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

Mr. LOTT. I yield the floor.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

AMENDMENTS NOS. 3420 THROUGH 3464, EN BLOC

Mr. STEVENS. Mr. President, I have sent the first managers' package. And I believe that it has been cleared on both sides. So there is no misunderstanding about it, because Senators may wonder whether the amendments are in this or not, I want to read this package and then ask for its immediate consideration. Senator AKAKA's amendment on electric vehicles RD&D funds; Bingaman-Domenici on the Air National Guard Program at White Sands; an amendment that I have offered for Senator COCHRAN on acoustic sensor technology; the Domenici-Harkin amendment on food stamp report; the Durbin amendment on land conveyance at Port Sheridan; the Gregg amendment on conveyance of former Air Force Base; the Hollings amendment on environmental restoration; my amendment for strategic materials manufacturing; the Inouye amendment on American Samoa vets; the Inouye amendment on Ford Island; the Kennedy amendment on cyber security; the Sarbanes amendment on the Korean war vets memorial repairs; the McConnell amendment on chemical demilitarization; the Mack amendment on NAWC transfer of property; the Mikulski amendment on shipbreaking; the Lott amendment on the next-generation Internet; the Murkowski amendment on FERTEC; my amendment for Senator SHELDY on the electronic circuit board manufacturing; the Specter amendment on proliferation of the Weapons of Mass Destruction Commission; my amendment on the MILES training and equipment issue; my amendment on rescission as of the date of enactment; my amendment on the National Guard Armory in Chicago.

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

Mr. STEVENS. I send the last amendment to the desk to be included, and it makes 45 amendments in the package.

The PRESIDING OFFICER. The clerk will report the en bloc amendments.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments No. 3420 through and including 3463 en bloc, and the Senator from Hawaii [Mr. INOUYE] for Ms. Moseley-Braun that pertains to the National Guard Armory in Chicago. The amendments are as follows:

AMENDMENT NO. 3420

(Purpose: To set aside $12,000,000 for continuation of electric and hybrid-electric vehicle development)

On page 33, line 25, insert before the period the following: "That of the funds appropriated under this heading, $12,000,000 shall be available only to continue development of electric and hybrid-electric vehicles."

Mr. AKAKA. I have offered an amendment to the Department of Defense Appropriations Bill to provide $12 million for electric and hybrid-electric vehicle development. The funds will be administered by the Defense Advanced Research Projects Agency, known as DARPA. Senators INOUYE, JEFFORDS, LEAHY, COATS, and BOXER have joined me as cosponsors of the amendment.

This is not a new program. Congress provided $115 million to the Department of Defense Appropriations Bill to provide $12 million for electric and hybrid-electric vehicle program over the past five fiscal years. Industry has contributed more than $115 million in matching funds. In fiscal year 1998, the appropriation was $15 million, so my amendment represents a budget reduction of 20 percent compared to the previous year.

Seven regional consortia, comprised of more than 200 member companies, participate in the program. Individual consortia, which were selected competitively, include Hawaii, Sacramento, the Mid Atlantic Consortium in Johnstown, PA, the Northeast Consortium in Boston, the Southern Consortium in Atlanta, the Mid America Consortium in Indianapolis, and CALSTART in Burbank, CA.

The President's fiscal year 1999 budget proposed that the DARPA program be transferred to the Department of Energy and the Department of Transportation. The object of the fiscal year 1999 bill was to transfer the developed technology to commercial service vehicles such as buses, delivery vans, and service trucks. I support this transfer.

Unfortunately, despite the best efforts of all three federal agencies and the consortia that participate in the electric vehicle program, another year of funding through the Department of Defense is needed before the transition can proceed.

The Department of Defense has long been interested in hybrid electric combat vehicles because they can reduce fuel consumption by 50 percent, leading to a reduced fuel logistics burden, increased endurance, and reduced emissions. In addition, hybrid electric combat vehicles use electric power for mobility, weapons, countermeasures and sensors, and have reduced thermal and acoustic signatures.

The five-year DARPA program has resulted in the development of a number of combat vehicles with hybrid electric propulsion. These include an Army M-113 Armored Personnel Carrier, a Bradley Fighting Vehicle, two High Mobility Multipurpose Wheeled Vehicles, commonly known as Humvees, and a prototype composite armored vehicle.

Other DoD projects in the planning stages, DARPA and the Marine Corps are jointly developing a hybrid-electric reconnaissance, surveillance and targeting vehicle, designed as a stealthy, fuel efficient vehicle that can be transported by the V-22 Osprey in support of the Marine Corps Sea Dragon operation. DARPA and the Army are jointly developing a combat hybrid power system for a 15-ton future combat vehicle. The system will provide pulse power for electric guns, directed energy weapons, and electromagnetic armor, as well as other components and systems.

The funds provided by my amendment should be used in the same manner, and for the same program objectives, as in fiscal year 1998 funding. As the author of the amendment, it is my intention that DARPA administer the program as it did in fiscal year 1998, and that funds can be used for the development of defense and non-defense electric and hybrid-electric vehicles.

I thank the Chairman, and my colleagues on the subcommittee for their consideration of my amendment. I yield the floor.
AMENDMENT NO. 3421
(Purpose: To set aside $2,250,000 for the Defense Systems Evaluation program for support of test and training operations at White Sands Missile Range, New Mexico, and Fort Bliss, Texas.)

On page 99 in between lines 17 and 18, insert before the period the following:

"SEC. 8101. (a) That of the amount available under Air National Guard, Operations and Maintenance for flying hours and related personnel support, $2,250,000 shall be available for the Defense Systems Evaluation program in support of test and training operations at White Sands Missile Range, New Mexico, and Fort Bliss, Texas".

AMENDMENT NO. 322
(Purpose: The purpose is to provide $1,000,000 for Acoustic Sensor Technology Development Planning for the Department of Defense. The funds are provided from within the funds appropriated for Defense-wide RDT&E.)

On page 99 at the appropriate place insert the following section:

SEC. 8104. (a) That of the amount available under Air National Guard, Operations and Maintenance for flying hours and related personnel support, $1,000,000 is available for Acoustics Sensor Technology Development Planning.

AMENDMENT NO. 3423
(Purpose: To require the Secretary of Defense to report to the Committees on Appropriations of the Senate and the House of Representatives) the results of the study required for inclusion in DoD's FY 2000 budget.)

On page 99, between lines 17 and 18, insert the following:

"SEC. 8105. (a) The Secretary of Defense shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the matters responding information that is available on the conditions and needs of the Armed Forces, and the perceptions of their families, the retention of members of the Armed Forces and the needs of such personnel for food stamps."

SEC. 8106. (a) The Comptroller General shall consult with experts on the subjects of the study who are independent of the Department of Defense.

(c) The study shall include the following matters:

(1) The conditions of the family lives of members of the Armed Forces and the members' needs regarding their family lives, including a discussion of each of the following:

(A) The rates based on the latest information available on the conditions of the family lives of civilians in the United States and the needs of such civilians regarding their family lives.

(B) How the conditions and needs of the members compare or vary among members in relation to the occupational specialties of the members.

(C) Whether, if any, effects high operating tempos of the Armed Forces have had on the family lives of members, including effects on the incidence of substance abuse, physical or emotional abuse of family members, and divorce.

(G) The extent to which family lives of members of the Armed Forces prevent members from being deployed.

(b) The study shall include the following:

(1) The number of members of each of the Armed Forces and of each major occupational specialty that the Comptroller General considers a major occupational specialty.

(c) Each potential alternative action included in the report under paragraph (3) or (4) of subsection (b) shall meet the following requirements:

(1) Apply only to persons referred to in paragraph (1) of such subsection.

(2) Be limited to the lowest amount feasible to achieve the objectives.

(d) In this section:

(1) The term ''fiscal year 2000 budget'' means the budget for fiscal year 2000 that the President submits to Congress under section 1105(a) of title 31, United States Code.

(2) The term ''food stamps'' means assistance under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

SEC. 8104. (a) That of the amount available under Air National Guard, Operations and Maintenance for flying hours and related personnel support, $2,250,000 shall be available for the Defense Systems Evaluation program in support of test and training operations at White Sands Missile Range, New Mexico, and Fort Bliss, Texas."

Mr. DOMENICI. I am pleased to have Senator HARKIN as a cosponsor of this amendment.

There are two parts to my amendment; both parts have no cost.

The first part addresses the 12,000 military families on Food Stamps. For 3 years the Administration has refused to take this problem seriously.

I first wrote to DoD in 1996; then I was told that this was a problem only because military personnel have dependents, and I quoted to him, ‘‘he/she can afford.’’ In other words, it is Defense Department policy to discourage military families and to engineer the size of those families.

In 1997, I wrote again to Secretary Cohen because he publicly stated that it was ‘‘not acceptable’’ for military personnel to be on Food Stamps. I regret to say that he wrote back saying only that he would ‘‘monitor’’ the issue.

Last year in the fiscal year 1998 Defense Authorization bill, Congress mandated a DoD report on potential solutions. The report is now several months late and will not be submitted in the foreseeable future.

Congress is getting the bureaucratic stiff-arm from DoD on this issue. It’s time to bring that to an end.

My amendment will require DoD to propose low cost solutions to this problem. It required that the proposal be submitted as a part of DoD’s FY 2000 budget request.

Next year, if DoD still refuses to take this problem seriously, I will propose my own solution. If the Chairman and Ranking Member of the Defense Subcommittee of the Appropriations Committee see fit to support me, I’m sure we can be successful.

The second part of the amendment will permit us to better understand our growing problems in military family life, morale, and retention.

This year, I collected information from each of the services on these issues. Unfortunately, the information I collected confirms my suspicions that
the Defense Department has failed to collect data properly. For example:

Each service collects data on these issues differently—or not at all—which prevents comparing among the services. This also means that successes and failures in addressing these problems cannot be identified.

