventy-six cents) during the past 25 years.

THE TRADE ADJUSTMENT ASSISTANCE REAUTHORIZATION ACT

Mr. BINGAMAN. Mr. President, I rise today in support of the Trade Adjustment Assistance Reauthorization Act, a bill that has been reported from the Finance Committee and was filed on July 16th. I believe this bill is critical for American workers, companies and their communities. The bill as written would extend authorization for trade adjustment assistance for two years, and would allow workers and companies that are negatively impacted by international trade to receive the assistance currently allowed by law. If we do not pass this legislation, trade adjustment assistance will expire this October, and workers and companies that are presently receiving benefits will be completely cut off from government support. In specific terms, this

means over 340,000 workers across the country, and several thousand workers in my state of New Mexico, will be without support needed to maintain their lives and re-train for the future. These are real people and real lives we are talking about, and we simply can't let this happen. We must act now to ensure the programs continue.

Let me briefly explain what this legislation is about. In 1962, when the Trade Expansion Act was under consideration, the Kennedy Administration came up with a very straightforward proposition concerning international trade and American workers and companies: if and when Americans lose their jobs as a result of trade agreements entered into by the U.S. government, then the U.S. government should assist these Americans in finding new employment. If you lose a job because of U.S. trade policy, you should have some help from the federal government in re-training to get a job.

I find this a reasonable and fair proposition. It suggests that the U.S. government supports a open trading system, but recognizes that it is responsible to repair the negative impacts this policy has on its citizens. It suggests that the U.S. government believes that an open trading system provides long-term advantages for the United States and its people, but that the short-terms costs must be addressed if the policy is to continue and the United States is to remain competitive. It suggests that there is a collective interest that must be pursued, but that individual interests must be protected for the greater good.

This commitment to American workers and companies has continued over the years, and should not be ended now. The reason for continuity is obvious: globalization is only moving at a faster pace, with the potential for ever more significant impacts on our country. In my opinion, the process of globalization is inevitable. It is not going to stop. Therefore, the question for us in this chamber is not whether we can stop it, but how we can manage it to benefit the national interest of the United States.

The picture we see of globalization is that of a double-edged sword, with some individuals and companies gaining and others losing. The gains are clear-cut. Exports now generate over one-third of all economic growth in the United States. Export jobs pay ten to fifteen percent more than the average wage. Depending upon who you listen to, it has generated anywhere from two to eleven million jobs over the last ten years. For those who dislike globalization, I say look in your kitchen, your living room, your driveway, your office, and see the products that are there as a result of a more open and interdependent trading system. Without expanded trade brought on as a result of globalization we will end up fighting over an ever-decreasing domestic economic pie.

But in spite of these obvious benefits we cannot ignore the problems involved with globalization. Every day we hear disturbing stories about what this has meant for people across the country. In my state we have seen over the last year a large number of lay-offs and closings in small rural towns that cannot afford to have this happen. The closing of three plants in Roswell, Las Cruces, and Albuquerque meant 1,600 people lost their jobs. Next came lay-offs in the copper mines in my home town of Silver City. These people cannot simply go across the street and look for new work. They are people who have been dedicated to their companies and have played by the rules over the years. What they deserve when they lose their job is an opportunity to get income support and re-training to rebuild their lives. What they deserve is a program that creates skills that are needed, that moves them into new jobs faster, that provides opportunities for the future, that keeps families and communities intact.

TAA offers the potential for this outcome. Although in need of revision in several key areas—and I am focusing on these areas at this time—it has over the years consistently helped individuals and companies in communities across the United States deal with the transitions that are an inevitable part of a changing international economic system. It helps people that can work and want to work to continue to work in productive jobs that contribute to the economic welfare of our country. We have made this promise to workers in every administration, both Democrat and Republican, and we should continue to do so. Although TAA is not without its flaws, it remains the only program that allows workers and companies to adjust and remain competitive. Without it, in my opinion we are saying unequivocally that we don't care what happens to you, that we bear no responsibility for the position that you are in, that you are on your own.

Senators ROTH, MOYNIHAN, and others think otherwise, and I agree wholeheartedly with them. I believe that this commitment to individuals and companies and communities must be kept. I urge all my colleagues to support the passage of this bill when it comes to a vote on the floor.

THE F–15 AND ISRAEL

Mr. ASHCROFT. Mr. President, I rise today to speak on the F–15, the world's dominant air superiority fighter. The future of this fighter, perhaps the most successful in the history of U.S. aviation warfare, is in jeopardy. While both the Senate and the House have taken steps to save the F–15, the Administration has resisted efforts to preserve a plan that is critical for our national security.

I was heartened by the recent action of the House Appropriations Committee to follow the Senate's lead and provide additional funding for the F–15. Last month, Senator BOND and I successfully added an amendment to the Defense Appropriations bill to provide $220 million for four F–15s. Last week, the House Appropriations Committee provided $440 million to purchase eight F–15 fighters.

While securing domestic dollars is essential to keep the F–15 alive, foreign sales are just as important for the long-term health of the program. Hence, my disappointment that the Israeli Government had selected the F–16 to fill their latest Air Force needs goes without saying. As Angelo Codevilla writes today in the Wall Street Journal—and I will ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks—the F–15 gives Israel critical long-range strike capability to counter regional threats. As one who is keenly interested in the security of Israel, it was my hope that the new Barak Government would select the F–15 to enhance its long-range deterrent capability.

Mr. Codevilla also implies that the Administration was pushing Israel to buy the F–16, a less capable plane that would not defend Israel as well—particularly against the threat posed by missiles from Iran, Iraq, and Syria. While Israel must make its own decisions with regard to its security, I sincerely hope the Administration was not pushing our ally to purchase a less capable plane just so that Syria or Iran would not be offended. Lasting peace in the Middle East will be based on a sustainable settlement that can be defended through strength, not by pushing Israel to take steps which limit its ability to defend itself.

Mr. President, sustaining the F–15 is essential for U.S. airpower as we enter the 21st century. Preserving the F–15 is also essential to my home state of Missouri. The 7,000 Missourians who build the F–15 are a national security asset. Both houses of Congress have sent clear signals to the Administration that this plane should be saved. It is time for the President to start listening and take steps immediately to ensure funding for the F–15 is included in the defense budget.

I ask unanimous consent that the article to which I referred be printed in the RECORD.

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

[From the Wall Street Journal, July 19, 1999]

CLINTON'S DREAMS OF PEACE IGNORE MIDEAST REALITIES

(By Angelo M. Codevilla)

What exactly does President Clinton expect from Israel's new prime minister, Ehud Barak? At a joint news conference last week, Mr. Clinton declared that he wants Mr. Barak ''to widen the circle of peace to include Syria and Lebanon and to revitalize talks among Israel and the Arab world and to solve regional problems.'' Mr. Barak spoke more cautiously, declaring his commitment to ''change and renewal'' but also his uneasiness at Americans who have acted ''as a kind of policeman, judge and arbitrator at the same time.''

Mr. Barak may be indebted to Mr. Clinton for undermining his predecessor, but he also

is a serious military man. Israeli officials are sure to spend the aftermath of Mr. Barak's visit sorting out the vast differences between the assumptions of the Clinton game plan and Israel's military realities.

The military threat to Israel used to consist of the massed armies of its immediate neighbors. But today's most ominous threat is weapons of mass destruction carried by missiles from Iraq, Iran, Syria and perhaps Libya. Israel's foes believe they could break Israeli military power in the opening minutes of a war by launching ballistic missile strikes with chemical or biological weapons against mobilization centers and weapons-storage areas. These countries have made an enormous investment in new missiles, most stored in deep tunnels, highly fortified bunkers or mobile launchers.

Gen. Eitan Ben Eliahu of the Israeli Air Force has estimated that Syria alone already has some 1,000 ballistic missiles, and that within a few years most will have long ranges. Syria does not need long-range missiles to hit Israel, but with longer ranges, each missile fired from Syria would develop enough re-entry speed to negate Israel's budding antimissile system, the Arrow. Already Iran's Shahib 3 missiles—developed with Russian, Chinese and North Korean help—stress the Arrow; the forthcoming Shahib 4's will overwhelm it.

To keep up with the increasing capability of enemy missiles, Israel's Arrow needs to be connected to the projected U.S. space-based fire-control system. But the Clinton administration doesn't want this system for the U.S., much less for Israel, for fear of violating the 1973 U.S.-Soviet Antiballistic Missile Treaty. To handle the overwhelming number of enemy missiles, Israel would need a U.S. orbital antimissile device. But the administration has delayed tests of a space-based laser that had been set for 2001. So Mr. Barak won't get any missile defense out of Mr. Clinton.

The Israeli Air Force has some pretty sophisticated plans for the nearly impossible job of striking enemy missiles before they are launched. But these plans require lots of deep-strike F–15 I aircraft. Israel has only 25; it has been negotiating for 15 more. Washington would rather see Israel buy more F–16's, which can't help Israel with its missile problem. The F–16's are less threatening to Syria, which the administration sees as the key to peace.

Instead of military help, the Clinton administration will give Mr. Barak generous instructions in its own conception of peace in the Middle East. Yet Mr. Barak will be compelled to note that Mr. Clinton's view of the world clashes with the one that Israel has been developing for some time, regardless of its dealings with the Palestinians.

Following the traditional maxim that foreign policy proceeds from the nature of the regime, Israel has sought alliances with Turkey and Jordan, because their regimes are stable, and because their friendship is secured in part by their enmity with Syria. Israel has talked about cooperation on missile defense with both Ankara and Amman, which see themselves as part of the West against Russian-supported forces in the region. Another main reason why Turkey and Jordan are interested in the alliance is Israel's deep-strike capability against Iran and Iraq.

Israel has been wary of Egypt, and even more of Saudi Arabia, because although the governments in these countries U.S. allies, instability would vitiate any deal with them. As for Syria, much as Israel would like a deal with it, its enmity is mitigated only by its instability.

The Clinton administration is trying to transcend traditional alliances. In the Wilsonian tradition, it seeks a settlement including all and directed against none. It believes that the path to peace includes exchanging military advantages for goodwill, ''guaranteed'' by some sort of international contact group. Thus the Clinton administration would bless the only deal Syria would accept—Israel's surrender of the Golan Heights—and call it peace.

Some Israelis would be happy with this, because it would carry the implicit assurance that the U.S. would assume responsibility for Israel's borders. It should be crystal clear, however, that Washington has neither the interest nor the capacity to hold Syria to any deal, much less to fight for Israel.

Here then is the choice Mr. Barak must mull on his way home: He can trust the Clinton team and move his country toward a deal with its enemies that violates normal rules of military prudence. Or he can seek the military means of being useful to his Turkish and Jordanian friends while being fearsome to states that are enemies of America and Israel alike.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH LIBYA—MESSAGE FROM THE PRESIDENT—PM 48

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on the developments since my last report of December 30, 1998, concerning the national emergency with respect to Libya that was declared in Executive Order 12543 of January 7, 1986. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c); and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c).

1. On December 30, 1998, I renewed for another year the national emergency with respect to Libya pursuant to IEEPA. This renewal extended the current comprehensive financial and trade embargo against Libya in effect since 1986. Under these sanctions, virtually all trade with Libya is prohibited, and all assets owned or controlled by the Government of Libya in the United States or in the possession or control of U.S. persons are blocked.

2. On April 28, 1999, I announced that the United States will exempt commercial sales of agricultural commodities and products, medicine, and medical equipment from future unilateral sanctions regimes. In addition, my Administration will extend this policy to existing sanctions programs by modifying licensing policies for currently embargoed countries to permit case-by-case review of specific proposals for commercial sales of these items. Certain restrictions apply.

The Office of Foreign Assets Control (OFAC) of the Department of the Treasury is currently drafting amendments to the Libyan Sanctions Regulations, 31 C.F.R. Part 550 (the Regulations), to implement this initiative. The amended Regulations will provide for the licensing of sales of agricultural commodities and products, medicine, and medical supplies to non-governmental entities in Libya or to government procurement agencies and parastatals not affiliated with the coercive organs of that country. The amended Regulations will also provide for the licensing of all transactions necessary and incident to licensed sales transactions, such as insurance and shipping arrangements. Financing for the licensed sales transactions will be permitted in the manner described in the amended Regulations.

3. During the reporting period, OFAC reviewed numerous applications for licenses to authorize transactions under the Regulations. Consistent with OFAC's ongoing scrutiny of banking transactions, the largest category of license approvals (20) involved types of financial transactions that are consistent with U.S. policy. Most of these licenses authorized personal remittances not involving Libya between persons who are not blocked parties to flow through Libyan banks located outside Libya. Three licenses were issued authorizing certain travel-related transactions. One license was issued to a U.S. firm to allow it to protect its intellectual property rights in Libya; another authorized receipt of payment for legal services; and a third authorized payments for telecommunications services. A total of 26 licenses were issued during the reporting period.

4. During the current 6-month period, OFAC continued to emphasize to the international banking community in the United States the importance of identifying and blocking payments made by or on behalf of Libya. The office worked closely with the banks to assure the effectiveness of interdiction software systems used to identify such payments. During the reporting period, 87 transactions potentially involving Libya, totaling nearly $3.4 million, were interdicted.

