CONGRESSIONAL RECORD—SENATE
May 26, 1999

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The Senate continued with the consideration of the bill.

AMENDMENT NO. 397
(Purpose: To repeal the restriction on use of Department of Defense facilities for privately funded abortions)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Mrs. SNOWE, Mrs. MUKULSKY, Mrs. SIEGEL, Mr. KENNEDY, Mr. SCHUMER, Mr. INOUYE, Mr. KENNEDY, and Mr. JEFFORDS, proposes an amendment numbered 397.

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

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

The amendment is as follows:

In title VII, at the end of subsection B, add the following:

SEC. 2. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

The resolution (S. Con. Res. 35) was agreed to, as follows:

S. CON. RES. 35
Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, May 27, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Monday, June 7, 1999, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, May 27, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Monday, June 7, 1999, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The PRESIDING OFFICER. Is there any objection?

Without objection, it is so ordered.

I also want to point out that this amendment would not change the current conscience clause for medical personnel. Health care professionals who object to providing safe and legal reproductive health care services. That is exactly what this amendment is all about—access to safe, affordable, and legal reproductive health care services. That is why the Department of Defense supports this amendment, as does the American College of Obstetricians and Gynecologists. The Department of Defense recognizes that it has a responsibility to ensure the safety of all of its troops, including our women. Many of you may wonder why Senator SNOWE and I continue to offer this amendment year after year. Why don't we just give up? Let me tell my colleagues, the reason I come to the floor every year during the Department of Defense authorization bill is to continue to educate the jury that a majority of you will finally stand up for all military personnel.

As I have in the past, I come here today to urge my colleagues to guarantee to all military personnel and their dependents the same legal abortion-related services. Her duty officer has to grant the request, remove her from active duty, and transport her to the United States. This is an expensive, taxpayer-funded, and inefficient system. Not only is there cost of transportation, but there is cost to military readiness when active personnel is removed for an extended period of time.

As we all know, women are no longer simply support staff in the military. Women command troops and are in key military readiness positions. Their contributions are beyond dispute. While women serve side by side with their male counterparts, they are subjected to archaic and mean-spirited health care restrictions. Women in the military deserve our respect and they deserve better treatment.

In addition to the cost and the loss of personnel, we have to ask: What is the impact on the woman's health? A woman who is stationed overseas can be forced to delay the procedure for several weeks until she can get her travel to the United States where she can get safe, adequate, legal health care services. For many women, every week an abortion is delayed is a risk to her health.

Why should a woman who is serving our country in the military be placed...
at a greater risk than a woman who is not serving in the military? In making this amendment, I am often struck by how little some of my colleagues know about restrictions on reproductive health care services in many other countries. Many of my colleagues may be surprised to learn that in some countries abortions are illegal, and punishment is swift and brutal—not just against the provider but against the woman as well. In these cases, a back-alley abortion can be deadly. Not only are they risking their own health, but they are also risking their own safety and well-being.

We are talking about women who are serving us overseas in the military. Why should we put our military personnel in this kind of danger? We are fortunate in this country, because abortion is an extremely safe procedure when it is performed by trained medical professionals. However, in the hands of untrained medical professionals in unsterilized facilities, abortion can be dangerous and risky to a woman’s health. The care that we expect—actually the care that we demand—is simply not universal.

Regardless of what some of my colleagues may think about the constitutional ruling that guarantees a woman a right to a safe abortion without unnecessary burdens and obstacles, it is the law of our land. Roe v. Wade provides women in this country with a certain right and a guarantee. While some may oppose this right to choose, the Supreme Court and a majority of Americans support this right. However, active-duty servicewomen who are stationed overseas today surrender that right. They are now forced to make the decision to volunteer and to defend all of us.

It is sadly ironic that we send them overseas to protect our rights, yet in the process we take their rights away from them. I urge my colleagues to simply give women in the military the same protection whether they serve in the United States or overseas. Please allow women the right to make choices without being forced to violate their privacy and, worse, jeopardize their health. This is and must be a personal decision. Women should not be subjected to the approval or disapproval of their coworkers or their superiors. This decision should be made by the woman in consultation with her doctor.

The amendment that is before us simply upholds the Supreme Court decision. It is not about Federal funding. It is not about forcing those who constitute the Sixth Amendment to provide these services. It is simply about the degree that we recognize the role of women in the military and whether we give them the respect that I argue they deserve.

Mr. President, I yield to my colleague, Senator Snowe, what time she would like to use.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Thank you, Mr. President. I thank the Senator from Washington, for once again, providing leadership on this most significant issue. As she said, it is regrettable that we have to come back to the floor to seek support for our women in uniform who happen to be assigned overseas for this very basic right. I commend her for introducing this legislation once again to repeal the ban on privately funded abortions at overseas military hospitals.

It is unfortunate that this amendment is even necessary. It is unfortunate that we have to be here fighting for it once again. How could this debate be necessary? How can it be that this blatant wrong still needs to be righted? Yet, here we are, once again, having to argue a case that basically boils down to those who are serving this country overseas with the full range of constitutional rights, options, and choices that would be afforded them as American citizens on American soil.

We are here today because the U.S. law denies the right to choose to 227,000 spouses and dependents stationed with our servicemen overseas, and denies the right to choose for more than 27,000 servicewomen who volunteered to serve our country. Though these women are right now overseas our country’s interests, year after year this body denies them access to safe and sanitary medical care simply because they were assigned to duty outside the United States.

In very simple terms, this amendment will allow women stationed overseas that right to privately funded abortions at their local American military facility. It will allow women and their spouses the freedom to consider the most difficult, heart-wrenching decision they could make without fearing the potentially substandard care they would be faced with in a country that does not speak their language and that does not train their medical personnel the way in which they are here in the United States.

I don’t understand why we insist in denying our service men and women and their families their right as Americans. We ask a great deal of our military personnel—low pay, long separations, hazardous duty. When they signed up to serve their country, I don’t believe they were told, nor do I believe they were asked, to leave their freedom of choice at the ocean’s edge. It is ironic that we are denying the very people who ask us to uphold democracy and freedom the basic and simple right to safe medical care. The Murray-Snowe amendment would overturn that ban and ensure that women and military dependents stationed overseas would have access to safe health care.

I want to clarify the fact that overturning this ban doesn’t mean we will be using Federal funds to support a procedure such as abortion. This would allow American personnel stationed overseas to use their own funds for the support of an abortion in a military hospital. It is very important to make that distinction.

As the Senator from Washington indicated, there is also a clause so that medical personnel cannot be forced to perform a procedure with which they disagree.

We had this ban lifted in 1993 restoring a woman’s right to pay for abortion services with her own money. Unfortunately, that ban was reinstated back in 1995. I think it is important to understand what choices women are left with under our current policy.

Imagine a young servicewoman or the wife of an enlisted man living in a foreign country where the language is a barrier. She finds herself pregnant and, for whatever reason, she has made a very difficult decision to terminate her pregnancy and she wants to have that procedure done in a military hospital and is willing to pay for it with her own funds. Under current U.S. law, she won’t be able to do that. She won’t be able to go to a base hospital near her family and friends. She won’t be assured of the same quality care that she could receive here in the United States. She won’t be able to even communicate under some circumstances because language might be a barrier.

So what are her choices? She must either find the time and money to fly back to the United States to receive the health care she seeks, or possibly endanger her own health by seeking one in a foreign hospital, or she may have to fly to a third country, again where the medical services may not equate to those available at the military base—if she can’t afford to return home.

What is the freedom to choose? It is a freedom to make a decision without unnecessary government interference. Denying a woman the best available resource, for her health care simply is not right. Current law does not provide a woman and her family the ability to make a choice. It gives the woman and her family no freedom of choice. It makes the choice for her. Our men and women in uniform—and the families standing behind them—are our country’s best and most valuable assets. When people sign up for military service, they promise us they will do their best to protect our country and its ideals. We promise them we will provide for them and their families the necessities of life—to provide them with the most advanced and the safest health care available. That is the arrangement. This is the benefit that we make available to them in return for their commitment to serve our country. Our men and women and their spouses should not be required to give up their constitutional protections,
and the Supreme Court supported right to privacy, and our promise of safe health care.

Yet, we prohibit women from using their own money—not taxpayer dollars—to obtain the care they need at the local base hospital.

What we are saying to our women in uniform, or to the dependents of others who serve in our military, is: Sorry. You are on your own. So she faces a circumstance that she would not confront were she stationed at Fort Lewis, WA, or Brunswick Naval Air Station in Brunswick, ME, because she could go off base and be guaranteed safe and legal medical care.

The Murray-Snowe amendment is only asking for fair and equal treatment. It is saying to our men and women and their families, if you find yourself in military hospitals, you should be able to receive the service of safe medical care if you pay for it with your own money. Is that too much to ask?

We owe it to our men and women in uniform. We owe it to them so that they can receive the care they need in a safe environment. They do not deserve anything less.

I urge my colleagues to join me in voting for the Murray-Snowe amendment.

I yield the floor.

Mr. SMITH of New Hampshire. Mr. President, here we go again with the same amendment that comes up every year. The vote is always close. There are a lot of very strong feelings on both sides.

Again, as I have in the past, I rise in opposition to this amendment—this time the Murray-Snowe amendment—which would allow U.S. military facilities to be used for the performance of abortions on demand.

Under current law, no funds may be made available to the Department of Defense for the performance of abortions. The amendment now before the Senate is completely inconsistent with the Hyde amendment, which has been existing law for 20 years. Under the Hyde amendment, no taxpayer dollars may be used to pay for abortions.

The issue here is whether or not you want to basically throw out the Hyde amendment and say that Members are willing to have taxpayer dollars used to pay for abortions in military hospitals. The Hyde amendment recognizes that millions of American taxpayers believe that abortion is the taking of an innocent life, an unborn human being. Those Members, myself included, who proudly call ourselves pro-life should not be forced to pay for a procedure with our tax money that violates our fundamental and deeply held belief in the sanctity of innocent human life. That is the issue here.

In the 1980 case of Harris versus McCrady, the Supreme Court upheld the constitutionality of the Hyde amendment. The Court determined that there is no constitutional right to a taxpayer-funded abortion, no matter how we feel on the issue otherwise—no constitutional right, according to the Harris versus McCrady decision in 1980.

Current law with respect to abortions at military facilities, then, is fully consistent with the Hyde amendment. This amendment by the Senator from Washington will overturn existing law. The proponents of this amendment, which would overturn current law and allow abortion on demand at military hospitals, claim that their proposal is somehow consistent with Hyde. It is not. They say this because, under their proposal, servicewomen seeking these abortions would pay for them. That is true.

This argument, however, evinces a fundamental misunderstanding of the nature of military medical facilities. It should not be done. In short, it is impossible to allow the performance of abortion in military hospital and use those facilities for the performance of abortion. The clinics, the hospitals, the doctors, the equipment—all of it is paid for by the U.S. taxpayer. Physicians who practice in those clinics and hospitals, government employees whose salaries and bills are paid by the taxpayers, all of it, all of the operational and administrative expenses associated with the practice of military medicine are paid for by the taxpayers of the United States.

Furthermore, equipment that would be used at these facilities to perform the abortions, equipment that we abhor—those of us who are pro-life, pro-family, anti-abortion—those of us, and I won't go into the details about what happens with the equipment that is used on these innocent children—that equipment will be purchased by taxpayer dollars. It will be purchased by dollars that I pay in taxes and that many of my millions of friends around the Nation who oppose abortion, their dollars will be used to pay for this.

The Supreme Court of the United States has said that that is wrong and they ruled in the McRae case that it should not be done. It is simply impossible to allow the performance of abortions at military facilities, even if the procedure itself is paid for by the servicewoman involved, without having the taxpayers forced to subsidize it. You can't do it.

The only way to protect the integrity of the taxpayer's dollars is to keep the military out of the business of abortion. We could go on and on, on just that issue. Just what business should the military have in the taking of the lives of unborn children and use the military to now do that? Do we have to really do that? Isn't that what we had to see throughout America since the illustrious Roe versus Wade decision in 1973—let's define abortion: The taking of the life of an unborn child. Thirty-five million. If you look at the statistics of how many girls are born and how many boys are born, that probably translates into about 18 million young girls who would now be as old as 30 years, perhaps, depending on when the abortion might have been performed. How many of those 18 million young women may have had the opportunity to serve in the U.S. military? They don't get that chance because our country, our Nation, supported a Supreme Court decision that said they didn't have a chance to ever have the opportunity to serve in the military, never have the opportunity to be a mother, never have the opportunity to be a daughter, never have the opportunity to live their dreams, to enjoy the liberties of the United States of America—never to have that opportunity. Never to have the opportunity to fight for the freedom of the United States as a member of the military because they were aborted—they were killed in the womb. This Nation, through this Supreme Court decision, allowed it to happen. That is beyond the dignity, to put it mildly, of a great nation. We let it happen.

It is bad enough that happened, but now we have to go one step further with the amendment of the Senator from Washington and say that the taxpayers have to fund it.

Mr. President, I wish everyone who will vote on this amendment in the next hour or so had had the opportunity I have had to personally meet a young woman who is now in her midtwenties. She could not serve in the military because she was not physically able to serve in the military. Let me tell you why she could not serve in the military. She was aborted, and she lived, and she is crippled. So she cannot serve in the military. I have met this young woman, as many others have. There are many like her, but I use her as an example, Gianna Jessen. Who knows, maybe Gianna would have liked to have been a woman in the military, but she cannot.

Why do we not wake up in America and understand what we are doing? Should we really be surprised when our children do some of the things they do in this country? Why should we be surprised? What is the underlying message? And this amendment sends the same message.

The underlying message is: Go to school today, Johnny. Go to school.
When are we going to wake up, America? How much more of this do we have to take? Why are you surprised when your child brings something home? What kind of message do we send? 

This amendment is not about the so-called right to choose abortion that the Supreme Court created in 1993. I disagree with Roe v. Wade. Everybody knows that. I just said it. I introduced S. 997, that would reverse Roe v. Wade, establishing that the right to life comes with conception and protecting that life. I dream of the America of the future when we will respect it. 

But, as I said, this amendment is not about the larger issue of abortion; it is about taxpayer funding of abortion. Millions and millions of pro-life Americans, who believe to the very core of their being that abortion is the taking of an innocent life, should not be forced to pay for abortions, not directly, not indirectly, not in any way you can define it, with taxpayer dollars. 

I urge my colleagues, no matter what their personal views are, to reject this amendment, because to preserve the current law, to vote to protect and be consistent with the Hyde amendment. Let’s get the military involved in protecting America and not taking innocent children’s lives. 

I yield 5 minutes to the Senator from Oklahoma. 

The PRESIDING OFFICER. The Senator from Oklahoma. 

Mr. NICKLES. Mr. President, I compliment Senator SMITH for his remarks. I join him in urging our colleagues to vote “yes” in favor of the tabling motion, to vote “no” on the Murray amendment. 

Abortion is not a fringe benefit. People talk about a benefit that other people have. Abortion is the taking of a human life, so it should not be just a fringe benefit that is provided for at Government expense or provided for in Government hospitals. These are military hospitals. They do not have abortionists. They do not have abortionists in their hospitals. They have not been allowed through 1992. It was a change in the Executive order by the Clinton administration in 1993, saying we are going to have those. In 1993 and 1994, because of an Executive order—not because of a change in Congress—the Clinton administration said we want to provide abortions at military hospitals. 

Guess what. They could not find abortionists. They could not find doctors to perform abortions at military hospitals, because they had been prohibited for at least 10 years, if not 12 years before, when that was not the case. The Hyde amendment said we are not going to use Federal funds to provide abortions. We did not have abortions performed at military hospitals. The Clinton administration tried to change that. They did not have anybody to do it. They tried to recruit them. 

We changed the law in 1996. The Murray amendment would change it back by saying to military hospitals: You must provide abortions—a fringe benefit. Granted, maybe the person receiving the abortion now would have to pay a little bit, but the military is going to have to find somebody to perform them. They are going to have to make their hospitals—who have to be trained to do it, trained to do it right. So they are going to have to hire people to perform abortions, people right now they do not have—they have not been able to find them. Frankly, in 1993 and 1994 we changed the law. Congress changed the law in 1995, and I think they were right in doing so. 

I think it would be a mistake for Congress to overrule that now and say we think that should be a standard benefit that is provided in Government military hospitals all across the world, so it could be basically a fringe benefit, it could be standard operating procedure—yes, anybody can get an abortion in a military hospital. It would be a wasted opportunity. No, I think that would be a serious mistake. 

We have to realize, it is not a fringe benefit; it is the taking of an innocent human being’s life. So I urge my colleagues to support Senator SMITH in the tabling motion with respect to the Murray amendment. 

Mr. JEFFORDS. Mr. President, we all recognize that the bottom line of our national defense is quality of our men and women in uniform. They are the core of our security. They make a commitment to the defense of this nation, and we make a commitment to them that includes access to high quality health care. Women serving overseas are particularly reliant on this commitment, as they often have no alternative access to quality health care. 

The issue of abortion is a matter of individual conscience. The Supreme Court ruled in Roe v. Wade that the decision whether to have an abortion belongs to the woman, with the liberty of the government. Yet, for American service-women, that right to choose is effectively being taken away from them. They are being denied access, even at no expense to the Government, to a safe medical procedure. In most cases, the service woman does not have access to this procedure anywhere else. American servicewomen have agreed to put their lives on the line to defend this country. But yet we are denying them a basic right that all other Americans have—a right that could easily be granted to them at no expense to the federal government. The Murray-Snowe amendment provides that the woman involved would reimburse the government for the full cost of the procedure. In my mind, this is a basic matter of fairness. I would argue that our military women should not be singled out to be unjustly discriminated. I urge my colleagues to oppose the motion to table the Murray-Snowe amendment.

