The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today’s prayer will be offered by our guest Chaplain, Dr. Thomas Tewell, of the Fifth Avenue Presbyterian Church, New York City.

We are very pleased to have you with us.

PRAYER

The guest Chaplain, the Reverend Dr. Thomas K. Tewell, the Fifth Avenue Presbyterian Church, New York, NY, offered the following prayer:

Will you pray with me.

Our Lord and our God, in this era of violence and confusion, we ask Your richest blessings to be poured out on the United States of America. We thank You for the destiny that You have given to us to be a living illustration of the righteousness and justice that You desire for all nations. Today we pray for the women and men in the United States Senate who work for long hours fulfilling their enormous responsibilities. They sometimes expend an incredible amount of energy on an issue, only to see it voted down. So often the good things they try to do meet with stubborn resistance. Their physical stress is aggravated as emotions are stretched and strained in this pressure cooker of responsibility.

Gracious God of love, protect the Senators from going beyond their human limitations where burnout brings discouragement. Make them wise in their responsibilities to their families, themselves, and most of all to You. Grant them the humility to remember their need for Sabbath rest, daily relaxation, and spiritual renewal. Most of all, O God, teach the Members of the Senate and all leaders in our Nation to wait upon You and thus renew their strength. May we put You first in our lives by remembering the words of the prophet Isaiah who said, “They that wait upon the Lord shall renew their strength, they shall mount up with wings like eagles; they shall run and not be weary, they shall walk and not faint.” We pray in the strong name of the One who was never in a hurry, yet finished the work He came to do. Amen.

RECOGNITION OF THE MAJORITY LEADER

The President pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. I thank the President pro tempore.

APPRECIATION TO THE GUEST CHAPLAIN

Mr. LOTT. Mr. President, I extend my appreciation to Dr. Tom Tewell. I understand he is from the Fifth Avenue Presbyterian Church in New York City, and he is a friend of the Chaplain. A friend of the Chaplain is a friend of us all.

We appreciate having you here with us today.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will resume consideration of the defense authorization bill and immediately begin debate on the Allard amendment regarding the Civil Air Patrol. A vote in relation to the Allard amendment has been ordered for 10 a.m. I understand discussions are still continuing with regard to that amendment. Other amendments will be offered. I am sure. They are pending. I am sure Senators will want to have them offered and considered one way or another today. There will be votes throughout the day.

It is the intention of the managers—and certainly my intention—to complete action on this bill. I urge the managers to complete action during today, not tonight. There are a number of Senators who are planning on proceeding to their States tonight, late tonight, or early in the morning, so we really need to get this legislation completed.

I commend the managers on both sides of the aisle for the work they have done, but I do think we need to get a definite list of amendments locked in. Otherwise, I am sure some Senators will continue to think of ideas they may want to have addressed. If Senators have amendments they want to have considered today, they need to see the managers during this next vote. After that, we hope to limit the amendments, limit the time, get the votes, and complete this work. This is very important legislation that needs to be completed and must be completed before tonight.

I thank my colleagues for their cooperation.

MEASURE PLACED ON CALENDAR

Mr. LOTT. I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER (Mr. BUNNING). The clerk will report.

The legislative assistant read as follows:

A bill (S. 1138) to regulate interstate commerce by making provision for dealing with losses arising from Year 2000 Problem-related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce.

Mr. LOTT. I object, Mr. President, to further proceeding on this matter at this time.

The PRESIDING OFFICER. The bill will go to the calendar.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1059, which the clerk will report.

The legislative assistant read as follows:

A bill (S. 1059) to authorize appropriations for fiscal year 2000 military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Lott amendment No. 394, to improve the monitoring of the export of advanced satellite technology, to require annual reports with respect to Taiwan, and to improve the provisions relating to safeguards, security, and counterintelligence at Department of Energy facilities.

Allard/Harkin amendment No. 396, to express the sense of Congress that no major change to the governance structure of the Civil Air Patrol should be mandated by Congress until a review of potential improvements in the management and oversight of Civil Air Patrol operations is conducted.

AMENDMENTS Nos. 411 THROUGH 45, EN BLOC

Mr. WARNER. Mr. President, it is the intention of the manager to try to do the cleared amendments. I want to make certain that the distinguished ranking member is in concurrence.

That is indicated, so I think I will proceed.

On behalf of myself and the ranking member, the Senator from Michigan, I send 31 amendments to the desk. I would say before the clerk reports that this package of amendments is for Senators on both sides of the aisle and has been cleared by the minority.

I send the amendments to the desk at this time and ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

● This ‘bullet’ symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. Lugar, and on behalf of other Senators, proposes amendments en bloc numbered 411 through 441.

Mr. WARNER. Mr. President, I ask unanimous consent that the amendments en bloc and the motion to reconsider be laid upon the table. I further ask that any statements relating to these amendments be printed in the RECORD.

The PRESIDENT. Without objection, it is so ordered.

The amendments (Nos. 411 through 441) agreed to en bloc are as follows:

AMENDMENT NO. 411
(Purpose: To authorize the Secretary of Defense to incorporate into the Pentagon Renovation Program the construction of certain security enhancements)

On page 428, after line 19, insert the following new section:

SEC. 717. ENHANCEMENT OF DENTAL BENEFITS

The Secretary of Defense in conjunction with himself and Mr. Lugar, and on behalf of certain Senators, proposes amendments en bloc numbered 411 through 441.

The Secretary shall, not later than January 15, 2000, submit to the congressional defense committees the estimated cost for the planning, design, construction, and installation of equipment for these enhancements, together with the revised estimate for the total cost of the renovation of the Pentagon.

AMENDMENT NO. 412
(Purpose: To authorize the appropriation for the increased pay and pay reform for members of the uniformed services contained in the 1999 Emergency Supplemental Appropriations Act)

On page 98, line 15, strike "$71,693,093,000," and insert in lieu thereof the following: "$71,693,093,000, and in addition funds in the total amount of $1,838,426,000 are authorized to be appropriated for emergency appropriations to the Department of Defense for fiscal year 2000 for military personnel, as appropriated in section 212 of the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31)."

AMENDMENT NO. 413
(Purpose: To authorize dental benefits for retirees that are comparable to those provided for dependents of members of the uniformed services)

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

SEC. 717. ENHANCEMENT OF DENTAL BENEFITS FOR RETIREES

Subsection (d) of section 1076c of title 10, United States Code, is amended to read as follows:

"(d) BENEFITS AVAILABLE UNDER THE PLAN.—The dental insurance plan established under subsection (a) shall provide benefits for dental care and treatment which may include, in addition to the benefits authorized under section 1076a of this title for plans established under that section and shall include diagnostic services, preventative services, orthodontic and other basic care services, surgical services, and emergency services.".

AMENDMENT NO. 414
(Purpose: To provide $6,000,000 (in PE 604606F1) for the Air Force for the 3-D advanced track acquisition and imaging system, and to provide an offset)

On page 29, line 12, increase the amount by $6,000,000.

On page 29, line 14, decrease the amount by $6,000,000.

3-D ADVANCED TRACK ACQUISITION AND IMAGING SYSTEM

Mr. MACK. Mr. President, I rise today in support of additional funds to be made available for Air Force Research, Development, Test and Evaluation in the Fiscal Year 2000 Department of Defense Authorization measure to be used to complete development of a state-of-the-art 3 dimensional optical imaging and tracking information data system.

The 3 Data System is a laser radar system that provides high fidelity time, space, positioning information (TSPI) on test articles during flight. The instrumentation can be applied to air, ground, and sea targets. Additionally, it will provide the potential capability for over-the-horizon tracking from an airborne platform or pedestal mounted ground platform. It includes a multi-object tracking capability that will allow simultaneous tracking of up to 20 targets throughout their profile. The system will enable testing of advanced smart weapon systems; force-on-force exercises where multiple aircraft and ground vehicle tracking is required over water using the large footprint autonomous guided and unguided munitions; and enable an improvement to existing aging radar presently in service. It is mobile and can support testing at other major ranges and locations in support of other Service’s requirements.

The Air Force has identified the 3-Data System as having high military value as it will enable the effective evaluation of the performance of advanced weapon systems to be utilized in future conflicts. The Air Force has informed me that precision engagement is one of the emerging operational concepts in Joint Vision 2010. This system would provide a capability to effectively evaluate the performance of advanced precision guided munitions and smart weapons prior to their use in a wartime environment. It would also directly support ongoing activities and test-and-train initiatives, developmental program test plans, and munitions strategic planning roadmaps.