5. Since my last report, OFAC has collected 7 civil monetary penalties totaling $38,000 from 2 U.S. financial institutions, 3 companies, and 2 individuals for violations of the U.S. sanctions against Libya. The violations involved export transactions relating to Libya and dealings in Government of Libya property or property in which the Government of Libya had an interest.

On April 23, 1999, a foreign national permanent resident in the United States was sentenced by the Federal District court for the Middle District of Florida to 2 years in prison and 2 years supervised release for criminal conspiracy to violate economic sanctions against Libya, Iran, and Iraq. He had previously been convicted of violation of the Libyan Sanctions Regulations, the Iranian Transactions Regulations, the Iraqi Sanctions Regulations, and the Export Administration Regulations for exportation of industrial equipment to the oil, gas, petrochemical, water, and power industries of Libya, Iran, and Iraq.

Various enforcement actions carried over from previous reporting periods have continued to be aggressively pursued. Numerous investigations are ongoing and new reports of violations are being scrutinized.

6. The expenses incurred by the Federal Government in the 6-month period from January 7 through July 6, 1999, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the Libyan national emergency are estimated at approximately $4.4 million. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Office of the General Counsel, and the U.S. Customs Service), the Department of State, and the Department of Commerce.

7. In April 1999, Libya surrendered the 2 suspects in the Lockerbie bombing for trial before a Scottish court seated in the Netherlands. In accordance with UNSCR 748, upon the suspects' transfer, UN sanctions were immediately suspended. We will insist that Libya fulfill the remaining UNSCR requirements for lifting UN sanctions and are working with UN Secretary Annan and UN Security Council members to ensure that Libya does so promptly. U.S. unilateral sanctions remain in force, and I will continue to exercise the powers at my disposal to apply these sanctions fully and effectively, as long as they remain appropriate. I will continue to report periodically to the Congress on significant developments as required by law.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 19, 1999.*

REPORT CONCERNING EMIGRATION LAWS AND POLICIES OF ALBANIA—MESSAGE FROM THE PRESIDENT—PM 49

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

I am submitting an updated report to the Congress concerning the emigration laws and policies of Albania. The report indicates continued Albanian compliance with U.S. and international standards in the area of emigration. In fact, Albania has imposed no emigration restrictions, including exit visa requirements, on its population since 1991.

On December 5, 1997, I determined and reported to the Congress that Albania is not in violation of the freedom-of-emigration criteria in sections 402 and 409 of the Trade Act of 1974. That action allowed for the continuation of normal trade relations status for Albania and certain other activities without the requirement of an annual waiver. This semiannual report is submitted as required by law pursuant to the determination of December 5, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 19, 1999.*

MESSAGE FROM THE HOUSE

At 4:40 p.m., a message from the House of Representatives, delivered by Mr. Berry, one if its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 434. An act to authorize a new trade and investment policy for sub-Sahara Africa.

H.R. 2490. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes.

The message also announced that the House has agreed to the following resolution:

H. Res. 252. Resolved that the House has heard with profound sorrow of the death of the Honorable George E. Brown, Jr., a Representative from the State of California.

MEASURE PLACED ON THE CALENDAR

The following bill was read twice and placed on the calendar:

H.R. 434. An act to authorize a new trade and investment policy for sub-Sahara Africa.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment:

S. Res. 156. An original resolution authorizing expenditures by the Committee on Indian Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself, Mr. SESSIONS, Mr. DEWINE, and Mr. COVERDELL):

S. 1390. A bill to help parents and families reduce drug abuse and drug addiction among adolescents, and for other purposes; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 1391. A bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes; to the Committee on Veterans Affairs.

By Mr. BAUCUS:

S. 1392. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the voluntary conservation of endangered species, and for other purposes; to the Committee on Finance.

By Mr. SPECTER:

S. 1393. An original bill to provide a cost-of-living adjustment in rates of compensation for veterans with service-connected disabilities and dependency and indemnity compensation for survivors of such veterans, to amend title 38, United States Code, to codify the previous cost-of-living adjustment in such rates, and for other purposes; from the Committee on Veterans Affairs; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CAMPBELL:

S. Res. 156. An original resolution authorizing expenditures by the Committee on Indian Affairs; from the Committee on Indian Affairs; to the Committee on Rules and Administration.

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN):

S. Res. 157. A resolution relative to the disappearance of John F. Kennedy, Jr., Carolyn Bessette Kennedy and Lauren Bessette; considered and agreed to.

By Mr. LAUTENBERG (for himself and Mr. TORRICELLI):

S. Con. Res. 44. A concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *New Jersey* and all those who served aboard her; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. SESSIONS, Mr. DEWINE, and Mr. COVERDELL):

S. 1390. A bill to help parents and families reduce drug abuse and drug addiction among adolescents, and for other purposes; to the Committee on the Judiciary.

DRUG FREE FAMILIES ACT

Mr. GRASSLEY. Mr. President, we are all aware that drug use has decreased overall in the last 15 years. One of the principal reasons for this is that we were successful in slowing the rate of experimentation and use among our young people. However, drug use is up dramatically among the young in the general population. Children as young as eight and nine are being confronted with the decision of whether or not to try drugs. This raises the possibility of a new epidemic of use and addiction. As you know, much is already being done to help children make the right decision. Prevention education is provided by various anti-drug groups, but these groups can't be effective in their teachings if prevention education does not begin at home. It is vitally important that parents make the time to school their children on the dangers of drug use and abuse.

Throughtout the years, research has been done on whether or not kids listen to their parents. The fact is kids do listen. It is clear that parents have influence in the choices their children make. The problem is, when it comes to drugs and alcohol, not all parents see a need to influence their child's decision or are aware of how serious the problem is. Some are ambivalent about their own past use. Some are in denial about what's happening. And why is that? A survey by the Partnership for a Drug Free America shows that less than a quarter of the parents questioned even acknowledge the possibility that their child may have tried marijuana. Unfortunately, of those parents surveyed, 44 percent of their children actually did experiment with marijuana. If parents aren't aware of the reality of the situation, how can they prepare the 6 out of every 10 teenagers who are offered drugs each year.

The problem isn't that the parents don't care. It is that they don't know. Parents underestimate the reality of drugs. As a result, they seldom if every talk to their kids about drugs. According to a recent PRIDE survey, only 30 percent of students reported that their parents talked to them often or a lot about drugs. This seems unfortunate when we look at evidence that shows drug use 32 percent lower among kids who said their parents talked with them a lot about drugs. The harsh reality is that 94 percent of parents say they talked to their teens about drugs, yet only 67 percent of teens remembered those discussions. Even more disturbing is a public opinion poll by the American Medical Association that illustrates that 43 percent of parents believe children using drugs is a serious national crisis, yet only 8 percent believe it is a crisis in their local schools, and 6 percent in their local communities.

Today, on behalf of Senators DEWINE, SESSIONS, and COVERDELL, I am introducing legislation that would bridge the gap between parents and the realities of youth drug use and abuse. The Drug Free Families Act would promote prevention education for parents. The goal is to promote cooperation among current national parent efforts. The kind of parent collaboration that the Drug Free Families Act proposes would unite parents at the national level to work with community anti-drug coalitions in the fight against drugs. It would not only help to educate parents, but help them convey a clear, consistent, no-use message. Through the Drug Free Families Act, we can give parents the resources necessary to educate our youth on the dangers of drugs.

It is clear that parents need assistance in educating kids on drug use and abuse. Parents, not Government, are the key to addressing the drug problem. We need to help them. I urge my fellow Members to support the Drug Free Families Act.

From my own experience in my State of Iowa, holding, as I did in 1998, more than 30 town meetings on the issue of drugs, one of the things I learned from the young people—junior high and high school young people who came to my meeting—was, in their own words, a statement on their part of somewhat frustration with their own families, that their families were not telling them about the dangers of drugs. There was even the suggestion from some young people that what we need is a parent education project so parents would be better at setting boundaries for kids, the necessity of listening to kids, but most importantly on the issue of drugs: As a parent, get the message out to young people about the dangers of drugs.

I got the feeling very definitely from young people of my State that they knew more about drugs, even more about the dangers of drugs and the availability of those drugs, than their parents do. I think the surveys I have pointed out today to justify the Drug Free Families Act justify and back up what the young people of my State of Iowa told me in those hearings last year.

By Mr. INOUYE:

S. 1391. A bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes; to the Committee on Veteran's Affairs.

FILIPINO VETERANS' BENEFITS IMPROVEMENTS ACT OF 1999

Mr. INOUYE. Mr. President, today I rise to introduce the Filipino Veterans' Benefits Improvements Act of 1999. The measure would increase the disability compensation for those Filipino veterans residing in the United States. These veterans currently receive compensation at the ''peso-rate'' standard which is 50 percent of what is received by their American counterparts. Second, the measure would make all Filipino veterans residing in the United States eligible for veterans' health care. Like their American counterparts, these Filipino veterans would be subject to the same eligibility and means test requirements in order to qualify for health benefits. Third, the measure would provide outpatient care and services to veterans, Commonwealth Army veterans, and new Philippine Scouts residing in the Philippines for the treatment of service-connected and non-service connected disabilities at the Manila VA Outpatient Clinic.

The measure further restores funding to provide healthcare services to American military personnel and all Filipino veterans residing in the Philippines. Many of my colleagues are aware of my advocacy on behalf of Filipino veterans of World War II. Throughout the years, I have sponsored several measures on their behalf to correct an injustice and seek equal treatment for their valiant military service. Members of the Philippine Commonwealth Army were called to serve the United States Forces of the Far East. Under the command of General Douglas MacArthur, they joined our American soldiers in fighting some of the fiercest battles of World War II. Regretfully, the Congress betrayed our Filipino allies by enacting the Rescission Act of 1946. The 1946 Act, now codified as 38 U.S.C. 107, deems the military service of Filipino veterans as non-active service for purposes of any law of the United States conferring rights, privileges or benefits. The measure I introduce today will not diminish my efforts to correct this injustice. As long as it takes, I will continue to seek equal treatment on behalf of the Filipino veterans of World War II.

Mr. President, I ask unanimous consent that the bill text be printed in the RECORD.

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

S. 1391

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Filipino Veterans' Benefits Improvements Act of 1999''.

SEC. 2. INCREASE IN RATE OF PAYMENT OF CERTAIN BENEFITS TO VETERANS OF THE PHILIPPINE COMMONWEALTH ARMY.

(a) INCREASE.—Section 107 of title 38, United States Code, is amended—

(1) by striking ''Payment'' in the second sentence of subsection (a) and inserting ''Except as provided in subsection (c), payment''; and

(2) by adding at the end the following new subsection:

''(c) In the case of benefits under subchapters II and IV of chapter 11 of this title by reason of service described in subsection (a)—

''(1) notwithstanding the second sentence of subsection (a), payment of such benefits shall be made in dollars at the rate of $1.00 for each dollar authorized; and

''(2) such benefits shall be paid only to an individual residing in the United States who is a citizen of, or an alien lawfully admitted for permanent residence in, the United States.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to benefits paid for months beginning on or after that date.

SEC. 3. ELIGIBILITY FOR HEALTH CARE OF CERTAIN ADDITIONAL FILIPINO WORLD WAR II VETERANS.

The text of section 1734 of title 38, United States Code, is amended to read as follows:

''The Secretary, within the limits of Department facilities, shall furnish hospital and nursing home care and medical services to Commonwealth Army veterans and new Philippine Scouts in the same manner as provided for under section 1710 of this title.''.

SEC. 4. MANDATE TO PROVIDE HEALTH CARE FOR WORLD WAR II VETERANS RESIDING IN THE PHILIPPINES.

(a) IN GENERAL.—Subchapter IV of chapter 17 of title 38, United States Code, is amended—

(1) by redesignating section 1735 as section 1736; and

(2) by inserting after section 1734 the following new section:

''§ 1735. Outpatient care and services for World War II veterans residing in the Philippines

''(a) OUTPATIENT HEALTH CARE.—The Secretary shall furnish care and services to veterans, Commonwealth Army veterans, and new Philippine Scouts for the treatment of the service-connected disabilities and nonservice-connected disabilities of such veterans and scouts residing in the Republic of the Philippines on an outpatient basis at the Manila VA Outpatient Clinic.

''(b) LIMITATIONS.—(1) The amount expended by the Secretary for the purpose of subsection (a) in any fiscal year may not exceed $500,000.

''(2) The authority of the Secretary to furnish care and services under subsection (a) is effective in any fiscal year only to the extent that appropriations are available for that purpose.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 1735 and inserting after the item relating to section 1734 the following new items:

''1735. Outpatient care and services for World War II veterans residing in the Philippines.

''1736. Definitions.''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

By Mr. BAUCUS:

S. 1392. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the voluntary conservation of endangered species, and for other purposes; to the Committee on Finance.

THE SPECIES CONSERVATION TAX ACT OF 1999

Mr. BAUCUS. Mr. President, today I am introducing the Species Conservation Tax Act of 1999.