Mr. KENNEDY. Mr. President, I strongly support this amendment, which will at long last remove the unfair barrier on privately-funded abortions.
at U.S. military facilities overseas. This amendment will right a serious wrong in current policy, and ensure that women who make significant sacrifices to serve our Nation. They serve on military bases around the world to protect our freedoms. In turn, it is our responsibility in Congress to protect theirs. It is wrong for us to deny these women who serve our country with such distinction the same medical care available to all women in the United States.

Women who serve overseas should be able to depend on military base hospitals for their medical needs. They should not be forced to choose between lower quality medical care in a foreign country, or travelling back to the United States for the care they need. Congress has a responsibility to provide quality medical care for those serving our country at home and abroad.

Without proper care, abortion can be a life-threatening or permanently disabling procedure. This danger is an unacceptable burden to impose on the nation’s dedicated servicewomen. They should not be exposed to substantial risks of infection, illness, infertility, and even death, when appropriate care can easily be made available to them.

This measure does not ask that these procedures be paid for with federal funds. It simply asks that servicewomen overseas have the same access to all medical services as their counterparts at home.

In addition to the health risks imposed by the current unfair policy, there is a significant financial burden on servicewomen who make the difficult decision to have an abortion. The cost of returning to the United States from far-off bases in other parts of the world can often result in significant financial hardship for young women. Servicewomen in the United States do not have to bear this burden, since non-military hospital facilities are readily available. It is unfair to ask those serving abroad to suffer this financial penalty.

If military personnel are unable to pay for a trip to the United States on their own, they often face significant delays while waiting for available military transportation. Each week, the health risks faced by these women increase. If there are long delays in obtaining a military flight, the women may decide to rely on questionable medical facilities overseas. As a practical matter, these women in uniform are being denied their constitutionally-protected right to choose.

A woman’s decision to have an abortion is a very difficult and extremely personal one. It is wrong to impose an even heavier burden on women who serve our country overseas. Every woman in the United States has a constitutionally-protected right to choose whether or not to terminate her pregnancy. It is time for Congress to stop denying this right to women serving abroad. It is time for Congress to stop treating service women as second-class citizens. I urge the Senate to support this amendment to the 2000 Department of Defense Appropriations Bill.

Ms. MIKULSKI. Mr. President, I rise today in strong support of the amendment offered by Senators MURRAY and SNOWE. I am proud to be a cosponsor of this amendment.

This amendment would repeal the current ban on privately funded abortions at U.S. military facilities overseas.

I strongly support this amendment for three reasons. First of all, safe and legal access to abortion is the law. Second, women serving overseas should have access to the same range of medical services they would have if they were stationed here at home. Third, this amendment would protect the health and well-being of military women. It would ensure that they are not forced to seek alternative medical care in foreign countries without regard to the quality and safety of those health care services. We should not treat US servicewomen as second-class citizens when it comes to receiving safe and legal medical care.

It is a matter of simple fairness that our servicewomen, as well as the spouses and dependents of servicemen, be able to exercise their right to make health care decisions when they are stationed abroad. Women who are stationed overseas are often totally dependent on military hospitals for medical care. Most of the time, the only access to safe, quality medical care is in a military facility. We should not discriminate against female military personnel by denying safe abortion services just because they are stationed overseas. They should be able to exercise the same freedoms they would enjoy at home. It is reprehensible to suggest that a woman should not be able to use her own funds to pay for access to safe and quality medical care.

Without this amendment, military women will continue to be treated like second-class citizens.

The current ban on access to reproductive services is yet another attempt to cut away at the constitutionally-protected right of women to choose. It strips military women of the very rights they were recruited to protect. Abortion is a fundamental right for women in this country. It has been upheld repeatedly by the Supreme Court.

Let’s be very clear. What we’re talking about here today is the right of women to obtain a safe and legal abortion paid for with their own funds. We are not talking about using any taxpayer or federal money—we are talking about privately funded medical care. We are not talking about reversing the conscience clause—no military medical personnel would be compelled to perform an abortion against their wishes.

This is an issue of fairness and equality for the women who serve every day to serve our nation. They deserve access to the same quality care that servicewomen stationed here at home—and every woman in America—has each day. I urge my colleagues to support this important amendment to the 2000 Department of Defense Appropriations Bill.

Mr. HELMS. Mr. President, I strongly oppose the Murray amendment because it proposes to legalize the destruction of innocent unborn babies at military facilities. And Mr. President, if precious unborn babies are allowed to be slaughtered on military grounds, it will be a stark contradiction to the main purpose of our national defense—the defense and protection of the human lives in America.

Small wonder that the men and women serving in the military are losing faith in the leadership of this country. In fact, Congress recently heard from members of the Air Force, Navy, Army, and Marines who testified about the low morale among U.S. service men and women—which they contribute to a general loss of faith and trust.

After all, the military establishment continues to have its moral walls chipped away by the immoral principles of the extreme liberal-left. In fact, the American people would be shocked and disturbed to learn that our military has been pressured to accept Witchcraft as a recognized religion.

Why would Congress wish to demoralize our military folks further by casting a dark cloud over military graveyards—which is precisely what will happen if abortions are to be performed at these facilities.

Let us not forget, America’s military is made up of fine men and women possessing the highest level of integrity and pride in defending their country. These are men and women who have been selfless in dedicating their lives to a deep held belief that freedom belongs to all.

Senators should not mince words in saying that military doors should be shut closed to abortionists. I urge Senators to vote against this amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I remind my colleagues, what this amendment does is simply allow a woman who is serving in the military overseas to use her own money to have an abortion performed in a military hospital at her expense.

I yield 5 minutes to my colleague from California.
The PRESIDING OFFICER. The Senator from California.

Mr. BOXER. Mr. President, I thank Senator MURRAY for yielding me this time. It is so hard to know where to begin to respond to the comments made by both of my colleagues who are the leaders in the anti-choice movement and who are using this amendment as a reason to once more come to this floor and to attack a basic constitutional right, that women have been granted, that they do not agree with.

So what has been their effort? It is, in essence, to take away that right bit by bit. I hate to say this: They have made great progress. They have taken away the right to choose in many ways, from poor women in this country, by denying them funding. A woman in the military—cannot exercise that right, even if she does not use Federal funds but locally-raised funds. They no longer teach surgical abortion at medical schools as a result of the action of this anti-choice Congress.

Women in the military, as we now know, are denied the right to go to a safe military hospital. Native American women who rely on Indian health care cannot go to that health care center and obtain a legal abortion. I want to make a statement, and I sure would like a response: Women in Federal prison who need to have this legal procedure get treated better than women in the military overseas. Let me repeat that. Under the laws of this Congress, women in Federal prison get treated better than women in the military who are stationed overseas when both need to have this procedure.

Under our rules, if a woman is in a Federal prison, she cannot count on Medicaid, that is so. But if there is an escort committee who can take her to a clinic, she gets that escort committee. What happens to a woman in the military? Suppose you are stationed in Saudi Arabia where abortion is illegal, and you cannot go to your military hospital. You, obviously, cannot go to a clean health facility in Saudi Arabia, so you have two choices: You can go to a back-alley abortionist and risk your life—you are already risking your life in the military—or you can go to your commander, who is usually a man, and confide in him as to your situation which, it seems to me, is a horrible thing to have to do, to tell such a private matter to a commander. Then, if you can get a seat on a C-17 cargo plane, maybe then you can go back, in a situation where you really need immediate attention, and figure out a way to get a safe, legal abortion.

The Senator from New Hampshire and the Senator from Oklahoma say: Well, this is Federal funding. This is not Federal funding. Senator MURRAY has stated that over and over. I compliment her and Senator SNOWE on their tenacity in bringing this back and forcing us to look at what we are doing to women in the military who risk their lives, and because of this anti-choice Senate, we are forcing them to put their lives at risk again. I commend them. This is not a fringe benefit. They will pay.

Medical facilities abroad are in a state of readiness. They do not have to turn the lights on when someone comes in for a health care procedure. The lights are on, and they will pay the costs. We all know when we pay our doctors the overhead is put into that bill. That is such a bogus argument. It is amazing that it is even made.

What you are doing in this current policy is telling women in the military they are lesser citizens than all the other women in the country when, in fact, they ought to be treated with even more dignity and respect perhaps than anyone else, because not many of us can say that we go to work every day putting our lives on the line. They can say that. Yet, because of this terrible way we treat these women, they are put in jeopardy.

I will sum it up this way. There are people in this Senate who disagree with the Supreme Court decision, and I say to my friend from New Hampshire, he certainly does and he does not mince words about it and he is very straightforward about it. He says he is proud to be pro-life.

I ask for 1 more minute.

Mrs. MURRAY. I yield 30 additional seconds to the Senator from California.

Mrs. BOXER. I say to my friend, I am for life—lives of children, lives of women, and I say that this policy puts lives in jeopardy, puts lives on the line in a way that is arbitrary, in a way that is capricious, in a way that treats these women far worse than we do women in Federal prison. I hope the Murray-Snowe amendment will get an overwhelming vote today.

The PRESIDING OFFICER (Mr. CRAPO). The time of the Senator has expired. Who yields time? The Senator from Washington.

Mrs. MURRAY. I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes.

Mr. DURBIN. I thank the Senator from Washington, as well as the Senator from Maine, for offering this amendment, which I will support. I join in saying what the Senator from New Hampshire said earlier. Senator SNOWE suggested this is not a debate in which we are anxious to get involved. It is a very controversial issue, deeply felt on both sides. I respect the Senator from New Hampshire and his personal views on this issue. I believe he supports my position in offering a vote in favor of this amendment.

Let me say a few things that need to be cleared up. The Senator from New Hampshire said repeatedly that this process uses taxpayer dollars to pay for abortion. Of course, that is not the case. What people hear is, they say: Wait, I don’t think we ought to spend taxpayer dollars on that. Maybe people want to do that personally.

Senator MURRAY addressed that point. Her amendment makes it clear that these procedures are to be paid for by the servicewoman out of her pocket at a cost that is assessed for the procedure itself. There are no taxpayer dollars involved in this. This amendment is clear.

Secondly, the Senator from New Hampshire says this does not abide by the Hyde amendment. The Hyde amendment, as important as it is, does not override Roe v. Wade. The Hyde amendment limits abortions to those procedures for which the money is assessed. But the procedure now on military bases goes beyond the Hyde amendment. The procedure on military bases today says if there is an endangerment of the woman’s life, she can have the abortion performed at a military hospital at Government expense. If she is a victim of rape or incest, she can have an abortion performed at a military hospital at her own expense.

We are talking about the other universe of possibilities out there. Senator BOXER of California really poses an interesting challenge to us: Two women, under the supervision of the Government of the United States of America, both of them pregnant, both of them wanting to end the pregnancy with a procedure. In one case, we say if you have the money, we will escort you to a safe and legal clinic in America for the performance of this procedure. In the other case, we say if you have the money, you have to fend for yourself; either you pay to have an abortion in a military hospital or a civil hospital.

What is the difference? The first woman is a prisoner in the Federal Prison System. For her, we have an escort committee. But for the woman who has volunteered to serve the United States to defend our country and she is in the same circumstance, we say: You’re on your own; go out in this country, wherever it might be, and try to find someone who will perform this procedure safely and legal manner.

Whether you are for abortion or against it, simple justice requires us to apply it equally and not to discriminate against those women who are serving in the American military. That is what it comes down to.

The Senator from Oklahoma said abortion is not a fringe benefit. He is right. But health care is a fringe benefit that most Americans enjoy, and many hospitalization insurance policies do not cover abortions. It does not cover them when it comes to the women who serve in the U.S. military. Abortion is not a fringe benefit; abortion is a constitutional right. If that
constitutional right means anything, we should support the Murray-Snowe amendment.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mrs. MURRAY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Washington has 4 minutes 12 seconds.

Mrs. MURRAY. Mr. President, I yield 3 minutes to the Senator from Pennsylvania. I retain the last minute for myself.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 3 minutes.

Mr. SPECTER. I thank my colleague from Washington.

I support this amendment. I believe a woman should have a right to choose, and under the circumstances involved here, if the woman is going to seek an abortion, she should not be compelled to come back to the United States. Having an abortion in many foreign spots poses very material risks. This is a common sense abortion amendment which ought to be adopted.

WAR CRIMES TRIBUNAL INDICHTMENT OF SLOBODAN MILOSEVIC

Mr. SPECTER. Mr. President, I want to comment about another matter very relevant to the pending legislation, that is the dispatch from Reuters within the hour that the War Crimes Tribunal has issued an indictment for President Milosevic and that an arrest warrant has already been signed. I think that is very important news, because it not only puts Milosevic on notice but also all of his subordinates, that the War Crimes Tribunal means business, that those who are responsible for crimes against humanity and war crimes will be prosecuted.

I compliment Justice Louise Arbour who was in Washington on April 30, asking a bipartisan group of Senators, including this Senator, for assistance; and we appropriated some $16 million in the emergency supplemental last week.

The next important point is to be sure that we do not permit a plea bargain to be entered into which will exonerate Milosevic as part of any peace settlement.

We ought to be sure this prosecution is carried forward. There is an abundance of evidence apparent to the naked eye from the television reports on atrocities, of mass murders, which can only be carried out with the direction of or at least concurrence or acquiescence of President Milosevic. Those crimes should not go unpunished. There should not be a compromise or a plea bargain which would result in any immunity.

I ask unanimous consent that a copy of my letter dated March 30 to the President be printed in the RECORD, where I ask specifically that the extra-

The PRESIDENT. The White House, Washington, DC.

Mrs. MURRAY. Mr. President, this afternoon I met with a bipartisan group of Senators, including this Senator, for assistance; and we appropriated some $16 million in the emergency supplemental last week.

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from Maine, for presenting this amendment, on a very important issue, to the body today and to discuss and to walk through. She has courageously offered this amendment for many, many years, and each year we seem to gain some support. I hope this year we will gain enough support to make this amendment part of the law of our land, because it makes such common sense and good sense.

When we ask women to join our military—and we are truly recruiting them rather vigorously, because we need their strength and their talent and their abilities to help make our military be the strongest and the best in the world—it is just inconceivable that we would say: Come join the military. Put on the uniform. Put yourself in harm’s way. But we are simply not going to allow women to do this unless we are prepared to pay whatever medical expenses may not be used to pay for abortions.

Mr. SMITH of New Hampshire. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 7 minutes remaining. The Senator from New Hampshire has 2 minutes. The Senator from New Hampshire has 2 minutes remaining.

Mr. SMITH of New Hampshire. Mr. President, I just want to respond to one point that was made on the other side regarding the payback, if you will, the fact that the woman agrees to pay out of her own pocket, therefore, I would assume the issue is that she would reimburse the Government.

But I would ask one to consider the accounting nightmare that would ensue as we try to figure out—we had a doctor paid for by the taxpayers, a clinic, a hospital paid for by the taxpayers, equipment paid for by the taxpayers, and supplies and equipment involving abortions—how one would allocate all of this?

We would have to figure out, how many abortions were done and how all the allocations would be done. It simply is not workable. It would not work. The bottom line, as I have been indicating, is that taxpayers would be subsidizing abortions in military hospitals. I think everyone understands that. I do not think there should be any confusion on that, that those who do not support abortion would be subsidizing abortions.

I just want to review, in closing, the current law. Just to summarize, no funding made available to DOD are used for abortions. Under current law, military facilities are prohibited, in most cases, in the performance of abortions. So the amendment now before the Senate from Washington has 2 minutes.

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Mrs. MURRAY. Mr. President, I urge my colleagues to vote against the motion to table and to stand with the women and men who serve us overseas.
I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I urge my colleagues to do just the opposite and to support a motion that I am going to make in a moment to table, out of respect for those of us who believe deeply in the sanctity of life and who also understand and are compassionate about young women who are in need of an abortion, or feel that they are in need of an abortion in some way, and who hope we could save that life, that innocent life, and to show compassion for the unborn, which I think is really the issue.

At this point, I move to table the Murray amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SMITH of New Hampshire. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 397. The yeas and nays have been ordered.

The assistant legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—51

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Baucus
Akaka
DeWine
Crapo
Coverdell
Cochran
Burns
Bunning
Brownback
Breaux
Bond
Ashcroft
Abraham

NAYS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Burr
BunNING
Burns
Campbell
Cochran
Coverdell
Craig
Crapo
DeWine
Democrat
Enzi

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

The motion was agreed to.

Mr. SMITH of New Hampshire. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.
its attention to dealing with this threat. I think we are much better off dealing with this threat with a different strategy than the old arms-control strategy. This is not an amendment that says we are going to tie our national security to START I or START II. Quite the contrary, I do not expect START II to be ratified in the next couple of years. If that, if it ever is ratified by the Duma, we should not hold up our national security decisions based upon what we expect or do not expect the Russian Duma to do.

I would like to describe some of these weapons systems so people can understand the danger of them. The kind of destruction they could do to the United States of America. The Russians have in their land-based system 3,590 warheads. They have in their sea-based system 2,424 warheads. They have in their air-based 564.

Just take one of these. Think, if you have a disgruntled, angry group of Russian soldiers or sailors or airmen who say: We have not been paid for a year; we are going to work; we do not think we have any future; we are suicidal. We are going to take over one of these sites, and we are going to launch. We are not going to blackmail the United States; we are not going to try to get them to do anything; all we are going to do is launch, because we are angry and we do not like the direction of our country and we do not like what the United States of America is doing.