Now that everyone agrees that readiness is a serious problem, everyone wants to do something about it. But, because we are not fully understood, some of the proposed 'solutions' may be off the mark. For example, Congress is increasing re-enlistment bonuses for pilots to compete with airline salaries, but there are indications that some airline salaries are not the real problem. We won't really understand the problem until we have better data; only then can we apply effective solutions.

The nature of military life has gone through profound change in the last 20 years, but those changes are not fully understood or taken into account in DoD national security decision making. It is not clear how the new prominence of families in military life should be addressed. We should not be taken into account in making national security decisions.

Because of these problems, my amendment requires a special unit in the General Accounting Office to collect and study the data. They will use an Advisory Panel of experts to assist the study and report back to the Appropriations Committees next year. With these issues better understood, we will be able to make more effective solutions, and we should be able to make some real improvements in how Congress and DoD address quality of life and family issues.

AMENDMENT NO. 3425
(Purpose: Relating to the conveyance of the remaining Army Reserve property at Fort Sheridan, Illinois)

At the appropriate place, insert the following:

SEC. 8104. (a) CONVEYANCE REQUIRED.—The Secretary of the Air Force shall convey, without consideration, to the Town of Newington, New Hampshire, all right, title, and interest of the United States in and to a parcel of real property, together with improvements thereon, that is approximately 1.3 acres located at former Pease Air Force Base, New Hampshire, and known as the site of the old Stone School.

(b) EXECUTION OF CONVEYANCE REQUIREMENT.—The Secretary shall make the conveyance under subsection (a) without regard to the requirement under section 2996 of title 10, United States Code, that the property be screened for further Federal use in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

AMENDMENT NO. 3426
(Purpose: To make available up to $10,000,000 for the Department of Defense share of environmental restoration at Defense Logistics Agency inventory location 429 (Macalloy site) in Charleston, South Carolina)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. Of the amounts appropriated or otherwise made available for the Department of Defense by this Act, up to $10,000,000 may be made available for the Department of Defense share of environmental remediation and restoration activities at Defense Logistics Agency inventory location 429 (Macalloy site) in Charleston, South Carolina.

AMENDMENT NO. 3427
(Purpose: To designate funds for a strategic materials manufacturing project)

On page 99, insert in the appropriate place the following new general provision:

SEC. 8104. Of the amounts appropriated or otherwise made available for the Department of Defense by this Act, up to $10,000,000 may be made available for the Department of Defense share of environmental remediation and restoration activities at Defense Logistics Agency inventory location 429 (Macalloy site) in Charleston, South Carolina.

AMENDMENT NO. 3428
(Purpose: To authorize the transportation of American Samoa veterans to Hawaii on Department of Defense aircraft for receipt of veterans medical care in Hawaii)

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. Chapter 157 of title 10, United States Code, is amended by inserting after section 3261 the following:

"§ 2641a. Transportation of American Samoa veterans to Hawaii on Department of Defense aircraft for certain medical care in Hawaii.

(a) TRANSPORTATION AUTHORIZED.—The Secretary of Defense may provide transportation on Department of Defense aircraft for the purpose of transporting any veteran specified in subsection (b) between American Samoa and the State of Hawaii if such transportation is required in order to provide hospital care to such veteran as described in that subsection.

(b) VETERANS ELIGIBLE FOR TRANSPORT.—A veteran eligible for transportation under subsection (a) is a veteran who—

(1) resides in and is located in American Samoa; and

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

AMENDMENT NO. 3429
At the appropriate place, insert:

SEC. . Not later than December 1, 1998, the Secretary of Defense shall submit to the President and the Congressional Defense Committees a report regarding the potential development of Ford Island in the Pearl Harbor Naval Complex, Oahu, Hawaii through an integrated sourcing plan incorporating both appropriated funds and one or more public-private ventures. This report shall consider innovative resource development measures, including but not limited to, an enhanced-use leasing program similar to those developed by the Department of Veterans Affairs as well as the sale or other disposal of land in Hawaii under the control of the Navy as part of an overall program for Ford Island development. The report shall include proposed legislation for carrying out the measures recommended therein.

Mr. INOUYE. Mr. President, I rise today to raise a matter which I believe could revolutionize the way we finance our defense. This is a matter of our family housing, barracks and other base facilities. If successful, it would allow us to recapitalize our bases with a much smaller investment than is currently required. In so doing, it could dramatically improve the quality of life of the men and women in uniform.

Mr. President often Members rise and offer that theirs is a simple amendment. This is not a simple matter, and it will take some time to describe it, but I want all of my colleagues to understand what it would do for national defense.

Several years ago, I sponsored legislation to sell defense property in Hawaii to the State.

In return the proceeds were used to build a new bridge to connect the Pearl Harbor Naval Base to Ford Island, a piece of Navy property located in Pearl Harbor.

Over the years Ford Island has been the home of Battleship Row, the site of the Arizona Memorial, and just last month it became the final home for the U.S.S. Missouri. It has had a small airstrip on which some of the Navy's earliest aviators trained.
It has housed a few sailors and families, and has been the workplace for selected other military activities. But because there was no bridge connecting the island, it could never be fully utilized. The Island comprises 450 acres, about half the size of Pearl Navy Base, yet it contains less than one tenth of the working and residential population of Pearl Harbor.

The only access to the island has been by boat, until five years ago, boats have shuttled passengers and cargo from the rest of base about once per hour. In short it has been a very inefficient use of space. And for a small State like mine, especially in and around Honolulu, space is at a premium.

In April of this year, this situation was changed forever. Ford Island was opened to the rest of Oahu by the new Chick Clarey Bridge.

Ford Island is now poised to be a major useful part of the Pearl Harbor naval facility. However, as is unfortunately so often the case in these matters, there simply is not enough money in the Navy budget to build the facilities to take this base more useful. And so, without action, Ford Island will remain underutilized.

About two years ago, when he took over as the Commander in Chief of the Pacific Fleet, Admiral Clemins saw the bridge constructed and recognized the prospect of developing Ford Island. He began to investigate how he could maximize its vast potential to improve the Navy in Hawaii. He quickly came to the conclusion that there simply was not enough money to build the new facilities the Navy needs.

While some might have given up when faced with this obstacle, that is not the Admiral’s way. Instead he directed his staff to keep studying this and identify other ways to achieve his objective.

The Admiral took to heart what we have often heard coming from the Congress, that we need to revolutionize the way we do business.

He agreed that we have to become more efficient, more like the private sector. He noted that public/private venture legislation had been approved by the Congress at the request of former Secretary of Defense William Perry for a few family housing projects and he suggested that a similar but expanded approach was needed for Ford Island.

At every step there were those that told him why he couldn’t do this.

Some said it would cost billions, others that the State would not support developing Ford Island, still others raised technical arguments on our arcane accounting practices in the Government. But, the Admiral kept after it.

While the lawyers raised legal concerns, and the Navy staff and others raised objections, every decision maker, the leaders of the Navy, State, and local governments, and business leaders always had the same response. This is a good idea, we must figure out how we can do it.

That was the reaction of the Commander in Chief of The Pacific Command, Admiral Prueher. Recently he testified to the Appropriations Committee that he has reviewed the legislation and believes it is the right approach to solving some of the critical housing and facility shortfalls for the Navy.

But, because of the difficulty of moving the legislative proposal within the bureaucracy, the measure was not included in the President’s formal budget request. And, Admiral Clemins and CINC PAC were undeterred.

Admiral Clemins brought the idea to Washington directly, where he quickly won support from the uniformed Navy.

The Chief of Naval Operations gave the proposal his approval. He then received personal support from the Secretary of the Navy. His arguments even won the informal support of the Deputy Secretary of Defense. Finally, the Navy gave the proposal its official blessing. After many months, the legislation was finally forwarded unofficially to the Congress.

Unfortunately, all of this took time and the delays in winding through the internal chain of command did not maximize the Senate Armed Services Committee time to review this matter prior to its mark up.

I offered this same amendment to that bill and it was adopted. However, there are some in the House that do not agree with me. They are withholding Senate Armed Services Committee time to review this matter prior to its mark up.

This amendment requires DOD to report on the current legislative proposal and to submit legislation to carry out the proposal by December 1, 1998. That will provide sufficient time for the authorization committee to pass judgment on the matter next year.

The amendment does not mandate any specific terms for the Defense Department. It offers several Navy ideas to be considered.

What the Navy seeks to do, as a pilot project only for this one base, is to provide authority to the Secretary of the Navy to use his resources in conjunction with the private sector to develop Ford Island. The plan would examine whether it is feasible to provide incentives and other guarantees to businesses to carry out this idea, and establish a framework to carry it out.

It is important to understand how this differs from our current system and how it might work. Under our normal course of operations, the Navy would identify how much the development of Ford Island would cost, and it would develop a spending plan. It is estimated that the development of the island under normal procedures could be as much as $600 million.

Judging from the military construction budget it would probably require 15 to 20 years to identify sufficient funds to pay for this. That means a whole generation of Navy sailors would enlist, serve and retire, before the base could be completed. This is simply unacceptable to Admiral Clemins as it should be to all of my colleagues.

By relying on a joint venture, the Navy can use resources gained by leasing, exchanging, or selling property that it currently holds in Hawaii and use those assets and revenues for the leveraged development of the Island. It is like taking out a long term loan. The Navy can put down the down payment using its property or newly generated cash resources, and, as is the case under the family housing pilot program, the difference, if any, can be used to make the mortgage payments.

In theory, the Navy might offer a commercial developer the opportunity to establish a few small commercial facilities—like parking garages, child care facilities, shops and restaurants—on the base to support the families, and in return the private concern would be responsible for developing additional Navy facilities.

As such, the Secretary of the Navy would have to approve the specific uses and the Congress would have to allow the funding to be used for the proposed purpose. This means that sufficient oversight would exist at all levels and there would be no measure that the project stayed on course.

Let me tell my colleagues that the business community in my State is very excited about this proposal.

They are positive that the legislation would pass in 90 days. For families disconnected from the Navy community, they will now be living and working in a quality family environment—a nice home in a beautiful location, with the working spouse only minutes away.