The Endangered Species Act sometimes is referred to as our most important environmental law. However, it also is one of the most controversial. Over the past decade, a debate has raged about whether, and how, the Act should be revised. In 1995, Congress went so far as to impose a complete moratorium on the listing of species (fortunately, the moratorium has since been lifted). Several bills were introduced, and given serious consideration, that would have radically weakened the law.

On a more positive note, last Congress, after several years of work, the Environment and Public Works Committee reported a bipartisan bill, supported by the Clinton Administration, that would have made a series of modest, common-sense reforms to the Act. Unfortunately, that bill was never considered by the full Senate.

There seems, however, to be an agreement on at least one basic point: we should use more incentives to promote the conservation of threatened and endangered species, including tax incentives. For example, in 1995, a group organized by the Keystone Center reported that ''taxes, including income taxes, estate taxes, and property taxes, affect all landowners and sometimes significantly affect their land use decisions. Changes in tax laws, including some that have a relatively small cost to the Treasury, could yield important conservation benefits.''

Over the years, we have made some progress. The tax code now contains two significant incentives for conserving land. One is section 170(h), which allows a charitable contribution deduction for donations of conservation easements in order to, among other things, preserve wildlife habitat. The other is section 2031(c), which, with the leadership of Senator CHAFEE, was enacted in 1997; it complements section 170(h) with an estate tax incentive to encourage the conservation of land for future generations.

The bill that I am introducing today builds on these provisions. It enhances the section 170(h) and section 2031(c) incentives, and it adds a new estate tax incentive for land that is managed to protect threatened or endangered species.

Let me briefly describe each provision of the bill.

INCOME TAX EXCLUSION FOR COST SHARE PAYMENTS UNDER THE PARTNERS FOR WILDLIFE PROGRAM

Tax Code section 126 excludes from income payments received pursuant to certain agricultural and silvicultural conservation programs; it specifically excludes payments received pursuant to eight specific programs, then provides two general exclusions, one for payments received pursuant to certain state programs and another for ''any small watershed program administered by the Secretary of Agriculture which is determined by the Secretary of the Treasury . . . to be substantially similar'' to the eight specific programs. The Joint Tax Committee explained the reason for the adoption of this provision, in 1978, as follows:

> In general, these programs relate to improvements which further conservation, protect or restore the environment, improve forests, or provide a habitat for wildlife. These payments ordinarily do not improve the income producing capacity of the property. Also, since these payments represent a portion of an expenditure made by the taxpayer, the taxpayer generally does not have additional funds to pay the tax when such payments are made. The potential adverse tax consequences may operate to discourage certain taxpayers from participating in these programs.
>
> For these reasons, Congress believes that it is appropriate to exclude these payments from income, and to provide for their inclusion only at the time the underlying property is disposed of.

However, this provision does not apply to all of the appropriate programs. In 1987, the U.S. Fish and Wildlife Service established the Partners for Wildlife program, which provides cost-sharing assistance to landowners for various wildlife conservation efforts. To date, 18,000 landowners have participated voluntarily in the program, restoring more than 330,000 acres of wetlands alone. In fiscal year 1999, about $28 million will be available through the program, of which about $9 million is expected to be paid directly to landowners as cost-share payments.

Although cost-share payments made to private landowners under the Partners for Wildlife program are similar to the payments that are excluded under section 126, payments under the Partners for Wildlife program are not eligible for the exclusion, because the Partners program is not one of the specific programs listed in section 126 and cannot qualify as a ''substantially similar'' program because it is not administered by the Secretary of Agriculture. As a result, landowners who receive payments for protecting habitat under the Partners program get a 1099 form, from the IRS, stating that the payments must be treated as taxable income. If, for example, the Fish and Wildlife Service plans to pay a riparian landowner $10,000 to take steps to restore streamside habitat, federal taxes can reduce the value of the payment by several thousand dollars. I have received reports that this is causing some landowners to decline to participate in the program.

Mr. President, the Partners for Wildlife program serves the important purpose of promoting federal-state-private partnerships to conserve species and the habitat upon which they depend. Payments received under the program are similar to those that are excluded under section 126: they promote conservation, they ordinarily do not improve the income producing capacity of the property, they represent a portion of an expenditure made by the taxpayer, and the potential adverse tax

consequences may operate to discourage some taxpayers from participating. For these reasons, it is appropriate to amend section 126 to treat payments received under the Partners for Wildlife program the same as other conservation payments. The bill would do so.

There is broad support for this change among both environmentalists and landowners: It is supported by the Environmental Defense Fund, the American Farm Bureau Federation, the Center for Marine Conservation, American Rivers, the National Woodland Owners Association, the Defenders of Wildlife, the Izaak Walton League of America, and the National Cattlemen's Beef Association.

ENHANCED DEDUCTION FOR THE DONATION OF INTERESTS IN REAL PROPERTY THAT CONSERVE THREATENED OR ENDANGERED SPECIES

Under current law, a taxpayer generally may not take a charitable contribution deduction for the donation of a property interest that is less than the taxpayer's entire interest in the property. There are several exceptions. One is for donations of conservation easements, which include easements to preserve open space and protect natural habitat. Taxpayers may deduct the value of such contributions, but only up to 30% of the taxpayer's adjusted gross income, with a five year carry-forward.

The bill would enhance the deduction for contributions of conservation easements that are made for the purpose of the conservation of a species that has been listed as threatened or endangered (or proposed for listing). The deduction is enhanced in three ways: the AGI limitation is increased from 30% to 50%, the carry-forward period is increased from five to 20 years, and, if the taxpayer dies before then, the entire unused carry-forward amount can be deducted on the decedent's last return.

Mr. President, when a landowner donates an interest in property for the purpose of conserving an endangered species, the landowner is providing a public benefit above and beyond the benefit provided by an ordinary conservation easement. For example, an easement might not only assure that farmland remains farmland, but also that there are buffer strips to control runoff in order to protect and endangered fish and that harvesting schedules conform to the needs of migratory waterfowl. By taking such steps voluntarily, landowners reduce the need to take other steps to preserve the species, including the imposition of regulatory restrictions.

By enhancing the deduction for landowners who take such steps, we create a modest additional incentive for landowners not only to conserve land but also to assure that the land is managed in a way that helps conserve and recover endangered species.

ESTATE TAX EXCLUSION FOR PROPERTY SUBJECT TO A CONSERVATION AGREEMENT

Under current law, an executor can deduct the value of a conservation easement (within the meaning of section 170(h)) from the value of an estate. In addition, section 2031(c), an executor can exclude from the estate up to 40% of the remaining value of the land subject to the easement.

For example, if a decedent conveys property worth $1,000,000, subject to a conservation easement that reduces the value of the property by $300,000, and the property qualifies for the full 40% exclusion, the taxable portion of the estate would be $280,000 (40 percent of the $700,000 in remaining value after deducting the $300,000 value of the easement).

The amount of the exclusion is limited to $500,000 and, under section 170(h), the conservation easement must be granted in perpetuity.

The bill creates a new estate tax incentive for donations of a partial interest in property that is subject to an agreement, approved by the Secretary of the Interior or Commerce, to carry out activities that would make a major contribution to the conservation of a species that is listed as threatened or endangered, is proposed for listing, or is a candidate for listing. The executor may exclude from the estate the entire value of the portion of the property subject to the agreement, up to $10,000,000.

The conservation agreement need not be in perpetuity; after all, the purpose of the agreement is to help recover the species, and once that goal is achieved, land use restrictions may no longer is necessary. However, if the agreement ends in less than 40 years (i.e., because the property is sold, there is a material breach of the agreement, or the agreement is terminated), the estate must pay a recapture amount, as follows: 100% of the excluded amount if the agreement is terminated in less than 10 years; 75% if it is terminated in less than 20 years; 50% if it is terminated in less than 30 years; and 25% if it is terminated in less than 40 years.

Mr. President, current law recognizes that estate tax incentives are an appropriate way to encourage landowners to take steps to conserve precious natural resources for future generations.

When a landowner or the executor of a landowner's estate enters into an agreement to manage land in a way that makes a major contribution to the conservation of an endangered or threatened species, they are, as I said before, providing a public benefit above and beyond the benefit provided by an ordinary conservation easement. By creating an alternative estate tax incentive for landowners who take such steps, we create a modest additional incentive for landowners not only to conserve land but also to assure that the land is managed in a way that helps conserve and recover endangered species.

ELIMINATION OF THE MILEAGE LIMITATION FOR THE ESTATE TAX EXCLUSION FOR LAND SUBJECT TO A CONSERVATION EASEMENT

Tax code section 2031(c) allows an executor to exclude from a gross estate a portion of the value of land that is subject to a conservation easement (within the meaning of section 170(h)), but only if the land is within 25 miles of a metropolitan area, a wilderness area, or a national park; or is within 10 miles of an Urban National Forest.

The bill eliminates 25 and 10 mile limitations, so that an executor can exclude land subject to a conservation agreement regardless of where the land is located.

Mr. President, section 2031(c) serves the important purpose of encouraging landowners to conserve open space for future generations, rather than forcing heirs to sell undeveloped land to pay estate taxes. The 25 and 10 mile limitations were included in order to reduce the revenue loss and target the incentive to the areas that were likely to be under the greatest development pressure. However, the mileage limitations are a very imperfect proxy. It excludes about one-third of the continental United States; in many cases, the excluded lands are just as pristine and sensitive as lands surrounding wilderness areas or national parks—such as lands surrounding national wildlife refuges. And it excludes many fast-growing areas that do not happen to be metropolitan statistical areas, like areas outside Bozeman and Kalispell, Montana—two of the fastest growing communities in Montana. What's more, the mile limitations have a differential impact among regions of the country. For example, they have the effect of making virtually the entire Northeast and West Coast eligible for the 2031(c) incentive, but exclude large parts of the Great Plains and the Rocky Mountain West.

To eliminate this differential impact, and provide a modest incentive for conservation all across the country, the mileage limitation should be eliminated.

CONCLUSION

Mr. President, taken together, these complementary provisions provide modest but important incentives for the conservation of habitat and the protection of endangered species. And, the more we can use tax incentives to encourage the conservation of threatened and endangered species, the more likely we are to reduce the regulatory burdens associated with those species.

I should note that there are other significant proposals along similar lines, including tax proposals introduced by Senators JEFFORDS and CHAFEE and funding proposals introduced by Senator BOXER. I look forward to working with them, and with other interested colleagues, to enacted a solid package of conservation tax incentives into law.

I ask unanimous consent that a copy of the bill be included in the RECORD.

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

S. 1392

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Species Conservation Tax Act of 1999''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. TAX EXCLUSION FOR COST-SHARING PAYMENTS UNDER PARTNERS FOR WILDLIFE PROGRAM.

(a) IN GENERAL.—Section 126(a) (relating to certain cost-sharing payments) is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following:

''(10) The Partners for Fish and Wildlife Program authorized by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.).''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to payments received after the date of the enactment of this Act.

SEC. 3. ENHANCED DEDUCTION FOR THE DONATION OF A CONSERVATION EASEMENT.

(a) IN GENERAL.—Subparagraph (A) of section 170(h)(4) (defining conservation purpose) is amended by striking ''or'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', or'', and by adding at the end the following:

''(v) the conservation of a species designated by the Secretary of the Interior or the Secretary of Commerce under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq) as endangered or threatened, proposed by such Secretary for designation as endangered or threatened, or identified by such Secretary as a candidate for such designation, provided the property is not required, as of the date of contribution, to be used for such purpose other than by reason of the terms of contribution.''

(b) ENHANCED DEDUCTIONS.—Subsection (e) of section 170 (defining qualified conservation contribution) is amended by adding at the end the following:

''(7) SPECIAL RULES FOR CONTRIBUTIONS RELATED TO CONSERVATION OF SPECIES.—

''(A) IN GENERAL.—In the case of a qualified conservation contribution by an individual for the conservation of endangered or threatened species, proposed species, or candidate species under (h)(4)(v):

''(i) 50 PERCENT LIMITATION TO APPLY.—Such a contribution shall be treated for the purposes of this section as described in subsection (b)(l)(A).

''(ii) 20-YEAR CARRY FORWARD.—Subsection (d)(1) shall be applied by substituting '20 years' for '5 years' each place it appears and with appropriate adjustments in the application of subparagraph (A)(ii) thereof.

''(iii) UNUSED DEDUCTION CARRYOVER ALLOWED ON TAXPAYER'S LAST RETURN.—If the taxpayer dies before the close of the last taxable year for which a deduction could have been allowed under subsection (d)(1), any portion of the deduction for such contribution which has not been allowed shall be allowed as a deduction under subsection (a) (without regard to subsection (b)) for the taxable year in which such death occurs or such portion may be used as a deduction against the gross estate of the taxpayer.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after the date of the enactment of this Act.

SEC. 4. EXCLUSION FROM ESTATE TAX FOR REAL PROPERTY SUBJECT TO ENDANGERED SPECIES CONSERVATION AGREEMENT.

(a) IN GENERAL.—Part IV of subchapter A of chapter 11 of the Internal Revenue Code of 1986 (relating to taxable estate) is amended by adding at the end the following new section:

''SEC. 2058. CERTAIN REAL PROPERTY SUBJECT TO ENDANGERED SPECIES CONSERVATION AGREEMENT.