Let me just take the SS–18. I am not going to go through the details of where these are, I am not going to describe for colleagues a scenario to take one of them over. I am not going to build a case, but I think I could build a case, that an SS–18 site is not as secure today as it was 5 years ago. That lack of security should cause Americans to be much more worried than they are about the threat of China or other things we talk about and put a great deal of energy into describing.

The SS–18 is a MIRV’d nuclear system. It has 10 warheads on each one of its missiles, and each one of these warheads has 500 to 750 kilotons. If you put one of those in the air and hit 10 American cities—I had a chart showing what a 500-kiloton warhead would do. Nobody should suffer any illusion of what the consequences to the United States of America would be if 10 of our cities were hit with a 500- to 750-kiloton warhead.

You say it is not likely to happen. Lots of things are not likely to happen that have happened. That is what we do with national security planning. We do not plan for those things that are most likely to happen. We plan for those things that are least likely to happen, because the least likely thing is apt to be the one that does the most damage, and that is exactly what we are talking about here.

You do not have to kill every single American. If you put 10 nuclear warheads each of 500- to 750-kiloton payload on 10 American cities, I guarantee you the United States of America is not the superpower we are today. Imagine the devastation it would do to our economy. Imagine the emergency response that is required. Imagine all sorts of things. This country would not be the same as it is today if that were to happen. It is a terrible scenario. It is one we used to talk about way back in the 1980s.

I remember campaigning in 1988. We had a big portion of our debate about nuclear weapons and the danger of nuclear weapons and what are we going to do to keep the United States of America safe. The most vulnerable of the Russian triad are their nuclear submarines, and each of those submarines has 10 warheads. A Delta IV submarine has 64 100-kiloton warheads on it. You could put 1 in each State and have 14 left over to pick some States you might put 2 or 3 on top of.

This is a real risk. Is it likely to happen? No. The likelihood is low. But low is not comforting when you are thinking about something such as that. Low should not give any American citizen comfort. I just heard somebody say it is not likely to happen; it is a low likelihood it is going to happen. In the State of Nebraska, it is not likely a tornado is going to hit tonight. But tornadoes hit there relatively frequently. We look up at the sky and say, “It is blue; it does not look to me like a storm is coming,” but storms hit out there just like that, and great destruction and devastation has occurred as a consequence. We have been lulled into a false sense of complacency about the Russian nuclear system and, as a consequence, we are not thinking about what we can do to figure out an alternative strategy. We need an alternative strategy. The Russian Duma is not going to ratify START II. I am here today to predict that is not going to happen.

We should not in our defense authorization say we are not going to take any action that might make America safer because we want to wait for the Russians to ratify START II. This amendment is described by some opponents as unilateral disarmament. It is not. It is no more unilaterally disarm-arming than anything else we have in our defense authorization. We do not make decisions about what we are going to do for this Nation’s security based upon what Russia is going to do in any other area of defense.

I cited earlier, I supported missile defense even though some said if we have missile defense, if we have an early deployment of missile defense, the Russians are going to do this, that, or the other thing, including maybe not rati- fying START II. We did not make that decision based upon wondering what the Russians are going to do. We need to make national security decisions based upon what we think is in the best interests of the United States of America, to keep our people safe. This amendment does that.

The President has indicated he supports this amendment. He would like to get this limitation taken off. He does not have any plans to take action. I encourage him to do so. I think it is in our interests to think about taking our levels lower. I think the Russians would reciprocate. And even if they did not, the United States of America would still be safer as a consequence, by measurement of people who are a lot smarter and a lot more knowledgeable than I am on this subject.

For fiscal reasons, for reasons of scarce resources that need to be applied into our conventional readiness and things that our Air Force, Navy, Marines, and Army are more likely to have to be called upon to meet, for reasons of trying to reduce the risk of unauthorized launch that would be dev- astating to the United States of America, I hope my colleagues on both sides of the aisle will give this amendment their full consideration and I hope they vote for it. A vote for this amendment is not a vote for unilateral disarmament. A vote for this amendment is a vote for the United States of America deciding what we think is in our best interests in national security and then authorizing accordingly in a defense authorization bill.

Mr. President, I see the distinguished Senator from California wishes to speak. The Senator from South Dakota, Senator Daschle, earlier said he would like to be a co-sponsor. I am not sure he has been listed as a co-sponsor. Senator Kennedy as well, Senator Boxer as well, and Senator Biden as well.

The PRESIDING OFFICER (Mr. Sessions): Without objection, it is so ordered.

Mr. KERREY. I yield to the Senator from California such time as she needs. The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Chair. I say to my friend from Nebraska how grateful I am for taking the time that he has needed to explain this amendment, not only to our colleagues but to the American people. This amendment is a very important amendment. It will delete the provision in law which prevents the United States from retiring additional nuclear weapons delivery systems until the Russian Duma ratifies the START II treaty.

The Senator from Nebraska has explained in great detail why that is not a prudent course for our Nation, and I agree with him. I will take 5 or 6 minutes to explain why.

For the last 2 years, the defense authorization bill has included a provi- sion which bars reductions below 71 B– 52H bombers, 18 Trident ballistic mis- sile submarines, 500 Minuteman III
intercontinental ballistic missiles, and 50 MXPeacekeeper missiles. Congress has told the Pentagon that we cannot reduce below that level.

In this year’s defense authorization bill, this provision again is included with a revision that allows the number of Trident submarines to be reduced by six and the MXPeacekeepers. This is a good step. It is a good first step, but more needs to be done to move in this direction.

As Senator KERREY has stated, there is no need to maintain these huge stockpiles of nuclear weapons. There is little doubt that Russia will fall well below START II levels whether or not the Duma gives its consents and ratifies the START II treaty. Edward Warner III, Assistant Secretary of Defense, Strategic and Threat Reduction testified that:

In light of the very small modernization efforts [Russia] has underway, and the obsolescence of components of both their submarines and their strategic military forces, Russia will be hard-pressed to keep a force of more than about 3,500 weapons. Intelligence analysts have said, again, that the current developments—again, we’re projecting out over the decade—by about the year 2010, they will be hard-pressed to even meet a level of about 1,500 weapons.

If this is the case, if our own intelligence people are telling us that regardless of whether the Duma passes START II, the Russians are going to have a much lower level of capability, why do we need 6,000 deployed nuclear weapons with thousands more in reserve? What useful purpose do these thousands of weapons serve?

If we reduce our stockpiles toward START II levels of 3,500 nuclear weapons, we would still have the ability to obliterate any nation anywhere anytime.

I will repeat that because I want the American people to understand that this amendment keeps us strong; it makes us safer; it makes us stronger.

The point the Senator from Nebraska is making is, sometimes it does take courage to stand up and say this is what is in our best interests and show real leadership, the way George Bush did in 1991 in these two examples and the way President Gorbachev followed his lead.

I am very disappointed that the Russian Duma has not yet ratified the START II treaty. Again, if we follow the leadership of the Senator from Nebraska on this, we will be acting in our best interests, not in the best interests of the Russian Duma. We should lead and not wait for them to lead.

In conclusion, there are very good reasons for the United States of America to reduce its nuclear weapons. This amendment is carefully drawn. It is carefully thought out. It comes from a man who put his life on the line in the military and would do nothing to harm our national security. As a matter of fact, he would do everything to make us stronger. I hope we follow his lead and adopt his amendment. I yield back my time.

Mr. KERREY. I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend the Senator from Nebraska for his amendment. What he has done is to bring back before us and before the Nation a very important issue, which is, what is the necessary level of nuclear weapons in our inventory for our own security?

Do we need as many as we have? Should we legislatively bake in that level if we do not need the START I level or should we at least be free to consider options to go to what the necessary level is for our own security?

The Senator’s gift to us and to the Nation here is that he is bringing before us an issue which the Joint Chiefs want us to consider but we have not yet considered, and that is, what is the level of nuclear weapons that we need for our own security and should that be determined by a legislative level, on a piece of paper, set in law, or should that be determined by our security needs?

If we have a larger number of nuclear weapons than we need, we do two things. The Senator from California has just illuminated those two things. No. 1, if we have more nuclear weapons than we need for our own security, we are wasting valuable resources. That is No. 1. But, No. 2, what we are doing is we are then telling the Russians: Look, we’re going to stay at this level, which in turn will encourage them, unhappily, to remain at the same level. That increases the proliferation threat to us. What we need is the Senator from Nebraska has pointed out, the greatest threat to this Nation is the inventory of nuclear weapons on Russian soil. The Chinese threat does not come close. You are
talking dozens in that case and not nearly as accurate. In the case of the Russians, you are talking many, many thousands of nuclear weapons—write are not only pointed at us but also the more that are there on Russian soil, the greater the risk that one of them might be lost or not counted and leave Russian soil and get into the hands of a terrorist state or a terrorist group.

So both from a proliferation perspective and from the perspective of the wise use of our resources, we ought to at least be open to consider options of fewer nuclear weapons than the START I level provides for.

We may decide we want to stay at that level. It may be determined that we want to stay at that level. But the Joint Chiefs say that it may not be necessary. They want to consider options of staying under START I for 5 minutes have expired.

There is no point in keeping them just because the Russians have them if we do not need them. There is no point keeping them if that helps to push the Russians to keep their own, with all of the proliferation threats which that engenders. I close by reading a couple answers that we have received to questions that I have addressed to Secretary Cohen and to General Schelon.

I asked Secretary Cohen:

Should we maintain the requirement in law that our forces be maintained at the START I level or should we now let that expiration date walk us down to a lower level of nuclear weapons, because they may not need as many nuclear weapons, regardless of what the Russians do. Even if the Russians stay at the START I level, we may not need as many nuclear weapons as the START I level allows us.

I would definitely oppose inclusion of any language.

The PRESIDING OFFICER. The Senator 5 minutes have expired.

Mr. LEVIN. I wonder if the Senator would yield 3 additional minutes?

Mr. KERREY. I yield the Senator 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. LEVIN. I thank the Senator. General Sheton said:

I would definitely oppose inclusion of any language.

The Service Chiefs and I feel it is time to consider options that will reduce our strategic forces to the levels recommended by the Nuclear Posture Review. The START I legislative restraint will no longer be removed before we can pursue these options. Major costs will be incurred if we remain at START I levels.

He went on:

The Service Chiefs and I agree it is time to reduce the number of our nuclear platforms to a level that is militarily sufficient to meet our national security needs. . . .

"[M]ilitarily sufficient to meet our national security needs. . . ."

General Shelton went on:

The statutory provision that keeps us at the START I level for both Trident SRNs and Peacekeeper ICBMs will need to be removed before we can pursue these options.

So we have the leadership of this Nation's military—civilian and uniform—urging us not to have a restraint in law that will make it difficult for them to pursue options which they need to pursue in order to avoid the waste of resources, options which will allow us to be militarily sufficient and not to promote proliferation in Russia.

The PRESIDING OFFICER. The time has expired.

Mr. LEVIN. I thank the Chair, and I again thank my colleague from Nebraska.

Mr. KERREY. I yield 5 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all, I thank the Senator for offering this amendment. I am very hopeful that the Senate will adopt it.

I strongly support this amendment, and I commend Senator KERREY's leadership on this important issue of nuclear arms control. His proposal is a significant step in moving forward on the stalled process of nuclear arms reductions. Now more than ever, given the present climate of tension in the world, it is critical that the United States to reactivate arms control discussions with the Russians. It is also critical that we demonstrate to the international community our willingness to engage in continued nuclear arms reductions.

This initiative offers us a major opportunity to break the current impasse that is preventing significant reductions in the stockpiles of nuclear arms. In addition, it can help to revitalize the START II debate in the Russian Duma, and move us toward greater cooperation on this critical global security issue.

At the Senate Armed Services Committee Hearing on Military Readiness on January 5, I pressed senior military officials about spending priorities in the armed services, and questioned the need for maintaining strategic forces at the START I level. In response to my inquiries, the Chief of Naval Operations, Adm. J.L. Johnson, agreed that he would prefer to reduce the number of Trident submarines from START I levels, and see some of the money currently used to maintain strategic forces at old levels reallocated to meet current and more critical needs. This amendment will give us the opportunity to do so in further parts of our strategic arsenal as well.

As Senator KERREY noted, history demonstrates the benefits of this kind of initiative in arms control, and the impact that can be made by a modest but significant gesture. In September 1991, President Bush ordered that 1,000 U.S. warheads scheduled for dismantling under START I be taken off alert, before that treaty was every ratified. This action resulted in a reciprocal response from the Soviet leadership, who just one week later, designated thousands of Soviet nuclear warheads for dismantling and took several classes of strategic systems off alert.

Moving closer to implementation of START II, we still have not moved closer to the goals in that important treaty. Russia has yet to ratify this treaty, and a move by the United States toward meeting our START II goals may encourage the Russian Duma to take up its ratification, and move us closer to the creation of START III.

This is an important time in our relationship with Russia. Earlier this year, we passed a bill calling for the creation of a National Missile Defense System, conditioned on an amended ABM treaty negotiated with Russia. The best way that we can more toward a new ABM treaty and work to improve global security in Russia and our Russian allies that we are committed to arms control—and an effective way to demonstrate this commitment is by passing this demonstration amendment.

Moving closer to implementation of START II will also provide significant savings for the American taxpayer. This amendment will open the door to savings in the cost of upkeep for many unnecessary weapons. In addition, the tritium in these weapons can be recycled, eliminating the need for production of new tritium and the associated production costs.

This amendment is a constructive effort to breathe new life into the stalled arms control negotiations, move us closer to achieving the goals of START II, and send a strong signal to Russia and the international community about our commitment to these goals. It will strengthen our ability to cooperate with Russia to combat the growing threat of rogue nuclear states, and to build a more comprehensive global security system. Reducing our military stockpile, even to START II levels, will not impair our national security in any way. Admiral Johnson, who explained to us last January, this amendment is in the best interest of the armed services, and it will help us to meet more critical readiness needs. I hope this amendment will be accepted. I commend the Senator for initiating it.

I yield back the remainder of my time.
Mr. KERREY. Mr. President, does the Senator from Virginia want to speak?

Mr. WARNER. I will speak whenever you have completed, I want to accommodate you. You can follow me, if you so desire; whatever your desire may be.

Mr. KERREY. I would love to hear the Senator’s remarks.

Mr. WARNER. Okay, my pardon.

Mr. KERREY. You can go first. I would love to hear your remarks.

Mr. WARNER. You are thoughtful to say that, because I enjoyed listening to yours but I, regretfully, think you are wrong in this instance and I will move to table your amendment.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I say to my good friend from Massachusetts, a fellow member of the Armed Services Committee, we have in this bill—you are ranking on that committee—the removal of those submarines as sought by the President and the administration.

The essence of what I have to say is that Congress expressed a willingness to do that. Hopefully, this legislation will go through, become law. It seems to me, if the administration has further reductions in the arsenal, let it come before the Congress. That is the procedure that I would follow.

So I just say, in opposition to this amendment, the amendment would strike section 1041. Section 1041 renews and modifies the provision that has been enacted in the defense authorization bill each year for the last 5 years. This is a measured, balanced, and needed provision which, in my view, all Members of the Senate should support. It simply prohibits the retirement of certain strategic delivery systems unless there is an increase in force. Essentially, this provision seeks to prohibit unilateral compliance with the reduction of U.S. inventory implementation of the START II treaty and make clear to Russia that the benefits of our mutual arms control agreements can only be realized through mutual implementation of those agreements.

This year, the Secretary of Defense and the Navy requested we modify the limitation to permit the retirement of four of the older Trident submarines. The Secretary, however, made it very clear that the administration was not advocating any unilateral implementation of START II. The Armed Services Committee reviewed the Secretary’s recommendations to reduce the Trident force from 18 to 14 submarines and agreed to authorize such reduction. Section 1041 of the pending bill does, in fact, allow retirement or conversion of these four submarines.

In keeping with the administration’s policy not to unilaterally implement START II—and that is the policy; I assume the Senator from Nebraska agrees with that—the Secretary also made sure that the fiscal year 2000 budget request fully funded all remaining operational strategic nuclear delivery systems, including the 50 Peacekeeper intercontinental ballistic missiles deployed at the F.E. Warren Air Force Base. The Armed Services Committee supports this decision, and there is nothing in this bill that prohibits the Secretary from implementing any planned reduction to our strategic forces.

Section 1041, which the Kerrey amendment would strike, simply reinforces the administration’s policy of remaining at START I force levels until START II enters into force. To strike this provision would send a signal that the Senate no longer supports this policy. This would be a dangerous and unnecessary signal to send, one that could undermine the integrity of the arms control process.

Since section 1041 does not prohibit any planned changes to U.S. strategic forces, it would appear that the supporters of this amendment are really interested in some form of unilateral arms control agreements that go beyond the administration’s policy. At a time when our relations with Russia and China are quite uncertain, I say to my dear colleagues, now is not the time to consider unilateral reductions in our strategic forces.

The United States and Russia are now hopefully nearing full implementation of the START I agreement. The administration has worked very hard to get Russia to ratify START II. If the Senate votes to eliminate section 1041, this action could be interpreted as a sign that the Senate is giving up on START II. Unless my colleagues are willing to abandon the arms control process, I suggest that they not support the pending amendment. Indeed, the administration has acknowledged that section 1041 provides significant leverage over Russia to get them to ratify START II.