The Air Force is presently attempting to meet this requirement through existing radar systems and optical tracking systems. This new system and track multiple objects to the fidelity levels required and which require extensive post-mission data reduction times. This system will provide the capability to effectively track multiple targets simultaneously.

Mr. President, I thank the Committee for their willingness to support this amendment. The 3-Data System will play a important role in enabling the Air Force to evaluate the capabilties and limitations of multiple smart weapons and their delivery systems during their development.

AMENDMENT NO. 415
(Purpose: To require the Secretary of the Department of Defense the ability to significantly strengthen the dental benefits for over 270,000 of our nation’s military retirees and their family members)

The TRICARE retiree dental program began on February 1, 1998 and is an affordable plan paid for exclusively by retiree premiums. According to the Department, the enrollment in the program has exceeded all projections.

While current law covers the most basic dental procedures, the Department of Defense does not have the flexibility to expand their benefits without a legislative change. Our nation’s military retirees have expressed a desire to both the Department and the contractors for more services, and are willing to pay a reasonable price for these extra benefits.

Currently, the retirement dental program is limited to basic procedures such as fillings, root canals, oral surgeries and the like. This amendment would change the law to allow, but not mandate, the Department the opportunity to offer an expanded list of benefits such as dentures, bridges and implants, which are needs characteristic of our nation’s retired military members. If the Department decided to offer these service, they would continue to be paid for by member premiums.

In conclusion, I would ask the support of all my colleagues for this important amendment to allow the Department to give the needed dental services to our valued military retirees.

Thank you for the time.

AMENDMENT NO. 416
(Purpose: To require the Secretary of the Department of Defense to incorporate into the Pentagon Renovation Program the construction of certain security enhancements)

On page 357, between lines 11 and 12, insert the following:

The 3 Data System is a laser radar system that provides high fidelity time, space, positioning information (TSPI) on test articles during flight. The instrumentation can be applied to air, ground, and sea targets. Additionally, it will provide the potential capability for over-the-horizon tracking from an airborne platform or pedestal mounted ground platform. It includes a multi-object tracking capability that will allow simultaneous tracking of up to 20 targets throughout their profile. The system will enable testing of advanced smart weapon systems; force-on-force exercises where multiple aircraft and ground vehicle tracking is required over water using the large footprint autonomous guided and unguided munitions; and enable an improvement to existing aging radar presently in service. It is mobile and can support testing at other major ranges and locations in support of other Service’s requirements.

The Air Force has identified the 3-Data System as having high military value as it will enable the effective evaluation of the performance of advanced weapon systems to be utilized in future conflicts. The Air Force has informed me that precision engagement is one of the emerging operational concepts in Joint Vision 2010. This system would provide a capability to effectively evaluate the performance of advanced precision guided munitions and smart weapons prior to their use in a wartime environment. It would also directly support ongoing activities and test-and-train initiatives, developmental program test plans, and munitions strategic planning roadmaps.

The Air Force is presently attempting to meet this requirement through existing radar systems and optical tracking systems. This new system and track multiple objects to the fidelity levels required and which require extensive post-mission data reduction times. This system will provide the capability to effectively track multiple targets simultaneously.

Mr. President, I thank the Committee for their willingness to support this amendment. The 3-Data System will play a important role in enabling the Air Force to evaluate the capabilties and limitations of multiple smart weapons and their delivery systems during their development.
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SEC. 1032. REVIEW OF INCIDENCE OF STATE MOTOR VEHICLE VIOLATIONS BY ARMY PERSONNEL.

(a) REVIEW AND REPORT REQUIRED.—The Secretary of the Army shall review the incidence of violations of State and local motor vehicle laws applicable to the operation and parking of Army motor vehicles by Army personnel during fiscal year 1999, and, not later than March 31, 2000, submit a report on the results of the review to Congress.

(b) CONTENT OF REPORT.—The report under subsection (a) shall include the following:

(1) A quantitative description of the extent of the violations described in subsection (a).

(2) An estimate of the total amount of the fines that are assessed with citations issued for the violations.

(3) Any recommendations that the Inspector General considers appropriate to curtail the incidence of the violations.

AMENDMENT NO. 417

(Purpose: To substitute for section 654 a repeal of the reduction in military retired pay for civilian employees of the Federal Government)

Strike section 654, and insert the following:

SEC. 654. REPEAL OF REDUCTION IN RETIRED PAY FOR CIVILIAN EMPLOYEES.

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

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

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month that begins earlier than 14 days, after the first day of the fiscal year following the date of the enactment of this Act.

AMENDMENT NO. 418

(Purpose: To establish a policy of the United States that the United States will seek the establishment of economic embargo against any foreign country with which the United States is engaged in armed conflict, and for other purposes)

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

SEC. 1061. MULTINATIONAL ECONOMIC EMBARGOES AGAINST GOVERNMENTS IN ARMED CONFLICT WITH THE UNITED STATES.

(a) POLICY ON THE ESTABLISHMENT OF EMBARGOES.—

(1) IN GENERAL.—It is the policy of the United States, that upon the use of the Armed Forces of the United States to engage in hostilities against any foreign country, the President shall, if the armed conflict continues, submit a report to Congress setting forth:

(1) the specific steps the United States has taken and will continue to take to institute the embargo and financial asset seizures pursuant to subsection (a); and

(2) any foreign sources of trade of revenue that directly or indirectly support the ability of the adversarial government to sustain a military conflict against the Armed Forces of the United States.

(b) REPORTS.—Not later than 20 days, or earlier than 14 days, after the first day of the engagement of the Armed Forces of the United States in any armed conflict described in subsection (a), the President shall, if the armed conflict continues, submit a report to Congress setting forth:

(1) the specific steps the United States has taken and will continue to take to institute the embargo and financial asset seizures pursuant to subsection (a); and

(2) any foreign sources of trade of revenue that directly or indirectly support the ability of the adversarial government to sustain a military conflict against the Armed Forces of the United States.

AMENDMENT NO. 419

(Purpose: To require a report on the Air Force distributed mission training)

On page 54, after line 24, insert the following:

Subtitle E—Other Matters

SEC. 251. REPORT ON AIR FORCE DISTRIBUTED MISSION TRAINING.

(a) REQUIREMENT.—The Secretary of the Air Force shall submit to Congress, not later than January 31, 2000, a report on the Air Force Distributed Mission Training program.

(b) CONTENT OF REPORT.—The report shall include a discussion of the following:

(1) The progress that the Air Force has made to demonstrate and prove the Air Force Distributed Mission Training concept.

(2) The actions that have been taken or are planned to be taken within the Department of the Air Force to ensure—

(A) an independent study of all requirements, technologies, and acquisition strategies essential to the implementation of a sound Distributed Mission Training program is under way; and

(B) all Air Force laboratories and other Air Force facilities necessary to the research, development, testing, and evaluation of the Distributed Mission Training program have been assessed regarding the availability of the necessary resources to demonstrate and prove the Air Force Distributed Mission Training concept.

AMENDMENT NO. 420

(Purpose: To add test and evaluation laboratories to the pilot program for revitalizing Department of Defense laboratories; and to add an authority for directors of laboratories under the pilot program)

On page 48, line 5, after “laboratory”., insert the following: “, and the director of one test and evaluation laboratory.”.

On page 46, between lines 11 and 12, insert the following:

(B) To develop or expand innovative methods of operation that provide more defense research for each dollar of cost, including to carry out such initiatives as focusing on the performance of core functions and adopting more business-like practices.

On page 46, line 12, strike “(B)” and insert “(C)”.

On page 48, beginning on line 14, strike “subparagraph (A)” and insert “subparagraphs (A) and (B)”.

AMENDMENT NO. 421

(Purpose: To authorize land conveyances with respect to the Twin Cities Army Ammunition Plant, Minnesota)

On page 453, between lines 10 and 11, insert the following:

SEC. 2832. LAND CONVEYANCES, TWIN CITIES ARMY AMMUNITION PLANT, MINNESOTA.

(a) CONVEYANCE TO CITY AUTHORIZED.—The Secretary of the Army may convey to the City of Arden Hills, Minnesota (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the City to construct a city hall complex on the parcel.

(b) CONVEYANCE TO COUNTY AUTHORIZED.—The Secretary of the Army may convey to Ramsey County, Minnesota (in this section referred to as the “County”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 35 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the County to construct a maintenance facility on the parcel.