''(a) GENERAL RULE.—For purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate an amount equal to lesser of—

''(1) the adjusted value of real property included in the gross estate which is subject to an endangered species conservation agreement, or

''(2) $10,000,000.

''(b) PROPERTY SUBJECT TO AN ENDANGERED SPECIES CONSERVATION AGREEMENT.—For purposes of this section—

''(1) IN GENERAL.—Real property shall be treated as subject to an endangered species conservation agreement if—

''(A) such property was owned by the decedent or a member of the decedent's family at all times during the 3-year period ending on the date of the decedent's death,

''(B) each person who has an interest in such property (whether or not in possession) has entered into—

''(i) an endangered species conservation agreement with respect to such property, and

''(ii) a written agreement with the Secretary consenting to the application of subsection (d), and

''(C) the executor of the decedent's estate—

''(i) elects the application of this section, and

''(ii) files with the Secretary such endangered species conservation agreement.

''(2) ADJUSTED VALUE.—

''(A) IN GENERAL.—The adjusted value of any real property shall be its value for purposes of this chapter, reduced by—

''(i) any amount deductible under section 2055(f) with respect to the property, and

''(ii) any acquisition indebtedness with respect to the property.

''(B) ACQUISITION INDEBTEDNESS.—For purposes of this paragraph, the term 'acquisition indebtedness' means, with respect to any real property, the unpaid amount of—

''(i) the indebtedness incurred by the donor in acquiring such property,

''(ii) the indebtedness incurred before the acquisition of such property if such indebtedness would not have been incurred but for such acquisition,

''(iii) the indebtedness incurred after the acquisition of such property if such indebtedness would not have been incurred but for such acquisition and the incurrence of such indebtedness was reasonably foreseeable at the time of such acquisition, and

''(iv) the extension, renewal, or refinancing of an acquisition indebtedness.

''(c) ENDANGERED SPECIES CONSERVATION AGREEMENT.—For purposes of this section—

''(1) IN GENERAL.—The term 'endangered species conservation agreement' means a written agreement entered into with the Secretary of the Interior or the Secretary of Commerce—

''(A) which commits each person who signed such agreement to carry out on the real property activities or practices not otherwise required by law or to refrain from carrying out on such property activities or practices that could otherwise be lawfully carried out and includes—

''(i) objective and measurable species of concern conservation goals,

''(ii) site-specific and other management measures necessary to achieve those goals, and

''(iii) objective and measurable criteria to monitor progress toward those goals,

''(B) which is certified by such Secretary as providing a major contribution to the conservation of a species of concern, and

''(C) which is for a term that such Secretary determines is sufficient to achieve the purposes of the agreement, but not less than 10 years beginning on the date of the decedent's death.

''(2) SPECIES OF CONCERN.—The term 'species of concern' means any species designated by the Secretary of the Interior or the Secretary of Commerce under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq) as endangered or threatened, proposed by such Secretary for designation as endangered or threatened, or identified by such Secretary as a candidate for such designation.

''(3) ANNUAL CERTIFICATION TO THE SECRETARY BY THE SECRETARY OF THE INTERIOR OR THE SECRETARY OF COMMERCE OF THE STATUS OF ENDANGERED SPECIES CONSERVATION AGREEMENTS.—If the executor elects the application of this section, the executor shall promptly give written notice of such election to the Secretary of the Interior or the Secretary of Commerce. The Secretary of the Interior or the Secretary of Commerce shall thereafter annually certify to the Secretary that the endangered species conservation agreement applicable to any property for which such election has been made remains in effect and is being satisfactorily complied with.

''(d) RECAPTURE OF TAX BENEFIT IN CERTAIN CASES.—

''(1) DISPOSITION OF INTEREST OR MATERIAL BREACH.—

''(A) IN GENERAL.—An additional tax in the amount determined under subparagraph (B) shall be imposed on any person on the earlier of—

''(i) the disposition by such person of any interest in property subject to an endangered species conservation agreement (other than a disposition described in subparagraph (C)),

''(ii) a material breach by such person of the endangered species conservation agreement, or

''(iii) the termination of the endangered species conservation agreement.

''(B) AMOUNT OF ADDITIONAL TAX.—

''(i) IN GENERAL.—The amount of the additional tax imposed by subparagraph (A) with respect to any interest shall be an amount equal to the applicable percentage of the lesser of—

''(I) the adjusted tax difference attributable to such interest (within the meaning of section 2032A(c)(2)(B)), or

''(II) the excess of the amount realized with respect to the interest (or, in any case other than a sale or exchange at arm's length, the fair market value of the interest) over the value of the interest determined under subsection (a).

''(ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable percentage is determined in accordance with the following table:

''If, with respect to the date of the agreement, the date of the event described in subparagraph (A) occurs—	**The applicable percentage is—**
Before 10 years	100
After 9 years and before 20 years	75
After 19 years and before 30 years	50
After 29 years and before 40 years	25
After 39	0.

''(C) EXCEPTION IF CERTAIN HEIRS ASSUME OBLIGATIONS UPON THE DEATH OF A PERSON

EXECUTING THE AGREEMENT.—Subparagraph (A)(i) shall not apply if—

''(i) upon the death of a person described in subsection (b)(1)(B) during the term of such agreement, the property subject to such agreement passes to a member of the person's family, and

''(ii) the member agrees—

''(I) to assume the obligations imposed on such person under the endangered species conservation agreement,

''(II) to assume personal liability for any tax imposed under subparagraph (A) with respect to any future event described in subparagraph (A), and

''(III) to notify the Secretary of the Treasury and the Secretary of the Interior or the Secretary of Commerce that the member has assumed such obligations and liability.

If a member of the person's family enters into an agreement described in subclauses (I), (II), and (III), such member shall be treated as signatory to the endangered species conservation agreement the person entered into.

''(2) DUE DATE OF ADDITIONAL TAX.—The additional tax imposed by paragraph (1) shall become due and payable on the day that is 6 months after the date of the disposition referred to in paragraph (1)(A)(i) or, in the case of an event described in clause (ii) or (iii) of paragraph (1)(A), on April 15 of the calendar year following any year in which the Secretary of the Interior or the Secretary of Commerce fails to provide the certification required under subsection (c)(3).

''(e) STATUTE OF LIMITATIONS.—If a taxpayer incurs a tax liability pursuant to subsection (d)(1)(A), then—

''(1) the statutory period for the assessment of any additional tax imposed by subsection (d)(1)(A) shall not expire before the expiration of 3 years from the date the Secretary is notified (in such manner as the Secretary may by regulation prescribe) of the incurring of such tax liability, and

''(2) such additional tax may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law that would otherwise prevent such assessment.

''(f) ELECTION AND FILING OF AGREEMENT.—The election under this section shall be made on the return of the tax imposed by section 2001. Such election, and the filing under subsection (b) of an endangered species conservation agreement, shall be made in such manner as the Secretary shall by regulation provide.

''(g) APPLICATION OF THIS SECTION TO INTERESTS IN PARTNERSHIPS, CORPORATIONS, AND TRUSTS.—This section shall apply to an interest in a partnership, corporation, or trust if at least 30 percent of the entity is owned (directly or indirectly) by the decedent, as determined under the rules described in section 2057(e)(3).

''(h) MEMBER OF FAMILY.—For purposes of this section, the term 'member of the family' means any member of the family (as defined in section 2032A(e)(2)) of the decedent.''

(b) CARRYOVER BASIS.—Section 1014(a)(4) of the Internal Revenue Code of 1986 (relating to basis of property acquired from a decedent) is amended by inserting ''or 2058'' after ''section 2031(c)''.

(c) CLERICAL AMENDMENT.—The table of sections for part IV of subchapter A of chapter 11 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 2058. Certain real property subject to endangered species conservation agreement.''

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after the date of the enactment of this Act.

SEC. 5. EXPANSION OF ESTATE TAX EXCLUSION FOR REAL PROPERTY SUBJECT TO QUALIFIED CONSERVATION EASEMENT.

(a) REPEAL OF CERTAIN RESTRICTIONS ON WHERE LAND IS LOCATED.—Clause (i) of section 2031(c)(8)(A) (defining land subject to a qualified conservation easement) is amended to read as follows:

''(i) which is located in the United States or any possession of the United States,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying after the date of the enactment of this Act.

ADDITIONAL COSPONSORS

S. 459

At the request of Mr. BREAUX, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from Delaware (Mr. BIDEN), and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 484

At the request of Mr. CAMPBELL, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 510

At the request of Mr. CAMPBELL, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 510, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands.

S. 622

At the request of Mr. KENNEDY, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 622, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 632

At the request of Mr. DEWINE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 632, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 693

At the request of Mr. HELMS, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

S. 777

At the request of Mr. FITZGERALD, the names of the Senator from North Carolina (Mr. HELMS), the Senator from Missouri (Mr. ASHCROFT), the Senator from Idaho (Mr. CRAIG), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 777, a bill to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information.

S. 805

At the request of Mr. DURBIN, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 805, a bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes.

S. 979

At the request of Mr. CAMPBELL, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 979, a bill to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes, and for other purposes.

S. 1029

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1029, a bill to amend title III of the Elementary and Secondary Education Act of 1965 to provide for digital education partnerships.

S. 1128

At the request of Mr. KYL, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1128, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets.

S. 1144

At the request of Mr. VOINOVICH, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 1144, a bill to provide increased flexibility in use of highway funding, and for other purposes.

S. 1197

At the request of Mr. ROTH, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1197, a bill to prohibit the importation of products made with dog or cat fur, to prohibit the sale, manufacture, offer for sale, transportation, and distribution of products made with dog or cat fur in the United States, and for other purposes.

S. 1214

At the request of Mr. THOMPSON, the name of the Senator from New Mexico

(Mr. DOMENICI) was added as a cosponsor of S. 1214, a bill to ensure the liberties of the people by promoting federalism, to protect the reserved powers of the States, to impose accountability for Federal preemption of State and local laws, and for other purposes.

S. 1244

At the request of Mr. THOMPSON, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1244, a bill to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

S. 1293

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1293, a bill to establish a Congressional Recognition for Excellence in Arts Education Board.

S. 1361

At the request of Mr. STEVENS, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1361, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

SENATE CONCURRENT RESOLUTION 9

At the request of Ms. SNOWE, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE CONCURRENT RESOLUTION 34

At the request of Mr. SPECTER, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of Senate Concurrent Resolution 34, a concurrent resolution relating to the observence of ''In Memory'' Day.

SENATE RESOLUTION 92

At the request of Mrs. BOXER, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of Senate Resolution 92, a resolution expressing the sense of the Senate that funding for prostate cancer research should be increased substantially.

SENATE RESOLUTION 95

At the request of Mr. THURMOND, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Georgia (Mr. COVERDELL), the Senator from Delaware (Mr. BIDEN), the Senator from Michigan (Mr. ABRAHAM), the Senator from Alabama (Mr. SESSIONS), and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of Senate Resolution 95, a resolution designating August 16, 1999, as ''National Airborne Day.''

SENATE RESOLUTION 118

At the request of Mr. REID, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of Senate Resolution 118, a resolution designating December 12, 1999, as ''National Children's Memorial Day.''

SENATE RESOLUTION 128

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of Senate Resolution 128, a resolution designating March 2000, as ''Arts Education Month.''

SENATE CONCURRENT RESOLUTION 44—EXPRESSING THE SENSE OF CONGRESS THAT A COMMEMORATIVE POSTAGE STAMP SHOULD BE ISSUED IN HONOR OF THE U.S.S. ''NEW JERSEY'' AND ALL THOSE WHO SERVED ABOARD HER

Mr. LAUTENBERG (for himself and Mr. TORRICELLI) submitted the following resolution which was referred to the Committee on Government Affairs:

S. CON. RES. 44

Whereas the Iowa Class Battleship, the U.S.S. New Jersey (BB–62), is the most decorated warship in United States naval history, with 16 battle stars and 20 citations, medals, and ribbons during her 56 years of service;

Whereas the U.S.S. New Jersey was launched on December 7, 1942, by the Philadelphia Naval Shipyard; sponsored by Mrs. Charles Edison, wife of then-Governor Edison of New Jersey, former Secretary of the Navy; and commissioned at Philadelphia on May 23, 1943, Captain Carl F. Holden in command;

Whereas her first action as a flagship for Admiral William ''Bull'' Halsey's Third Fleet was a bold 2-day surface and air strike by her task force against the supposedly impregnable Japanese fleet base on Truk in the Caroline Islands, thereby interdicting Japanese naval retaliation in response to the conquest of the Marshall Islands;

Whereas the U.S.S. New Jersey provided crucial firepower for the assault on Iwo Jima;

Whereas the U.S.S. New Jersey gave the same crucial service for the first major aircraft carrier raid on Tokyo;

Whereas the U.S.S. New Jersey's guns opened the first shore bombardment in Korea at Wonsan, and served with distinction throughout the remainder of the Korean conflict;

Whereas the U.S.S. New Jersey participated in bombardment and fire support missions along the Vietnamese coast during the Vietnam era;

Whereas the U.S.S. New Jersey earned the Navy Unit Commendation for Vietnam service, received 9 battle stars for World War II, 4 for the Korean conflict, and 3 for the Vietnam era;

Whereas the U.S.S. New Jersey supported the Marine operation with the Multinational Peacekeeping Force in Beirut, Lebanon;

Whereas, in 1991, the U.S.S. New Jersey became the first United States battleship to enter and operate in the Persian Gulf; and

Whereas the U.S.S. New Jersey, after being decommissioned on February 8, 1991, and due in no small part to the efforts of the U.S.S. New Jersey Battleship Foundation, will be heading home in the fall of 1999 to become a floating monument and an educational museum: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) a commemorative postage stamp should be issued by the United States Postal Service in honor of the U.S.S. New Jersey and all those who served aboard her; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a postage stamp be issued.