For our commanders this means many more sailors housed right on base and readily available if needed.

It will probably come as a surprise to my colleagues to learn that my State has some of the worst housing in all the Defense Department. The Army says its worst barracks anywhere in the world are in Hawaii. Some of the Navy’s housing is so bad that it is an embarrassment to the service.
Several years ago, Mrs. Margaret Dalton, the wife of Navy Secretary John Dalton visited Hawaii and was taken on a tour of some family housing units. The conditions were so deplorable that she was very troubled. When she returned to Washington, she insisted that the Navy provide her with a full briefing on its housing rehabilitation plans for the State. Single handedly she moved the Navy forward. Since then, the Navy has made great strides toward improving living conditions and has become painfully clear, that there simply isn’t enough money to do what is required. There are many areas that still need to be torn down and rebuilt. Or, that property could be turned over for a new use by the private sector. Mrs. Dalton will long be remembered by the sailors who serve in Hawaii as the person who started to turn around the Navy’s living conditions in my State. This proposal will provide us a means to expand upon what has been done this time without enormous investment in this constrained budget environment.

The benefits of the proposal to the Navy and my State are enormous. I am sure many are now thinking this is good, but if it is, why hasn’t it been done before. To that I would say, it is not simple. It will require great leadership and management by the Navy to work with the local authorities and business community to carry this out. But, I am confident that we have the right man for the job in Admiral Clemons. He was demonstrated his skills as a war and as a manager and he has the skills necessary to accomplish this task.

This approach has not been tried before, because no one put the time and energy into working through all the details to formulate a legislative plan to achieve this goal. Furthermore, how many Navy projects arise when the military department, for all practical purposes, receives what amounts to a land grant adjoining a base? This is in some ways a unique opportunity because of the location of Ford Island and the new bridge. That is why a pilot proposal is proper. It could also serve as its model for other revitalization efforts at other bases, perhaps not on this grand a scale, but using elements from this approach.

My colleagues all know that there will come a time when the Defense Department will want to establish a new base somewhere. This public private venture could be the method where building new bases could become affordable.

Mr. President, this is an excellent idea, that has been shepherded this far by the Navy because they recognized that it is the only way that we can take Ford Island and develop it in a timely and cost effective manner.

For years from now, we can be discussing how we will get enough money and authority to proceed to develop Ford Island for the Navy, or we can be discussing how this model pilot program established a method whereby we have begun to recapitalize our defense infrastructure affordably. This is our choice, there is only one answer, we need to approve this legislation to get the ball rolling.

I think my colleagues for their attention, and I urge all to support this measure.

SEC. 8 . ADDITIONAL FUNDING FOR KOREAN WAR VETERANS MEMORIAL.

Section 3 of Public Law 99-752 (40 U.S.C. 1003 note) is amended by adding at the end the following:

“(c) ADDITIONAL FUNDING.—

“(1) IN GENERAL.—In addition to amounts made available under subsections (a) and (b), the Secretary of the Army may expend, from any funds available to the Secretary on the date of enactment of this paragraph, $2,000,000 for repair or construction of the Korean War Memorial.

“(2) DISPOSITION OF FUNDS RECEIVED FROM CLAIMS.—Any funds received by the Secretary of the Army as a result of any claim against a contractor in connection with construction of the memorial shall be deposited in the general fund of the Treasury.”.

Mr. SARBANES. Mr. President, the amendment I am offering would fix an error of one of our most important monuments, the Korean War Veterans Memorial. It authorizes the Secretary of the Army to provide, within existing funds, up to $2 million to complete essential repairs to the Memorial. Joining me in cosponsoring this amendment is my distinguished colleague from Colorado—a Korean War veteran himself—Senator CAMPBELL.

The Korean War Memorial is the newest war monument in Washington, DC. It was authorized by Public Law 99–752 which established a Presidential Advisory Board to raise funds and oversee the design of the project, and charged the American Battle Monuments Commission with the management of this project. The authorization provided $1 million in federal funds for the design and initial construction of the memorial and Korean War Veterans’ organizations and the Advisory Board raised over $13 million in private donations to complete the facility. Construction on the memorial began in 1992 and it was dedicated on July 27, 1995.

For those who haven’t visited, the Memorial is located south of the Vietnam Veteran’s Memorial on the Mall, to the east of the Lincoln Memorial. Designed by world class Cooper Lecky Architects, the monument contains a triangular “field of service,” with 19 stainless steel, larger than life statues, depicting a squad of soldiers on patrol. A core of granite slabs lists the 22 countries of the United Nations that sent troops in defense of South Korea. To the south of the patrol stands a wall of black granite, with engraved images of more than 2,400 unmanned service men and women detailing the countless ways in which Americans answered the call to service. Adjacent to the wall is a fountain which is supposed to be encircled by a Memorial Grove of linden trees, creating a peaceful setting for quiet reflection. When it was originally created, it was intended to be a lasting and fitting tribute to the bravery and sacrifice of our troops who

AMENDMENT NO. 3429

(Purpose: To reduce funds available for Navy S-3 Weapon System Improvement program and to provide funds for a cyber-security program)

On page 99, insert in the appropriate place the following new general provisions:

Sec. 8104. Within the amounts appropriated under Title IV of this Act under the heading “Research, Development, Test and Evaluation, Navy”, the amount available for a cyber-security program is hereby reduced by $8,000,000: Provided, Within the amounts appropriated under Title IV of this Act under the heading “Research, Development, Test and Evaluation, Air Force”, the amount available for a cyber-security program is hereby reduced by $8,000,000: Provided further, That the funds are made available for the cyber-security program to conduct research and development on issues relating to security information assurance and to facilitate the transfer of security information assurance technology to the defense community.

Mr. KENNEDY. Mr. President, the Department of Defense and many other government agencies are integrating their use and reliance on information technology for a wide variety of applications.

The growing frequency and increasing sophistication of attacks on the Defense Department’s computer networks is cause for concern. Other government agencies, as well as the private sector, are also subject to these attacks on their network infrastructure.

Last year, the Administration organized an exercise to test the Pentagon’s ability to deal with cyber attacks. In this exercise, several computer security specialists from the National Security Agency targeted computers used by our military forces in the United States and our forces in the Pacific. Using computers, modems, and software technology widely available on the Internet, these friendly ‘hackers’ were able to penetrate unclassified military computer networks in Hawaii, Washington, D.C., Chicago, St. Louis and Colorado.

We need to do more to protect the Defense Department networks that are critical for the operation of our military forces around the world. My amendment, which is fully offset, adds $8 million to the Air Force Information Systems Security Program. The additional funds will be used for research by the Air Force and will rely on the expertise of two federally funded research and development centers currently working on issues of information security. These efforts will facilitate the development of information security technology for the Armed Forces, and I urge the Senate to approve it.

AMENDMENT NO. 3431

(Purpose: To provide additional funding for repair of the Korean War Veterans Memorial)

On page 99, between lines 17 and 18, insert the following:
fought in the “Forgotten War.” Unfortunately, just three years after its dedication, the monument is not lasting and is no longer fitting.

The Memorial has not functioned as it was originally conceived and designed because it has been plagued by a series of problems in its construction. The grove of 40 linden trees have all died and been removed from the ground, leaving forty gaping holes. The pipes feeding the Pool of Remembrance have also been clogged and the pool has been cordoned off. The monument’s lighting system has been deemed inadequate and has caused safety problems for those who wish to visit the site at night. As a result, most of the 1.3 million who visit the monument each year—many of whom are veterans—must cope with construction gates or areas which have been cordoned off instead of experiencing the full effect of the Memorial.

Let me read a quote from the Washington Post—from a Korean War Veteran, John LeGault who visited the site—that I think captures the frustration associated with not having a fitting and complete tribute for the Korean War. He says, “Who cares if a war was fought in the ‘Forgotten war and this is the forgotten memorial?’ Mr. President, we ought not to be sunshine patriots when it comes to making decisions which affect our veterans. Too often, we are very high on the contributions that our military makes in times of crisis, but when a crisis fades from the scene, we seem to forget about this sacrifice. Our veterans deserve better.

To resolve these problems and restore this monument, to something that our Korean War Veterans can be proud of, the U.S. Army Corps of Engineers conducted an extensive study of the site in an effort to identify, comprehensively, what corrective actions would be required. The Corps has determined that an additional $2 million would be required to complete the restoration of the grove work and replace the statutory lighting. My amendment would provide the authority for the funds to make these repairs swiftly and once and for all.

With the 50th anniversary of the Korean War conflict fast approaching, we must ensure that these repairs are made as soon as possible. This additional funding would ensure that we have our monuments, and lasting tribute to those who served in Korea and that we will never forget those who served in the ‘Forgotten War.’ I urge my colleagues to join me in supporting this amendment.

AMENDMENT NO. 3433
(Purpose: To provide $500,000 for payment of subcontractors and suppliers under an Army services contract)

On page 99, between lines 17 and 18, insert the following:
SEC. 8104. (Purpose: To provide the lease of real property at the Naval Air Warfare Center, Training Systems Division, Orlando, Florida)
On page 99, between lines 17 and 18, insert the following:
SEC. 8104. (a) The Secretary of the Navy may lease to the University of Central Florida, (b) Notwithstanding any other provision of law, the term of the lease under subsection (a) may not exceed the expiration of the lease authorized by the University (c) As consideration for the lease under subsection (a), the University shall—

(1) undertake and incur the cost of the planning, design, and construction required to establish the center referred to in that subsection; and

(2) during the term of the lease, provide to the University the core space in the center for activities of the Navy as the Secretary and the University jointly consider appropriate.

(d) The Secretary may require such additional terms and conditions in connection with the lease authorized by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 3434
(Purpose: To provide for the funding of a vessel scrapping pilot program)

On page 99 in between lines 17 and 18, insert the following:
SEC. 8104. Funds appropriated under O&G Navy are available for a vessel scrapping pilot program which the Secretary of the Navy may carry out during fiscal year 1999 and (notwithstanding section 437 of title 10, United States Code) for the scrapping and reuse of vessels at the Secretary’s discretion.