The Congressional Budget Office has recently looked at the current dual compensation limitation and it is estimated that around 6,000 military retirees lose an average of $800 per month because of this prohibition.

I have been unable to find one good reason to explain why we should want our law to discourage retired members of the uniformed services from seeking full time employment with the Federal Government.

Our laws should not reduce a benefit military retirees have earned because they chose to work for the federal government.

My amendment would fix this inequity. It would give retired officers equal pay for equal work from the federal government and it would give the federal government access to a workforce that currently avoids employment with the Federal Government.

I am pleased the managers of the bill have agreed to accept my amendment and I thank them for their support for this important amendment.

AMENDMENT NO. 429

(Purpose: To authorize land conveyances with respect to the Twin Cities Army Ammunition Plant, Minnesota)

On page 453, between lines 10 and 11, insert the following:

SEC. 2832. LAND CONVEYANCES, TWIN CITIES ARMY AMMUNITION PLANT, MINNESOTA.

(a) CONVEYANCE TO CITY AUTHORIZED.—The Secretary of the Army may convey to the City of Arden Hills, Minnesota (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the City to construct a city hall complex on the parcel.

(b) CONVEYANCE TO COUNTY AUTHORIZED.—The Secretary of the Army may convey to Ramsey County, Minnesota (in this section referred to as the “County”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 35 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the County to construct a maintenance facility on the parcel.

The Congressional Budget Office has recently looked at the current dual compensation limitation and it is estimated that around 6,000 military retirees lose an average of $800 per month because of this prohibition.

I have been unable to find one good reason to explain why we should want
AMENDMENT NO. 422
(Purpose: To require a land conveyance, Naval Training Center, Orlando, Florida.)

On page 459, between lines 17 and 18, insert the following:

SEC. 2844. LAND CONVEYANCE, NAVAL TRAINING CENTER, ORLANDO, FLORIDA.
(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy shall convey all right, title, and interest of the United States in and to the land comprising the main base portion of the Naval Training Center and the McCoy Annex Areas, Orlando, Florida, to the City of Orlando, Florida, in accordance with the terms and conditions set forth in the Memorandum of Agreement by and between the United States of America and the City of Orlando for the Economic Development Conveyance of Property on the Main Base and McCoy Annex Areas of the Naval Training Center, Orlando, executed by the Parties on December 9, 1997, as amended.

AMENDMENT NO. 423
(Purpose: To modify the conditions for issuing obsolete or condemned rifles of the Army and blank ammunition without charge.)

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

SEC. 1061. CONDITIONS FOR LENDING OBSOLETE OR CONDEMNED RIFLES FOR FUNERAL CEREMONIES.
Section 4683(a)(2) of title 10, United States Code, is amended to read as follows:

“(2) issue and deliver those rifles, together with blank ammunition, to those units without charge if the rifles and ammunition are to be used for ceremonies and funerals in honor of veterans at national or other cemeteries.”

AMENDMENT NO. 424
(Purpose: To authorize use of Navy procurement funds for advance procurement for the Arleigh Burke class destroyer program.)

On page 25, between lines 17 and 18, insert the following:

(c) OTHER FUNDS FOR ADVANCE PROCUREMENT.—Notwithstanding any other provision of this Act, the funds authorized to be appropriated under section 102(a) for procurement programs, projects, and activities of the Navy, up to $190,000,000 may be made available, as the Secretary of the Navy may direct, for advance procurement for the Arleigh Burke class destroyer program. The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 425
(Purpose: To authorize use of funds for the procurement of the MLRS rocket inventory and reuse model)

In title I, at the end of subtitle B, add the following:

SEC. 114. MULTIPLE LAUNCH ROCKET SYSTEM.
Of the funds authorized to be appropriated under section 101(d), $450,000 may be made available to complete the development of reuse and demilitarization tools and technologies for use in the disposition of Army MLRS inventory.

AMENDMENT NO. 426
(Purpose: To expand the entities eligible to participate in an alternative authority for acquisition and improvement of military housing.)

On page 460, between lines 6 and 7, insert the following:

SEC. 2807. EXPANSION OF ENTITIES ELIGIBLE TO PARTICIPATE IN ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.
(a) DEFINITION OF ELIGIBLE ENTITY.—Section 2871 of title 10, United States Code, is amended—
(1) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8) respectively; and
(2) by inserting after paragraph (4) the following new paragraph (5):
“(5) The term ‘eligible entity’ means any individual, corporation, firm, partnership, company, State or local government, or housing authority of a State or local government.”

(b) GENERAL AUTHORITY.—Section 2872 of such title is amended by striking “private persons” and inserting “eligible entities.”

(c) DIRECT LOANS AND LOAN GUARANTEES.—Section 2873 of such title is amended—
(1) in subsection (a)—
(A) by striking “in private sector” and inserting “an eligible entity”; and
(B) by striking “such persons” and inserting “the eligible entity”; and
(2) in subsection (b)—
(A) by striking “any person in the private sector” and inserting “an eligible entity”; and
(B) by striking “the person” and inserting “the eligible entity”.

(d) INVESTMENTS.—Section 2875 of such title is amended—
(1) in subsection (a), by striking “non-governmental entities” and inserting “an eligible entity”; and
(2) in subsection (c), by striking “non-governmental entity” both places it appears and inserting “an eligible entity”;

(e) RENTAL GUARANTEE.—Section 2876 of such title is amended by striking “private persons” and inserting “eligible entities”;

(f) DIFFERENTIAL LEASE PAYMENTS.—Section 2877 of such title is amended by striking “private”; and

(g) CONVEYANCE OR LEASE OF EXISTING PROPERTY AND FACILITIES.—Section 2878(a) of such title is amended by striking “private persons” and inserting “eligible entities.”

AMENDMENT NO. 427
(Purpose: To authorize medical and dental care for certain members of the Armed Forces incurring injuries on inactive-duty training)

On page 272, between lines 8 and 9, insert the following:

SEC. 717. MEDICAL AND DENTAL CARE FOR CERTAIN MEMBERS INCURRING INJURIES ON INACTIVE-DUTY TRAINING.
(a) ORDER TO ACTIVE DUTY AUTHORIZED.—(1) Chapter 1232 of title 10, United States Code, is amended by adding at the end the following:
“12322. Active duty for health care.”
“(b) MEDICAL AND DENTAL CARE FOR MEMBERS.—Subsection (e) of section 1074a of such title is amended—
(1) by redesignating paragraphs (6) through (8) respectively; and
(2) by inserting after paragraph (4) the following new paragraph (5):
“(5) The term ‘eligible entity’ means any individual, corporation, firm, partnership, company, State or local government, or housing authority of a State or local government.”

(b) MEDICAL AND DENTAL CARE FOR DEPENDENTS.—Subparagraph (D) of section 1076(a)(2) of such title is amended to read as follows:
“(D) A member on active duty who is entitled to benefits under subsection (e) of section 1074a of this title by reason of paragraph (1), (2), or (3) of subsection (a) of such section.”

Mr. CLELAND. Mr. President, I am pleased to offer this amendment to S. 1059, the National Defense Authorization Act for Fiscal Year 2000, which seeks to protect the men and women of our reserve military components. The 1998 National Defense Authorization Act provided health care coverage for Reservists and Guardsmen incurring injury, illness or disease while performing duty in an active-duty status. However, it overlooked those service men and women performing duty in “inactive duty” status, which is the status they are in while performing their monthly ‘‘drill weekends.’’
This problem was dramatically illustrated recently when an Air Force Reserve C-130 crashed in Honduras, killing three crew members. One of the survivors was unable to work for over a year due to the serious nature of his injuries. While he was reimbursed for lost earnings, this serviceman was only eligible for military medical care related to injuries sustained in the crash. His family lost their civilian health insurance and was ineligible to receive medical from the military. Had he been on military orders of more than 30 days, both he and his family would have been eligible for full military medical benefits for the duration of his recovery.

My dear colleagues, this is unacceptable. We must plug this loophole so that these tragic circumstances are not repeated.

Why is it so important that we look out for our Guardsmen and Reservists? It is because our military services have been reduced by one-third, while worldwide commitments have increased fourfold, leading to a dramatic increase in the dependence on our reserve components to meet our worldwide commitments. Like their active duty counterparts, they are dealing with the demands of a high operations tempo; yet they must meet the additional challenge of balancing their military duty with their civilian employment.