● Mr. LAUTENBERG. Mr. President, I rise today to submit an important resolution expressing the sense of the Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *New Jersey*, an *Iowa* class battleship, and all those who served aboard her.

From the time of its launch on December 7, 1942, the U.S.S. *New Jersey* provided crucial support to numerous naval missions throughout the world. It is the most decorated warship in U.S. naval history, having earned battle stars, citations, medals, and ribbons from World War II, the Korean conflict, and the Vietnam era. Furthermore, the U.S.S. *New Jersey* was the first U.S. battleship to enter and operate in the Persian Gulf.

The *New Jersey* was decommissioned in 1991, and in the fiscal year 1999 Defense authorization bill, I authorized a provision to mandate that the Navy donate the U.S.S. *New Jersey* to a nonprofit entity that will relocate the ship in the state of New Jersey. Now, after the overwhelming support and continuous struggle of various groups and individuals in the state, as well as bipartisan efforts from New Jersey's state and federal legislators, the battleship is scheduled to return to New Jersey this fall. For this, I would like to extend my thanks to the residents of New Jersey who have donated countless hours in volunteer time, as well as to the Battleship New Jersey Foundation whose efforts were a driving force in the success of this endeavor.

Now that the U.S.S. *New Jersey* is coming home, it is time to honor this great ship with a commemorative stamp.●

SENATE RESOLUTION 156—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL, from the Committee on Indian Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 156

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of Standing Rules of the Senate, the Committee on Indian Affairs is authorized from October 1, 1999, through February 28, 2001, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use

on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period October 1, 1999, through September 30, 2000, under this resolution shall not exceed $1,260,534, of which amount (1) no funds may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2000, through February 28, 2001, expenses of the committee under this resolution shall not exceed $537,123, of which amount (1) no funds may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its finding, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 2000, and February 28, 2001, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of the salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from October 1, 1999, through September 30, 2000, and October 1, 2000, through February 28, 2001, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 157—RELATIVE TO THE DISAPPEARANCE OF JOHN F. KENNEDY, JR., CAROLYN BESSETTE KENNEDY, AND LAUREN BESSETTE

Mr. LOTT (for himself, Mr. DASCHLE, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 157

Whereas it is with profound sorrow and regret that the Senate has learned that John Fitzgerald Kennedy, Jr., his wife Carolyn Bessette Kennedy, and her sister Lauren Bessette have been missing since the early morning hours of Saturday, July 17, 1999;

Whereas John Fitzgerald Kennedy, Jr., is the son of the late John Fitzgerald Kennedy, the 35th President of the United States of America and Senator from Massachusetts, and nephew of the late Senator Robert Francis Kennedy of New York, and of Senator Edward Moore Kennedy of Massachusetts, and a beloved member of the Kennedy family, which has given countless years of service to this country; and

Whereas the heart of the Nation goes out to the Kennedy and Bessette families as search efforts continue in the waters off Martha's Vineyard: Now, therefore, be it

Resolved, That the Senate, when it adjourns on Monday, July 19, 1999, do so as a further mark of respect for the grieving families, and directs the Secretary to transmit a copy of this resolution to the Kennedy and Bessette families.

AMENDMENTS SUBMITTED

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2000

MOYNIHAN AMENDMENT NO. 1255

(Ordered to lie on the table.)

Mr. MOYNIHAN submitted an amendment intended to be proposed by him to the bill (H.R. 1555) to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

At the appropriate place, insert:

SEC. 308. SENSE OF THE CONGRESS ON CLASSIFICATION AND DECLASSIFICATION

It is the sense of Congress that in a democracy the systematic declassification of records of permanent historic value is in the public interest and that the management of classification and declassification by Executive Branch agencies requires comprehensive reform.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on July 21, 1999, in SR–328A at 9 a.m. The purpose of this meeting will be to consider the nomination of William Rainer to become Chairman of the Commodity Futures Trading Commission and to conduct an oversight review of the farmland protection program.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place Tuesday, July 27, 1999, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 719, a bill to provide the orderly disposal of certain Federal land in the State of Nevada and for the acquisition of environmental sensitive land in the State, and for other purposes, S. 930, a bill to provide for the sale of certain public land in the Ivanpah Valley, NV, to the Clark County, Nevada, Department of Aviation, S. 1030, a bill to provide that the conveyance by the Bureau of Land Management of the surface estate to certain land in the State of Wyoming in exchange for certain private land will not result in the removal of the land from operation of the mining laws, S. 1288, a bill to provide incentives for collaborative forest restoration projects on National Forest System and other public lands in New Mexico, and for other purposes, and S. 1374, a bill to authorize the development and maintenance of a multi-agency campus project in the town of Jackson, WY.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey at (202) 224–6170.

ADDITIONAL STATEMENTS

TAHOMA HIGH SCHOOL

● Mrs. MURRAY. Mr. President, I rise today to recognize a class of students from Tahoma High School in Maple Valley, Washington who are the champions of the Region One—Western States award of the ''We the People . . . the Citizen and the Constitution'' national finals. This outstanding group

earned the highest cumulative score in their geographic region during the first two days of the ''Citizen and the Constitution'' national finals, competing against 50 other classes from across the country. Their remarkable understanding and appreciation of the fundamental ideals and values of American constitutional government assure me that this emerging generation will contribute much to the future of civic life.

These Tahoma High School students serve as role models to their peers, not only by expressing their views and arguments in a poised and mature manner, but also by expressing them as they relate to government. I commend these students on beginning this important civic dialogue at an early age, and sincerely hope that they make it a life-long commitment. The honored students, led by Mark Oglesby, are: Adam Baldridge, Mary Basinger, Josh Bodily, Sydney Brumbach, Katie Carder, Erica Chavez, Elizabeth Dauenhauer, Steven Dekoker, Meaghan Denney, Nathan Dill, Marisa Dorazio, Jesse Duncan, Jayson Hart, Jon Hellstom, Carolyn Hott, Daniel Lindner, Casey Lineberger, Clark Lundberg, Karrie Pilgrim, Michael Pirog, David Rosales, Jason Shinn, Jeremy Sloan, Justin Sly, Donny Trieu, Orianna Tucker, Jessica Walker, Raymond Williams, and Elizabeth Zaleski.●

TRIBUTE TO LT. DAVID STOUT, MINNESOTA STATE TROOPER OF THE YEAR

● Mr. GRAMS. Mr. President, I would like to pay tribute today to Lt. David Stout of the Minnesota State Highway Patrol for being named the Patrol's 1999 Trooper of the Year. This is the second such honor for Lt. Stout, who was also given the award in 1977. He served in the State Patrol since 1969 and retired last month after 30 years of service.

Lt. Stout began his service in the Patrol in the East Metro Area of the Twin Cities and most recently has worked in the Duluth area. Among the highlights of his career, Lt. Stout was honored to lead Soviet President Mikhail Gorbachev's motorcade during his visit to Minnesota in 1990.

His family and friends know that David will enjoy his retirement with his 32-foot coastal tugboat, which he recently refurbished and now docks on Lake Superior. When winter makes Superior unnavigable, David and his wife Geri will spend time with family in Green Valley, Arizona. Among his friends and family who are proud of David's career are David's nephew Tim, a member of my staff. On behalf of all Minnesotans, I salute Lt. David Stout's service to the people of Minnesota.●

TRIBUTE TO RAY ZINK

● Mr. DORGAN. Mr. President, Ray Zink, North Dakota Department of Transportation Deputy Director for Engineering, retired June 30. In his 40 years with NDDOT, Ray has had a long-standing dedication to providing the best possible transportation system for the people of North Dakota at the lowest possible cost.

Ray Zink joined NDDOT in 1959 as a draftsman, and after subsequent promotions, he became chief engineer in 1982. Ray worked successfully with four NDDOT directors, three governors, and both political parties. Governors, legislators, and others in political positions have trusted Ray throughout the years and respected his integrity and judgement.

Ray has held several key positions in AASHTO (the American Association of State Highway and Transportation Officials), and because of his expertise and the respect accorded him, he has been invited to represent AASHTO and the FHA (Federal Highway Administration) at highway symposiums in Montreal, Quebec, Canada, and Johannesburg and Durban, South Africa.

As North Dakota's chief highway engineer for 17 years, Ray Zink can claim the following accomplishments:

Helping to build one of the finest highway systems in the nation: Because the state is so large and people live so far from each other, North Dakota requires an extensive highway system to move people and commodities. However, it lacks the population base to support the system it needs. In spite of this, Ray Zink has led NDDOT to create an excellent highway system, by listening to the public, relying on sound engineering practices, and industriously using every penny of funding in the most effective way.

Using Federal aid as quickly as possible: North Dakota has always matched and used every dollar of federal aid available to it. Under Ray's leadership the state has spent federal aid as quickly and efficiently as possible, because every delay reduces the effectiveness of the funding through inflation and further highway deterioration. In rural America, our roads are critical to keeping us connected to our farms, our jobs, our families, and our cities.

Instituting North Dakota's low-load program: To help funnel more funds to where they were most badly needed, Ray initiated the low-load program. Highways with very low truck traffic are designated ''low-load highways.'' They receive basic maintenance and periodic seal coats but are not candidates for other improvements. This lets NDDOT direct its resources to heavily-traveled highways that need more attention, which means that the entire highway system is in better shape and will deteriorate more slowly.

As NDDOT maintenance engineer and chief engineer, Ray Zink has helped create and maintain these vital links between towns and cities and farms, and we are grateful for his careful guardianship.●

NISH 25TH ANNIVERSARY CELEBRATION ACKNOWLEDGING SENATOR JACOB K. JAVITS

● Mr. JEFFORDS. Mr. President, on July 21, 1999, NISH will host a ceremony to acknowledge and celebrate the legacy of Senator Jacob K. Javits, a distinguished member of the United States Senate for 24 years. This Congressional leader, long recognized for his work in pension reform, labor and foreign policy, is being celebrated for his enduring contributions to people with severe disabilities through the Javits-Wagner-O'Day Program. Elected to the Senate in 1956, Senator Javits was instrumental in expanding the work of the Wagner-O'Day Program to include people with mental retardation, mental illness and other severe disabilities through the 1971 Javits Amendments.

NISH is the non-profit agency that assists community rehabilitation programs that employ people with disabilities through the Javits-Wagner-O'Day Program. Celebrating its 25th Anniversary, NISH acknowledges the critical role that Senator Javits played in the lives of people with disabilities, through the expansion of the program. Today, more than 30,000 people with disabilities are employed on Javits-Wagner-O'Day projects across the country.

It is my pleasure, Mr. President to offer my congratulations and best wishes to NISH as it celebrates its 25th Anniversary. Further, I extend the invitation to all of my colleagues in the Senate and the House of Representatives to join me in attending the celebration to honor the legacy of Jacob Javits on July 21st from 8:00 a.m. to 10:00 a.m. in 902 Hart Senate Office Building.●

RECOGNIZING THE WEST VIRGINIA AIR NATIONAL GUARD

● Mr. ROCKEFELLER. Mr. President, I ask that we take a moment today to recognize the enlisted men and women of the West Virginia Air National Guard. Earlier this year, Major General Paul A. Weaver, Jr., the director of the Air National Guard, declared 1999, ''The Year of the Enlisted Force'' in an effort to promote enlisted pride. In a March 18th proclamation, Governor Cecil H. Underwood, Governor of the great State of West Virginia, made this designation effective.

The Air National Guard is made up of about 95,000 people, nearly 88 percent of whom comprise the enlisted corps. About 65,000 are traditional part-time members and about 30,000 are either full-time technicians or members of the Active Guard. They average about 12.7 years of satisfactory service and perform 170 different specialty jobs. These enlisted men and women are America's friends, family, neighbors, and co-workers. They are educators, bank tellers, repair technicians, and builders. At the same time, they serve

our nation as the enlisted force of the Air National Guard and they bring their diverse skills to the job. The enlisted men and women bring maturity and experience to the force and provide a much needed sense of stability and commitment.

There are two units of the Air National Guard in West Virginia. The 130th Airlift Wing in Charleston, West Virginia, and the 167th Airlift Wing in Martinsburg, West Virginia. These two units supported missions during the Korean conflict and in Vietnam. Both units were stationed in the Persian Gulf throughout the Gulf War. Recently these brave men and women have performed peacekeeping missions in support of the United Nations and NATO in Eastern Europe. In fact, many of them are there as we speak.