AMENDMENT NO. 3435
(Purpose: To provide for the funding of a vessel scrapping pilot program)

On page 99, between lines 17 and 18, insert the following:
SEC. 8104. The Department of Defense shall, in allocating funds for the Next Generation Internet (NGI) initiative, give full consideration to the allocation of funds to the regional partnerships that will best leverage Department investments in the DoD Major Shared Resource Centers and Centers with supercomputers purchased using DoD RDT&E funds, including the high performance networks associated with such centers.
(Purpose: To reduce funds available for development of the Army Joint Tactical Radio and to provide funds for the development of the Army Near Term Digital Radio) On page 99, insert in the appropriate place the following new general provision: Sec. 8104. Of the funds provided under Title IV of this Act under the heading "Research, Development, Test and Evaluation, Army", the amount available for the Army Data Distribution System development is hereby increased by $10,981,000.

AMENDMENT NO. 3442
(Purpose: To designate Army Digitization funds for development of the Digital Intelligence Situation Mapboard) On page 99, insert in the appropriate place the following new general provision: Sec. 8104. Of the funds provided under Title IV of this Act under the heading "Research, Development, Test and Evaluation, Army", the amount available for the Army Data Distribution System development is hereby increased by $10,981,000.

AMENDMENT NO. 3443
(Purpose: To set aside $5,000,000 for Navy research, development, test, and evaluation funds for the Shortstop Electronic Protection System (SEPS), so that it is to be developed for use in urban warfare, littoral operations, and peacekeeping operations) On page 99, between lines 17 and 18, insert the following: Sec. 8104. Of the funds available for the Navy for research, development, test, and evaluation under title IV, $5,000,000 shall be made available only for the Digital Intelligence Situation Mapboard (DISMAP).

AMENDMENT NO. 3444
(Purpose: To set aside $3,000,000 for advanced research relating to solid state dye lasers) On page 99, between lines 17 and 18, insert the following: Sec. 8104. Of the amounts appropriated by title IV of this Act under the heading "Research, Development, Test and Evaluation, Army", $3,000,000 shall be available only for research relating to solid state dye lasers.

AMENDMENT NO. 3445
(Purpose: To authorize the Secretary of Defense to lease a parcel of real property in consideration of annual rent not in excess of $1,000,000) On page 99, between lines 17 and 18, insert the following: Sec. 8104. (a) The Secretary of the Air Force may enter into an agreement to lease from the City of Phoenix, Arizona, the parcel of real property described in subsection (b), together with easements on the property, in consideration of annual rent not in excess of one dollar.

AMENDMENT NO. 3446
(Purpose: To authorize the Secretary of Defense to lease a parcel of real property) On page 99, between lines 17 and 18, insert the following: Sec. 8104. (a) The Secretary of the Army may enter into an agreement to lease, for a term of not more than 20 years, a parcel of land near Luke Air Force Base in Maricopa County, Arizona, for the use of the Army in support of training operations. The parcel of land, herein referred to as the "leased parcel", shall be bounded on the north by the boundary of the City of Phoenix, Arizona, on the west by the boundary of the City of Glendale, Arizona, on the south by the boundary of the City of Phoenix, Arizona, and on the east by the boundary of the City of Glendale, Arizona, and shall be approximately 638 acres.

AMENDMENT NO. 3447
(Purpose: To increase by $10,000,000 the amount provided for research and development relating to Persian Gulf illnesses) On page 99, between lines 17 and 18, insert the following: Sec. 8104. (a) Of the total amount appropriated under title IV for research, development, test and evaluation, $10,000,000 shall be available for research and development relating to Persian Gulf illnesses.

AMENDMENT NO. 3448
(Purpose: To authorize Army R&TE funds for integration and evaluation of a passenger safety system for heavy tactical trucks) On page 99, insert in the appropriate place the following new general provision: Sec. 8104. Of the funds provided under Title IV of this Act under the heading "Research, Development, Test and Evaluation, Army", up to $1,300,000 may be made available only to integrate and evaluate enhanced, active and passive, passenger safety system for heavy tactical trucks.

AMENDMENT NO. 3449
At the end of title VIII, add the following: Sec. 8104. Effective on June 30, 1999, section 8106(a) of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the Act), is amended—

(1) by striking out "not later than June 30, 1997," and inserting in lieu thereof "not later than June 30, 1998," and

(2) by striking out "$1,000,000," and inserting in lieu thereof "$500,000".

AMENDMENT NO. 3450
(Purpose: To increase by $10,000,000 the amount provided for research and development relating to Persian Gulf illnesses) On page 99, between lines 17 and 18, insert the following: Sec. 8104. (a) Of the total amount appropriated under title IV for research, development, test and evaluation, $10,000,000 shall be available for research and development relating to Persian Gulf illnesses.

Mr. HARKIN. I offered an amendment to the Defense Appropriations bill important to Persian Gulf war veterans. My amendment increases Department of Defense spending on research to determine the causes and possible treatments of those suffering from Gulf War illness by $10 million. It is my understanding that the amendment is similar to the amendment I offered and was also accepted as part of the Defense Authorization bill.
has not ended. It’s been seven years since our troops were winning the war in the Gulf. Unfortunately, they continue to suffer due to their deployment.

Many of our troops returned from the Persian Gulf suffering from a variety of symptoms that have been difficult to trace to a single source or substance. Our veterans have experienced a combination of symptoms in varying degrees of seriousness, including: fatigue, skin rash, muscle and joint pain, headache, shortness of breath, and gastrointestinal and respiratory problems. Unfortunately, the initial response from the Pentagon and the Department of Veterans Affairs was to express skepticism about veterans’ claims of illness and disability. This strained the government’s credibility with veterans and their loved ones who dealt with the very real affects of their service in the Gulf.

I vividly remember a series of roundtable discussions I held with veterans across Iowa after being contacted by several families of Gulf War veterans stricken with undiagnosed illnesses. And these folks weren’t just sick. They were tired. They were tired of getting the runaround from the government they defended. They were tired of people who refused to listen . . . or told them it was in their head . . . or that it had nothing to do with their service in the Gulf.

These stories put a human face on the results of a study I requested through the Centers for Disease Control and Prevention. The results add to the increasing volume of evidence that what these veterans were experiencing was indeed very real. More than one in three Gulf War veterans reported one or more significant medical problems. Fifteen percent reported two or more significant medical conditions. These Iowa veterans also reported significantly greater problems with quality of life issues than others on active duty at the time but not deployed in the Gulf. For example, Persian Gulf veterans had lower scores on measures of vitality, physical and mental health, ability to work, and increased levels of emotional problems and bodily pain.

In addition, over 80 percent of the Gulf War veterans in the CDC study reported having been exposed to at least one potentially hazardous material during their time in the Gulf Department of Defense.

A recent General Accounting Office report provided an alarming laundry list of such hazards including: “compounds used to decontaminate equipment and protect it against chemical agents, fuel used as a sand suppressant in and around encampments, fuel used to burn human waste, fuel in shower water, leaded vehicle exhaust used to dry sleeping bags, depleted uranium, parasites, pesticides, multiple vaccines used to protect against chemical warfare agents, and smoke from oil-well fires.”

To this rather exhaustive list, we can also add exposure to nerve gas. The DOD and CIA have admitted that as many as 100,000 or more . . . that’s 1 in 7 troops deployed in the Gulf . . . may have been exposed to chemical agents released into the atmosphere when U.S. troops destroyed an Iraqi weapons bunker. A Presidential Advisory Committee to the White House recently reported that exposure to chemical agents in a second incident when troops crossed Iraqi front lines on the first day of the ground war. Chemical weapons specialists in these units said they detected poison gas. Unfortunately, these detections were initially neither acknowledged nor pursued by the Pentagon.

That being said, the Pentagon and others have been more forthcoming recently with relevant information, documents, and research. But more needs to be done. I am pleased that the President, acting based on legislation I co-sponsored, extended the time veterans will have to file claims with the government for illnesses related to their service in the Persian Gulf. Furthermore, the veterans had to show their illness surfaced within two years of their service. Now, they have until the end of 2001. This is a great victory for our veterans. Gulf War illnesses do not surface on a time line convenient to the rules of bureaucrats. This extension will help us meet our responsibility to take care of these soldiers. But, more still needs to be done.

There is still substantial mystery and confusion surrounding the symptoms and health problems experienced by Gulf War veterans. While many veterans have been diagnosed with a recognizable disease, I am concerned about those who have no explanation, no label, no treatment for their suffering. More needs to be done to help these Americans.

For example, the Presidential Advisory Committee has suggested research in three new areas to help close the gaps in the understanding of Gulf War illnesses. They suggest research on the long-term health effects of low-level exposures to chemical warfare agents, the combined effects of medical injections meant to combat chemical warfare with other Gulf War risk factors, and on the body’s physical response to stress. It is also imperative to ensure that longitudinal studies and mortality studies are funded since some health effects, such as cancer, may not appear for several years after the end of the Gulf War.

Although there may be no single Gulf-War related disease so to speak, it is widely acknowledged that the multiple illnesses and symptoms experienced by Gulf War veterans are connected to their service during the war. Therefore, we must not forget on our solemn obligation to those who willingly served their country and put their lives in harm’s way.

To that end, I offer this amendment to increase funding into the illnesses experienced by Persian Gulf veterans by $10 million. The funds would support much more research, including the evaluation and treatment of a host of neuro-immunological disorders, as well as possible connections to Multiple Chemical Sensitivity, chronic fatigue syndrome and fibromyalgia.

Our veterans are not asking for much. They want answers. They want the government to take their nation’s call in war, and now we must answer theirs. Should our priorities include our Gulf War veterans? I believe the choice is self evident and absolutely clear.