Members of the Guard and Reserve have been participating at record levels. Nearly 270,000 Reservists and Guardsmen were mobilized during Operations Desert Shield and Desert Storm. Over 17,000 Reservists and Guardsmen have answered the Nation's call to bring peace to Bosnia. And, recently, over 4,000 Reservists and Guardsmen have been called up to support current operations in Kosovo. The days of the "weekend warrior" are long gone.

In addition to significant contributions to military operations, members of the reserve components have delivered millions of pounds of humanitarian aid to all corners of the globe. Closer to home, they have responded to numerous state emergencies, such as the devastating floods that struck in America's heartland last year. The men and women of the Reserve Components are on duty all over the world, every day of the year.

Considering everything our citizen soldiers, sailors, airmen and marines have done for us, we must not turn our backs on them and their families in their times of need. Please join me in supporting this amendment providing for those who provide for us.

**AMENDMENT NO. 428**

(Purpose: To refine and extend Federal acquisition streamlining)

At the end of title VIII, add the following:

**SEC. 807. STREAMLINED APPLICABILITY OF COST ACCOUNTING STANDARDS.**

(a) **APPLICABILITY.—**Paragraph (2) of section 26(r) of the Office of Federal Procurement Policy Act (41 U.S.C. 422(f)(2)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D);

(2) by striking subparagraph (B) and inserting the following:

"(B) The cost accounting standards shall not apply to a contract or subcontract for a fiscal year (or other one-year period used for cost accounting by the contractor or subcontractor) if the total value of all of the contracts and subcontracts covered by the cost accounting standards that were entered into by the contractor, respectively, in the previous or current fiscal year (or other one-year cost accounting period) was less than $50,000,000.

"(C) Subparagraph (A) does not apply to the following contracts or subcontracts for the purpose of determining whether the contractor or subcontractor is subject to the cost accounting standards:

(i) Contracts or subcontracts for the acquisition of commercial items.

(ii) Contracts or subcontracts where the price negotiated is based on prices set by law or regulation.

(iii) Firm, fixed-price contracts or subcontracts awarded on the basis of adequate price competition for which information on submission of certified cost or pricing data.

(iv) Contracts or subcontracts with a value that is less than $5,000,000.

"(b) **WAIVER.—**Section 26(r) is further amended by adding at the end the following:

"(g) (A) The head of an executive agency may waive the applicability of cost accounting standards for a contract or subcontract with a value less than $10,000,000 if that official determines in writing that—

(i) the contractor or subcontractor is primarily engaged in the sale of commercial items;

(ii) the contractor or subcontractor would not otherwise be subject to the cost accounting standards.

(B) The head of an executive agency may also waive the applicability of cost accounting standards for a contract or subcontract if the order or contract was necessary to meet the needs of the agency. A determination to waive the applicability of cost accounting standards under this subsection shall include a statement of the circumstances justifying the waiver.

(C) The head of an executive agency may not delegate the authority under subparagraph (A) or (B) to any official in the executive agency below the senior policymaking level in the executive agency.

"(d) The Federal Acquisition Regulation shall include the following:

(i) Criteria for selecting an official to be delegated authority to grant waivers under subparagraph (A) or (B).

(ii) The specific circumstances under which such a waiver may be granted.

(B) The head of each executive agency shall report the waivers granted under subparagraphs (A) and (B) for that agency to the Board on an annual basis.

(e) **CONSTRUCTION REGARDING CERTAIN NOTIFICATIONS.—**Any notification to Congress required to be submitted to Congress by the Federal Acquisition Amendments made by this section shall not be construed as modifying or superseding, nor as intended to impair or restrict, the applicability of the cost accounting standards:

(1) any educational institution or federally funded research and development center that is associated with an educational institution; or

(2) any contract with a nonprofit entity that provides research and development and related products or services to the Department of Defense.

**SEC. 808. GUIDANCE ON USE OF TASK ORDER AND DELIVERY CONTRACTS.**

(a) **GUIDANCE IN THE FEDERAL ACQUISITION REGULATION.**—Not later than 180 days after the date of enactment of this Act, the Federal Acquisition Regulation issued in accordance with section 253 of the Office of Federal Procurement Policy Act shall be revised to provide guidance to agencies on the appropriate use of task order and delivery order contracts. The provisions of this Act shall apply to contracts entered into on or after the date of enactment.

(b) **CONTENT OF GUIDANCE.—**The regulations issued pursuant to subsection (a) shall, at a minimum, provide the following:

(1) **Specific guidance on the appropriate use of government-wide and other multiple award task order and delivery order contracts to ensure compliance with—**

(A) the requirement in section 5122 of the Clinger-Cohen Act (40 U.S.C. 1422) for capital planning and investment control in purchases of information technology products and services;

(B) the requirement in section 2304(b) of title 10, United States Code, and section 383(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(b)) to ensure that all contractors are afforded a fair opportunity to be considered for the award of task orders and delivery orders; and

(C) the requirement in section 2304(c) of title 10, United States Code, and section 383(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)) for a statement of work in each task order or delivery order issued by the agency specifies all tasks to be performed or property to be delivery under the order.

(c) **GS A FEDERAL SUPPLY SCHEDULES PROCUREMENT.**—The Administrator of General Services shall consult with the Administrator of the Federal Acquisition Regulation to ensure compliance with—

(1) any educational institution or federally funded research and development center that is associated with an educational institution; or

(2) any contract with a nonprofit entity that provides research and development and related products or services to the Department of Defense.

**SEC. 809. CLARIFICATION OF DEFINITION OF COMMERCIAL ITEMS WITH RESPECT TO ASSOCIATED EDUCATIONAL AND NON-EDUCATIONAL ENTITIES.**

Section 4(12) (E) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(E)) is amended to read as follows:
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The provision also would provide for waivers of the CAS standards by agencies in limited circumstances. This would allow contracting agencies to handle this contract administration function, in limited circumstances, as part of their traditional role in managing the government's acquisition process. The sponsors note that waivers would be available for contracts in excess of $10 million only in “exceptional circumstances.” Under such circumstances, a waiver may be used only when a waiver is necessary to meet the needs of an agency, and, i.e., the agency determines that it should not otherwise be able to purchase products or services in the absence of a waiver.

2. TASK ORDER AND DELIVERY ORDER CONTRACTS

FASA authorized Federal agencies to enter into multiple award task and delivery order contracts for the procurement of goods and services. Multiple award contracts occur when two or more contracts are awarded from one solicitation. Multiple award contracting allows the government to procure products and services more quickly using streamlined acquisition procedures while taking advantage of competition to obtain the best price for the government.

FASA required orders under multiple-award contracts to contain a clear description of the services or supplies ordered and —except under specified circumstances— require that each of the multiple vendors be provided a fair opportunity to be considered for specific orders.

The FASA requirements for the use of multiple-award contracts has brought with it the potential for abuse. The requirements for the use of multiple-award contracts were designed to ensure that each of the multiple vendors be provided a fair opportunity to be considered for specific orders. The requirements have also been complicated by the fact that multiple award contracts are a set of 19 accounting principles developed and maintained by the Cost Accounting Standards Board, a body created by Congress to develop uniform and consistent standards for the government.

The Cost Accounting Standards (CAS) standards are a set of 19 accounting principles developed and maintained by the Cost Accounting Standards Board, a body created by Congress to develop uniform and consistent standards for the government.

The FASA required government contractors to account for their costs on a consistent basis and prohibit any shifting of overhead or other costs from commercial contacts to government contracts, or from fixed-priced contracts to cost-type contracts.

FASA and the Clinger-Cohen Act took significant steps to exempt commercial items from the applicability of the CAS standards. Nonetheless, the Department of Defense and other agencies in the private sector continue to identify the CAS standards as a continuing barrier to the integration of commercial items into the government marketplace. The FASA requirements for the use of multiple-award contracts are designed to ensure that each of the multiple vendors be provided a fair opportunity to be considered for specific orders.

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This provision would clarify that services ancillary to commercial items, such as installation, maintenance, repair, training, and other support services, would be considered a commercial service regardless of whether such service is provided by the same vendor or at the same time as the item. Furthermore, this provision would provide the FCBS with the ability to conduct an audit of the small business share of the contracts provided by the Department of Defense to ensure accurate reporting of small business participation.

The provision would extend the current reporting requirement under Section 1, paragraph 1, 2004, as requested by the Administration.