Mr. President, in closing, let me simply reiterate that section 1041 of the pending bill was drafted with the Secretary of Defense’s views firmly in mind. Nothing in this provision prohibits the Secretary from undertaking any action he plans for fiscal year 2000. And, since the provision expires at the end of the fiscal year 2000, we will have an opportunity next year to review any new recommendations coming from the administration. For the time being, it would send a very bad message to strike this important provision. I urge my colleagues to oppose the Kerrey amendment and support the bill.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I regret that Senators are on opposite sides of this issue, but I have offered this amendment because I believe our current strategy to deal with the threat of nuclear weapons is flawed in many serious ways.
it allows the United States of America to decide what is in our interests. If I had reached a conclusion that I thought we ought to have 10,000 nuclear warheads in our arsenal, that that was in our interests, I would be on the floor arguing that we ought to; that rather than having a 6,000 floor, we ought to say that arms control is not going to work at all. If the Russians were doing something that caused me to conclude that I thought we ought to have a higher level, I would argue for that.

I am arguing that the United States of America should make its own decisions when it comes to nuclear weapons. And right now, in my view, that decision would cause us to go below the statutory floor that we currently have and a further benefit would occur as a consequence of the threat of an unauthorized launch.

Again, I have a great deal of respect for the chairman and admire his work and agree with him on lots of things that are in this bill, but I come to the floor for this amendment because I believe very passionately that it will make the people of the United States of America safer and more secure if it is adopted.

Mr. WARNER. Mr. President, I say in reply that this section was drafted with the views of the Secretary of Defense firmly in mind. Nothing in this provision prohibits the Secretary from undertaking any action he plans for fiscal year 2000, and since the provision expires at the end of the fiscal year 2000, we will have the opportunity in the next year to review any new recommendations coming from the administration.

A year from now we will have more clarity, hopefully, of the relationship with Russia, of the relationship with Russia and, indeed, this Senator’s concern about North Korea and its advancements in missile technology. So I think we can focus on the superpowers but this, in my judgment, talks to the entire strategic defense of the United States of America.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERNEY. Mr. President, I appreciate that very much, although the only reason I was referring to Secretary Cohen and General Shelton’s support, as Senator Levin indicated earlier and put in the Record, there has been some indication that perhaps the administration doesn’t support eliminating this artificial floor. They do. They have no plans—they have not indicated that they intend to go any lower than this. But they have put in the record at the Armed Services Committee, in response to Senator Levin’s question that they support this amendment. They support eliminating this artificial floor.

Mr. WARNER. Mr. President, I yield back the remainder of my time.

Mr. GRAMM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—51

Abramoff
Adair
Ashcroft
Bayh
Bennett
Bond
Brownback
Burns
Byrd
Campbell
Collins
Coburn
Craig
Crapo
Domeinici
Dorgan
McCain
McCollum
Markowski
Nickles
Roberts
Roth
Rutt
Saintorum
Santorum
Sessions
Sherman
Shelby
Snowe
Specter
Steve
Spencer
Thomas
Thurmond
Voinovich
Warner

NAYS—49

Abramoff
Adair
Ashcroft
Bayh
Bennett
Bond
Brownback
Burns
Byrd
Campbell
Collins
Coburn
Craig
Crapo
Domeinici
Dorgan
Mikulski

The motion to reconsider the vote by which amendment No. 392 was rejected was agreed to.

Mr. GRAMM. Mr. President, I ask unanimous consent to vitate the rollcall vote on the amendment, and I ask for a voice vote.

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

The question is on agreeing to amendment No. 392. The amendment (No. 392) was agreed to.

Mr. GRAMM. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARRI.E. I move to reconsider the vote.

Mr. WARRI.E addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I thank the Chair. Mr. President, it is the desire of the managers and the leadership to continue to work on this bill and make good progress.

The pending amendment is the amendment by the distinguished leader from Mississippi, Mr. LOTT; am I not correct? I am fairly certain.
The PRESIDING OFFICER. Actually, the pending amendment is the Allard amendment.

Mr. WARNER. Fine. Mr. President, we are then ready to proceed.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, the amendment I am offering with Senator HARKIN and a number of other people is now before the Senate.

I ask unanimous consent at the start that Senator GRASSLEY be added as a cosponsor to the amendment.

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

Mr. WARNER. Mr. President, if the Senator would yield?

The PRESIDING OFFICER. Does the Senator have an opportunity to speak on this important amendment?

Mr. ALLARD. I yield for an inquiry.

The PRESIDING OFFICER. The Senator from Colorado has the floor and has yielded to the Senator from Virginia for an inquiry.

Mr. WARNER. I thank the Chair.

I am very anxious to structure this so all Senators have an opportunity to speak on this important amendment. I have spoken to Senator HARKIN, and he desires 20 minutes.

Mr. ALLARD. That is correct.

Mr. WARNER. That is the amount of time he will require. It may be that we have to go off this amendment for a short time, but I have assured him that we would not, of course, vote, and we would come back on the amendment to give him the 20 minutes.

But I inquire of the Senator from Colorado the time that he desires, and the distinguished Senator, Senator INHOFE, the time that he desires.

Mr. INHOFE. Ten minutes.

Mr. WARNER. I would guess about 15 minutes is what I would need.

Mr. WARNER. Why not give 15 minutes to each side; 20 minutes for Senator HARKIN.

Is there any other time that you know of, I ask my distinguished ranking member?

Mr. LEVIN. We do not know of any other time.

So we are clear then, we will not close off debate on this until Senator HARKIN has an opportunity to come back and claim his 20 minutes.

Mr. WARNER. Mr. President, I have assured him. In order to protect all parties—Senator STEVENS may wish to speak to this—I ask unanimous consent that we have 1 hour, divided 20 minutes under the control of the distinguished Senator from Oklahoma, and 40 minutes, which would include the time for Senator HARKIN, under the control of the Senator from Colorado.

Mr. ALLARD. That would be fine.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, in order to protect Senator HARKIN, which I know the Senator from Virginia is determined to do—

Mr. WARNER. Yes.

Mr. LEVIN. —and I am determined to do, if he is unable to be back here by the time the 40 minutes is utilized, we would then go to some other matters and protect him?

Mr. WARNER. That is exactly right. The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado has the floor.

Mr. ALLARD. Mr. President, I ask that the Chair let me know when I have reached the 15-minute mark.

The PRESIDING OFFICER. The Senator will be so informed.

Mr. ALLARD. Mr. President, the amendment I have offered, with Senator HARKIN, and others, dealing with the Civil Air Patrol, has thrust into the greater scheme of this defense authorization, probably not that big a measure. But for the Civil Air Patrol, its members, the job they do, it will prevent a huge and unfortunate change. This amendment contains a provision that would force the civilian, volunteer, locally controlled Civil Air Patrol wings into a more rigid and centralized Air Force command structure. My fellow sponsors of the current amendment and I feel this forced change would hamper the patrol, hinder their activities, and hurt, ultimately, results.

The Air Force fights wars. Their structure and administration are designed for fighting wars. The Civil Air Patrol, a nonprofit civilian service organization, is fundamentally different. The Patrol was started to watch our borders during war time. But now their focus is search and rescue, counterdrug operations, and humanitarian efforts.

Last year, the patrol saved 116 lives through their search and rescue operations. In 1998, they also flew 41,721 hours in support of counterdrug operations. Over the last 4 years, the Patrol membership has increased 20 percent, and the youth cadet program has increased its membership by 30 percent.

Newspaper are full of stories about Civil Air Patrol efforts to find drowned planes, lost hikers, and others, or emergency flights to provide supplies, transport people, and shuttle other vital items.

After the recent tornados in Oklahoma, Patrol wings flew damage assessment missions for relief authorities.

In January, the Colorado wing found two missing hikers in Mesa Verde park in Colorado. In April, they flew search and rescue looking for the Miller family of Iowa. As the Omaha-World Herald said on Tuesday, May 11, “When a small plan goes down in the unforgiving mountains of southwest Colorado, the story seldom ends well.” But the Patrol kept at it, doing what they have been called on to do time and time again.

The Air Force conducted a week long review of the Patrol at national headquarters. What they found, what they deemed to be irregularities, was to do it the Air Force Way. I would prefer to do it the correct way.

And so what is the proper congressional response now? This section of the defense authorization is certainly not the answer. The provision that we are trying to approve here, the amendment could very well be a “fix” for something that is not broken, or a surgical amputation instead of a band-aid.

There have been allegations of financial impropriety and safety lapses. I am willing—in fact, I am eager—to have these fully investigated.

The amendment before us mandates a Department of Defense Inspector General audit on the financial and management structure of the Civil Air Patrol, and requires them to present the report, with recommendations, to the congressional defense committees. The amendment likewise calls for the GAO to investigate and make recommendations on the CAP management and financial oversight structure, as well as the Air Force’s management and financial oversight structure of the Civil Air Patrol and their recommendations for improvement. Both reports are due by February 1, 2000, so that we can consider the reports and recommendations for next year’s authorization. But the amendment does not overwhelmingly change the makeup and leadership of the Patrol, without hearings, congressional oversight, or joint party consultations. It allows us to take an informed and reasoned approach to dealing with the allegations.

The Civil Air Patrol is not some loose-cannon. It is not some rogue agency. The Patrol is already an auxiliary of the Air Force. Their financial practices are overseen by the Air Force. Air Force personnel must sign off on Patrol expenditures and billing. Air Force personnel work at Patrol headquarters, with daily access to financial records, and these records are all public information.

I do not know the motives for this attempt to subsume the Patrol into the Air Force after all these years. If the desire is merely to react to charges of impropriety, then the language as it stands is obviously excessive, and our amendment is the far better approach.

But if I don’t know the reason why, I certainly know reasons why not to allow this language.
May 26, 1999

I worry the Patrol will lose its local control.

It is very important in States such as Colorado that we have immediate decisions when a plane goes down. Because we live in a State that has a lot of rough terrain, the weather changes quickly and dramatically, it is important that decisions be made quickly. With our local decisionmaking process, those decisions do get made properly and we can get out and save peoples’ lives, in States such as Colorado, through the efforts of the Civil Air Patrol. It will sour those locally based volunteers who make up the overwhelming majority of the wings, who donate their time and energy and often equipment. Many of the assets of the Civil Air Patrol are gifts the Patrol received from donors willing to give to a charity like our organization. How can we justify the Air Force wresting control of these items away from the local volunteers? How can we justify the added expense of substituting high-ranking, paid, benefit-earning Air Force personnel for unpaid, volunteer Civil Air Patrol leadership? How can we justify doing it with so little discussion, so little oversight, so little recognition of the severity of the action?

I urge my colleagues to support this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I yield myself such time as I may consume.

I rise in opposition to this amendment. I want to say that there is no one of the 100 Members of the Senate who has been historically closer to the CAP, who has participated in CAP activities than I have. There is not a year that goes by that I do not talk to the troops and those who are being promoted, those who have achieved really great things and have made great contributions to society. I also, just 2 weeks ago, could very well have been the product of a search by the CAP, had I not been able to glide my plane into an airport. So I understand that.

I have been on various patrols where we go out, I know the valuable contributions that the Civil Air Patrol makes to this Nation every year, search and rescue, youth cadet program.

However, we are concerned with the continuing streams of allegations coming from the Air Force and from members of the Civil Air Patrol that senior members of the CAP have engaged in inappropriate, and in some cases, illegal activities. I will outline a few of the allegations that have been brought to the committee by either the Air Force or former members of the CAP.

I have some documents to include as part of the RECORD that I will want immediately following my remarks, but these are just some of the accusations that are out there. I know that the Senator from Colorado is just as concerned about these as I am.

One is my friend, who was charging the cost of his flying hours to the Civil Air Patrol counterdrug account when he was actually flying to visit his daughter. A second accusation: One CAP wing charged both its home State and the CAP counterdrug budget for the same mission, essentially receiving double reimbursement for the same activity.

Here is a good one: The southeast regional commanders conference was held on a cruise to Nassau paid for by CAP headquarters. After the conference, some individuals requested and received a per diem, even though the cost of the cruise had been paid for by the CAP and, thus, by the taxpayers. I have often thought—I suggested to the Senator from Colorado—what kind of a position would we be in, would I be in, as chairman of the Readiness Subcommittee of the Senate Armed Services Committee if I sat back and let these charges go unanswered? I could just impose the “90 Minutes or Some News Account” of this talking about the cruise to Nassau that was paid with taxpayers’ money and then double dipping on top of that.

We have numerous other types of reports concerning missing equipment. Seventy percent of one wing’s gear, communications gear, computers, et cetera, cannot be accounted for; 77 percent of another wing’s gear is missing. The most extraordinary of all, however, is a letter we received from one former member alleging that Federal laws and Federal aviation regulations relating to aircraft maintenance were being violated, and quoting from that letter, “the lives of our cadet”—these are juveniles—“members were being jeopardized.”

We are talking about human lives here. Because of these accusations and because the Civil Air Patrol is an auxiliary of the Air Force, receiving virtually all of its funding—some 94 percent of the funding for the CAP comes from the Air Force and the headquarters at the Air Force installation—the leadership of the Air Force requested that the committee pass legislation to grant the Air Force the necessary authority to ensure responsible management of the Civil Air Patrol.

That is exactly what this legislation does. This is in our mark that is before the Armed Services Committee if I sat back and let these charges go unanswered. However, I ask unanimous consent that a letter to me from General Ryan, Chief of Staff of the Air Force, making this request be printed in the RECORD. And I ask that the internal memorandum that outlines many other examples, which I would be glad to share with the Senator from Colorado and with the Senate, should this debate pursue, be printed in the RECORD immediately after the letter from General Ryan.

There being no objection, the material is hereby incorporated to be printed in the RECORD, as follows:

DEPARTMENT OF THE AIR FORCE.
OFFICE OF THE CHIEF OF STAFF.
Washington, DC, April 21, 1999.

Hon. JAMES M. INHOFE, Chairman, Subcommittee on Readiness and Management Support, Committee on Armed Services, U.S. Senate, Washington, DC.

Dear Ms. CHAIRMAN:
The Department of the Air Force has a long-standing and mutually beneficial relationship with the Civil Air Patrol (CAP). As a former CAP cadet, I am very familiar with the important role this organization plays in shaping the lives of thousands of young Americans.

However, there have been a number of recent incidents which have caused us some concern about the activities of the CAP headquarters. As an auxiliary of the Air Force, CAP receives most of its budget and a great deal of nonappropriated support, such as free use of on-base facilities, from the Air Force. Yet, it is not accountable to the Air Force for how it spends its budget or conducts its business. Consequently, we have developed a proposal to strengthen and preserve our relationship with CAP. It requires new legislation, but will not affect CAP’s funding levels. It will be transparent to the CAP field units and will ultimately improve the level of support they receive from the headquarters.

I trust this information is helpful and ask for your support as we work to strengthen the bond between the Air Force and CAP.

MICHAEL E. RYAN, General, USAF.
Chief of Staff.

From: AF/DXON.
Subject: Special Project Team Assessment of Civil Air Patrol.

MEMORANDUM FOR THE SPECIAL ASSISTANT TO THE SECRETARY OF THE AIR FORCE.

As you know, I traveled to Maxwell AFB, AL from 18-25 April 1999 as part of the Special Project Team Assessment of Civil Air Patrol. The team, composed of representatives from the Continental Operations Division and the Chief of Staff chartered to assess Civil Air Patrol (CAP) processes. Our purpose was not to perform a full-blown inspection of either CAP’s administrative headquarters or the units in the CAP national chain of command. Nevertheless, in just a couple days time the team discovered a number of practices that convinced us of the Air Force need for greater oversight of CAP activities. I will cite a few examples that are of particular concern:
CAP recently conducted its Southeast Region Conference on board a Caribbean cruise ship with the National Commander and National Director in attendance. Our auditors discovered that executives in charge of this meeting even though the cost of the cruise was inclusive of meals.

Senior corporate leaders travel by first class, and receive what could be regarded as generous salaries. Certain senior corporate employees are receiving full military retirement pay, even though they are not charged to Air Force salaries.

CAP units flew over 41,000 hours on “counter drug” missions, which were reimbursed, from appropriated funds. We are aware of several irregularities where personal travel and maintenance flights were charged to counter drug, as well as one wing that charged several counter drug missions to both the Air Force and the state.

Several CAP wings cannot account for over 70% of the communications equipment purchased for their units with funds that were reimbursed with Air Force appropriated funds.

Members and former members complain that they lack knowledge and understanding of the effectiveness of the CAP Inspector General program. Members were refused membership renewal coincidental to raising complaints about conduct, alcohol, maintenance (safety) practices, and an assault. A flight check ride pilot was ostracized from the unit for restricting CAP pilots from solo flight privileges. In each case, the affected members went to their IGs who deferred to command action.

Because this assessment was never intended to be an inspection, the observations made should be viewed only as symptoms. The team also observed truly excellent programs at certain wings and more generally at the administrative headquarters. Talented and dedicated volunteers and employees in many cases provide safe and valuable programs to cadets and the country as a whole. The CAP National Board seemed to satisfy a major concern by agreeing in principle to comply with OMB Circular A-110. Nevertheless, the Air Force should attempt to gain visibility through representation on an overseeing Board of Directors to assure that CAP’s faith in the independence and effectiveness of the CAP Inspector General program.

The Board of Directors would operate at the macro level and provide the SECAG and General Air Staff with the responsibility of overseeing CAP matters. This would clearly establish the auxiliary to principal structure to foster a healthy relationship for the future. Unless CAP CORP leadership convinces the National Board to reverse itself and embrace such a structure, it is regrettable that the only sure way to obtain this reasonable level of oversight will likely be through legislation.

ROBERT L. SMOLEN,
Col., USAF, Dep.
Dir. of Nuclear & Counterproliferation
DCS/Air and Space
Operations.

Mr. INHOFE. I yield the floor.

The PRESIDING OFFICER. Who yields the floor?

Mr. ALLARD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Colorado has 15 minutes remaining. The Senator from Oklahoma has 14 minutes 18 seconds.