**AMENDMENT NO. 301**

(Purpose: To reduce funds available for development of the Navy Hard and Deeply Buried Target Defeat System and to provide funds for the procurement of Joint Tactical Combat Training System (JTCTTS) equipment)

On page 99, insert in the appropriate place the following new general provision:

SEC. 8014. (a) Not later than six months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing a comprehensive assessment of the TRICARE program.

(b) The assessment under subsection (a) shall include the following:

1. A comparison of the health care benefits available under the health care options of the TRICARE program known as TRICARE Standard, TRICARE Prime, and TRICARE Extra with the health care benefits available under the health care plan of the Federal Employees Health Benefits program most similar to each such option that has the most subscribers as of the date of enactment of this Act, including:
   a. A comparison of the types of health care services offered by each option and plan under comparison;
   b. The ceilings, if any, imposed on the amounts paid for covered services under each option and plan under comparison; and
   c. The timeliness of payments to physicians providing services under each option and plan under comparison.

2. An assessment of the effect on the subscription choices made by potential subscribers to the TRICARE program of the Department of Defense policy to grant priority to the provision of health care services to subscribers to a particular option.

3. An assessment whether or not the implementation of the TRICARE program has discouraged Medicare-eligible individuals from obtaining health care services from military treatment facilities, including:
   a. An estimate of the number of such individuals discouraged from obtaining health care services from such facilities during the two-year period ending with the commencement of the implementation of the TRICARE program; and
   b. An estimate of the number of such individuals discouraged from obtaining health care services from such facilities during the two-year period following the commencement of the implementation of the TRICARE program.

**AMENDMENT NO. 302**

(Purpose: To provide a comprehensive assessment of the TRICARE program)

On page 99, between lines 17 and 18, insert the following:

SEC. 8014. (a) Not later than six months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing a comprehensive assessment of the TRICARE program.

(b) The assessment under subsection (a) shall include the following:

1. A comparison of the health care benefits available under the health care options of the TRICARE program known as TRICARE Standard, TRICARE Prime, and TRICARE Extra with the health care benefits available under the health care plan of the Federal Employees Health Benefits program most similar to each such option that has the most subscribers as of the date of enactment of this Act, including:
   a. A comparison of the types of health care services offered by each option and plan under comparison;
   b. The ceilings, if any, imposed on the amounts paid for covered services under each option and plan under comparison; and
   c. The timeliness of payments to physicians providing services under each option and plan under comparison.

2. An assessment of the effect on the subscription choices made by potential subscribers to the TRICARE program of the Department of Defense policy to grant priority to the provision of health care services to subscribers to a particular option.

3. An assessment whether or not the implementation of the TRICARE program has discouraged Medicare-eligible individuals from obtaining health care services from military treatment facilities, including:
   a. An estimate of the number of such individuals discouraged from obtaining health care services from such facilities during the two-year period ending with the commencement of the implementation of the TRICARE program; and
   b. An estimate of the number of such individuals discouraged from obtaining health care services from such facilities during the two-year period following the commencement of the implementation of the TRICARE program.

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An assessment of any other matters that the Comptroller General considers appropriate for purposes of this section.

(c) In this section:

(1) The term "Federal Employees Health Benefits program" means the health benefits program under chapter 89 of title 5, United States Code.

(2) The term "TRICARE program" has the meaning given that term in section 1072(7) of title 10, United States Code.

REQUIRING A COMPREHENSIVE ASSESSMENT OF THE TRICARE PROGRAM

Mr. FAIRCLOTH. Mr. President, this amendment directs the General Accounting Office to take a close look at the health care benefit that we provide to our military dependents, retirees, and their survivors. Enough time has passed since we replaced CHAMPUS with the TRICARE program that it is now time to see whether or not we are providing a proper benefit.

When I speak of a "proper benefit," I use a very simple standard. I want to be sure that men and women in uniform and their loved ones are being cared for as well as our civilian federal employees are. The Federal Employees Health Benefits program (FEHBP) provides civilian federal employees and retirees with a good health care benefit having a variety of patient choices. It's the program that covers all of us in Congress, and my goal is to make sure that TRICARE is just as good for our military families.

Mr. President, the FEHBP offers many different managed-care, fee-for-service, and preferred-provider plans from which to choose. If the civilian federal employee or retiree finds his or her health care plan to be inadequate, another plan of the same type can be chosen. For our military families, it is not so simple. With TRICARE, you only get a choice of one managed-care, one fee-for-service, or one preferred-provider plan. To paraphrase Henry Ford, you can pick any HMO-type plan that you want as long as you choose TRICARE Prime. And if, for example, you are unhappy with TRICARE Prime, you either have to live with it, or go for the one fee-for-service or the one preferred-provider plan—there are no alternate managed-care plans.

Now, I recognize that a comparison between the TRICARE plans and the FEHBP plans will have to be very subjective. The comparison should not be limited simply to objective cost factors, premiums and copays, but it must be expansive enough to consider factors such as patient satisfaction, administrative requirements, ceilings on reimbursements and timeliness of their payment, covered services, etc. This is why I want the GAO to do this study. They will be independent and can use a combination of objective analyses and subjective surveys and interviews to give us the most clear, unblased picture.

Of course, we should not have to worry about conducting studies or figuring out how to compare the quality of TRICARE with the FEHBP if we provided more customer choice. Ultimately, the best "study" of the quality of a product or service is its acceptance in the marketplace. For this reason, I have long favored considering Medicare subvention and making FEHBP available for military beneficiaries as well as civilians. But, with TRICARE only offering one choice of plan and having a captive audience, there are no competitive pressures to keep providers focused on customer service, so this study is necessary.

I am also concerned that Department of Defense officials with regard to TRICARE may be further limiting choice. The GAO should identify reasons why TRICARE Prime enrollees should have priority at Military Treatment Facilities. This decision may be effectively eliminating the TRICARE Standard and Extra options because to choose either of these options may close off treatment at a Military Treatment Facility.

And there is another problem. Medicare-eligible retirees, since the implementation of TRICARE, are now having a very difficult time getting to see the doctor at the Military Treatment Facilities, if not facing an impossibility altogether. Let me explain. Because FEHBP, Medicare patients have first priority for medical treatment, retirees who wish to be served at a Military Treatment Facility have to sign up for TRICARE Prime—their choice for TRICARE Standard and Extra is effectively eliminated. But, the problem is that Medicare-eligible retirees are not eligible to participate in TRICARE at all. They and their Medicare-eligible dependents and survivors, if there are no appointments available at the Military Treatment Facility, are left with no military medical benefit, which we all know is contrary to the promise made to these veterans when they decided to make a career in the military.

Mr. President, there is no reasonable explanation in my mind of what could justify a health care benefit for our men and women in uniform, their dependents, and survivors, who give and gave so much of their lives for our country, that is anything less than what we have provided for ourselves and for civil servants. My amendment will give us a clear idea whether the military medical benefit offered is truly "prime," or even "standard," or whether it is substandard and we need to take action.

AMENDMENT NO. 3455

(Purpose: To authorize the Secretary of the Army and the Secretary of the Air Force to enter into one or more multiyear leases of non-tactical firefighting, crash rescue, or snow removal equipment)

On page 99, between lines 17 and 18, insert the following:

S 104. (a) Section 534(b) of title 10, United States Code, is amended—

(1) in the second sentence of paragraph (2), by striking out ""); except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a midshipman appointed from the United States"; and

(2) by striking out paragraph (3).

(b) Section 534(b) of such title is amended—

(1) in the second sentence of paragraph (2), by striking out ""); except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a midshipman appointed from the United States"; and

(2) by striking out paragraph (3).

(c) Section 9344(b) of such title is amended—

(1) in the second sentence of paragraph (2), by striking out ""); except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a midshipman appointed from the United States"; and

(2) by striking out paragraph (3).

(d) Section 934(b) of such title is amended—

(1) in the second sentence of paragraph (2), by striking out ""); except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a midshipman appointed from the United States"; and

(2) by striking out paragraph (3).

(e) Section 934(b) of such title is amended—

(1) in the second sentence of paragraph (2), by striking out ""); except that the reimbursement rates may not be less than the cost to
the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet appointed from the United States’; and 

(2) by striking out paragraph (3).

Mr. MCCAIN. Mr. President, I rise to offer a simple amendment to the Fiscal Year 1999 Defense Appropriations bill on behalf of Senator KAY BAILEY HUTCHISON and myself that merits bipartisan support and speedy passage. My amendment would repeal the limitations on the military departments to waive the requirement for reimbursement of expenses for foreign students at the service academies. Clearly, the authority to set rates and waive reimbursement expenses for persons from foreign countries undergoing instruction at U.S. service academies should rest with our military departments and not be subject to limitations on their ability to determine the costs of foreign national students.

Mr. President, the Senate Armed Services Committee included this provision in its version of the Fiscal Year 1999 Defense Authorization bill, however it was subsequently dropped in conference. The service academy superintendents all support this legislation, and I urge my colleagues to do the same. Mr. President, I request that letters of support of my amendment from the service academy superintendents and others be placed in the RECORD at the conclusion of my statement.

AMENDMENT NO. 3458

(Purpose: To make small businesses eligible to participate in the Indian Subcontracting Incentive Program.)

On page 54, strike Section 8023 and insert the following:

Sec. 8023. (a) In addition to the funds provided elsewhere in this Act, $5,000,000 is appropriated only for incentive payments authorized by Section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That contractors participating in the Indian Subcontracting Incentive Program by entering into subcontracting plans pursuant to 15 U.S.C. 637(d), to make clear that small businesses who enter into contracts with the Department of Defense may participate in the Indian incentive payment program, may be eligible for incentive payments under this section if they enter into subcontracting plans pursuant to 15 U.S.C. 637(d), to make clear that small businesses who enter into contracts with the Department of Defense may participate in the Indian incentive payment program under this subsection.

Mr. INOUYE. Mr. President, I rise in support of Senator DORGAN’s amendment that would clarify the eligibility of small businesses to participate in the Department of Defense Indian Subcontracting Incentive Program.

Mr. President, I can assure my colleagues that in establishing this program, it was our intent to provide incentives to Defense contractors who would enter into subcontracts with Indian-owned business enterprises or tribal enterprises.