The men and women of the West Virginia Air National Guard have won many awards. Some of the most prestigious include Air National Guard Distinguished Flying Unit Awards, four Air Force Outstanding Unit Awards, and four Spaatz trophies. It is important that we all take note of the accomplishments of these outstanding enlisted men and women who make up the backbone of the Air National Guard. They bring an incredible amount of dedication to their work as they perform jobs which are crucial to military operations. They deserve our deepest gratitude as they continue to serve our country.

My sincere congratulations go to the enlisted men and women of the 130th Airlift Wing in Charleston, West Virginia, and the 167th Airlift Wing in Martinsburg, West Virginia. I share in your pride and I proudly recognize 1999, as ''The Year of the Enlisted Force.''●

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 27 AND S.J. RES. 28

Mr. MURKOWSKI. Madam President, on behalf of the leader, I ask unanimous consent that immediately following the cloture vote at 10:30 a.m. on Tuesday, notwithstanding rule XXII, Senator SMITH of New Hampshire be recognized to make a debatable motion to discharge the Finance Committee of the Senate Joint Resolution 28 regarding trade status with Vietnam.

I further ask unanimous consent that there be 1 hour equally divided, as provided by the statute, on the motion, and following that time the Senate proceed to a vote on or in relation to the motion to discharge, all without any intervening action or debate.

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

Mr. MURKOWSKI. I further ask unanimous consent that immediately following the reconvening of the Senate at 2:15, Senator BOB SMITH be immediately recognized to offer a second motion to discharge the Finance Committee of S.J. Res. 27 regarding trade status with China and that there then begin 1 hour of debate equally divided as provided by the statute, and the vote occur on or in relation to the motion at the conclusion or yielding back of time, notwithstanding rule XXII or the outcome of the first motion to discharge.

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

Mr. MURKOWSKI. Madam President, therefore, for the information of all Senators, there will be two rollcall votes prior to the weekly party caucuses on Tuesday, July 20. The first vote will occur at 10:30 a.m. and the next at approximately 12 noon. A third scheduled vote will occur at approximately 3:15 regarding the trade status with China.

THE DISAPPEARANCE OF JOHN F. KENNEDY, JR., CAROLYN BESSETTE KENNEDY, AND LAUREN BESSETTE

Mr. MURKOWSKI. Madam President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 157, submitted earlier today by Senator LOTT and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 157) relative to the disappearance of John F. Kennedy, Jr., Carolyn Bessette Kennedy, and Lauren Bessette.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statement relating to the resolution appear at this point in the RECORD.

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

The resolution (S. Res. 157) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 157

Whereas it is with profound sorrow and regret that the Senate has learned that John Fitzgerald Kennedy, Jr., his wife Carolyn Bessette Kennedy and her sister Lauren Bessette have been missing since the early morning hours of Saturday, July 17, 1999;

Whereas John Fitzgerald Kennedy, Jr., is the son of the late John Fitzgerald Kennedy, the 35th President of the United States of America and Senator from Massachusetts, a nephew of the late Senator Robert Francis Kennedy of New York, and of Senator Edward Moore Kennedy of Massachusetts, and a beloved member of the Kennedy family, which has given countless years of service to this country; and

Whereas the heart of the Nation goes out to the Kennedy and Bessette families as search efforts continue in the waters off Martha's Vineyard: Now, therefore, be it

Resolved, That the Senate, when it adjourns on Monday, July 19, 1999, do so as a further mark of respect for the grieving families, and directs the Secretary to transmit a copy of this resolution to the Kennedy and Bessette families.

ORDERS FOR TUESDAY, JULY 20, 1999

Mr. MURKOWSKI. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Tuesday, June 20.

I further ask unanimous consent that on Tuesday immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on the motion to proceed to the intelligence authorization bill.

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

Mr. MURKOWSKI. Further, I ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. until 2:15 p.m. for the weekly policy conferences to meet.

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

Mr. MURKOWSKI. I further ask unanimous consent that prior to the recess there be 40 minutes of morning business equally divided between Senator LOTT and Senator LANDRIEU.

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

PROGRAM

Mr. MURKOWSKI. Madam President, for the information of all Senators, the Senate will resume debate on the motion to proceed to the intelligence authorization bill at 9:30 a.m. on Tuesday. Pursuant to rule XXII, that cloture vote will occur at 10:30 tomorrow morning. Following the vote, Senator SMITH of New Hampshire will be recognized to make a motion to discharge from the Finance Committee S.J. Res. 28 regarding the trade status with Vietnam. Therefore, Senators can expect an additional vote prior to the weekly party conference meetings. By previous consent, Senator SMITH will again be recognized at 2:15 to offer a second motion to discharge from the Finance Committee S.J. Res. 27 regarding trade status with China. There will be 1 hour of debate on the motion with a vote occurring at approximately 3:15 p.m. Senators may also expect further action on the intelligence authorization bill or any appropriations bills on the calendar during tomorrow's session of the Senate.

ORDER FOR ADJOURNMENT

Mr. MURKOWSKI. Madam President, on behalf of the leader, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the provision of S. Res. 157, following the remarks of Senator DORGAN.

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

The Senator from North Dakota is recognized.

JOHN F. KENNEDY, JR., CAROLYN BESSETTE KENNEDY, AND LAUREN BESSETTE

Mr. DORGAN. Madam President, the Senator from Alaska has offered, on behalf of Senator DASCHLE and Senator LOTT, a resolution dealing with the issue of the apparent tragedy that has befallen John F. Kennedy, Jr., Carolyn Bessette Kennedy, and Lauren Bessette.

I want to make a comment about that because I know that, along with most Americans, this weekend when we heard the news of the disappearance of John F. Kennedy, Jr., along with his wife and sister-in-law, most of us were quite shocked and deeply saddened by the news.

This was a young man whose life had such bright promise. He was born the son of a young, new President of the United States. That President's life was cut short by assassination just 3 years into his term.

I and countless thousands of other young Americans were inspired by John F. Kennedy, by his energy and by the passion and ideals of his administration. The experience of being in high school and college and watching the emergence of this new, energetic, young President on the scene in this country was something that inspired many young Americans towards public service. That includes my early interest in public service.

When John F. KENNEDY was assassinated, I think most of us who were called to public service, or at least were called to an interest in public service back in that period, believed there was kind of an unfinished nature to the legacy of his administration and his Presidency. I think many thought over the years that this young man, John F. Kennedy, Jr., was in some way destined to complete that legacy of public service.

Now another tragedy has visited this family, that has already given so much to this country, and has taken from us this wonderful, unique young man. I want to join with all of my colleagues in extending our sympathies to our colleague, Senator Kennedy, to the entire Kennedy family, and to the Bessette family. This is a very difficult time for all of them. I know all Members of the Senate probably already have individually sent those messages to that family.

I have said on other occasions in the Senate, that there is a lot of public debate that goes on that people see between Members of the Senate and they tend to think there is a lack of personal relationships that exists in the Senate. Nothing could be further from the truth. When something happens to the family of a Member of the Senate, others here whose life's work brings us all together, care deeply.

When I lost a daughter a few years ago, I recall Senator HATCH sending me a white Bible and coming to visit with me. Senator BYRD sent me one of the most beautiful pieces of prose I have ever received, and so many other Senators expressed their sympathies. That is the way it is in the Senate. I know Senator KENNEDY and his family are going through a very difficult time, and our entire country reaches out to them now to express our deepest and most profound regrets and sympathies.

COMPREHENSIVE TEST BAN TREATY

Mr. DORGAN. Madam President, I want to discuss an item of very significant importance that has brought me to the floor of the Senate several times and brings me here again today. That is the issue of the Comprehensive Nuclear Test Ban Treaty.

I earlier mentioned President John F. Kennedy. President John F. Kennedy was very interested in a comprehensive nuclear test ban treaty. I want to describe why that is the case and relate it to the comments made by my colleague dealing with China in which he talked about accountability and responsibility. I agree with those terms and in most cases with the use of those terms on the floor of the Senate.

It was 54 years ago last Friday that the first nuclear explosion took place on this Earth; the first nuclear bomb was detonated 54 years ago last Friday. Virtually everything changed because of it.

Following the detonation of a nuclear device it was used to end the Second World War. Eventually nuclear weapons led to a cold war with the Soviet Union in which both sides began to stockpile thousands and thousands of nuclear bombs and nuclear weapons of various types. Presidents of the United States started talking about the need to stop the proliferation of nuclear weapons, to keep them in as few hands as possible among the countries of the world. Many countries aspired to have nuclear bombs, nuclear weapons. However, it was obviously in the interests of the safety of humankind to try to keep nuclear weapons out of the hands of those who aspired to have them.

President Eisenhower, in May of 1961, spoke about a ban on testing nuclear devices. If you can't test a nuclear device, you don't know whether you have one that works. A test ban effectively means that anyone who claims to have a nuclear weapon cannot claim to have a nuclear weapon that works because they will never know.

That is the value of a ban on testing, a ban that was aspired to as long ago as President Dwight D. Eisenhower, who said the following:

> Not achieving a test ban would have to be classed as the greatest disappointment of any administration, of any decade, of any time and of any party.

He left office deeply disappointed that even in those early days long before the buildup of nuclear weapons existed so aggressively across the world, he was profoundly disappointed at not getting the test ban.

President John F. Kennedy got a test ban in place in 1963 dealing with atmospheric tests. The ban on atmospheric tests in 1963 was partially successful. He desired a total ban. He said:

> A test ban would place the nuclear powers in a position to deal more effectively with one of the greatest hazards man faces. . . . It would increase our security, it would decrease the prospects of war. Surely this goal is sufficiently important to require our steady pursuit, yielding neither to the temptation to give up the whole effort nor the temptation to give up our insistence on vital and responsible safeguards.

Now, since that time, we have seen more nations achieve the ability to build nuclear weapons and the ability to deliver them. We have seen our country and the Soviet Union stockpile tens of thousands of nuclear weapons. It is quite remarkable, the United States and Russia, together, currently have more than 30,000 nuclear weapons. China has nuclear weapons. The number, to the extent we know, is classified. But, it is a minuscule amount as compared to 30,000. We know from recent events that India and Pakistan both have nuclear weapons. Both have exploded nuclear devices literally beneath each other's chin—and these are two countries that don't like each other. Two countries with a common border, with a great deal of animosity, both testing nuclear devices in a provocative way. Other countries aspire to achieve or to obtain nuclear weapons.

What are we doing about all of this? There is a treaty that has been negotiated over a long period of time—in fact, ultimately over decades—and signed by 152 countries. It is a comprehensive nuclear test ban treaty. That comprehensive nuclear test ban treaty is a treaty which prohibits the testing of nuclear weapons, it bans the explosive testing of nuclear weapons all across this world.

We have had some experience with treaties: arms control and arms reduction treaties, the START I treaty, Strategic Arms Limitation Treaty, SALT I, START II, the Anti-Ballistic Missile Treaty. A whole series of treaties have been considered and negotiated and ratified by the Senate.

This treaty, the comprehensive nuclear test ban treaty, was negotiated and signed and sent to the Senate a long while ago—665 days ago; 665 days ago a treaty that this country negotiated and signed was sent to the Senate to be ratified.

What has happened with previous treaties? The limited nuclear test ban treaty in 1963 was sent to the Senate and considered in 3 weeks; the Strategic Arms Limitation Treaty in 1972 took 3 months; the ABM Treaty took 10 weeks; the ABM Treaty protocols, 14 months; Conventional Forces in Europe, 4 months; START I, 11 months.

The comprehensive nuclear test ban treaty was sent here over 665 days ago and it has yet to have had a first day of hearings in the Committee on Foreign Relations in the Senate.

Why? Why would a treaty that is so important to this country languish for nearly 2 years without even an hour, not a day of hearings?

We are, as a world, in a much better position than we were some years ago in the middle of the cold war when the Soviet Union and the United States were headlong in an arms race, building and deploying tens of thousands of nuclear weapons. The Soviet Union is gone. The cold war is over. The arms race has largely diminished.

One thing remains constant: Many other countries around the world want to obtain nuclear weapons.

Many countries around the world want to obtain delivery systems to deliver nuclear weapons. They are testing medium-range and long-range missiles. They are trying to find ways to produce or obtain the materials necessary to build a nuclear device. This country, in the middle of all of this, must provide leadership.

It is our responsibility to provide that leadership. We are the remaining nuclear superpower. Russia has nuclear devices to be sure, but Russia is not a world power of the type the United States is at this point. We, as a country, must exert some leadership, and one step in the right direction towards diminishing the opportunities for other countries to achieve reliable nuclear weapons, is to quickly ratify this treaty, the comprehensive nuclear test ban treaty.

The decision of this country to drag our feet is almost unforgivable. It sends a signal to others around the rest of the world—to China, Russia, India, Pakistan and others—that this is not all that important; it is not a priority to the United States. It ought to be. Everybody in this Chamber ought to come to the floor to demand that this be brought before the Senate. It has languished for almost 2 years in the Foreign Relations Committee in the Senate. It ought to be brought to the floor, and we ought to have a debate on it.