Mr. ALLARD. Mr. President, I yield myself 5 minutes.

Mr. WARNER. Mr. President, if I could interrupt.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. The schedule of the Senate would permit additional time, if you so desire, I say to my colleagues, to seek additional time.

Mr. INHOFE. Well, I will respond to the chairman by saying that I do not have anyone who has requested time from me. I have pretty much stated the whole case. I would appreciate, of course, yielding time to him to hear his position on this, as chairman of the committee.

Mr. WARNER. I will ask unanimous consent that I have about 5 minutes on this matter.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I yield myself 5 minutes.

In response to comments in the cases that were presented by my esteemed colleague from Oklahoma, I will add that at this point, it is a pleasure to serve with him on the Armed Services Committee; he is somebody that I highly regard in the Senate, a very honorable individual. I know that he has a love for the Civil Air Patrol and he wants them to be able to do their job effectively. I know that his concerns are out of love for that very organization, because he is a pilot himself. I will respond that from the information I have on the misallocation of the personnel uses, I understand there is a high probability that that occurred. But in other organizations where this happens, we don’t go and just take away complete control of the organization without some hearings, without some oversight from this Congress.

I understand that the Air Force has spent some time in overviewing it, and it has been done within the structure of the Air Force. I think, before we move ahead with an amendment as dramatic as what is in the defense authorization bill before us, that we ought to have some hearings, that we ought to, as Members of Congress, spend some time and delve into the actual facts.

I don’t think we can do this without having some agency do some reporting for us. That is why in the amendment that I have put forward, I ask the GAO to look at the financial structure—this is an area my colleague has suggested where there could be some problems—and report back to Congress whether or not there are abuses. And also in the amendment, I have the Inspector General, who can look at the administrative aspects of it, how they established policy, see if they are following through with their goals, if they are doing what they have promised to the Congress and to the Air Force, and give a report on those incidents. And we ask that this be given in a timely manner so that next year when we come back in and this bill is before us then we can go ahead and look over the report and, hopefully, maybe have the hearing or two based on the report and put something reasonable and responsible forward.

I have some real concerns about saying, OK, we are going to turn over total control to the Civil Air Patrol, take it away from being a voluntary nonprofit organization. That is almost like a chapter 11 in the real business world. When you take over the board of directors, you completely change everything.

I don’t think it is that serious. I don’t think we ought to put the Air Force in control of the board of directors. But I do think there are some things that we need to investigate. For example, on the cruise issue brought up by Mr. Warner, my understanding is that the Air Force was the one that OK’d the disbursement for that cruise. So there might be some question of where the responsibility lies, who was culpable for some of these actions. I know the Air Force has some oversight on some of the equipment.

Now, maybe we don’t have the Air Force doing what their responsibility should be. So if that is the case, then there might be enough blame here to go around to everybody. I think the only way, as Members of the Senate, we can begin to sort this out is if we have hearings, we ask for a report from the General Accounting Office, and ask the inspector general to give us a report, so we have some facts on which we can work.

For that reason, I am continuing to push my amendment. I hope the Members of the Senate will support me. A number of my colleagues also come from mountainous States where the Civil Air Patrol has been a great asset. Their response needs to be made on a local decision-making process. We can’t be waiting to go out to search until after it has been filtered through Washington and goes back to the State. On these search efforts, when they come up, there is an immediate need and there has to be an immediate decision made locally.

My hope is that we can adopt my amendment and take out the more onerous provisions that we have in the bill until we can get the facts before us. And then, after we have those facts, perhaps we can move forward in a more informed and responsible manner.

I yield the floor.

The PRESIDING OFFICER. Who yields the floor?

Mr. INHOFE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.
Mr. INHOFE. I yield myself such time as I may consume. I was going to take the floor.

Mr. ALLARD. Mr. President, I yield the floor.

Mr. INHOFE. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. ALLARD. Mr. President, I yield 3 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I think it is time to reevaluate the way the Civil Air Patrol is supervised. I am inclined to think that the Air Force justifies and makes a good case for tighter accountability and for maybe more direct ultimate control over how the Civil Air Patrol operates. But, as Senator ALLARD has eloquently discussed, it is a popular volunteer agency that we don’t want to become too bureaucratic, else we may lose the popular support that is involved with it.

I hope before we vote on this—I suspect the vote is set for tomorrow, is that correct, not tonight?

Mr. ALLARD. I am not sure whether that is going to be scheduled for tonight or tomorrow. I haven’t heard one comment from the floor manager in that regard.

Mr. SESSIONS. I was hoping that perhaps we could get with the Air Force one more time, and maybe they would be more amenable to improving this amendment to give them maybe more certainty or more prompt resolution of it and get this matter settled. I think that is going to be important.

Mr. INHOFE. I yield myself such time as I may consume. I was going to ask a question of the Senator. First of all, I realize that the Senator from Colorado and I both are among the strongest supporters of our national defense. The Senator has been 100 percent consistent over the last 9 years, and as I have been, both rated as 100 percent. That is not an issue on the table. We both feel that way.

My problem is, No. 1, they have made the specific statement that it is not going to cost any more to have some supervision over the CAP because the time they spend trying to look into these things without the authority to do it is more time consuming than if they had the legal authority that we are asking them to give them with our defense authorization bill. If you just take the money in the examples I used on the trip to Nassau and all of that, I think you would have to agree that the money would be better spent on spare parts than it would be in some of the double-dipping in which they have engaged.

I would be glad to yield to the Senator from Alabama.

Mr. SESSIONS. Mr. President, I think the Senator, I have supported Senator ALLARD’s amendment, because, as I understand it, it calls for a GAO evaluation and an inspector general investigation for the potential wrongdoing.

Mr. INHOFE. Mr. President, I will reframe my question, and yield the floor to the Senator.

Mr. ALLARD. Mr. President, how much time remains?

Mr. SESSIONS. Two or 3 minutes.

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. ALLARD. Mr. President, I yield 3 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I think it is time to reevaluate the way the Civil Air Patrol is supervised. I am inclined to think that the Air Force justifies and makes a good case for tighter accountability and for maybe more direct ultimate control over how the Civil Air Patrol operates. But, as Senator ALLARD has eloquently discussed, it is a popular volunteer agency that we don’t want to become too bureaucratic, else we may lose the popular support that is involved with it.

I hope before we vote on this—I suspect the vote is set for tomorrow, is that correct, not tonight?

Mr. ALLARD. I am not sure whether that is going to be scheduled for tonight or tomorrow. I haven’t heard one comment from the floor manager in that regard.

Mr. SESSIONS. I was hoping that perhaps we could get with the Air Force one more time, and maybe they would be more amenable to improving this amendment to give them maybe more certainty or more prompt resolution of it and get this matter settled. I think that is going to be important.
I want to maintain the vitality and the attractiveness of the Civil Air Patrol and the many thousands of volunteers who support it. We want to increase accountability. We want to increase their responsibility to professionally manage every dollar. They are an agency that receives our funding, and we have every right to expect rigorous accountability. I would like to develop a system in which the Air Force feels comfortable. I think we are close to that. Maybe we can reach that.

Mr. ALLARD. Will the Senator yield for a question?

Mr. SESSIONS. I favor that. I certainly favor full investigation of every allegation of wrongdoing. I believe that certainly favor full investigation of every allegation of wrongdoing. I believe that the amendment does.

That is essentially what the oversight as to the expenditure of taxpayers’ funds and gives some authority that is 94 percent paid for by tax-what this does. It takes an entity of what this does. It takes an entity that has a few bad apples in it, and there is of what we are trying to do right now. We have force manage every dollar. They are accountable for a question.

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

The Senator from Alabama in here when I made my remarks concerning the accusations of those things that have taken place with the CAP?

Mr. SESSIONS. I am aware of some of those allegations.

Mr. INHOFE. I ask also if he is aware of what this does. It takes an entity that is 94 percent paid for by taxpayers’ funds and gives some authority of oversight as to the expenditure of that 94 percent of funds that are being used. That is essentially what the amendment does.

Mr. SESSIONS. I favor that. I certainly favor full investigation of every allegation of wrongdoing. I believe that Senator ALLARD’s amendment calls for that. I think the difference would be: Are we prepared tonight to make the final decision about how this reorganization of the Air Force in this case which is using public funds to fund this entity and taking away their ability to do some length in our committee, because we can’t allow these abuses to take place and tell the Air Force, Your hands are tied; you have responsibility for their actions but you don’t have anything to change. Mr. SESSIONS. I appreciate and respect the insight of the Senator from Oklahoma, because he has stood steadfastly for good defense, and he knows this issue exceedingly well.

Again, I think maybe we can reach a compromise that would give us some opportunity to review the reorganization and the structure.

Mr. INHOFE. Reclaiming my time, let me throw out a suggestion. We can start ahead and pass this as a mark that dictates at this time. If there is any kind of abuse, we can change it. Anything we do can be changed. That is what we are trying to do right now. These abuses are not things that just happened in the last 6 months. They have been happening over a long period of time.

We talked about doing something about this in the last three authorization bills. We haven’t done it. We put it off every time. Now we have an opportunity to do it. All we are doing here is allowing us to at least have some ability to monitor what is going on and stop some of these things.

I just keep thinking about the “60 Minutes” program coming up with all of these abuses. What about? We debated that issue. We turned around and said we will leave the status quo. That is what we are going to do if we pass the amendment.

Mr. SESSIONS. Some change is necessary. I certainly agree with that.

Mr. WARNER. I thank my colleague from Oklahoma.

Mr. President, the chairman of the committee sat here and listened to the differences of views of three of his stalwarts. But as I listened, I said to myself, possibly you could work it out. We are at the point in time where I would like to go on another amendment. Senator from Arkansas has 9 minutes and 30 seconds. I would like to go on another amendment. Senator from Arkansas has 9 minutes and 30 seconds.

Mr. WARNER. I thank my colleague from Oklahoma.

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to me, as with any other problem that comes before this Senate, we can go through the same channel as any other agency that can have hearings—public hearings; we can have a GAO study, and an inspector general study to have some basis in fact with which to work. Once we have all the facts, we can put together some reasonable recommendations.

At this point, to turn total control over to the Air Force is a rather draconian action until we get the facts. I hope I can sit down with the chairman of the committee and the chairman of the subcommittee, whom I respect dearly, and work out a way to make it accountable without having to turn over total control to the Air Force.

I am afraid we will lose the volunteer aspect. I think that is one of the real values of the Civil Air Patrol. The volunteer aspect used to go down to young students, high school age. They learn to work the radio; they learn to be part of a team; they get experience with flying, and eventually they may very well apply to the Air Force Academy or the Navy to fly. I think it is a great recruiting mechanism with lots of advantages. I think it all boils down to the volunteer organization.

My hope is we can work out a plan that would bring accountability to this very serious problem yet maintain the volunteer aspects of the organization and local control.

Mr. WARNER. The amendment merely gives oversight.

Here is the problem: I appreciate the voluntary aspect of it; unfortunately, the voluntary aspect of this only funds about 5 percent, and about 95 percent is public funds, for which we are responsible.

Before the esteemed chairman of the committee arrived, I talked about how strapped we are. I believe the bill we are debating today is inadequate in terms of proper funding, but it is the best we can do, so we support it.

I can think of military construction projects right now that would love to have a little extra funding, and it does relate to our security interests.

I am happy to work with the Senator from Colorado, a milestone in this cause, a milestone in this cause of a compromise that will give oversight of the CAP to the Air Force so that they will have some degree of control.

If 95 percent of the funding of the CAP is taxpayers’ dollars, the taxpayers have to have some degree of control. We have a lot of other adnec- dotal accusations. I don’t want to get into that. Things like this are going on and things like this will continue to go on in any entity in society that doesn’t have some degree of control. I can cite some examples in another committee. We served on the Environment and Public Works Committee where one of the agencies has had no oversight over the past 5 or 6 years and was getting out of hand. They have to have oversight. Those people are dealing with public funds and the public has to have oversight.

My concern is what will happen if we don’t do this. If we don’t do this, as I suggested, the Secretaries of the Air Force may decide to sever relations, and then we really have a serious problem with CAP. I think there is not a person in here who is not a strong supporter of the CAP—certainly these three Senators are among the strongest. We are attempting to save it.

Mr. WARNER. Could I say to my colleagues, is it possible we could conclude this debate? We are anxious to bring up another amendment which we hope to vote on tonight.

Mr. ALLARD. I will sit down with my colleagues, both of my colleagues, and go over some of this language. The way I read the language, the Air Force Secretary appoints the national board of directors, and they have total control over the rules and regulations. It looks to me as if they have total control. Maybe I am misinterpreting it.

I am willing to sit down with my colleagues and see if this happens or not, and maybe we can work out a compromise.

With that in mind, I yield the floor so the chairman can move ahead.

Mr. WARNER. I thank my distinguished colleague.

Mr. INHOFE. I make one last comment to the Senator from Colorado. The language where the local units would continue to be run by local commanders is not addressed in this. That doesn’t change. That would remain as it is in the current law.

Mr. WARNER. I thank my colleague.

Mr. President, we will ask unanimous consent that this amendment be laid aside until such time as I bring it up again.

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

Mr. WARNER. At that time, we will have debate by Senator HARKIN for a period not to exceed 15 to 20 minutes, and then we propose to vote, unless good fortune strikes and these able Senators are reconciled.

The pending business now would be the amendment from the distinguished majority leader, Mr. LOTT; would that not be correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I ask unanimous consent that be laid aside.

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

Mr. WARNER. We now turn to an amendment by the distinguished Senator from New Hampshire, Mr. SMITH, a very valued member of the Armed Services Committee and chairman of the Subcommittee on Strategic Forces.

It would be my hope we could arrive at a time agreement and possibly vote on the amendment tonight.

Mr. SMITH of New Hampshire. If I may respond to the Senator from Virginia, how much time would the Senator like to have?

Mr. WARNER. I want to consult with my distinguished ranking member, but in fairness, I advise my good friend I have looked over this amendment—the Senator from Virginia, as chairman of the committee—and certainly my own judgment is that I will have to move to table.

I think my good friend understands that.

Mr. SMITH of New Hampshire. I say to the Senator, I understand that the Senator opposes it. I ask if the Senator would allow considering an up-or-down vote. But the Senator is the chairman, and I respect that. I prefer an up-or-down vote because I think it is an issue that deserves of that way one or the other, no matter how we feel. It seems to me more appropriate to have a yes-or-no vote, but obviously I defer to my chairman.

Mr. WARNER. And I thank my colleague for that understanding.

So if the Senator will proceed and allow me to seek recognition as soon as the ranking member can give me advice, I will be in opposition, as will the ranking member.

I hope we could have, perhaps, 50 minutes equally divided.

Mr. SMITH of New Hampshire. My concern is the tabling motion. As the Senator knows, this issue is on the calendar now as a separate issue. My purpose in bringing it up on this bill: There are a lot of Senators on both sides of the aisle who support it. My assumption is there may be enough, but I haven’t done a whip count.

My inclination would be, if the chairman is going to move to table it, not bring it up at this time, because I do have the option of bringing it up as a separate resolution because it is on the calendar.

I hoped to have an up-or-down vote. I put it to the chairman this way: If the chairman will allow an up-or-down vote, I am happy to have a time limit, say, of 30 minutes, depending on what the other side desires. I don’t need any more than 15 minutes.

If the chairman is going to table, I think at this point I will not offer the amendment.

Mr. WARNER. That is a development somewhat new, as opposed to what we had in earlier conversations. Might I suggest the Senator lay down the amendment and commence and give me the opportunity to consult with the ranking member?

Mr. SMITH of New Hampshire. All right.

Mr. WARNER. I thank the Senator.
COMMANDER.—It is the sense of Congress only my colleagues but many aboard soon.

I did not expect it to be quite this this bill. I wanted my colleagues to be on this issue a couple of days ago, to President, I spoke in morning business following:

President, I ask unanimous consent

clause will report.
The legislative assistant read as follows:
The Senator from New Hampshire [Mr. Smith] proposes an amendment numbered 405.

Mr. Smith of New Hampshire. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.
The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. SENSE OF CONGRESS REGARDING THE U.S.S. INDIANAPOLIS. (a) COURT-Martial Conviction of Last Commander.—It is the sense of Congress that—

(1) the court-martial charges against then-Captain Charles Butler McVay III, United States Navy, arising from the sinking of the U.S.S. INDIANAPOLIS (CA–35) on July 30, 1945, while under his command were not morally sustainable;

(2) Captain McVay’s conviction was a miscarriage of justice that led to his unjust humiliation and damage to his naval career; and

(3) the American people should now recognize Captain McVay’s lack of culpability for the tragic loss of the U.S.S. INDIANAPOLIS and that—

the memory of the men who died as a result of her sinking;

(b) Presidential Unit Citation for Final Crew.—(1) It is the sense of Congress that the President should award a Presidential Unit Citation to the final crew of the U.S.S. INDIANAPOLIS (CA–35) in recognition of the courage and fortitude displayed by the members of that crew in the face of tremendous hardship and adversity after their ship was torpedoed and sunk on July 30, 1945.

(2) A citation described in paragraph (1) may be awarded without regard to any provision of law or regulation prescribing a time limitation that is otherwise applicable with respect to recommendation for, or the award of, such a citation.

Mr. Smith of New Hampshire. Mr. President, I spoke in morning business on this issue a couple of days ago, to call it to the attention of my colleagues, because I believe it is one that is very important and very relevant to this bill. I wanted my colleagues to be aware that I would probably be bringing it up at some point in the near future. I did not expect it to be quite this soon.