Mr. President, it was not our intent to exclude from the Indian incentive payment program, those small businesses that might enter into contracts with the Department of Defense.

It is my understanding that because the original authorizing language which established the Indian incentive payment program refers to a subcontracting plan pursuant to 15 U.S.C. 637(d), the Department of Defense has interpreted that provision to exclude small businesses from participation in the Indian incentive payment program. Senator DORGAN’s amendment would simply strike the reference to a subcontracting plan pursuant to 15 U.S.C. 637(d), to make clear that small businesses who enter into contracts with the Department of Defense may participate in the Indian incentive payment program. Mr. President, I believe we should include Senator DORGAN’s amendment in S. 2132.

I ask unanimous consent to have two pertinent letters printed in the RECORD.

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


Hon. BYRON L. DORGAN,
U.S. Senate, Washington, DC.

DEAR Mr. President: In response to your letter dated October 31, 1997, concerning the Department of Defense Indian Subcontracting Incentive Program, the situation you describe is the consequence of a provision in the Department of Defense Appropriations Act, 1998. Specifically, section 8023 of that Act appropriates $8 million for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544). Section 8024, however, restricts the availability of such incentive payments to contractors that have entered into subcontracting plans pursuant to 15 U.S.C. 637(d). However, subsection 637(d)(7) expressly provides that the provisions relating to submission of a subcontracting plan under section 637(d) do not apply to small businesses. Consequently, the $8 million is not available for payments to small business under this authority.

Accordingly, in order to permit small businesses to participate in the program supported by the $8 million available under section 8023 of the Act, and to avoid an administrative change, would be required. We strongly support maximum practicable participation of small businesses in the performance of Defense contracts, and accordingly we intend to explore, in coordination with the Office of Management and Budget, whether to advance a legislative proposal to eliminate the administrative language in section 8024 in future years appropriation acts.

I appreciate your bringing this issue to our attention, and trust that this responds to your concern.

Sincerely,

WILLIAM COHEN.

UNDER SECRETARY OF DEFENSE, ACQUISITION AND TECHNOLOGY,
Washington, DC, November 12, 1997.

Mr. MARK A. KING:
Vice President, Business Development,
GMA Cover Corp., Washington, DC.

DEAR Mr. KING: This responds to our telephone conversation of October 9, 1997 relating to whether or not small businesses are eligible to receive incentive payments under the DoD Indian Subcontracting Incentive Program. Our understanding is that with both the Office of General Counsel and the Office of Defense Procurement, thoroughly re-reviewed the FY 1998 DoD Appropriations Act and our implementing policy. The conclusion reached based on that review is that the legislation authorizes incentive payments from the $8 Million appropriated for firms who submit subcontracting plans pursuant to 15 U.S.C. 637(d). Since 15 U.S.C. 637(d) does not apply to small businesses, even if GMA Cover Corporation submitted a subcontracting plan, such a submission would not be pursuant to this provision of the law.

The point of contact for this subject is Mr. Ivory Fisher. You may contact him directly on this or any other issues associated with the Indian Subcontracting Incentive Program. He may be reached at (703) 697–1688.

Sincerely,

ROBERT L. NEAL, JR.,
Director, Office of Small and Disadvantaged Business Utilization.

AMENDMENT NO. 3459

(Purpose: To provide for full funding of the testing of six chemical demilitarization technologies under the Assembled Chemical Weapons Assessment Program.)

On page 99, between lines 17 and 18, insert the following:

SNC. 15104. Out of the funds available for the Department of Defense under title VI of this Act for chemical agents and munitions, Defense, or the unobligated balances of funds available for chemical agents and munitions defense, Department, Defense, Appropriations Act making appropriations for military functions administered by the Department of Defense for any fiscal year, the Secretary of Defense may use not more than $25,000,000 for the Assembled Chemical Weapons Assessment Program. He may be reached at (703) 697–1688.

Sincerely,

WILLIAM COHEN.

AMENDMENT NO. 3460

(Purpose: To express the Sense of the Senate regarding the use of child soldiers in armed conflict.)

At the appropriate place, add the following:

Findings:

Child experts estimate that as many as 250,000 children under the age of 18 are currently serving in armed forces or armed
groups in more than 30 countries around the world;
contemporary armed conflict has caused the deaths of 2,000,000 minors in the last decade; an estimated 3,000,000 children seriously injured or permanently disabled;
children are uniquely vulnerable to military violence because of their emotional and physical immaturity, are easily manipulated, and can be drawn into violence that they are too young to resist or understand;
children abducted by the LRA are forced to become child soldiers if they are poor, separated from their families, displaced from their homes, living in a combat zone, or have limited access to education;
orphans and refugees are particularly vulnerable to recruitment;
individuals were egregious examples of the use of child soldiers is the abduction of some 10,000 children, some as young as 8 years of age, by the Lord’s Resistance Army (in this resolution referred to as the ‘‘LRA’’) in northern Uganda;
the Department of State’s Country Reports on Human Rights Practices for 1997 reports that ‘‘the LRA kills, maims, and rapes large numbers of civilians, and forces abducted children into “virtual slavery as guards, concubines, and soldiers’’; children abducted by the LRA are forced to raid and loot villages, fight in the front line of battle against the Ugandan army and the Sudan People’s Liberation Army (SPLA), serve as guards, concubines, and soldiers and participate in the killing of other children who try to escape;
former LRA child captives report witnessing Sudanese government soldiers delivering food supplies, vehicles, ammunition, and arms to LRA base camps in government-controlled southern Sudan;
children who manage to escape from LRA captivity have little access to trauma care and rehabilitation programs, and many find their families displaced, unlocatable, dead, or fearful of having their children return home;
Graca Machado, the former United Nations expert on the impact of armed conflict on children, identified the immediate demobilization of all child soldiers as an urgent priority, and recommended the establishment through a new optional protocol to the Convention on the Rights of the Child of 18 as the minimum age for military recruitment and participation in armed conflict; and
the Permanent Committee of the Red Cross, the United Nations Children’s Fund (UNICEF), the United Nations High Commission on Refugees, and the United Nations High Commissioner on Human Rights, as well as many nongovernmental organizations, also support the establishment of 18 as the minimum age for military recruitment and participation in armed conflict;
(2) not block efforts to establish 18 as the minimum age for participation in conflict through an amendment to the Convention on the Rights of the Child; and
(3) provide greater support to United Nations agencies and nongovernmental organizations in their efforts to monitor and reintegrate former child soldiers into society. SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President and the Secretary of State.

AMENDMENT NO. 361
On page 99, insert in the appropriate place the following new provision: SEC. 8104. Notwithstanding any other provision of law, the Secretary of Defense shall obligate the funds provided for Counterterrorism Technical Support in the Department of Defense Appropriations Act, 1998 (under title IV of Public Law 105-56) for the projects and in the amounts provided for in House Report 105-265 of the House of Representatives, 105th Congress, first session: Provided, That the funds available for the Pulsed Fast Neutron Analysis Project should be executed through cooperation with the Office of National Drug Control Policy.

AMENDMENT NO. 362
(Purpose: To designate funds for the development and testing of alternate turbine engines for military use.

On page 99, insert in the appropriate place the following new general provision: SEC. 8104. Of the funds provided under Title IV of this Act under the heading ‘‘Research, Development, Test and Evaluation, Navy,’’ up to $1,000,000 may be made available only for the development and testing of alternate turbine engines in military use.

AMENDMENT NO. 363
(Purpose: to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections)

At the appropriate place, insert the following:

SEC. 8. VOTING RIGHTS OF MILITARY PERSONNEL.

(a) GUARANTEE OF RESIDENCY.—Article VII of the Soldiers’ and Sailors’ Civil Relief Act of 1940 (50 U.S.C. 5900 et seq.) is amended by adding at the end the following:

"(b) By adding at the end the following:

"(b) ELECTIONS FOR FEDERAL AND LOCAL OFFICES.—Each State shall—"

"(1) permit absent informed services voters to use absentee registration procedures and to vote, so long as general, special, primary, and run-off elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter when that registration is received by the appropriate State election official not less than 30 days before the election.";.

(2) CONFORMING AMENDMENT.—The heading for title X of such Act is amended by striking out “FOR FEDERAL OFFICE”.

On page 99, between lines 17 and 18, insert the following:

SEC. 8104. From amounts made available by this Act, up to $10,000,000 may be available to convert the Eighth Regiment National Guard Armory into a Chicago Military Academy: Provided, That the Academy shall provide a 4-year college prepatory curriculum combined with a mandatory JROTC instructional program.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (No. 3420 through 3464) were agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I say with regard to the unresolved issues: We ask Senator DeWINE or his staff to show us the drug interdiction amendment, the D’Amato Serbia amendment, the two Coats amendments on SOS, and the next QDR, so that we can proceed to review those.

Similarly, we have a series on the Democratic side that we have not seen, and I urge that we see those: the Dodd Amendment issues; the Harkin vets’ meals issue. Other than that, I believe we have seen them all.

I might state, it appears that the one amendment that will take the longest time to dispose of is Senator DURBIN’s amendment, and I see he is here. I invite him to offer his amendment so that we might determine how to handle it.

Is the Senator prepared to suggest any kind of a time arrangement with regard to that? We would like to have a vote sometime around 8 o’clock, to make sure people understand we are going to stay here until we get done.

Mr. DURBIN. If the Senator will yield.

Mr. STEVENS, I yield.

Mr. DURBIN. I am open to the Senator’s request for a time limitation. Whatever the Senator from Alaska would like to suggest, I would certainly entertain.

Mr. STEVENS. Mr. President, I am willing to suggest to the Senator that we divide the time equally between now and 8 p.m., at which time it would be my intention to move to table the Senator’s amendment.

Mr. DURBIN. I agree to that. I have no objection. Before agreeing, could I ask the Senator from Alaska, time will be equally divided?