Amendment No. 429

(Purpose: To authorize additional procurement funds for development, research, test, and evaluation of the Joint Strike Fighter XXI Battle Command, Brigade and Below (JFBCB) (PE2003755A), and to offset the additional amount by decreasing paragraph (1)).

On page 19, line 1, strike “$3,669,070,000” and insert “$3,667,370,000” and on page 29, line 1, strike “$4,671,194,000” and insert “$4,692,894,000.”

Amendment No. 430

(Purpose: To improve financial management and accountability in the Department of Defense.)

On page 321, line 18, strike out “and” and on page 322, after line 24, insert the following:

(iv) obligations and expenditures are recorded contemporaneously with each transaction;

(v) organizational and functional duties are performed separately at each step in the cycles of transactions (including, in the case of a system of records, the specification of requirements, the formation of the contract, the certification of contract performance, receiving and warehousing, accounting, and disbursing); and

(vi) use of progress payment allocation system results in posting of payments to appropriate accounts based on the progress of the contract."

On page 322, lines 17 and 18, insert the following:

(c) Study and Report on Department of Defense Electronic Funds Transfers.—(1) Subject to paragraph (3), the Secretary of Defense shall conduct a feasibility study to determine—

(A) whether all electronic payments issued by the Department of Defense should be routed through the Regional Finance Centers of the Department of the Treasury for verification and reconciliation;

(B) whether all electronic payments made by the Department of Defense should be subject to the same level of reconciliation as United States Treasury checks, including matching each payment issued with each corresponding deposit at financial institutions;

(c) whether the appropriate computer security controls are in place in order to ensure the integrity of electronic payments;

(d) the estimated costs of implementing the processes and controls described in subparagraphs (A), (B), and (C); and

(e) the period that would be required to implement the processes and controls.

Not later than January 1, 2000, the Secretary of Defense shall submit a report to Congress containing the results of the study required by paragraph (1).

In this subsection, the term “electronic payment” means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a debit or credit to a financial account.

On page 329, after line 25, insert the following:

SEC. 1009. RESPONSIBILITIES AND ACCOUNTABILITY FOR FINANCIAL MANAGEMENT.

(a) Under Secretary of Defense (Comptroller).—(1) Section 135 of title 10, United States Code, is amended by—

(A) redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following:

“(d) The Under Secretary is responsible for ensuring that the financial statements of the Department of Defense are in conformity with the standards for use in the annual financial statements of the United States Government, and to receive an unqualified audit opinion and that such an opinion is obtained for the statements.

“(e) If the Under Secretary delegates the authority to perform a duty, including any duty relating to disbursement or accounting, to another officer, employee, or entity of the United States, the Under Secretary continues after the delegation to be responsible and accountable for the activity, operation, or performance of a system covered by the delegated authority.”.

(2) Subsection (c)(1) of such section is amended by adding “and to ensure accountability to the citizens of the United States, Congress, the President, and managers within the Department of Defense” before the semicolon at the end.

Amendment No. 431

Management of Credit Cards.—(1) The Under Secretary of Defense (Comptroller) shall prescribe regulations governing the use and control of all credit cards and convenience checks that are issued to Department of Defense personnel for official use. The regulations shall be consistent with regulations that apply government-wide regarding use of credit cards by Federal Government personnel for official purposes.

(2) The regulations shall include safeguards and internal controls to ensure the following:

(A) There is a record of all credit card holders that is annotated with the limitations on amounts that are applicable to the use of each card by each credit card holder.

(B) The credit card holders and authorizing officials are responsible for reconciling the charges appearing on each statement of account with receipts and other supporting documentation and for forwarding reconciled statements to the designated disbursing office in a timely manner.

(C) Disputes and discrepancies are resolved in the manner prescribed in the applicable Governmentwide credit card contracts entered into by the Administrator of General Services.

(D) Credit card payments are made promptly within prescribed deadlines to avoid interest penalties.

(E) Receipts and refunds based on prompt payment on credit card accounts are properly recorded in the books of account.
Mr. GRASSLEY. Mr. President, I would like to speak briefly on the Grassley-Domenici amendment on financial management reforms at the Department of Defense.

The bill before us today provides the first major increase in defense spending since 1985. The increase in defense spending authorized in this bill was initially approved by the Budget Committee back in March. As a Member of the Budget Committee, I voted for the $8 billion dollars for national defense. That may come as a surprise to some of my colleagues.

In the past, I have opposed increases in the defense budget. Now, I don't. My colleagues must be wondering why. I would like to explain my position. I support this year's increase in defense spending for one reason and one reason only. The Budget Committee—and now the Armed Services Committee—are calling for financial management reforms at DOD.

The Committees are telling DOD to bring its accounting practices up to accepted standards, so it can produce "auditable" financial statements—as required by the Chief Financial Officers Act.

This is music to my ears. We should not pump up the DOD budget without a solid commitment to financial management reform.

The Committees are telling DOD to do what DOD is already required to do—under the law. The Budget Committee's report on the Concurrent Resolution for FY 2000 contained strong language on the need for financial management reform at the Pentagon.

While the Budget Committee's language is not binding, it sends a clear, unambiguous message to the Pentagon: clean up your books—now! The Armed Services Committee reached the same conclusion—indepedently.

The Armed Services Committee has cracked up the pressure a notch. The Committee has taken the next logical step. The bill before us today contains much more than a strong message. It mandates financial management reform.

If adopted in conference, the language in this bill would become the law of the land. And with it, I hope we are able to generate more pressure for financial reform at the Pentagon.

The legislative language on financial management reform is reflected in several provisions in Title X [ten] of the bill.

Mr. President, if financial reforms were not in the bill, I would be standing here with a different kind of amendment in my hand. I would be asking my colleagues to support an amendment to cut the DOD budget.

Fortunately, that's not necessary. It's not necessary because the Armed Services Committee has seen the light and seized the initiative. The Armed Services Committee is demanding financial management reforms at the Pentagon.

First, I would like to thank my friend from Virginia, Senator Warner—the Committee Chairman—for recognizing and accepting the need for financial management reform at the Pentagon.

I would also like to thank my friend from Oklahoma, Senator Inhofe—Chairman of the Readiness Subcommittee—for putting some horsepower behind DOD financial management reform.

His hearing on DOD Financial Management on April 16th helped to highlight the need for reform and set the stage for the corrective measures in the bill.

But above all, I would like to thank the entire Armed Services Committee for taking time to listen to my concerns and for addressing them in the bill. With the one-year time frame, I hope the Committee's efforts to strengthen internal controls—when combined with mine—will improve DOD's ability to detect and prevent fraud and better protect the peoples' money.

Mr. President, this bill does not contain all the new financial management controls that I wanted. There had to be give-and-take along the way.

I remain especially concerned about the need for restrictions on the use of credit cards for making large payments on R&D and procurement contracts.

The Committee has assured me that there will be a good faith effort to examine this issue before the conference on this bill is concluded. Based on information to be provided by the Department and the General Accounting Office and Inspector General, the final version of the bill may include: (1) a dollar ceiling on credit card transactions; and (2) strict limits on using credit cards to make large contract payments. I hope that is possible.

There will be no improvement in the dismal DOD financial management picture without reform—and some pressure from this Committee and the other committees of Congress.

We need to lean on the Pentagon bureaucrats to make it happen.

Without reform, the vast effort dedicated to auditing the annual financial statements will be a wasted effort. The bill before us will hopefully establish a solid foundation—and create a new environment—where financial management reform can begin to happen.

In doing what we are doing, I hope we are providing the Pentagon with the wherewithal to make it happen.

The reforms in the bill are not new or dramatic. In my mind, it's basic accounting 101 stuff: DOD needs to record financial transactions in the books of account as they occur. Now, that's not complicated or difficult, but it's the essential first step. And it's not being done today.

The Committee is telling DOD to get on the stick and do what it's already supposed to be doing—under the law. And it calls for some accountability to help get the job done.

The language in this bill—I hope—will get DOD moving toward a "clean" audit opinion.

I hope that's where we are headed.

And there is another important reason why DOD financial reform is needed today. As I stated right up front, we are looking at the first big increase in defense spending since 1985. I think this Committee needs to be on the record, telling the Pentagon to get its financial house in order.

If the Pentagon wants all this extra money, then the Pentagon needs to fulfill its Constitutional responsibility to the taxpayers of this country.

First, it needs to regain control of the taxpayers' money it's spending right now.