A lot of individuals who have expressed an interest in my bringing it up earlier rather than later, are not only my colleagues but many aboard the U.S.S. INDIANAPOLIS who survived this great tragedy at sea. In deference to them, I felt it would be appropriate to try to get a vote on this. I want to emphasize to my colleagues, I hope my colleagues are paying some attention out there, watching on TV. Because if there is any doubt or concern about whether or not this should be supported, I urge Senators to listen to me for a few minutes as I try to explain why I believe this amendment should be agreed to.

First of all, I have a number of co-sponsors who came in as original co-sponsors. Not only myself, but Senator Feingold, Senator Bond, Senator Landrieu, Senator Rentschler, Senator Boxer, Senator Breaux, Senator Torricelli, Senator Helms, Senator Inhofe, Senator Durbin and Senator Edwards. It is a joint resolution. I also, subsequent to that, received co-sponsorship of the chairman and from Senator Inouye.

We can see it represents all regions of the country and both sides of the political spectrum. It is not in any way, shape, or form a political issue. It simply expresses the sense of Congress with respect to the court-martial conviction of the late Rear Adm. Charles Butler McVay, III. It calls upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. INDIANAPOLIS.

This is an incredible story of incredible bravery and at the same time it is a story of incredible prejudice to an individual with a great, distinguished record as a captain, as an officer in the U.S. Navy.

I want to share with my colleagues this brief story from the closing days of World War II, the war in the Pacific. I know as we debate the issues of the 20th anniversary of World War II, the war in the Pacific. Before taking command of the INDIANAPOLIS in November of 1944, Capt. Charles McVay chaired the Joint Intelligence Committee of the Combined Chiefs of Staff in Washington. That is the highest intelligence unit of the Allies during the war.

McVay led the ship through the invasion of Iwo Jima, then bombardment of Okinawa in the spring of 1945, during which INDIANAPOLIS antiaircraft guns shot down seven enemy planes before the ship was severely damaged. Captain McVay returned his ship safely to Mare Island in California for much-needed repairs.

Another great story about the INDIANAPOLIS which is not well known. In 1945, the INDIANAPOLIS delivered to the island of Tinian the world’s first operational atomic bomb, which would later be dropped on Hiroshima by the Enola Gay on August 6. After delivering her fateful cargo, she then reported to the naval station at Guam for further overhaul. She was finally joined by the U.S.S. Idaho in the Philippines to prepare for the invasion of Japan.

It was at Guam that the series of events ultimately leading to the sinking of the INDIANAPOLIS began to unfold. It is quite a story.

There were hostilities in this part of the Pacific, but they had long since ceased. This is 1945. The war is almost over. The Japanese surface fleet is no longer considered a threat and, attention instead had turned 1,000 miles to the north where preparations were underway for the invasion of the Japanese mainland.

We have a picture here of very little Japanese activity in the Pacific. These conditions led to a relaxed state of alert on the part of those who decided to send the INDIANAPOLIS across the Philippine Sea unescorted, and consequently Captain McVay was regularly told, just zigzag at your discretion.

So the higher-ups were in a relaxed state. We were going into the Japanese
risk of shark attacks, as the sharks would pick off those who were not able to stay up with the rest of the group. It was an act of extreme bravery on the part of the seaplane crew.

As darkness fell, the crew of the seaplane waited for help, all the while continuing to seek out and pull nearly dead men from the water. When the fuselage of the plane was full, the survivors were tied to the wing with a parachute cord. That plane rescued 56 men from the water on that particular day, just literally sitting in the water allowing these men to cling to that plane.

Then came the Cecil Doyle. This was the first vessel on the scene, and it began taking survivors aboard. Again, disregarding the safety of his own vessel, the Doyle's captain pointed his largest searchlight into the night sky to serve as a beacon so other rescue vessels might catch it. This was the first indication to the survivors that their prayers had been answered. Help at last had arrived.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. SMITH of New Hampshire. I yield to the chair.

Mr. WARNER. Mr. President, we have, I think, news that will be received as good news. The distinguished Senator from Colorado and the distinguished Senator from Oklahoma, at the suggestion of the chairman, got together and they resolved the amendment; am I not correct in that?

Mr. ALLARD. I think we are getting some common ground worked out. I am hopeful we can get something put on paper.

Mr. WARNER. The purpose of interrupting our distinguished colleague is to advise the Senate, because many Senators are engaged in other activities right now and I believe we let them know that we will or will not be a vote, it will be helpful to them and the chairman. I understood the Senator just now to indicate this thing was settled.

Mr. ALLARD. We think we have reached an agreement. We are getting it put down on paper. We can put this vote off until tomorrow, if that is the Senator's question.

Mr. WARNER. Mr. President, I ask unanimous consent that Tim Coy, a staff person, be granted the privilege of the floor for the debate.

Mr. ALLARD. Mr. President, I ask unanimous consent that Tim Coy, a staff person, be granted the privilege of the floor for the debate.

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

Mr. WARNER. Mr. President, I was engaged in conversation with Senator Sessions, and he told me it was an absolute. I spoke with the Senator from Colorado just now and I felt I got an absolute answer. Mr. WARNER. When we get it down in writing, that is when we will have an absolute answer. We made a vocal agreement. I think we are there. I do not want to sign off completely.
of naval history. Some of our colleagues have not had the opportunity to look at it as extensively as has the Senator or many of us. I think the availability of some live testimony will be helpful.

So to inform Senators, the Senator from New Hampshire will proceed for such time as he desires to conclude his opening statement. Then following that, the Senator from New Hampshire will send to the desk an amendment relating to funding on the Kosovo operations; am I not correct on that, I ask the Senator?

Mr. SMITH of New Hampshire. That is correct. I will be happy to offer that amendment.

Mr. WARNER. I think we can agree now that the time agreement on that would be, why don’t we say, 40 minutes. At the conclusion of that, again, I have to address, that wouldn’t end it. So I ask unanimous consent that there be 40 minutes to be equally divided between the Senator from New Hampshire and the two managers of the bill, and then we will have a vote.

Mr. WARNER. So, Mr. President, we would start at 7:00. All debate would be concluded at 7:40. The Senator from Virginia will move to table, at which time we will have a record vote.

Mr. LEVIN. Reserving the right to object, Mr. President.

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

Mr. LEVIN. Mr. President, I want to be certain that the chairman is in agreement with my understanding of what this would be. At 8:00, the chairman would move to table, and if in fact it is tabled, that would end it. But if it is not tabled, there will be then no limitation as part of this unanimous consent agreement on time.

Mr. WARNER. Mr. President, that is quite clear. I will read the UC and incorporate that in it. This gives an opportunity for Senators to plan the balance of the evening. I now ask unanimous consent that when Senator SMITH from New Hampshire offers an amendment regarding Kosovo, which will take place a little later than the hour of 7:00, there be 60 minutes of debate equally divided in the usual form prior to a vote on or in relation to the amendment. I finally ask consent that no amendment be in order to the amendment prior to the vote.

The PRESIDING OFFICER. Without objection, the amendment is in order.

Mr. LEVIN. Mr. President, reserving the right to object, if I still have that standing.

Mr. WARNER. I think it is gone, but what is on your mind?

Mr. LEVIN. Senator HARKIN was informed that at 7:15 he would be granted, how many minutes?

Mr. WARNER. Mr. President, that is correct. But I am advised by the principal sponsor, Senator ALLARD, that the matter has been settled. It is being written up. Of course, Senator HARKIN would be consulted. If for any reason that writing fails to resolve it, then we will have to revisit this amendment tomorrow at a time that you and I will discuss to accommodate Senator HARKIN and other Senators.

Mr. LEVIN. It is my understanding that it is the intent, at least of the chairman, that this would then be the last vote?

Mr. WARNER. That is the prerogative of the leader, but I have reason to believe that you are correct.

Mr. LEVIN. That is the intent? Mr. WARNER. That is the intent.

Mr. LEVIN. I know that is not the decision until the leader —

Mr. WARNER. I am 99.99 percent certain that this would be the last vote at 8:00.

Mr. LEVIN. I add my thanks to the Senator from New Hampshire. As always, he is very cooperative with attempting to resolve issues. I didn’t have a chance to thank him earlier today for his willingness to address the Trident submarine issue, even though he took a different position on the amendment yesterday, that part of that amendment really had been addressed, at least in committee, with the Trident reduction. While I very much supported Senator KERREY’s amendment for the reasons that I gave, I didn’t have an opportunity during that debate to thank Senator SMITH for his participation in addressing one part of that issue which the Defense Department was most anxious to address. I thank him for that as well.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I thank my colleague from Michigan for his comments.

Just finishing the story briefly, in 5 or 6 minutes, so we can go ahead to the next issue, there were 900 men who were 317 remained alive at the end of those 5 days. If you can imagine 5 days of shark attacks, starvation, thirst with only salt water, suffering from exposure. The men from this S.S. Indianapolis were finally rescued. Curiously enough, the Navy withheld the news of the sunken ship from the American people for 2 weeks until the day the Japanese surrendered, on August 15, 1945. So the press coverage was minimal. Also, it is worth mentioning that they started the proceedings without having all the available data that was necessary. And less than 2 weeks after the sinking of the Indianapolis, before the sinking of the ship had even been announced to the public, the Navy opened an official board of inquiry to investigate Captain McVay, the captain of the ship, and his actions. The board, strangely enough, recommended a general court-martial for Captain McVay 2 weeks after the incident before it had even been made public. Indeed, many of the survivors’ families were not even made aware that the ship had gone down.

Admiral Nimitz, commander in chief of the Pacific Command, didn’t agree. He wrote the Navy’s judge advocate general that at worst, McVay was guilty of an error in judgment, but not gross negligence worthy of a court-martial. Nimitz later recommended a reprimand. Nimitz and Admiral Spruance later were overcome by the Fifth Fleet, Secretary of the Navy James Forrestal and Adm. Ernest King, Chief of Naval Operations. They directed that the court-martial would go on and proceed.

It is pretty difficult to understand why the Navy brought the charge in the first place.

Explosions from torpedoes, as I said before, had knocked out the ship completely, knocked out its communication system so he was unable to give an abandon ship order except by word of mouth, which all of the crew said McVay had done. So he was ultimately found not guilty on that count.

Then the second count was not zigzagging, and it goes on to talk about the court.

The bottom line, Captain McVay was ultimately found guilty on the charge of failing to zigzag and was discharged from the Navy with a ruined career. And in 1946, at the request of Admiral Nimitz, who had now become the CNO, Chief of Naval Operations, in a partial admission of injustice, Secretary Forrestal remitted McVay’s sentence and restored him to duty. But Captain McVay’s court-martial and personal culpability for the sinking of the Indianapolis continued to stain his Navy records. The stigma of this conviction remained with him always. And as sometimes happens in these kind of tragedies, in 1968, he took his own life.

To this day, Captain McVay’s court-martial and personal culpability for the sinking of the Indianapolis continue to stain his Navy records. The stigma of this conviction remained with him always. And as sometimes happens in these kind of tragedies, in 1968, he took his own life.

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since World War II, the crew of the Indianapolis, to their everlasting credit, has never lost a man. A few years ago, in defending their captain, Captain McVay could have been court-martialed, thus costing hundreds of lives unnecessarily and creating the greatest sea disaster in the history of the United States.

The amendment is as follows:

In title X, at the end of subtitle D, add the following new section:

SEC. 106. RESTRICTION ON USE OF FUNDS FOR MILITARY OPERATIONS IN THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO).

(a) In General.—Except as provided in subsection (b), none of the funds available to the Department of Defense (including prior year appropriations) may be used for the purpose of conducting military operations by the Armed Forces of the United States in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress first enacts a law containing specific authorization for the conduct of such operations.

(b) Exceptions.—Subsection (a) shall not apply to—

(1) any intelligence or intelligence-related activity or surveillance or the provision of logistical support; or

(2) any measure necessary to defend the Armed Forces of the United States against an immediate threat.

(c) Effective Date.—This section shall take effect on October 1, 1999.

Mr. SMITH of New Hampshire. Mr. President, this is an amendment I regret greatly that we must offer. I cannot express in words how strongly I am opposed to the war in Yugoslavia and the conduct of that war. I have to say that the only weapon in the arsenal of a Congressman or a Senator is funding. Cutting off funding is the only way that you can stop an administration policy that you do not approve of. It is the only instrument we have at our disposal under the Constitution. And I will be the first to admit that it is a blunt instrument, but it is the only weapon I have in my arsenal to stop a policy that I think is very dangerous, one which is going to cost us dearly if we continue.

So with great reluctance, I am offering this amendment, not because I want to but because I have to. As we deliberate funding the Department of Defense for the next fiscal year, I think the Senate of the United States should go on record as to whether or not we ought to be expected to vote on funding this operation in Kosovo.

We have been warned many times against interventions like the one in Yugoslavia. Our Founding Fathers themselves implored us in written statement after written statement, in speech after speech—George Washington comes to mind in his Farewell Address in 1796. He addressed himself: Is it worth my son's or daughter's life to die in Yugoslavia for America? Every single person out there who has a son or daughter old enough to serve in the military should ask themselves: Is it worth my son's or daughter's life to die in Yugoslavia for a humanitarian crisis that does not involve the national security of the United States?

I have been on this floor repeatedly arguing against this war. I do not like doing so. But we are attacking a sovereign nation, and our national interests are not at stake. Humanitarian problems in Yugoslavia are serious problems, but are they national security interests of the United States of America? Every single person out there who has a son or daughter old enough to serve in the military should ask themselves: Is it worth my son's or daughter's life to die in Yugoslavia for a humanitarian crisis that does not involve the national security of the United States?
open, and we have to have the finest military in the world. And we do. But most importantly, we have to act clearly and firmly in the pursuit of our explicit national interests. We have not done that here in Yugoslavia.

Some people have said: Let’s go win the war. Maybe somebody can explain to me what “win” means. Does it mean that we occupy Yugoslavia for the next hundred years? That we put a partition up between Kosovo and the rest of Yugoslavia, or barbed wire, and keep 50,000, or 60,000, or 200,000 troops there for a hundred years? Perhaps we should just bomb every bridge, every building, every oil refinery, every railroad, flatten it to the ground, kill every Serb. Maybe that is how we win. Somebody tell me. I have been waiting. I have offered this challenge on broadcast after broadcast. I do not want to have it happen. In conversation after conversation with administration officials, Senators, Congressmen, people on the street, people in the military. Nobody has given me the answer yet. How do we win? I have not heard the answer.

Our military is stretched to the breaking point. Recruiting is down. There are chronic spare part shortages. Deployments continue to increase. And now we are hearing reports about shortages of cruise missiles and other smart weapons. Over 30,000 reservists are being called up.

Let me ask my colleagues to reflect on something. God forbid, but what if North Korea were to attack the South tomorrow morning; or Iraq decided to invade Kuwait; or the Iranians, or the Libyans, or anybody else caused some problems somewhere in their part of the world? Are we ready to meet those threats? Could we meet those threats all at once, or any of them, and keep all our commitments—including that in Kosovo—that we have now? If you have a son or daughter in the military, ask them. They will tell you that they cannot. If we cannot, then we ought not to be doing this.

Let me tell you something. If we get into a ground war in Yugoslavia, we are going to be there for a long, long time. I do not want to have that happen. I do not want to be proven right. But we are at a turning point. If we continue to increase our intervention in Yugoslavia—which ground forces will certainly do—we are in fact committing ourselves to the Balkans, not for a day, not for a week, not for a month, not for a year, but for decades. Mark my words: we will be in the Balkans for decades.

We went into Vietnam in 1965. Thirteen years later and after 58,000 Americans were killed and we tried to defeat and conquer an indigenous people who were dug in in their country, in their homeland, we still had not gotten it done.

These people are going to fight for their homeland, and we are going to have to be prepared to take heavy casualties in Yugoslavia. Again, I will be blunt about it. If you think it acceptable to put your son or your daughter into Kosovo, then you ought to vote against me. But you ought to be prepared to put your son or daughter in there at the same time you put somebody else’s son or daughter in there.

This region of the Balkans has been infamously central for centuries. If they attacked the United States, or if they threatened the national security of the United States anywhere in the world, I would lead the charge here in the Senate for a declaration of war. But they have not done that.

I am hearing a lot of pious arguments about NATO’s original purposes. Are they going to be patrolling the streets of Kosovo?

Think about it—not you, not your son, but your grandson, and maybe his grandson, and maybe his grandson in there at the same time you put somebody else’s son or daughter in there.

There are those who say that the integrity of NATO is at stake. I hear that all the time—if we do not go to war in Kosovo, NATO will fall apart. Look—NATO survived the Soviet Union. It survived Joseph Stalin. It survived Khrushchev and Brezhnev. But it is not going to survive Slobodan Milosevic?

For goodness’ sake. This alliance has stood for decades for all of these great powers, and has stood well. I supported NATO in those years. The administration would strongly tell us that Slobodan Milosevic has the power to do what Stalin, Khrushchev, and Andropov could not do—destroy the NATO alliance. If the alliance is that fragile, maybe it is time to shut the door on NATO. Surely it is not that fragile.

The key for NATO’s success has been that it is a defensive alliance. But it must stay true to its core mission—sovereign nation—is that in our state of readiness right now we cannot carry out the national military strategy in defending America’s regional fronts. In fact, it is even questionable, according to our air combat commander, that we could defend America on one front, with all the allocations of our scarce assets that are going into Bosnia, Haiti, and Kosovo.

Right now my major concern, with 5,000 of our troops already over there in Albania, is that they are virtually naked; they have no force protection, no infrastructure. The Senator will add to his list of reasoning why we shouldn’t be there because it is draining our ability to defend America on such fronts as North Korea or the Middle East.
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Mr. SMITH of New Hampshire. I certainly will add that to the list. I referred to it moments ago. But it is a point well taken.