Mr. STEVENS. And I add to that, there will be no second-degree amendments to this motion prior to the motion to table; after the motion to table, it is open.

July 30, 1998
CONGRESSIONAL RECORD — SENATE
Mr. DURBIN. And further debate? Mr. STEVENS. And further debate; obviously, there is no limitation if the amendment is not tabled.

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

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 3465.

The amendment is as follows:

On page 99, between lines 17 and 18, insert the following:

S9386

No funds appropriated or otherwise made available by this Act may be used to initiate or conduct offensive military operations by United States Armed Forces except in accordance with Article I, Section 8, of the Constitution, which vests in Congress the power to declare war.

Mr. DURBIN. Mr. President, it is the usual custom in the Senate as long as I have been here. Almost two years ago, I asked for three months to dispose with the reading of an amendment. In this case, I did not—first, because the amendment in its entirety is very brief, only one page; and, second, I wanted those who are following this debate to hear each of its parts before the amendment, because in the wording of this amendment I think we have an important decision to make on the floor of the U.S. Senate.

This amendment which I offer reaffirms that the United States should only go to war in accordance with the war powers vested in the Congress by the Constitution. My colleague, who has just joined us on the floor, Senator BYRD of West Virginia, carries a well-worn and tattered version of that Constitution. I bet he has in his possession as his moment—and I win my bet—and Senator BYRD refers to it frequently to remind all of us that we, when we took the oath of office to become Members of the U.S. Senate, swore to uphold this Constitution.

The section of the Constitution which my amendment addresses is one which is central to the power of the U.S. Senate and the power of Congress. Article I, section 8, includes in the power of the Senate the power to:

To declare War, grant Letters of Marque and Reprisal and make Rules concerning Captures on Land and Water.

Most constitutional scholars will know the meaning of the term "marque and reprisal." We have read it many times. It is one of those words that need to be refreshed, that is an effort, short of war, where the United States, short of some commitment of major troop forces and the like, would seek to impose its will or stand for its own national security.

The most operative section of Article I, section 8, are the simple words "To declare War." This amendment would prohibit the use of funds appropriated to the Department of Defense for "offensive military operations," except in accordance with Article I, section 8, which specifically gives to Congress, and Congress alone, the power to declare war and take other actions to govern and regulate the Armed Forces.

A similar amendment was offered by Congressman DAVID SKAGGS of Colorado and Congressman TOM CAMPBELL of California. It has passed the House of Representatives. It is part of the Department of Defense appropriations bill, which will be considered in conference with the bill that we are debating.

This amendment that I offer today reaffirms that the Constitution favors the Congress in the decision to go to war, and that Members of Congress have a constitutional responsibility that they cannot ignore with regard to the offensive use of forces. Why is this necessary? Let me quote from a scholar who has written on this subject extensively. Louis Fisher is a senior specialist in the separation of powers with the Congressional Research Service at the Library of Congress. He wrote in an article entitled "Sidestepping Congress: Presidents Acting Under the UN and NATO:"

"Truman in Korea, Bush in Iraq, Clinton in Haiti and Bosnia—each instance, a President circumvented Congress by relying either on the UN or NATO. President Bush also stitched together a multilateral alliance before turning the eleventh hour to obtain statutory authority. Each exercise of power built a stronger base for unilateral Presidential action, no matter how illegal, unconstitutional and undemocratic. The attitude, increasingly, is not to do things the right way, in accordance with the Constitution and our laws, but to do the ‘right thing.’ It is an attitude of autocracy, if not monarchy. How long do we drift in these currents before discovering that the waters are hazardous for constitutional government?"

On January 12, 1991, the Congress, in addition to authorizing the use of force to drive Saddam Hussein from Kuwait, took an important vote asserting its constitutional responsibilities and insisting that the President follow the wisdom of the framers of our Constitution when considering a question as serious as war. Despite the vocal opposition of the Bush White House, the House of Representatives in which I served passed for the first time a resolution that I offered with Congressman Bennett of Florida. You may recall what happened. When Saddam Hussein of Iraq invaded Kuwait, there was fear that he would continue and then invade Saudi Arabia. The United States began positioning forces in Saudi Arabia just at the invitation of the Saudis to defend; we were preparing a massive military force to, in fact, invade Kuwait and to oust the Iraqis. We knew that that would necessarily involve the loss of life, and many of us in Congress believed that it clearly fit within the four corners of Article I, Section 8, of the Constitution that Congress should act and, in fact, we did. There was an extensive debate on the floor of the Senate, as well as the House of Representatives, and ultimately, Congress voted to authorize the use of force by the President—President Bush at the time—in order to push the Iraqis out of Kuwait.

Another important congressional action was a 1994 Senate resolution rejecting the Clinton administration's sanctions on Serbia for its military operations in Kosovo. The Senate voted 75 to 19 to pass that resolution by a resounding voice vote. The framers intended the Armed Forces to be employed by the Executive as a blunt instrument for enforcing U.S. foreign policy without congressional approval. Yet, in the Iraq crisis earlier this year, and in the unstable situation in Kosovo today, that is exactly what we have seen. Absent a reaffirmation by Congress of its proper constitutional war powers, we will certainly see it again. The time for this amendment is now. I will speak to the Kosovo situation toward the close of my opening statement.

Article I, section 8, clause 11 of the Constitution, the so-called war powers clause, vests in Congress this power. I have read the same article, section 8, vests in Congress the power to define and punish "piracies and offenses against the Law of Nations," "raise and support armies," "to provide and maintain a navy," and "make rules for the government and regulation of the land and naval forces," and "to provide for organizing, arming, and disciplining the militia, and governing such part of them as may be employed in the service of the United States."

Very significantly, clause 18 of this section gives Congress the power to "make all laws which shall be necessary and proper for carrying into execution the foregoing powers." This clause clearly states that it is Congress that makes the laws for the regulation of the Armed Forces, especially in matters of war.

Article II, section 2 of the Constitution states:

The President shall be commander in chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States.

That is all the war powers vested in the President by the Constitution. It is instructive for us to look back at the
debate which gave rise to these constitutional provisions.

Comments by the framers of the Constitution clearly indicate their intent in favor of Congress in matters relating to the offensive use of military force. James Madison, speaking at the Pennsylvania State Convention on the Adoption of the Federal Constitution, argued that the system of checks and balances built into the Constitution "will not hurry us into war; it is calculated to guard against it. It will not be left to a single man, or a single body of men to involve us in such distress; for the important power of declaring war is vested in the legislature at large.

No one less than Thomas Jefferson explained that he desired Congress to be "an effectual check to the dog of war."

James Madison wrote that Congress would have the power to initiate war, though the President could act immediately "to repel sudden attacks" without congressional authorization.

Roger Sherman further delineated on the President's war powers: "The executive should be able to repel and not to commence war."

Constitutional scholar Louis Henkin of Columbia University wrote this in 1987:

There is no evidence that the framers contemplated any significant independent role—or authority—for the President as commander in chief when there was no war. The President's designation as commander in chief . . . appears to have implied only authority to use the Armed Forces, whether for war (unless the United States were suddenly attacked) or for peace-time purposes, except as Congress directed.

International law scholar, John Bassett Moore, wrote in 1944:

There can hardly be room for doubt that if the framers contemplated any significant independent role or authority for the President as commander in chief when there was no war, it was to give the President the authority to use the Armed Forces, whether for war (unless the United States were suddenly attacked) or for peace-time purposes, except as Congress directed.

The constitutional framework adopted by the framers for the war power is remarkably clear in its basic principles. The authority to initiate war lay with Congress. Other U.S. Presidents have affirmed this interpretation of war powers under the Constitution. Abraham Lincoln wrote this in 1848:

This, our (Constitutional) Convention understood to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

Fast forward 100 years into the 20th century, as we debated the possibility of creating a United Nations. The U.N. Charter carries the sea-change that, in part, brought the end of the war powers Congress had. The U.S. joined the League of Nations, a single body of nations to make war and peace, to make war and peace decisions. As the League of Nations was established, the U.S. moved forward, and President Truman rationalized the use of force in this "police action" to uphold the rule of law. I recall that particularly, because my two older brothers served in the Korean War, and they have an ongoing joke about the fact that this was just a "police action." They knew better. All of the families and all of those involved knew that it was, in fact, a war.

The courts, too, have supported the constitutional prerogatives of Congress with regard to war-making, including the implied constitutional power to "authorize" war.

The Supreme Court in Bas v. Tingey, in 1800 said, "Congress is empowered to declare general war. Or Congress may wage a limited war; limited in place, in objects, and in time.

Chief Justice Marshall, writing in Talbot v. Seeman in 1801: "The whole powers of war being, by the Constitution of the United States, vested in Congress, the acts of that body can alone be resorted to as guides in this inquiry."

U.S. Circuit Court, New York, U.S. v. Smith, 1806: "It is the exclusive province of Congress to change a state of peace into a state of war."

More recently, during the Persian Gulf episode, a case was filed in the U.S. district court in Washington. I joined with petitioners who filed this action to ask the court to spell out the power of Congress in this situation under the Constitution to declare war. The court rejected the Justice Department's contention that "the question whether an offensive action taken by American armed forces constitutes an act of war (to be initiated by a declaration of war) or an 'offensive military attack' (presumably undertaken by the President in his capacity as Commander in Chief) is not one of objective fact but involves an exercise of judgment based upon all the variables of foreign affairs and national security."

The court said, "This claim on behalf of the Executive is far too sweeping to be accepted by the courts. If the Executive had the sole power to determine that any particular offensive military operation, no matter how vast, does not constitute war-making but only an offensive military attack, the congressional power to declare war will be at the mercy of a semantic decision by the Executive. That decision would evade the plain language of the Constitution, and it cannot stand."

Mr. President, over the last 40 or 45 years, Congress has virtually ceded its constitutional war powers responsibilities to the President. Many of the significant instances of use of force by the Executive without congressional authorization, including the only major unauthorized war in Korea, and localized conflicts in the Dominican Republic, Grenada, and Panama, among others, occurred during this period.