And second, it needs to be able to provide a full and accurate accounting of how all the money gets spent.

DOD must be able to present an accurate and complete accounting of all financial transactions—including all receipts and expenditures. It needs to be able to do this once a year—accurately and completely.

The GAO and IG auditors should be able to examine the department's books and its financial statements and render a "clean" audit opinion.

That's the goal. I want to see us reach that goal reached in my lifetime.

Mr. President, I would like to extend a special word of thanks to the entire Armed Service Committee for helping May 27, 1999

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would like to thank the committee for helping to push the Pentagon in the right direction—toward sound financial management practices.

I would like to thank the Committee Chairman, Senator WARNER, and his Subcommittee Chairman, Senator INHOFE, for throwing their weight behind the effort.

I would like to thank them for working with me and helping me craft an acceptable piece of legislation.

Mr. President, in my mind, DOD financial management reform is mandatory as we move to larger DOD budgets.

Higher defense budgets need to be hooked up to financial reforms—just like a Christmas tree, behind the other. They need to move together.

**AMENDMENT NO. 411**

*Purpose:* To authorize $4,500,000 for research, development, test, and evaluation, Defense-wide, relating to a hot gas decontamination facility, and to reduce by $4,500,000 the amount authorized for chemical demilitarization activities to take into account inflation savings in the account for such activities.

On page 18, line 13, strike “$1,169,000,000” and insert “$1,164,500,000.”

On page 29, line 14, strike “$9,400,081,000” and insert “$9,404,581,000.”

**AMENDMENT NO. 412**

*Purpose:* To provide $3,500,000 (in PE 62633N) for Navy research in computational engineering design, and to provide an offset.

On page 29, line 11, increase the amount by $3,500,000.

On page 29, line 14, decrease the amount by $3,500,000.

**AMENDMENT NO. 431**

*Purpose:* To extend certain temporary authorities to provide benefits for Department of Defense employees in connection with defense workforce reductions and restructurings.

At the end of title XI, add the following:

**SEC. 1107. EXTENSION OF CERTAIN TEMPORARY AUTHORITIES TO PROVIDE BENEFITS FOR EMPLOYEES IN CONNECTION WITH DEFENSE WORKFORCE REDUCTIONS AND RESTRUCTURING.**

(a) **LUMP-SUM PAYMENT OF SEVERANCE PAY.**—Section 5596(c)(4) of title 5, United States Code, is amended by striking “the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996 and before October 1, 1999” and inserting “February 10, 1996, and before October 1, 2003.”

(b) **VOLUNTARY SEPARATION INCENTIVE.**—Section 5597(c)(2) of such title is amended by inserting “January 2000” after “1996” and “March 31, 2003” after “1999”.

(c) **CONTINUATION OF FEHBP ELIGIBILITY.**—Section 850a(a)(4)(B) of such title is amended by inserting “September 30, 2003” after “September 30, 2001”.

**AMENDMENT NO. 432**

*Purpose:* To require the Secretary of Defense to conduct an exit survey for separating members of the Armed Forces.

(b) **SURVEY CONTENT.**—The survey shall, at a minimum, cover the following subjects:

(1) Reasons for leaving the military service.

(2) Plans for activities after separation (such as enrollment in school, use of Montgomery GI Bill benefits, and work).

(3) Affiliation with a Reserve component, together with the reasons for affiliating or not affiliating, as the case may be.

(4) Attitude toward pay and benefits for service in the Armed Forces.

(5) Extent of job satisfaction during service as a member of the Armed Forces.

(6) Such other matters as the Secretary of Defense determines appropriate, including any questions concerning reasons for choosing to separate from the Armed Forces.

(c) **REPORT.**—Not later than May 2, 2003, the Secretary shall submit to Congress a report containing the results of the survey.

I would like to thank the Committee for throwing their weight behind the other. They need to move together.

The structural reasons behind the retention shortfalls have already been well documented on the floor; a booming economy, long deployment, and a lack of predictability for family life have all taken their toll. However, what I have found very frustrating is that we have no sense of priority behind these problems. Are soldiers leaving because the pay is too low, or because the retirement package is insufficient? Do we need to address inflation adjustments tempo first, or health care? The evidence is all anecdotal. We have a strong sense of the universe of problems, but no qualifiable data on their relative importance.

As it stands, each service is responsible for exit surveys which are conducted on a voluntary basis when a person separates from the military. These surveys are not standardized, do not seek the same information, nor are they scientifically tested. In short, they are not much better than the anecdotal evidence that we collect by word of mouth. The dimensions of our difficulties in retention demand that we have much better information. For that reason, I have introduced this amendment to require a Department of Defense exit survey of the armed services, which will give us the data that we need to assess the steps Congress needs take in coming years to stem this tide.

The amendment instructs the Secretary of Defense to develop and implement a survey of all military personnel leaving the service starting in January 2000 and ending six months later. The survey will provide uniformity of data, and be scientifically tested so as to give us some real feedback as to why our men and women are leaving the service. Additionally, there are specific issues of content that the survey must address, namely: the reasons for leaving military service, plans for activities after the separation, affiliation with a Reserve component, attitude toward pay and benefits, and the extent of job satisfaction during their tenure. I believe that the answers to these questions are vital to the Senate’s role in addressing retention and other readiness issues. The priority of our all-volunteer force depends on our ability to continue to recruit and retain the manpower necessary to support our national security priorities. To do so, we need forward thinking policy which makes the most of our scarce resources and protects the quality of life of our armed services. This amendment will give us the data and intellectual framework to begin such policy. Again, I thank Senators WARNER and LEVIN for accepting it.

**AMENDMENT NO. 435**

*Purpose:* To authorize the use of amounts for award fees for Department of Energy closure projects for purposes of funding additional cleanup projects at closure project sites.

On page 574, strike lines 1 through 24 and insert the following:

**SEC. 3173. USE OF AMOUNTS FOR AWARD FEES FOR DEPARTMENT OF ENERGY CLOSURE PROJECTS FOR ADDITIONAL CLEANUP PROJECTS AT CLOSURE PROJECT SITES.**

(a) **AUTHORITY TO USE AMOUNTS.**—The Secretary of Energy may use an amount authorized to be appropriated for the payment of award fees for a Department of Energy closure project for purposes of conducting additional cleanup activities at the closure project site if the Secretary—
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Amendment No. 437

Amendment No. 437

(Purpose: To prohibit the return of veterans memorial objects to foreign nations without specific authorization in law.

At the appropriate place in the bill, insert the following new section and renumber the remaining sections accordingly:

SEC. 2. PROHIBITION ON THE RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) PROHIBITION.—Notwithstanding section 2572 of title 10, United States Code, or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to any person or entity for purposes of the ultimate transfer or conveyance to a foreign government, or otherwise transfer or convey such object to any person or entity controlled by a foreign government, unless specifically authorized by law.
(b) Definitions.—In this section:
(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term "entity controlled by a foreign government" has the meaning given that term in section 2386(c)(1) of title 10, United States Code.
(2) VETERANS MEMORIAL OBJECT.—The term "veterans memorial object" means any object, including a physical structure or portion thereof, that
(A) is located at a cemetery of the National Cemetery System, war memorial, or veteran's memorial, if the entity controlled by a foreign country owns or operates such cemetery, war memorial, or veteran's memorial;
(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and
(C) was brought to the United States from abroad as a memorial of combat abroad.

Mr. THOMAS. Mr. President, amendment No. 437 to S. 1059, the Defense Authorization bill, prohibits the return to a foreign country of any portion of a memorial to American veterans without the express authorization of Congress.

I would not have thought that an amendment to a defense authorization bill was necessary, Mr. President. It would never have occurred to me that an administration would even briefly consider dismantling part of a memorial to American soldiers who died in the line of duty in order to send a piece of that memorial to a foreign country; but a real possibility of just that happening exists in my state of Wyoming involving what are known as the "Bells of Balangiga."

In 1898, the Treaty of Paris brought to close the Spanish-American War. As part of the treaty, Spain ceded possession of the Philippines to the United States. At about the same time, the Filipino people began an insurrection in their country. In August 1901, as part of the American efforts to stem the insurrection, a company of 74 officers and men from the 9th Infantry, Company G, occupied the town of Balangiga on the island of Samar. These men came from Ft. Russell in Cheyenne, WY—today's F.E. Warren Air Force Base.