Mr. President, great powers use discretion. They do not allow themselves to be bogged down in places where their interests are not at stake. They use their power judiciously.

When do we use force? When do we use diplomacy? We have made commitments around the world in places like Korea and the Middle East. The United States has shown resolve. We place American lives at risk when our vital interests are the stake. We have done it all over the world. Americans have died in places all over the world that some cannot pronounce and never heard of. It has been happening for decades. There is no question about it. But our vital interests are not threatened in Yugoslavia.

We have troops in warships across the world. Every year we send billions of Americans' tax dollars overseas in foreign aid. The American people are the most generous in the world. Private citizens, corporations, and charitable organizations send hundreds of millions of dollars every year to help needy people throughout the world. If we have a flood, or an earthquake, or a tornado in America, how many times do you hear about all of these other countries pouring in money to help the people in Des Moines, or to help the people someplace else where a tornado or a flood occurs?

To somehow say now that we have to get into this conflict when we have countries in Europe who can, and should, deal with it—how much more blood do we need to shed in Europe for Europe? It is about time Europe stepped up to the plate.

The United States does not need to resort to airstrikes to show we are not isolationist, and we certainly should not put our troops at risk. And we do not need somebody who has never been in the military—to be the macho man who drags us into a war where we do not belong in.

With this legislation, I am just trying to keep the administration from throwing money and forces at Kosovo without a clear accountability. If Congress wants operations after 1 October, all we have to do is authorize them. This vote tonight will not be the mission. We have made that vote. This vote is going to be on whether or not we want to have another opportunity fund this operation after October 1.

I respect my colleagues on both sides of this question. I respect immensely the thought that they put into it. I respect their convictions. Again, the only instrument I have as a Member of Congress, blunt as it may be, if I disapprove of this policy, is to cut off the funding. That is the reason I offer this amendment.
which is to get the ethnic Albanians out of Kosovo. He has accomplished what he wanted to accomplish in spite of the bombing—and maybe because of the bombing.

I do not know what we are gaining by continuing. But I do think that, as a minimum, the President must get Congressional authorization to continue the war.

Mr. WARNER. I thank my colleague for taking questions. I did not mean to importune the distinguished Senator.

Mr. INHOFE. I inquire of the Presiding Officer how much time remains on both sides.

The PRESIDING OFFICER. Senator Smith controls 8 minutes 30 seconds, and the Senator from Virginia, the manager, controls 23 minutes.

Mr. SMITH of New Hampshire. I yield 6 minutes to the Senator from Oklahoma.

Mr. INHOFE. I thank the Senator for yielding.

I am not going to take that long, only because I don’t want the Senator to be out of time to respond to what I think we will be hearing in the next 22 minutes. I want to make sure the Senator has adequate time.

Let me take a minute and say that I don’t like the amendment but I don’t know any other choice. I wish there were other choices out there.

We got involved in this. I am sure I can visualize what was happening when they made the decision to invade a sovereign nation, sitting around a table, saying, we will send bombs out there for a couple of days and that will take care of him and everything will be fine.

That was not the plan. We heard the plan criticized by the very best people out there. I will be in the region again this weekend.

My concern, as I voiced several times, without a well laid out plan in a war we shouldn’t be involved in—we have troops out there, as I said before, who are virtually naked and have no protection right now.

I am concerned about Albania and the threat to our lives there as much as I am crossing that line into Kosovo. Because right now there is no force protection over there.

As far as the pilots are concerned, I don’t think there is a person in this U.S. Senate who has visited with the pilots more than I have, because as chairman of the Readiness Subcommittee I go around to all these places, I take journalists with me, frankly, so these people will realize why we are only retaining 19 percent of our Navy pilots, 27 percent of our Air Force pilots. It is not just the attractive economy on the outside. It is not just the fact our mechanics are overworked and they are not sure the spare parts are going to be there. As they said in one of the places, with witnesses there, our problem is we have lost our sense of mission. They are sending us in places without adequate training. With all the money we are spending in these contingency operations, when we don’t have strategic interests, it is draining us from our ability to properly train should we have to meet a contingency where our national strategic interests are at stake.

Our time that we are training these guys in red flag exercises in Nellis is cut way down; the National Training Center out in the desert, cutting down Twenty-nine Palms for the marines; they are not getting adequate training because we are busy deploying our troops in places where we do not have a national strategic interest. So I just look upon this as a way out. We have been looking for a way out of Bosnia since 1995. Now there is no end in sight—the October 1 and we will not even be in that position, so I see the only way out right now is what the Senator from New Hampshire is suggesting. I do support his amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield myself 5 minutes.

Mr. President, this amendment contains a funding cutoff that is far broader than the one that was contained in the Specter amendment that the Senate tabled yesterday. This would cut off funding effective October 1 for U.S. air or ground operations, including peacekeeping operations. So the Senator from New Hampshire has in no way stated inaccurately what this amendment does. It is his intention, and he said so quite clearly, that this amendment leads to the withdrawal of our effort in Serbia, including the air campaign.

The Senate voted just a few months ago, 58-to-41, to support that air campaign. What this amendment says is we want to terminate the air campaign. This would have the Senate blow hot and blow cold on the same issue, whether or not we want to support an air campaign which is presently going on.

At the same time, it tells Milosevic all you have to do is hang in there until October 1 and you will not even face an air campaign. You will not face any kind of campaign. You will have succeeded in Kosovo.

Milosevic has not accomplished what he set out to accomplish because he is under severe attack in Kosovo and in Serbia. He will accomplish what he set out to accomplish if this amendment passes. That will be the victory. That will seal the success for Milosevic if this amendment is agreed to, because he will have cut off all funds, including those for the air campaign to attempt to reduce Milosevic’s military capability, which is our military mission, and our broader mission will then be totally impossible. The broader mission is to return over 1 million refugees who have been burned out, who have been raped, whose villages have been destroyed—500 villages. Those refugees, then, will have no hope of returning. Whereas now they have, indeed, a very real hope of returning because Milosevic is gradually being weakened. His forces are under tremendous stress. There is great evidence of that all over.

The KLA, the Kosovo Liberation Army, is beginning to move back in to their villages and into their homes. Nothing will scare Milosevic much more than having to face the KLA again, which will be the result of his failure to negotiate a settlement which provides for the return of these refugees in safety with protection.

We cannot allow Milosevic to succeed, which is what this amendment hands to him. We cannot allow Milosevic to shape the future of Europe. That is what his success would do. His ethnic cleansing, if not reversed, will shape Europe for the next century.

This century began with a genocide against the Armenians. It is ending with an ethnic cleansing of the Kosovars. And in between was a Holocaust. If we do not want the next century to be a repeat of this century, Milosevic cannot succeed. Europe’s future is on the line and that means our own security is on the line. NATO’s future is on the line. The adoption of this amendment will tell NATO they have failed. The adoption of this amendment will be the statement to Milosevic: You have succeeded. We are pulling out.

What is that the intention of this amendment is, according to its sponsor? This amendment will tell our allies in NATO: Forget NATO. Forget NATO cohesion. Forget NATO unity. We are pulling out.

And this amendment will send the worst possible message to the most important of all the people, the men and women who wear our uniform who are out there in harm’s way now, who would then be told by this amendment we are pulling out.

This Senate must send a very different message than that. I hope this amendment is tabled by an overwhelming vote.

I will be happy to yield 5 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 5 minutes.

Mr. BIDEN. Mr. President, I think we owe a debt of gratitude to our colleague from Oklahoma and our colleague from New Hampshire. They are among only a few who will bluntly state why they want out. They are straightforward. The Senator from Oklahoma says this is a way out of Kosovo, just like we should find a way
out of Bosnia. They say we have no interest in Yugoslavia. We have no ability to do anything about it. And we have no right.

I find this absolutely fascinating. We talk about a sovereign nation being invaded by a horde of 19 democracies who are doing such an injustice to them.

The first is that one of the reasons we should not be involved is because Yugoslavia is a sovereign country. I cannot remember what their explanation was as to why we should not be involved in Bosnia, where Slobodan Milosevic was crossing the Drina River with these very forces that are cutting off the noses, ears, and then cutting the throats of captured men in Kosovo, who are taking their women to the third floor of army barracks for the pleasure of the troops and picking what they believe to be the most attractive of the women who happen to be Moslems. These are the same fellows that crossed the Drina River and invaded another country. I heard the same arguments from you all about how we should not be involved there. So do not let anybody fool you, this is not about sovereignty.

The second point I would make is that we have reached the conclusion, straightforwardly, that Slobodan Milosevic’s business is his business. What do we have to do with that? Let them work it out.

I never thought I would live to see the day when a European leader was herding masses of women and children onto boxcars and trains in the sight of all the world, shipping them off to another border, destroying, as they crossed the border, their licenses, taking their birth certificates, going into the town halls and destroying the property records of those very people. And it is so convenient to say that is not our business.

Then I hear another argument. You know, we have commitments around the world. We will not be able to fight a two-front war. But what is the threat to America beyond the nuclear one? And that will not be deterred by American ground forces. I hear my friend from New Hampshire say: Let the Europeans take care of this. Have we not shed enough blood in Europe?

But what about Korea? Why not say let the Asians take care of Korea? There are more of them than us. We have shed enough blood in Asia.

Are we protecting the use of American force in Europe so we can use it in Korea?

If that is the logic, explain to me why the Japanese and the South Koreans cannot take care of themselves. I find this incredibly selective logic.

And, by the way, this so-called failure in Kosovo—what a fascinating notion. Nobody is being killed there now; the raping, the rape camps, the ethnic cleansing have stopped; people are actually living next door to one another.

There are 6,800 American forces there, and that is supposedly too high a price to pay without, thank God—as one of the most fascinating bits of behavior I know on wood—one American being killed? I am sure glad you guys were not around in 1955 and 1956 and 1957 to say: By the way, all those forces we have in Germany, they are sitting there occupying a country and protecting a country, but their mission must be a failure because if they left, there would be war.

The PRESIDING OFFICER. The Senator’s time has expired.

Mr. BIDEN. I thank the Chair. The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I yield 4 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 4 minutes.

Mr. DORGAN. Mr. President, I have not been a cheerleader for our participation in this conflict. I supported it, but I am nervous about it. But I must say, this is wrong. At 7 o’clock tonight, with no notice, we have an amendment that suggests we shall terminate our participation in the NATO campaign to stop the ethnic cleansing and the massacre in Kosovo. At 7 o’clock tonight, with no notice, we are going to have this debate probably for an hour?

I just heard one of the sponsors of this amendment talk about what Mr. Milosevic has achieved. He is right about that. Mr. Milosevic has achieved the following: massacre, we don’t know how many; troops burning villages; raping people; killing innocent men, women and children; hauling people like cattle in train cars or herding them in groups to the border; displacing 1 million to 1.5 million people from their homeland, clean out a country, engage in ethnic cleansing—and when this country and others stand up to say we will not allow that on our time and our watch, you can achieve your objectives and remove that nuisance called a first and second kind of behavior. It will be an accomplishment. I am not sure glad you guys were not around in 1955 and 1956 and 1957 to say: By the way, all those forces we have in Germany, they are sitting there occupying a country and protecting a country.

Yes, he has achieved that. What hasn’t he achieved? What he has not achieved is about to achieve if the Senate adopts this amendment. He wants to achieve an end to the airstrikes that cause him great inconvenience and a great threat to his movement in this massacre and in this ethnic cleansing. Does the Senate want to allow him to achieve that goal? I do not think so.

Five or 10 years from now we will look in our rear-view mirror and see that on our watch ethnic cleansing and massacre occurred and we said: Gee, that didn’t matter; it wasn’t our business.

We have already decided that is not the position we will take. It is our business. It does matter. Do you want to know what ethnic cleansing is? Do you want to know what are the horrors of this kind of action visited upon these women, men, and children? Go to the museum not many blocks from here and see the train cars where they hauled people in Europe before, see the shoes of the people who died in the gas ovens, and then ask yourself: Does this kind of behavior matter? It does matter, and this country, with our allies, is trying to do something about it.

Imperfect? Is this operation in Kosovo with us and our NATO allies imperfect? Yes, it is imperfect, but are we trying? Is this country, with our allies, saying this does matter? Yes. That is exactly what we are doing.

Do we really want to say to Mr. Milosevic tonight: You can achieve the rest of your goals through the help of the Senate. You can do all this—rape, burn, massacre, move people out of their homeland, clean out a country, engage in ethnic cleansing—and when this country and others stand up to say we will not allow that on our time and our watch, you can achieve your objectives and remove that nuisance called a first kind of behavior. I am not sure glad you guys were not around in 1955 and 1956 and 1957 to say: By the way, all those forces we have in Germany, they are sitting there occupying a country and protecting a country.

My hope is that history will record this effort as a noble effort that said when this kind of behavior exists, we will do what we can with our allies to stop it. I do not know how this ends, but I know it should not end tonight on a Wednesday night vote by the Senate to say to Mr. Milosevic: This country will no longer continue to be a problem for you.

The rape, the burning, the massacres, the ethnic cleansing will not stop, but the airstrikes should? I do not think that is a decision this Senate will make. It is not a decision the Senate should make, and I hope in a short time, with an amendment that should not be offered in this kind of circumstance, the Senate will say: No, this effort by this country at this point in time is important. This is not about us alone. It is about this country with NATO, with our allies attempting to stop this man, Slobodan Milosevic, from the kind of behavior we would not accept from anyone in the world. I hope when this vote is cast, we will not achieve the objective Mr. Milosevic wants most, and that is a cessation of the bombing and the airstrikes. That is the price this man is paying for his behavior, and he must pay that price until he stops.

The PRESIDING OFFICER. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I ask unanimous consent, on behalf of Senator BINGAMAN, that Dr. Michael Cieslak, a fellow, be granted the privilege of the floor during the pendency of this bill.

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

Mr. LEVIN. Mr. President, how much time do the opponents have?

The PRESIDING OFFICER. The opponents have 5 minutes 39 seconds; the opponents have 7 minutes 11 seconds.
Mr. LEVIN. I yield 3 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 3 minutes.

Mr. WELLSTONE. I thank the Chair.

Mr. President, my framework is a little different. Murder is never legitimate, and we have tried to do the right thing to stop the slaughter of people, albeit we have not been anywhere close to 100 percent successful. I have deep concerns about the conduct of this war and where it is heading.

On May 3, I called for a temporary pause in the bombing for a focus on diplomacy. I wished we had done that. I wished we had not seen the bombing of the Chinese Embassy. I think we had momentum for a diplomatic solution consistent with our objectives: That the Kosovars go back home, that there be a force there to give them protection, that they be able to rebuild their lives.

I say to colleagues tonight that I do have serious reservations about part of the direction we are heading. The airstrikes have gone beyond degrading the military, which was to be our objective, and I really worry that we begin to undercut our own moral claim when we begin to affect innocent people with our airstrikes, when we begin to kill innocent people, albeit that is not the intention.

I focus on diplomacy. I still believe we need to have a pause in the bombing. We have to have a diplomatic solution. That is the only option that I see available to bring this conflict to an end and to enable the Kosovars to go back home, which is our objective.

Once again, I worry about these airstrikes when we go after power grids and water facilities and the airports, innocent civilians. That goes beyond just degrading the military. I sharply call that into question.

I say to my colleague from New Hampshire, I believe this amendment is profoundly mistaken. It takes Milosevic completely off the hook. This amendment takes us in the opposite direction of where we need to go toward a diplomatic solution to end this conflict.

This is the wrong amendment. This is the wrong statement. This is at the wrong time. Therefore, I rise to speak against it. But I will continue to speak out and raise questions. I will continue to talk about the need to move away from the bombing and to focus more seriously, and in a more concentrated and focused way, on a diplomatic solution and an end to this conflict on honorable terms.

I hope my colleagues tonight, however, will vote against this amendment. I hope it will be a strong vote against this amendment.

I yield the floor.

Mr. BYRD. Mr. President, I have listened carefully to the debate on this amendment, and I appreciate the wrenching emotion that has motivated those on both sides of this issue. The NATO operation in Kosovo is a difficult issue for many of us to come to terms with. Our hearts ache for the suffering of the Kosovar Albanians who have been banished from their homeland by the forces of Yugoslav President Slobodan Milosevic. At the same time, we fear for the safety of U.S. and NATO military forces who are engaged in a perilous mission in a corner of the world that has been torn by ethnic conflict for centuries.

We cannot foresee the outcome of this operation. We have a duty to watch it carefully, to debate it fully on the floor of this Senate. But in our concern to do what is right, we should not act in so much haste that we run the risk of making a fatal mistake.

There may come a day when I will stand on the floor of the U.S. Senate with the Senator from New Hampshire and call for the unfurling of U.S. operations in Kosovo. But that day is not today. That time is not now. A decision of that magnitude must not be taken on the run, after a hastily called 60-minute debate among a handful of Senators.

Mr. President, this amendment sends the wrong message at the wrong time. By all means, let us debate the U.S. involvement in Kosovo. But let us do it with deliberation and forethought. I urge the Senate to table this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. As I said when we began the debate, I respect the views of my long-time friend. He comes from a bullying family. He preserved, himself, in the uniform of the United States. We have a very diverse group in the Senate with regard to their views on this conflict.

There is not a one of us who was not deeply concerned before we became involved in this conflict. We are in it now. I salute here tonight the professionalism that has been shown by the men and women of the Armed Forces of the United States, in particular, and joined by their counterparts from some eight other nations in the air, and the other NATO nations in one way or another that have participated in this conflict.