I will not visit that sad and contentious chapter of American history surrounding the Vietnam war, but suffice
it to say that after that war Congress made the decision, through the passage of legislation, to take a more active role in the decisionmaking process.

The 1973 War Powers Resolution, which then-Armed Services Committee Chairman William Proxmire called “an important step in this Congress to assume its duty in representing the people of this Nation,” unfortunately has done little to slow down the gradual assumption of war powers claimed by successive administrations or to embed Congress firmly into its proper powers responsibilities under the Constitution.

Even in signing the congressional authorization of the use of force against Iraq in 1991, President Bush went to great pains to emphasize his claim that he possessed constitutional authority to act. “As I made clear to congressional leaders at the outset, my request for congressional support did not, and my signing of this resolution does not, change in the long-standing position of the Executive Branch on either the President’s constitutional authority to use the Armed Forces to defend vital U.S. interests, or the constitutionality of the War Powers Resolution.”

The Clinton administration echoed President Bush’s comments and even took it one step further.

During her congressional testimony during the Iraq crisis this last February, Secretary of State Madeleine Albright spoke of “the President’s constitutional authority as Commander in Chief to use armed forces to protect our national interests.”

In a Statement of Administration policy threatening a veto of the House version of this bill if the Skaggs-Campbell amendment were included, the administration stated that, “The President must be able to act decisively to protect U.S. national security and foreign policy interests.”

I do not believe that the framers of our Constitution would have ever accepted such inflated claims of executive authority, or the idea the Armed Forces should be used by the President as a device for implementing administration foreign policy, without the approval of Congress.

President Bush’s comments notwithstanding, Congress made a good start in regaining its proper constitutional war powers responsibilities in the fiscal 1991 debate and vote to authorize the war in the Persian Gulf. Congress affirmed at that time that its responsibilities extended far beyond merely paying the bills for Presidents’ wars.

Now it is time for the Congress to take the next step. This amendment will restore the proper constitutional balance between the executive and legislative branches in deciding when or if the United States is to go to war.

Mr. President, in the case of that I have heard on Capitol Hill, in both the House and Senate, it has been my sad responsibility on several occasions to attend funerals in my home district, in my congressional district, for the families of those who have fallen in combat.

I can’t think of a sadder occasion—one of the saddest that I can recall—than the one that involved the sending of Marines to Lebanon, putting them in harm’s way, and after a terrible bombing of the barracks, the loss of life of a young man from Springfield, Ill. Time and again, I thought at those sad services that there is a legitimate question the family could ask of their elected representatives if they were now in the U.S. Senate. Was I part of the decision that led to the war that took their son’s life? Because the Constitution makes it clear that I should have been part of that decision. In so many instances, I was not; the decision was made by the President. The only course for Congress is control of the purse, and virtually nothing else.

As a direct result, we lost lives without the American people speaking to the question of war through their elected Congress. Now it is time for the Congress to assert this amendment and the reassertion of our constitutional responsibilities, we will be and should be called on more frequently to make important decisions about committing American troops.

There is one operative and very important word in this amendment. It is the word “offensive,” as in offensive military operations. So the Record is eminently clear, there is no doubt in my mind nor in anything I have read that the President of the United States, as Commander in Chief, has the power to protect American citizens and the property of the United States. He need not come to the Congress and seek our approval when he is, in fact, defending U.S. property. We are talking about a separate circumstance, a circumstance where instead of taking a defensive action, the President decides to take an offensive action.

I might also add that for those who say, clearly the Senator from Illinois is offering this amendment because he is concerned about some current conflict, well, yes, I am concerned. I am concerned about any conflict that involves American troops. This is what motivates me to join the gentleman from Colorado who offered this amendment in the House of Representatives. As I mentioned earlier, it was almost 7 years ago that I joined Congressman Bennett of Florida in a similar effort.

I do believe this principle is sound, and those who want to gainsay this effort should know that I have tried to stand by this principle through the time that I have been in Congress.

Is there a need for us to consider it now? I will reserve that to your judgment. Consider the statements made by Robert Gelbard, special representative of the President and Secretary of State on Implementation of the Dayton Peace Agreement, when he spoke before the House International Relations Committee in Washington on July 23, 1998, relative to the tragedy in Kosovo.

Mr. Gelbard said:

In NATO councils, planning for possible NATO action is nearly completed. While no decision has been made regarding the use of force, all options, including robust military intervention in Kosovo, remain on the table. NATO planning is on track and Milosevic under duress. That is the hard political decision the deteriorating situation in Kosovo is a threat to regional peace and security. The potential for spillover into neighboring States remains a paramount concern. We and our allies have made clear to President Milosevic that spill-over of the conflict into Albania or Macedonia will not be tolerated.

Make no mistake, if Mr. Gelbard’s statement is a statement of administration policy, the administration is poised to initiate an offensive military action relative to Kosovo, an action which I believe clearly requires congressional approval.

This amendment and the reassertion of our constitutional responsibility to declare war. It also asserts our responsibility. Be careful for what you wish because with the passage of time, and the reassertion of our constitutional responsibility, we will be and should be called on more frequently to make important decisions about committing American troops.

There is one operative and very important word in this amendment. It is the word “offensive,” as in offensive military operations. So the Record is eminently clear, there is no doubt in my mind nor in anything I have read that the President of the United States, as Commander in Chief, has the power to protect American citizens and the property of the United States. He need not come to the Congress and seek our approval when he is, in fact, defending U.S. property. We are talking about a separate circumstance, a circumstance where instead of taking a defensive action, the President decides to take an offensive action.

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I do believe this principle is sound, and those who want to gainsay this effort should know that I have tried to stand by this principle through the time that I have been in Congress.
Mr. DURBIN. I reserve the remainder of my time.

Mr. BYRD. Mr. President, will the Senator yield me some time?

Mr. DURBIN. I would be happy to yield to the Senator from West Virginia.

Mr. BYRD. How much time remains?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. BYRD. Mr. President, I can’t get started in 9 minutes on this subject.

Mr. DURBIN. Of wonder if the Senator from West Virginia might be able to secure some time from the other side. I would be happy to ask, if there is anyone in the Chamber. They might be called for that purpose.

Mr. BYRD. Mr. President, I was not in the Chamber when the agreement was entered into. My friend knew of my interest in speaking on the amendment, and I wish I had been protected.

Mr. DURBIN. May I ask the Chair, it was my understanding that at about quarter of 7 we agreed we would debate this until 8 o’clock equally divided?

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. That is correct. That is how I understood it. I am sorry; I apologize to the Senator from West Virginia, whom I asked to come to the floor, and I would be glad to give him every minute remaining. I am sorry that I had gone as long as I did, because I am anxious to hear his remarks.

Mr. BYRD. Mr. President, I don’t know how much time the opponents of this amendment will require.

Mr. President, I think I will just ask for 2 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BYRD. I wish to thank the opponents for offering 10 minutes to me, but I feel that I will just ask that my speech be printed in the Record.

On this gravity, I am disappointed that the Senate has entered into an agreement to speak for what would amount to about 1 hour and 15 minutes for both opponents and proponents. Of course, the distinguished Senator from West Virginia is preeminently correct in what he has said about the Constitution and what he has said about the efforts toward grandstandization on the part of this administration and most recent administration when my understanding was that about 5 minutes on this subject.

We have in the Senate particularly, may I say, additional responsibilities over those of the House in this area of war powers because of the Constitution and provisions therein, and it seems to me that we ought to take a little more time when it comes to debating an amendment of this importance. This is an amendment that is calculated to protect the prerogatives of the Senate when it comes to our constitutional powers and duties, and here we are limited to 1 hour and 15 minutes.

In saying this, of course, I am complaining, but I also want to thank Mr. DURBIN and I want to thank Mr. STEVENS for their consideration and kindness in offering to give me some additional time.

Mr. DURBIN. Mr. President, before the Senator from West Virginia leaves the floor, I have just contacted the majority in an effort to postpone the vote so we could have a debate. I certainly would like the Senator from West Virginia to have an opportunity to state his position clearly. I believe it will be a valuable addition to this debate. I will be happy to afford an equal amount of time on the other side, so there is no disadvantage created.

Before I make that unanimous consent request, I have asked the majority side if there is objection.

Mr. STEVENS. What? I object. Just a second.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. If I might ask the Senator from Alaska, Senator BYRD has come to the floor to speak to this issue. I was wondering if it might be allowed by unanimous consent to extend—postpone the vote for a sufficient time so that each side could have an equal amount of time, to give the Senator from West Virginia his opportunity.

Mr. STEVENS. I say to the Senator, I have talked with Senator BYRD. We are perfectly prepared to have him continue to take time.

Under a unanimous consent agreement at 8 o’clock where Senator Stevens is coming back to the floor, hopefully we can vote at approximately that time. I don’t know how long my good friend is going to speak, but I will limit the amount of time spent in opposition. We will just make the motion to table when the time comes. We do not want to extend it now. We are going to have to be here until 3 or 4 o’clock in the morning as it is, so I object to any further change in this time agreement, and I urge my good friend from West Virginia to consider his statement. He knows we will accommodate him with such time as he needs. But let’s not change the time agreement yet.

The PRESIDING OFFICER. Pursuant to the unanimous consent agreement are as follows:

Ordered further, That the foregoing occur without any intervening action or debate.

The House companion measure, as amended, the passage of S. 2168 be vitiated and the bill be indefinitely postponed.

The DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

Mr. STEVENS. Mr. President, it is my understanding when the Senator returns to the floor, Senator BYRD will speak. I state to the Senate, there is substantial opposition to this amendment. I am one who voted against the War Powers Act, but I think this goes too far. It is an amendment that should be considered by the Armed Services Committee and not debated at the last minute on an appropriations bill.

In the old days, we had a point of order against legislation on an appropriations bill. That point of order is not available to us now, but the concept is still there, and that is what we are trying to establish once again—the concept that we limit this appropriations bill to the provisions of this bill that regard spending of money for our defense in the fiscal year 1999.