In October of this year, the countries who have ratified this treaty will be meeting to discuss implementing the treaty. They will apparently be meeting without the United States as an active participant. It is wrong, in my judgment, for this country to decide that it is not going to provide the leadership necessary on this treaty. The rest of the world looks to us, waits for us, and the Senate is dragging its feet. I understand the committees in the Senate have a great deal of authority and power. I recognize that, but it seems to me there is a compelling national interest that should require this country to lead, and require this Senate to ratify the comprehensive nuclear test ban treaty.

I want to, with one additional chart, point out what was said by Secretary of State Albright:

> . . .this is the longest-sought, hardest-fought prize in arms control. And it is a price not yet fully won. For American leadership, for our future, the time has come to ratify the Comprehensive Test Ban Treaty—this year, this session, now.

I heard my colleague from Alaska talk about Chinese espionage at the National Labs. That is an unsettling and a very serious issue. It raises all kinds of questions about the safeguarding of nuclear secrets, about how much and what kind of secrets might have been obtained by those who were spying on behalf of another country, and did these secrets allow that country or those countries to build higher yield or smaller nuclear devices.

I do not know the answer to those questions, but the words ''accountability and responsibility'' were used repeatedly in discussing that issue. Accountability and responsibility—it seems to me those two words are appropriate; in fact, those two words are exactly what we ought to talk about with respect to the Comprehensive Test Ban Treaty.

Accountability and responsibility—if this country is responsible, and if this country is going to be accountable for its leadership in the world, the leadership away from the proliferation of nuclear weapons, the leadership toward a safer world, one with fewer nuclear weapons rather than more nuclear weapons, then this country will take the lead now on the Comprehensive Test Ban Treaty. It is not the case, as some have argued, that the China espionage issue actually undercuts ratification of this treaty. In fact, that issue strengthens the need for this treaty. It strengthens the need for this treaty.

To suggest—and there was a recent article in the Wall Street Journal suggesting there is a linkage—Chinese espionage is why we ought not ratify the Comprehensive Test Ban Treaty is nonsense. In fact, these allegations of espionage, in my judgment, underscore why this treaty ought to be ratified and ought to be ratified now.

To the extent that China believes it may have acquired the opportunity for better nuclear warheads, it will never know that unless it is able to test them. And as a signatory to a comprehensive nuclear test ban treaty, it cannot test without violating the treaty.

I will be participating in a press conference tomorrow with others in the Senate during which we will announce a recent public opinion poll that has been done on this issue which shows widespread public support to ratify this comprehensive nuclear test ban treaty. I hope that perhaps with some pressure and some thoughtfulness on the part of all Members of the Senate, we will be given an opportunity to debate and vote on the Comprehensive Test Ban Treaty soon.

Again, I understand how this system works, but it is not a system that ought to work in the regular way for something as important as this: limiting the spread of nuclear weapons. This country ought to take the lead in preventing it, and it ought to do so now. It is just plain wrong for the Senate to drag its feet on a treaty of this importance. A treaty negotiated and signed by 152 countries, waiting to be ratified for almost 2 years, and not even have 1 hour of hearings. That is wrong and everybody in this Chamber should know it is wrong.

I do hope my colleagues will join me in calling for the Foreign Relations Committee in the Senate to bring the comprehensive nuclear test ban treaty before the Senate.

FAMILY FARMING

Mr. DORGAN. Madam President, I have been talking about what I hope the agenda of the Senate will be in the next weeks as we turn from the Patients' Bill of Rights, which consumed all of last week and which was a fairly hard-fought debate. The Comprehensive Test Ban Treaty, I hope, will be a part of that.

As I indicated on Friday, I also feel very strongly that the majority leader and others in this Senate must put at the head of the list of items for consideration a piece of legislation that will deal with the emergency needs of family farming.

The economy has collapsed in rural America, and we cannot wait. It requires this Congress to act and act soon. We have a farm bill that is largely bankrupt. It does not provide support during tough times. It pulls the rug out from under family farmers even as market prices have collapse. This Congress must do two things: first, pass an emergency bill; and, second, rewrite the farm program in a way that says to family farmers: You produce food the world needs, we care about that, and we are going to help you across price valleys when they occur.

I will speak more about that later this week. Madam President, I yield the floor.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 2490) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2000, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the text of S. 1282, as passed, is inserted and the House bill (H.R. 2490), as amended, is read the third time and passed.

Under the previous order, the Senate insists upon its amendment and the Chair appoints Mr. CAMPBELL, Mr. SHELBY, Mr. KYL, Mr. STEVENS, Mr. DORGAN, Ms. MIKULSKI, and Mr. BYRD, conferees on the part of the Senate.

MEASURE INDEFINITELY POSTPONED

The PRESIDING OFFICER. Under the previous order passage of S. 1282 is vitiated and the bill is indefinitely postponed.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order and pursuant to S. Res. 157, as a further mark of respect to the grieving Kennedy and Bessette families, the Senate stands adjourned.

Thereupon, the Senate, at 4:58 p.m., adjourned until Tuesday, July 20, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 19, 1999:

DEPARTMENT OF AGRICULTURE

ANDREW C. FISH, OF VERMONT, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE JOHN DAVID CARLIN, RESIGNED.

FEDERAL COMMUNICATIONS COMMISSION

SUSAN NESS, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 1999. (REAPPOINTMENT)

DEPARTMENT OF STATE

DAVID N. GREENLEE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PARAGUAY

DEPARTMENT OF JUSTICE

MICHAEL J. GAINES, OF MARYLAND, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS. (REAPPOINTMENT)

TIMOTHY EARL JONES, SR., OF GEORGIA, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR THE TERM OF SIX YEARS, VICE GEORGE MACKENZIE RAST, RESIGNED.

MARIE F. RAGGHIANTI, OF MARYLAND, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR THE TERM OF SIX YEARS, VICE EDWARD F. REILEY, TERM EXPIRED.

JOHN R. SIMPSON, OF MARYLAND, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS. (REAPPOINTMENT)

DEPARTMENT OF STATE

WILLIAM B. TAYLOR, JR., OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING TENURE OF SERVICE AS COORDINATOR OF U.S. ASSISTANCE FOR THE NEW INDEPENDENT STATES.

IN THE NAVY

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

To be vice admiral

REAR ADM. GREGORY G. JOHNSON, 3052.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATEDIN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