We are in it because our generation cannot tolerate what we have seen Milosevic do to human beings. To do so would be to reject, indeed, what other men and women have done in previous generations to bring about freedom for others: World War II, followed by Korea, followed by Vietnam. We are there to protect freedom. We are there to protect the rights of human beings to have some basic quality of life and ability to exist.

I remember the peak of this event. When we got started, it was just before Easter. I went back to my constituents in Virginia. Why should we be there? I said: Could you be at home on Easter Sunday, sharing with millions and millions of Americans the experience of your respected place of religion, sharing with your family a bountiful meal, and watch the pictures of the deprivation, the murder, the rape, the mayhem inflicted by Milosevic and his lieutenants on fellow human beings?

Yes, they are Kosovars; yes, they are far away; yes, they speak a different language. I was there in September. I traveled in Kosovo, in Pristina, in Macedonia. At that time, I saw these people being driven from their homes. Not distant from where we were driving—other NATO nations in one way or another—joined by their counterparts in the Yugoslav Army to take certain roads—we could see the burning houses; we could hear the shells. The war was in full progress in other areas several miles distant from the route that we took.

We could not stand by, as a free people, and see in Europe a repetition of the horrors that visited Europe in World War II. So we are there. My vote tonight in opposition to my good friend is because I am pledged and committed to the men and women of the United States Armed Forces and the other nations. I am pledged and committed to the survival of NATO, not just as a political entity but for what NATO stands for, the principles for which it stands. I encourage my colleagues to do likewise.

We will somehow, as a collection of free nations, bring this tragic conflict to a halt. When and exactly how, none of us knows.

The PRESIDING OFFICER. The time of 60-minute amendments has expired.

Mr. WARNER. Mr. President, I understand my time has concluded. I say to my friend, I respect you, but I vote against it.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Of New Hampshire addressed the Chair.
last minute and that we do not have time to deliberate. I will tell you how much time you have to deliberate. You have the rest of this month, you have June, July, August, and September. You have 4 months to think about whether or not you want this war to continue and whether or not you want to authorize more funding. It does not send any message to Milosevic other than the fact that Congress intends to exercise its constitutional authority. That is all.

I could probably give emotional speeches about a number of human tragedies around the world. My colleagues from Delaware got very emotional; and that is a good quality when you believe in something. But this decision should not be based on emotions. This is a decision about how we should use our power on the basis of American interests. No American life should be risked based on any Senator’s emotions, for goodness’ sake.

In May 1999, 500,000 Rwandans were slaughtered in six weeks—most of them hacked to death by machetes—in tribal warfare in the nation of Rwanda. Maybe I am mistaken—and if I am, I will apologize to any Senator who says he came down here and said that we should enter the war in Rwanda, enter that civil war, fire cruise missiles, bomb the blazes out of all the cities, bring those tribes back to their knees to stop the hacking—but I did not hear it. That was a humanitarian crisis of the highest magnitude, and we did not enter it. And we should not have entered it.

Those 500,000 people are just as precious under the eyes of God as anybody else in the world, and we said nothing. We did not use missiles; we did not drop smart bombs, and we did not talk about ground forces, we did not talk about NATO forces, or any other forces of the world going in and setting up a partition to keep two warring tribes apart. Why? Because, as in Kosovo, the conflict posed no threat to the United States. No American lives were worth risking.

This is not about tying the President’s hands as he tries to defend America. It is about understanding and recognizing an incompetent administration as it muddles around in a place where U.S. interests are at, best, peripheral.

There are terrible humanitarian situations that Mr. Milosevic has created. I will be the first to admit it. The question is, as I said at the outset of this debate, How do we resolve it? Do we resolve it with more bombs? By bombing and causing collateral damage to innocent people? Or do we do it through diplomacy?

I am not trying to send a message one way or the other to Milosevic with this amendment. I am trying to send a message to the American people and to the Senate to say, if we are going to put Americans at war in a sovereign nation, at least the Senate can do is have the intestinal fortitude to say yes or no, rather than to let this thing string on like Vietnam did and then, after 58,000 people are dead, we say, oh, my goodness, if we had just stopped this war a little bit earlier—or perhaps, as Senator Goldberg said, we had fought it to win a little bit sooner. Meanwhile, there are 58,000-plus people on the Vietnam Wall.

Now is the time to speak, not 5 years from now. All I am asking in this amendment is that we have from now until October 1 to decide whether or not we want to fund this war any further. That is the message I am sending. I am sending that to my colleagues who represent the people of the United States of America. I yield the floor.

Mr. WARNER. Mr. President, I ask unanimous consent to speak for 2 minutes to address the Senate with regard to tomorrow’s schedule prior to the vote so Senators coming to vote can depart and know what will take place tomorrow.

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

Mr. WARNER. The order was to be handed to me. We were not able to resolve the Allard amendment, so that will be the recurring order of business tomorrow morning. Of course, the Lott amendment is still in place; am I not correct, Mr. President?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. So we will endeavor tomorrow morning, without specifying exactly how and when we will do it, to bring up the Allard amendment. Senators have had 20 minutes, and we will divide, say, another 20 minutes between the distinguished ranking member and myself, should we need it. That would be a total of 40 minutes on the debate. I think maybe I will say 15 minutes between the two of us and 15 minutes for Senator ALLARD, 20 minutes for Senator HARKIN. I think that should do it.

We will just have to establish the time that we will vote on the Allard amendment tomorrow morning. This will be the last vote for tonight, and Senators can expect early on in the morning that we will address the Allard amendment.

Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered. The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 406. The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES, I announce that the Senator from Missouri (Mr. BOND) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote ‘aye.’

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 21, as follows:

(Rollcall Vote No. 151 Leg.)

YEAS—77

Abraham
Akaka
Ashcroft
Baucus
Bayh
Bennet
Biden
Bingaman
Boxer
Breaux
Brownback
Byrd
Campbell
Chafee
Cochran
Collins
Conrad
Coverdell
Daschle
DeWine
Dodd
Kennedy
Cheney
Chiles
Chambliss
Enzi
Crapo
Craig
Burns
Allard
Enzi
Andrade
Cochran
Cochran
Cochlan
Daschle
Daze
DeWine
Dodd
Lieberman
Dorgan
Durbin
Edwards
Leahy
Lautenberg
Levin
Lincoln
Lott
Lugar
Lugar
Mack
McDole
McConnell
Milinkis
Mikulskis
Markowski
Murray
Reed
Reid
Roberts
Rockefellers
ROth
Sasser
Schumer
Shelby
Smith (MO)
Snowe
Specter
Stevens
Thomas
Thompson
Torriceilos
Warner
Wellstone
Wyden

NAYS—21

Allard
Bunning
Burns
Cleland
Craig
Crapo
Emsi
Bayh
Baucus
Ashcroft
Gorton
Graham
Grassley
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Moynihan

NOT VOTING—2

Bond
Mozinah

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that at 9:30 a.m. on Thursday, the Senate resume the DOD authorization bill, and that the Allard amendment No. 396 be the pending business, and that there be 30 minutes remaining on the amendment with 20 minutes under the control of Senator HARKIN and 10 minutes equally divided between Senator Allard and myself, with a vote occurring at 10 a.m. on or in connection to the amendment with no amendments in order prior to the vote.

Mr. REID. No objection.

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

Mr. WARNER. Mr. President, in light of that agreement, there will be no further votes this evening. The next vote will be at 10 a.m. on Thursday relative to the Allard amendment.
Mr. President, at this time there will be no further action on the DOD bill.  

**FEDERAL PRISON INDUSTRIES**  
Mr. THURMOND discussed the importance of Federal Prison Industries on the floor yesterday when this amendment was first considered. I would like to speak for a moment on a few issues that have been raised in this debate. Some have argued that the taxpayers would save money if Federal agencies were not required to use FPI because FPI prices are not competitive. However, studies from the General Accounting Office and the Department of Defense Inspector General show that FPI prices are generally within the market range. Indeed, the DoD IG report found that FPI prices were generally lower than the private sector for the products reviewed.

Moreover, it is important to note that Prison Industries is a self-sufficient corporation. As we discussed at my Judiciary hearing on this issue, if Prison Industries did not exist, it would cost taxpayers millions of dollars per year to fund inmate programs that would provide similar security to prison facilities and similar benefits to prisoners. FPI is the most successful inmate program. We should support it strongly and not pass legislation that could undermine it.

The April 1999 study between DoD and BoP discusses the relations between the two agencies in great detail. The study concludes that no legislative changes are warranted in Defense purchase from FPI. It made some recommendations for improvements that are currently being implemented. We should give the study time to work.

This joint study shows that Defense customers are generally satisfied with FPI. Although some concerns remain such as timeliness of delivery, these issues are being addressed. It is best to allow the joint study to speak for itself. The Executive Summary states: "In response to questions regarding the price, quality, delivery, and service of specific products purchased in the last 12 months, FPI generally rated in the good to excellent or average ranges in all categories. On the whole, respondents seem to be very satisfied with quality and service, mostly satisfied with price, and least satisfied with delivery. * * * Most respondents rated FPI either good or average, as an overall supplier, in efficiency, timeliness, and best value. FPI was rated highest as an overall supplier in the area of quality of service. It generally shows a positive, productive relationship. It is clear that drastic changes are not warranted in the relations between DoD and BoP."

Indeed, the Administration strongly opposes Section 806. The Statement of Administration Policy on S. 1059 explains that the provision "would essentially eliminate the Federal Prison Industries mandatory source with the Defense Department. Such action could harm the FPI program which is fundamental to the security in Federal prisons."

FPI is a correctional program that is essential to the safe and efficient operation of our increasingly overcrowded Federal prisons. While we are putting more and more criminals in prison, we must maintain the program that keeps them occupied and working.

**DEFENSE PRODUCTION ACT**

Mr. GRAMM. Mr. President, I comment on the bill, the distinguished chairman of the Armed Services Committee, Senator WARNER, for including in this legislation a one-year extension of the Defense Production Act. As the Senator knows, the Defense Production Act falls under the jurisdiction of the Committee on Banking, Housing, and Urban Affairs.

The Defense Production Act is due to expire on September 30, 1999. The Banking Committee has a great interest in the Defense Production Act and we intend to conduct a thorough review at this time. However, due to the pressure of other business, specifically the time-consuming task of passing the first modernization of our financial services laws in sixty years, the Banking Committee is unable to conduct such a thorough review at this time.

Therefore, I requested that Senator WARNER include a provision in the Department of Defense authorization bill to extend the Defense Production Act until September 30, 2000. This extension will allow the Banking Committee the time to give the reauthorization of the Defense Production Act the attention it deserves. Senator WARNER was kind enough to include this provision at my request.

Mr. WARNER. We understand that the Banking Committee intends to take a close look at the Defense Production Act, but may not be able to do so prior to the September 30, 1999 deadline. The Armed Services Committee is happy to accommodate the Banking Committee, as we did last year, and include a one-year extension of the Defense Production Act in the DOD authorization bill.

Mr. GRAMM. Mr. President, I thank the chairman of the Armed Services Committee for his courtesy and assistance on this issue. I ask unanimous consent to include the letter from Senator WARNER on this issue be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:
Kosovo it is clear to me that we must support strategic airlift. Airlift remains one of the largest challenges for our forces, as we desire to see the Air Force act to resolve this issue with expediency and consider designating the C-5 or the C-17 airframe for the future of the Tennessee Air Guard.

Mr. WARNER. Mr. President, let me assure the Senator from Tennessee that I am confident working with the Armed Services Committee and the Air Force that this issue will be resolved soon.

MEDAL OF HONOR TO ALFRED RASCON 1999

Mr. THURMOND. Mr. President, I am pleased to be an original cosponsor of the amendment which recommends the Congressional Medal of Honor be awarded to Mr. Alfred P. Rascon. I would like to take just a moment and introduce you to Mr. Rascon.

Alfred Rascon was born in Chihuahua, Mexico, and emigrated to the United States with his parents in the 1950's. He served two tours in Vietnam, one as a medic. When Rascon volunteered for the service, he was not yet a citizen but was a lawful permanent resident, and he was only 17 years of age but convinced his mother to sign his papers so he could enlist.

On March 16, 1966, then Specialist Alfred Rascon, while serving in Vietnam, performed a series of heroic acts that words simply cannot describe. For Rascon and the seven soldiers he aided while under direct gunfire, that day will long be remembered. Rascon's platoon found itself in a desperate situation under heavy fire by a powerful North Vietnamese force. When an American machine gunner went down and a medic was called for, Rascon, 20 at the time, ignored his orders to remain under cover and rushed down the trail amid an onslaught of enemy gunfire and grenades. To better protect the wounded soldier, Rascon placed his body between the enemy machine gun fire and this soldier. Rascon jolted as he was shot in the hip. Although wounded, he managed to drag this soldier off the trail. Rascon soon discovered the man he was dragging was dead.

Specialist 4th Class Larry Gibson crawled forward looking for ammunition. The other machine gunner lay dead, and Gibson had no ammunition with which to defend the platoon. Rascon grabbed the dead soldier's ammunition and gave it to Gibson. Then, amid relentless enemy fire and grenades, Rascon hobbled back up the trail and snared the dead soldier's machine gun and, most important, 400 rounds of additional ammunition. Eye-witnesses state that this act alone saved the entire platoon from annihilation.

The pace quickened and grenades continued to fall. One ripped open Rascon's face, but this did not stop him. He saw another grenade drop five feet from a wounded Neil Haffy. He tackled Haffy and absorbed the grenade blast himself, saving Haffy's life.

Though severely wounded, Rascon crawled forward to aid the wounded and provided aid. A few minutes later, Rascon witnessed Sergeant Ray Compton being hit by gunfire. As Rascon moved toward him, another grenade dropped. Instead of seeking cover, Rascon dove on top of the wounded sergeant and again absorbed the blow. This time the explosion smashed through Rascon's helmet and ripped into his scalp. Compton's life was spared.

When the firefight ended, Rascon refused aid for himself until the other wounded were evacuated. So bloodied by the conflict was Rascon that when soldiers placed him on the evacuation helicopter, a chaplain saw his condition and gave him last rites. But Alfred Rascon survived. He was so severely wounded that it was necessary to medically discharge him from the Army.

The soldiers who witnessed Rascon's deeds that day recommended him in writing for the Medal of Honor. Years later, these soldiers were shocked to discover that he had not received it. It appears their recommendations did not go up the chain of command beyond the platoon leader who did not personally witness the events. Rascon was instead awarded the Silver Star. Rascon's Silver Star citation details only a portion of his heroic actions on March 16, 1966.

Perhaps the best description of Alfred Rascon's actions came 30 years later from fellow platoon member Larry Gibson:

I was a 19-year-old gunner with a recon section. We were under intense and accurate enemy fire that had pinned down the point squad making it impossible to move without being killed. Unhesitatingly, Doc [as Rascon was called] went forward to aid the wounded and dying. I was one of the wounded. Doc proceeded to gather up more grenades, shielding the wounded with his body.

In these few words, I cannot fully describe the events of that day. The acts of unselfish heroism Doc performed while saving the many wounded, though severely wounded himself, speak for themselves. This country needs genuine heroes. Doc Rascon is one of those.

Rascon was once asked why he acted with such courage on the battle field even though he was an immigrant and not yet a citizen. Rascon replied, "I was always an American in my heart."

Mr. President, these actions speak to our values. They speak to our willingness to stand up when the call of duty, this is it.

CONGRESSIONAL RECORD—SENATE 10795

MORNING BUSINESS

Mr. WARNER. Again, let me assure the Senator from Tennessee that I am confident working with the Armed Services Committee and the Air Force that this issue will be resolved soon.

APPROPRIATIONS COMMITTEE

Recommendations—H.R. 1664

Mr. BYRD. Mr. President, yesterday afternoon the Committee on Appropriations met and reported, en bloc, the Fiscal Year 2000 Department of Defense Appropriation Bill, the Fiscal Year 2000 DOD 302(b) allocations for the committee, and H.R. 1664, by a recorded vote of 24-3. At that full committee markup, the committee also adopted an explanatory statement of the committee's recommendations in relation to H.R. 1664. That explanatory statement, which was adopted in lieu of a committee report, was filed with the Senate by Mr. STEVENS (for himself and Mr. BYRD, Mr. DOMENICI, Mr. BINGAMAN, Mr. DURBIN, Mr. SPECKER, Mr. BENNETT, Mr. HOLLINGS, Mr. SHELBY, Mr. ROCKEFELLER, Mr. BAYH, Mr. DeWINE, Mrs. HUTCHISON, Ms. LANDRIEU, Mr. SESSIONS, Mr. DASCHEL, Mr. DORGAN, and Mr. HATCH). Subsequent to that markup, I ask unanimous consent that the following Senators be added as cosponsors: Mrs. LINCOLN, Mr. KOHL, Mr. HELMS, and Mr. BREAUX.

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

Mr. BYRD. I further ask unanimous consent that the explanatory statement of the committee be printed at the appropriate place in the Congressional Record.

If there be no objection, the statement was ordered to be printed in the Record, as follows:

EXPLANATORY STATEMENT OF THE RECOMMENDATIONS OF THE SENATE COMMITTEE ON APPROPRIATIONS ON H.R. 1664, A BILL MAKING APPROPRIATIONS FOR OPERATIONS IN KOSOVO

Mr. Stevens (for himself and Mr. BYRD, Mr. DOMENICI, Mr. BINGAMAN, Mr. DURBIN, Mr. SPECKER, Mr. BENNETT, Mr. HOLLINGS, Mr. SHELBY, Mr. ROCKEFELLER, Mr. BAYH, Mr. DeWINE,