On September 28 of that year, taking advantage of the preoccupation of the American troops with a church service for the just-assassinated President McKinley, a group of Filipino insurgents infiltrated the town. Only three American sentries were on duty that day. As described in an article in the November 19, 1997 edition of the Wall Street Journal:

Officers slept in, and enlisted men didn't bother to carry their rifles as they ambled out of their quarters for breakfast. Balangiga had been a boringly peaceful site since the infantry company arrived a month earlier. The Filipino inscription read: "holy ghost arrived when a 23 year old U.S. sentry named Adolff Gamlin up the church...". The quiet ended abruptly: "as soon as the well, and dumped into a vat of steaming wash water. A young bugler was cut down in a nearby stream. The company commander was hacked to death after jumping over the church; men defended themselves with kitchen forks, mess kits and baseball bats. Others threw rocks and cans of beans."

Though he had also slashed across the back, PFC Gamlin came to and found a rifle. By the time he and the other survivors fought their way to the beach, 38 US soldiers were dead and all but six of the remaining men had been wounded.

The remaining soldiers escaped in five dug-out canoes. Only three boats made it to safety on Leyte. Seven men died of exposure at sea, and other 8 members of the company's 74 members survived.

A detachment of 54 volunteers from 9th infantry units stationed at Leyte returned to Balangiga and recaptured the village. They were reinforced a few days later by Companies K and L of the 11th Infantry Regiment. When the 11th Infantry was relieved on October 18 by Marines, the 9th Infantry took two of the church bells and an old cannon with them back to Wyoming as memorials to the fallen soldiers.

The bells and cannon have been displayed in front of the base flagpole on the central parade grounds since that time. The cannon was restored by local volunteers and placed under a glass display case in 1985 to protect it from the elements. The bells were placed in openings in a large specially constructed masonry wall with a plaque dedicating the memorial to the memory of the fallen soldiers.

Off and on since 1981, there have been some discussions in various circles in Cheyenne, Washington, and Manila about the future of the bells, including the possibility of returning them to the Philippines. Most recently, the Philippine government—having run into broad opposition to their request to have both bells returned to them—has proposed making a copy of both bells, and having both sides keep one copy and one original. Opposition to the proposal from local and national civic and veterans groups has been very strong.

Last year, developments indicated to me that the White House was seriously contemplating returning one or both of the bells to the Philippines. 1998 marked the 100th anniversary of the Treaty of Paris, and a state visit by then-President Fidel Ramos—his last as President—to the United States. The disposition of the bells was high on President Ramos' agenda; he has spoken personally to President Clinton and several members of Congress about it over the last three years, and made it one of only three agenda items the Filipino delegation brought to the table. Since January 1998, the Filipino press has included almost weekly articles on the bells' supposed return, including several in the Manila Times in April and May which stated that a new tower to house the bells was being constructed in Borongon, Samar, to receive them in May. In addition, there have been a variety of reports vilifying me and the veterans in Wyoming for our position on the issue and others threatening economic boycotts of US products or other unspecified acts of retaliation to force capitulation on the issue.

Moreover, inquiries to me from various agencies of the administration soliciting the opinion of the Wyoming congressional delegation on the issue increased in frequency in the first 4 months of 1998. I also learned that the Defense Department, perhaps in conjunction with the administration, prepared a legal memorandum outlining its opinion of who actually controls the disposal of the bells.

In response, the Wyoming congressional delegation wrote a letter to the President on January 9, 1998, to make clear our opposition to removing the bells. Mr. President, I ask unanimous consent that the text of that letter be inserted at this point in the RECORD. In response to that letter, on May 26, I received a letter from Sandy Berger of the National Security Council which I think is perhaps one of the best indicators of the direction the White House was headed on this issue.

To head off any move by the administration to dispose of the bells, I and Senator Enzi introduced S. 1903 on April 1, 1998. The bill had 18 cosponsors, including the distinguished Chairmen of the Committees on Armed Services, Foreign Relations, Finance, Energy and Natural Resources, Rules, Ethics, and Banking; the Chairmen of five Subcommittees of the Foreign Relations Committee; and five members of the Armed Services Committee.

While time has passed since this issue came to a head last April, Mr. President, my deep concern that the administration might still dispose of the bells has not. The administration has not disavowed its earlier intent to seek to return the bells—an intent detailed by the introduction of S. 1903 last year. In addition, article IV, section 3, clause 2 of the Constitution, which states that the 'Congress shall have the power to dispose of... Property belonging to the United States', the Justice Department has issued an informal memorandum stating that the bells could possibly be disposed of by the President pursuant to the provisions of 10 U.S.C. § 2572.

I continue to be amazed, even in these days of political correctness and revisionist history, that a U.S. President—our Commander in Chief—would appear to be ready to ignore the wishes of our veterans and tear down a memorial to U.S. soldiers who died in the United States, at the behest of a foreign country.
line of duty in order to send part of it back to the country in which they were killed. Amazing, that is, until I recall this President’s weakness for sweeping apologies and what some might view as flashy P.R. gestures. Consequently, Senator Enzi and I decided to pursue the issue again in the 106th Congress.

Mr. President, to the veterans of Wyoming, and the United States as a whole, the bell represents a lasting memorial to those 54 American soldiers killed as a result of an unprovoked insurgent attack in Balangiga on September 28, 1901. In their view, which I share, any attempt to remove either or both of the bells—and in doing so actually physically dismantling a war memorial—is a desecration of that memory.

This amendment will protect the bells and similar veterans memorials from such an ignoble fate. The bill is quite simple; it prohibits the transfer of a material or any part thereof to a foreign country or government unless specifically authorized by law. I would like to thank the distinguished Chairman of the Committee (Senator Warner) for his assistance, and that of his staff, in moving this amendment forward.

Amendment No. 438

(Purpose: To authorize emergency supplemental appropriations for fiscal year 1999)

On page 371, at the end of subtitle A, add the following:

SEC. 1009. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1999.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 1999 in the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261) are hereby adjusted (by a rescission), or both, in the 1999 Emergency Supplemental Appropriations Act.

Amendment No. 439

(Purpose: To clarify the scope of the requirements of section 1049, relating to the prevention of interference with Department of Defense use of the frequency spectrum)

On page 371, at the end of line 13, add the following: “The preceding sentence does not apply to the operation, by a non-Department of Defense entity, of a communication system, device, or apparatus on any part of the frequency spectrum that is reserved for exclusively non-government use.”

On page 372, line 3, insert “fielded” after “apparatus”.

(d) This section does not apply to any upgrade, modification, or system redesign that result in interference with a Department of Defense communication system made after the date of enactment of this Act where that modification, upgrade or redesign would result in interference with or receiving interference from a non-Department of Defense system.

Amendment No. 440

(Purpose: To ensure continued participation by small businesses in providing services of a commercial nature)

On page 281, line 13, after “Government,” insert the following: “These items shall not be considered commercial items for purposes of Section 4362(c) of the Clinger-Cohen Act (10 U.S.C. 1304 note).”

On page 282, line 19, after “concerns,” insert the following: “HUBZone small business concerns.”

On page 283, line 19, strike “(A)” and insert “(1)”. On page 283, line 23, strike “(B)” and insert “(2)”. On page 284, line 3, strike “(C)” and insert “(3)”. On page 284, between lines 6 and 7, insert the following:

4 The term “HUBZone small business concern” has the meaning given the term in section 3(p)(3) of the Small Business Act (15 U.S.C. 632p(3)).

Amendment No. 441

(Purpose: To authorize the Secretary of Defense to provide assistance to non-federal entities in response to terrorism)

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

SEC. 1061. MILITARY ASSISTANCE TO CIVIL AUTHORITIES FOR RESPONDING TO TERRORISM.

(a) AUTHORITY.—During fiscal year 2000, the Secretary of Defense, upon the request of the Attorney General, may provide assistance to civil authorities in response to an act or threat of an act of terrorism, including an act of terrorism or threat of an act of terrorism that involves a weapon of mass destruction, within the United States if the Secretary of Defense determines that—

1 special capabilities and expertise of the Department of Defense are necessary and critical to respond to the act or threat; and

2 the provision of such assistance will not adversely affect the military preparedness of the armed forces.

(b) NATURE OF ASSISTANCE.—Assistance provided under subsection (a) may include the deployment of Department of Defense personnel and equipment, the use of Department of Defense resources to the extent and for such period as the Secretary of Defense determines necessary to prepare for, prevent, or respond to an act or threat described in that subsection. Actions taken to provide the assistance may include the prepositioning of Department of Defense personnel, equipment, and supplies.