GARY W. ACE, 1626
DAN L. ADAMS, JR., 3991
DAREN L. ADAMS, 9001
EMORY Y. ADAMS, 0394
SOONG B. AHN, 5483
PATRICK J. AHRENS, 4090
RICHARD C. AKRIDGE, 7964
DONNA A. ALBERTO, 3460
RONALD P. ALBERTO, 4096
DAVID M. ALEGRE, 5193
JOHN S. ALEXANDER, JR., 7751
WILLIAM T. ALLEN, 4547
WILFORD A. ALSTON, 5691
PETER A. ALTAVILLA, 9019
MARY A. ALTMAN, 0999
JULIO L. ALVAREZ, JR., 5825
KEITH A. ANDERSON, 0315
THOMAS R. ANDERSON, 1980
PERI A. ANEST, 4474
JOHN E. ANGEVINE, 7351
DIONYSIOS ANNINOS, 4375
JOHN E. ANZALONE, 2061
EDWARD J. APGAR, 7735
MANUEL APONTE, JR., 8449
MICHAEL J. ARINELLO, 1141
JOEL R. ARMSTRONG, 0991
JAMES W. ARP, JR., 1998
DAVID A. ATCHER, 1411
KNOWLES Y. ATCHISON, 7735
WILLIAM T. ATKINSON, 9158
RICHARD B. AVERNA, 4546
MICHAEL D. AVERY, 4578
CARL G. AYERS, 7888
MARK H. AYERS, 2699
JACQUES A. AZEMAR, 9799
JEFFREY L. BACHMAN, 3528
ROBERT B. BAEHR, 7117
DANIEL L. BAGGIO, 0481
HUBERT E. BAGLEY, JR., 2707
DAVID P. BAGNATI, 9417
FREDERICK A. BAILLERGEON, 1231
MARY A. BAKER, 6269
SHARON H. BAKER, 2584
DANIEL L. BALL, 7423
ROBERT S. BALLEW, 4094
JEFFREY L. BANNISTER, 8099
STEPHEN E. BARGER, 7738
GREGG A. BARISANO, 4867
GRIFFIN J. BARKIE, 8315
LAUREEN M. BARONE, 9656
CONFESOR BARRETO, 7311
JAMES E. BARRINEAU, 4824
CHARLES S. BASHAM, JR., 1272
TERRY D. BASHAM, 2899
JAMES D. BASS, 4982
JOSEPH L. BASS, 4614
JAMES C. BATES, 9572
PHILIP F. BATTAGLIA, 9789
KEVIN M. BATULE, 3486
JOHN M. BAVIS, 7670
ROBERT M. BAXTER, JR., 1194
STEPHEN H. BAYER, 3356
TAYLOR V. BEATTIE, 2998
STEPHEN M. BEATTY, 1662
DOUGLAS H. BEATY, 2555
PHILIP F. BEAVER, 0604
MARLON K. BECK, 6027
STEVEN A. BECKMAN, 8162
JAMES P. BECKMANN, 2801
CYNTHIA M. BEDELL, 0269
JAMES A. BEINKEMPER, JR., 9987
LARRY D. BEISEL, 0202
ERIC R. BELCHER, 9658
JAMES A. BELL, 5910
JOSEPH M. BELL, 8392
MICHAEL S. BELL, 6193
BARBARA R. BELLAMY, 7509
HENRY W. BENNETT, 4989
RICHARD A. BERGLUND, 2722
KEITH R. BEURSKENS, 9191
DAVID L. BIACAN, 3824
JOHN E. BIANCHI, 0672
MICHAEL J. BIEGA, 9305
LUIGI E. BIEVER, 0845
RAYMOND L. BINGHAM, 6367
CRAIG H. BIRD, 6092
JOHN J. BIRD, 5488
JOHN R. BLACK, 2923
DAVID M. BLACKBURN, 2838
GEOFFREY N. BLAKE, 2424
DAN BLAND, 8224
WILLIAM S. BLAND, 4948
ANTHONY E. BLANDO, 2730
JERRY L. BLIXT, 8128
ERICH V. BOERNER, 7439
ATTILA J. BOGNAR, 9829
JAMES C. BOISSELLE, 7779
CHARLES W. BONNELL, 8347
ALLEN L. BORGARDTS, 8654
ROBERT J. BOTTERS, JR., 7799
MICHAEL E. BOUIE, 0133
MICHAEL P. BOWMAN, 9185
JOHNNY L. BOYD, 2501
JUDITH F. BOYD, 4291
CORNELIUS C. BOYKINS, 8431
PETER E. BRADY, 8835
WILLIAM W. BRALEY, SR., 7880
CURT R. BRANDT, 4838
CHRISTOPHER W. BRAUN, 1026
MICHEAL W. BRAY, 8588
DAVID A. BRAZIER, 8413
BRENT B. BREDEHOFT, 5958
PAUL W. BRICKER, 7935
ROBERT S. BRIDGFORD, 2506
ALVIN V. BROWN, 6196
ANNETTE BROWN, 4233
OTIS L. BROWN II, 2876
ROBERT C. BROWN, 3613
RUTH S. BROWN, 1617
TYRONE K. BROWN, 0078
THOMAS H. BRYANT, 4345
TODD A. BUCHS, 4747
JAMES E. BUCHWALD, 1520
GRACE L. BUELL, 3163
JAMES R. BULLINGER, 9913
JOHNNY R. BULLINGTON, 9487
ROBERT E. BURCHELL, 1045
KYLE T. BURKE, 9129
RODERICK BURKE, SR., 9616
RICHARD A. BURKLUND, 2137
CLINTON L. BURRELL, JR., 1129
WILLIAM C. BURRELL, 9303
BRYAN D. BURRIS, 0121
KENT D. BURSTEIN, 7449
MICHAEL R. BURT, 8416
JOHN E. BUSHYHEAD, 7388
BRIAN J. BUTCHER, 3967
DWIGHT D. BUTLER, 8671
JANET I. BUTLER, 0013
ODIE L. BUTLER III, 0031
DONALD W. BUXTON, 3929
DAVID R. BYRN, SR., 6519
PAUL P. CALE, 4724
VICTORIA A. CALHOUN, 1798
JAMES A. CALLAHAN, 2343
MICHAEL O. CALLAHAN, 3063
RANDAL L. CAMPBELL, 8442
ROBERT L. CAMPBELL, 4882
FRANCIS J. CAPONIO, 5298
JOHN W. CAPPEL, 3320
CALVIN T. CARLSEN, 9962
RICHARD A. CARLSON, 3087
STEVEN P. CARNEY, 7218
JOHN K. CAROTHERS, 4146
TIMOTHY J. CARROLL, 3320
ROBERT F. CARTER, JR., 6109
CURTIS A. CARVER, JR., 8177
JAMES E. CASHWELL, 3189
HECTOR R. CASTILLO, 1200
DAVID P. CAVALERI, 2472
JOHN D. CECIL, 8114
CLATON D. CHANDLER, 3258
JAMES R. CHAPMAN, 7179
JERRY S. CHASTAIN, 2195
JON E. CHICKY, 1054
MICHAEL W. CHILDERS, 2222
GREGG CHISLETT, 6268
ROBERT E. CHOPPA, 9747
MICHAEL J. CHRISTIAN, 5343
GERARD J. CHRISTMAN, 2582
ARMON A. CIOPPA, 6740
DAVID J. CLARK, 5446
FRANKLIN D. CLARK, JR., 8266
KEVIN D. CLARK, 7135
SAMMY CLARK, JR., 4406
STEVEN C. CLARK, 2808
MICHAEL N. CLAWSON, 1210
ERIC G. CLAYBURN, 8364
TRACY A. CLEAVER, 3400
ROBERT W. CLOSSON, 1052
DAVID C. COBURN, 8005
HARRY L. COHEN, 1853
ANTONIO S. COLEMAN, 8101
THERESA D. COLES, 0250
STEVEN N. COLLINS, 2213
ROBERT S. COLTRAIN, 5903
ELLIS D. COLVIN, 2972
MARK A. CONLEY, 1453
DARRELL T. CONNELLY, 9079
TERRY E. CONNELLY, 9137
DAVID A. COOK, 8328
JUDSON A. COOK, 3579
KATHERINE M. COOK, 9844
RICHARD E. COON, 0429
BRUCE A. CORDELLI, SR., 2789
GARY B. CORDES, 1468
MARIO CORONEL, 2333
CHRISTOPHER P. COSTA, 7672
WILLIAM M. COSTELLO, 5477
CRAIG S. COTTER, 9473
DAVID G. COTTER, 8594
CHRIS L. COTTRELL, 9854
DANIEL T. COTTRELL, 5480
THOMAS H. COWAN, JR., 4486
CRAIG E. COWELL, 5729
JEFFREY A. CRABB, 2186
THOMAS M. CREA, 1319
MARK L. CRENSHAW, 1814
FLETCHER A. CREWS, 6567
HARVEY L. CROCKETT, 7833
CLIFFORD D. CROFFORD, JR., 8374
BARRY N. CRUM, 6404
MICHAEL C. CUMBIE, 0126
DANIEL J. CUMMINGS, 4118
TERRENCE CUMMINGS, 8832
JOHN L. CUNNANE, 3923
LAUREL D. CUNNANE, 4836
WILLIAM J. CUNNINGHAM, JR., 1972
MICHAEL S. CURRY, 9534
RANDALL C. CURRY, 5576
GREG W. CUSIMANO, 6250
MICHAEL F. CYR, 7272
PAUL M. CZARZASTY, 4293
JENNIFER R. DALESSANDRO, 8644
MARK A. DAMATO, 9762
GREGORY L. DANIELS, 0107
LINDA K. DANIELS, 6656
JOHN H. DANNON, 5110
LOLA J. DARDEN, 9947
ANTHONY F. DASKEVICH II, 4890
WILLIAM E. DAVID, 5407
GERALD S. DAVIE, JR., 1061
JOSEPH E. DAVIES, 9043
ALFRAZIER DAVIS, JR., 7774
CLEOLA M. DAVIS, 7582
GRANT M. DAVIS, 7376
JAMES W. DAVIS, 5567
JIMMY D. DAVIS, 9280
KIRK A. DAVIS, 7621
MARK A. DAVIS, 6266
VERNON T. DAVIS, 5040
TODD E. DAY, 5590
CHARLES E. DEAN, 3365
JOSEPH P. DEANTONA, 8306
KATHY J. DEBOLT, 1749
PHILIP D. DECAMP, 1444
THOMAS J. DEGNON, 5958
THOMAS A. DELL, 1065
PETER A. DELUCA, 1421
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JERRY D. DICKERSON, 5421
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MICHAEL J. DONOVAN, 2567
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MARK W. GILLETTE, 1814
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JAMES M. JOHNSON, 2522
REMI S. JOHNSON, 9480
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ANTHONY P. KLUZ, 4445
FRANK J. KOHOUT, 7045
JOHN M. KOIVISTO, JR., 1433
MARK F. KORMOS, 7580
CHRISTOPHER KOULOUVARIS, 0283
TROY P. KRAUSE, 5152
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JOHN J. LAMBUSTA, 9964
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JACK E. LECHNER, JR., 0519
RICHARD A. LECHOWICH, 5802
GLORIA A. LEE, 7381
JOSEPH A. LEE, JR., 5051
PAUL L. LEGERE, 0689
RONNIE L. LEGGETT, 5111
GRETA P. LEHMAN, 4409
MICHAEL L. LEHTO, JR., 2834
STEPHEN B. LEISENRING, 1679
DAVID J. LEMELIN, JR., 7855
MICHAEL K. LEMM, 5478
JOHN S. LENART, JR., 6031
MICHAEL P. LERARIO, 0708
BRIAN D. LESIEUR, 4470
MARK F. LESSIG, 8145
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SCOTT W. LEVIN, 4753
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MARK R. LINDON, 5854
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JOHN G. MCCRACKEN, 5131
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*MARIA L. MINCHEW, 2342
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*CLAYTON H. NEAL, 1759
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JOHN R. OCONNOR, 8850
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*MICHAEL A. OGUS, 5539
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MARK A. OLINGER, 2351
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JAMES A. PABON, 1404
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NATHANIEL PREZZY, 5420
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KENNETH L. ROBINSON, 2370
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ROBERT SAPP III, 9210
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JAMES D. SCHROTE, 9788
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HORACIO E. SCHWALM, 7936
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FRED N. SHAW, JR., 4292
JOHN M. SHAW, 0980
MARK L. SHELTON, 4798
MICHAEL D. SHEPHERD, 0298
FRANCIS V. SHERMAN, JR., 5221
RICKY W. SHERMAN, 7083
FRANCIS E. SHIELDS, JR., 5075
MICHAEL T. SHIFFLETT, 1668
RICHARD T. SHIPE, 2505
JEFFREY A. SHONK, 8469
NEWMAN D. SHUFFLEBARGER, 4214
JAMES S. SHUTT, 3417
JOHN E. SIGGELOW, 3835
FRANK J. SILTMAN, 0047
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RICKY R. SIMS, 4532
ROBERT A. SINKLER, 8828
MICHAEL S. SKARDON, 4414
EUGENE W. SKINNER, JR., 7490
TODD E. SKOOG, 5295
JOHN P. SKUDLAREK, 3655
DENNIS E. SLAGTER, 7710
KURT P. SLOCUM, 6199
JOSEPH C. SLOOP, 6024
BRUCE G. SMITH, 4884
DAVID R. SMITH, 6987
DENNIS W. SMITH, 7422
FORREST E. SMITH, 9626
HUGH T. SMITH, 3523
JEFFREY A. SMITH, 1135
LEON I. SMITH IV, 5538
LESLIE C. SMITH, 7862
RODNEY SMITH, 5506
STEVEN J. SMITH, 8707
TANTALOUS A. SMITH, 1130
TIMOTHY J. SMITH, 7007
TROY L. SMITH, 4143
VICKI A. SMITH, 3593
DAVID B. SNIDER, 8947
LAURI J. SNIDER, 1134
WILLOW A. SOLCHENBERGER, 5123
MARK E. SOLSETH, 1428
SCOTT A. SORENSEN, 6110
STEVEN M. SOUCEK, 1432
CURTIS K. SOUTHERN, 8404
MARK K. SOUZA, 1407
RONALD L. SPEAR, 6190
NICHOLAS P. SPELIOPOULOS, 6784
MARK S. SPINDLER, 3691
BILLY F. SPRAYBERRY II, 3750
KARL M. STADLER, 1515
ROBIN J. STAUFFER, 9523
JOHN S. STCYR, 6341
RANDALL T. STEPHAN, 2431
BRIAN K. STEVENS, 6792
WAYNE STEVENS, 5631
JUSTICE S. STEWART, 0532
STEPHEN G. STEWART, 3001
JERRY R. STIDHAM, 4683
ALBERT C. STJEAN, 3444
EUGENE F. STOCKEL, 0888
WAYNE A. STONE, 2735
KERRY S. STRAIGHT, 6015
JOHNNY C. STRAIN, 0996
LAWRENCE E. STROBEL, 6463
ALAN M. STULL, 5328
STANFORD W. SUITS, 6836
PATRICK J. SUTHERLAND, 1627
LINDA SUTTLEHAN, 1424
JERRY M. SWANNER, 5715
DOMINIC D. SWAYNE, 9496
JOHN L. SWEENY, 2462
JAN T. SWICORD, 4824
FREDERICK W. SWOPE, 0528
DARIN TALKINGTON, 2856
MARISA A. TANNER, 6959
DEAN A. TAYLOR, 8547
DOUGLAS C. TAYLOR, 4165
EARL J. TEETER, 2382
DAVID M. THIEDE, 7511
BRIAN L. THOMA, 1017
RICHARD THOMAS, 9174
STANLEY THOMAS III, 0599
BURDETT K. THOMPSON, 2849
EDWARD A. THOMPSON, 9314
JERRY L. THOMPSON, 1738
*SCOTT B. THOMPSON, 2938
LEO J. THRUSH, 1763
DAVID A. TIPPETT, 9697
DEBRA L. TOLSON, 6802
CURTIS L. TORRENCE, 7899
ANIELLO L. TORTORA, 0819
KENNETH E. TOVO, 9327
BOBBY A. TOWERY, JR., 7489
TIMOTHY E. TRAINOR, 5890
JEFFREY A. TRANG, 6127
JOHN J. TRANKOVICH, JR., 4389
CRAIG A. TRICE, 7929
DANNY TROUTMAN, 4807
MARK D. TROUTMAN, 3088
CHRISTOPHER A. TROUVE, 9932
STEPHEN P. TRYON, 2090

DREW A. TURINSKI, 7622
JEFFREY A. TURNER, 1287
RICHARD A. TURNER, 2618
THOMAS E. TURNER, JR., 1486
STEPHEN M. TWITTY, 1222
JEFFERY L. UNDERHILL, 1197
*MARTIN I. URQUHART, 6136
ROBERT VALDIVIA, 5032
RICHARD S. VANDERLINDEN, 1504
TEODORO VELAZQUEZ, 2992
CRAIG VEST, 5607
JOSEPH J. VIGNALI, 8191
JOHN A. VINETT, 6570
WILLIAM N. VOCKERY, 6546
RICHARD E. VOLZ, JR., 6109
FRANK P. WAGDALT, 2153
NICHOLAS J. WAGER, 0308
ANGELO A. WALKER, 4916
KERWIN C. WALKER, 1000
JOEL D. WALL, 9882
MICHELLE L. WALLA, 3461
MARK R. WALLACE, 4866
ROBERT M. WALTEMEYER, 0862
TIMOTHY J. WALTERS, 0427
STEVEN A. WARE, 5301
PAUL K. WARMAN, 1317
CAROLYN J. WASHINGTON, 4374
MARK L. WATERS, 9727
DWIGHT D. WATKINS, 4944
HERBERT D. WATSON, 4603
GREGORY A. WATT, 2165
TIMOTHY A. WEATHERSBEE, 6745
VINCE C. WEAVER, JR., 1121
JAMES Q. WEBBER III, 1241
CURTIS D. WEILER, 0158
JEFFREY S. WEISSMAN, 4552
ROBERT P. WELCH, 2226
RALPH D. WELLS, 4102
MARK A. WESTBROOK, 8688
THEODORE S. WESTHUSING, 9664
ROBERT C. WHALEY, 4334
DOUGLAS H. WHEELOCK, 9841
TERESA L. WHITEHEAD, 6424
LEE J. WHITESIDE, 5775
MARY K. WHITWORTH, 8764
ROBERT A. WHY, 0046
ERIC A. WIEDEMANN, 4776
CLAUDIA T. WIGGLESWORTH, 4533
DOUGLAS A. WILD, 5087
LAWRENCE WILKERSON, 6854
JOHN R. WILKINSON, 3949
BRUCE E. WILLIAMS, 8646
HARRY B. WILLIAMS, 0851
JONATHAN M. WILLIAMS, 4095
WILLIE WILLIAMS, JR., 1056
MICHAEL E. WILLIAMSON, 7608
MARILYN D. WILLS, 9412
ARCHIE WILMER III, 9415
ALAN L. WILSON, 3296
JEFFREY K. WILSON, 8248
JOHN M. WILSON, 4087
KEVIN J. WILSON, 7923
MARTIN J. WILSON, 5780
CHRISTOPHER L. WINNE, 6917
WILLIAM T. WISEMAN, 7779
STANLEY H. WOLOSZ II 0164
JOHN W. WOODARD, 3019
KEVIN S. WOODS, 5296
MICHELLE L. WOODS, 4658
STEVEN G. WOODS, 2808
JOHN S. WRIGHT, 3561
LINWOOD C. WRIGHT, 6340
THOMAS P. WRIGHT, 4088
BRUCE WYNN, 1647
STEPHEN G. YACKLEY, 3612
PHILIP M. YACOVONI, 4366
ANDREW C. YEE, 6649
CHARLES S. YOUNG, 6189
DENNIS O. YOUNG, 7858
YUVAL J. ZACKS, 2917
ROBERT G. ZEBROWSKI, 4360
SCOTT D. ZEGLER, 5853
WILLIAM E. ZELLER, 1997
THOMAS G. ZIEK, JR., 7226
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