(c) REIMBURSEMENT.—(1) Assistance provided under this section shall normally be provided on a reimbursable basis. Notwithstanding any other provision of law, the amounts of reimbursement shall be limited to the amounts of the incremental costs of providing the assistance. In extraordinary circumstances, the Secretary of Defense may waive reimbursement upon determining that a waiver of the reimbursement is in the national security interests of the United States and submitting to Congress a notification of the determination.

(2) If funds are appropriated for the Department of Justice to cover the costs of responding to an act or threat of terrorism, such assistance provided under subsection (a), the Department of Defense shall be reimbursed from such funds for the costs incurred by the department in providing the assistance without regard to whether the assistance was provided on a nonreimbursable basis.

(d) LIMITATION ON FUNDING.—Not more than $10,000,000 may be obligated to provide assistance pursuant to subsection (a) in a fiscal year.

(e) PERSONNEL RESTRICTIONS.—In carrying out this section, a member of the Army, Navy, Air Force, or Marine Corps may not, unless authorized by another provision of law—

1 directly participate in a search, seizure, arrest, or other similar activity; or

2 collect intelligence for law enforcement purposes.

(f) NONDELEGABILITY OF AUTHORITY.—(1) The Secretary of Defense may not delegate to any other official authority to make determinations and to authorize assistance under this section.

(2) The Attorney General may not delegate to any other official authority to make a request for assistance under subsection (a).

(g) RELATIONSHIP TO OTHER AUTHORITY.—(1) The authority provided in this section is in addition to any other authority available to the Secretary of Defense.

(2) Nothing in this section shall be construed to restrict any authority regarding use of members of the armed forces or equipment of the Department that was in effect before the date of enactment of this Act.

Amendment No. 386

DEFINITIONS.—In this section:

1 “The term ‘threat of an act of terrorism’ includes any circumstance providing a basis for reasonably anticipating an act of terrorism, as determined by the Secretary of Defense in consultation with the Attorney General and the Secretary of the Treasury.

2 The term “weapon of mass destruction” has the meaning given the term in section 103 of the Defense Against Weapons of Mass Destruction Act of 1996 (8 U.S.C. 2302(1)).

Mr. WARNER. Now, Mr. President, momentarily we will proceed to the amendment by Mr. ALLARD. If the Senators are ready, I will yield the floor.

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes remaining for debate on the Allard amendment numbered 396, with 20 minutes under the control of the Senator from Iowa, Mr. HARKIN, and 10 minutes equally divided between the Senator from Colorado, Mr. ALLARD, and the Senator from Virginia, Mr. WARNER.

Mr. ALLARD addressed the Chair. The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. If I might just briefly before I yield the floor for Senator HARKIN, I ask unanimous consent to add Senator Enzi as a cosponsor of the amendment.

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

Mr. ALLARD. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand I have 20 minutes. Is that right? The PRESIDING OFFICER. Correct. Mr. HARKIN. Will the Chair please advise the Senator when he has used 15 minutes.

The PRESIDING OFFICER. We will.

Mr. HARKIN. I appreciate that.

Mr. President, I would like to take a few minutes to speak about the Civil
Air Patrol, a unique group of volunteer civilian airmen and others, who support the nation in a variety of ways. CAP members in all 50 states, the capital, and many territories of the United States. The organization is composed of more than 13,500 member units and is controlled by state offices in cooperation with the local communities and states. The Civil Air Patrol's mission is to promote the aerospace arts and sciences and to develop aerospace capability for the defense of the United States.

The Civil Air Patrol has become an integral part of the U.S. Air Force. The Civil Air Patrol is an official auxiliary of the U.S. Air Force and is organized into four major commands and supported by an active membership of more than 50,000 men and women. The Civil Air Patrol's mission is to save lives, prevent disasters, and support the nation's defense in times of peace and war.

The Civil Air Patrol is a national nonprofit organization that operates a fleet of more than 50,000 aircraft. The organization provides training and support to more than 10,000 members each month. The Civil Air Patrol is a unique organization that touches the lives of millions of Americans at all levels. While it is the official auxiliary of the Air Force, it is also a benevolent, civilian non-profit corporation chartered by Congress to support emergency service and educational organizations such as the American Red Cross, all fifty states, the District of Columbia and the Commonwealth of Puerto Rico. The organization offers emergency and humanitarian aid, as well as training and education to its members.

The Civil Air Patrol consists of four major units:

1. **Coast Guard**
2. **Flood Control**
3. **Aircraft Recovery**
4. **Emergency Services**

Each unit is responsible for a specific area of the country and works closely with local and state authorities to coordinate emergency response efforts.

The Civil Air Patrol performs numerous emergency services missions, youth programs and aerospace education programs in support of states and local communities across the nation. Its more than 50,000 members, 1,700 squadrons, 535 light aircraft, and thousands of communications stations stand ready to support not only the Air Force and other Federal agencies but all the citizens of the United States, no matter where they live. Civil Air Patrol does this valuable humanitarian and public service mission 24 hours a day, 365 days a year. CAP's emergency and humanitarian missions include search and rescue, firefighting, and disaster relief efforts. Other emergency and humanitarian missions include medical evacuations, search and rescue, and disaster relief efforts. Other emergency and humanitarian missions include medical evacuations, search and rescue, and disaster relief efforts.

The Air Force has proposed a take-over of the governance of CAP. The Defense Authorization bill includes this proposal. It is not warranted, nor will it necessarily address alleged problems with CAP.

I am joining with Senator ALLARD and a long, bipartisan list of co-sponsors to offer an alternative that has Congress make a more considered decision.

The Air Force has proposed some huge and abrupt changes to the operations and governance of the Civil Air Patrol. The Air Force wants to place over $70 million in CAP's airport and operations. The proposal would put an Air Force Reserve Major General in charge of Headquarters, place an oversight Board—appointed by the Air Force.
The Air Force is citing allegations of financial mismanagement and safety lapses as the reasons for the change. While the Air Force has told the press there are series problems with CAP, they have yet to make clear the evidence that supports the allegations. There has been no report by the Air Force Inspector General, no report by the DOD IG, nor by the GAO. The Air Force did write a report a year ago arguing for an adoption of a new financial management process—the adoption of an OMB circular—but CAP is waiting for the OMB to review the plan.

The Civil Air Patrol leadership has rejected the allegations. We don’t need to rush to a hasty decision. In fact, I have talked to both Acting Secretary Peters of the Air Force and CAP leadership. Both want to get together upon my behest to discuss any differences and think through any proposals. I would like to invite other Senators to attend if they so desire.

The Senator from Oklahoma described many allegations of CAP missteps. All I heard were allegations. In fact, many were made by unnamed former members. Where is the evidence? Where is the formal review? Where are the hearings? Are we going to base legislation on unchecked allegations?

Let me address just one allegation made by the Air Force and repeated by the Senator from Oklahoma—the infamous CAP cruise, which has been purported as the worst of CAP’s missteps. I have looked into the matter and here is what I have found. It is true that, in 1998 the southeast region had a meeting aboard a ship instead of at a hotel. CAP regions have meetings regularly with the region wings deciding on the event. Before the event, these Air Force staff, at the headquarters, approved the event for reimbursement.

In other words, the Air Force already had authority to oversee CAP financial matters, exercised the authority and approved the reimbursement. Where is the lack of Air Force control?

The Air Force has also pointed to safety concerns. Although we only have allegations, I talked to the CAP commander. He made them. I asked if there is a need for a safety officer. His response was fairly open. He doesn’t know about the incident cited—again, they are from letters from unknown sources—but would welcome an OMB Inspector General study. The Air Force can place one at the headquarters without this legislation and always could, but perhaps the Air Force did not think it was a serious concern.

Let me also turn to an important downsider to the Air Force proposal: cost. The Air Force proposes to use many more uniformed military personnel to run CAP headquarters, replacing the civilian employees. I don’t have to point out the financial implication to my colleagues. Uniformed Air Force personnel simply cost more. In fact, the Air Force is even talking to base legislation on unchecked allegations?

Mr. President, I want to give my disclaimer and talk about my own involvement in the Civil Air Patrol. I have been involved in the Civil Air Patrol for about the last 15 years. I am at the control of the Civil Air Patrol and have been involved most of the time I have been in the Senate.

I am a proud and good organization. I am just going to give a little bit of the background: More than 60,000 senior and cadet members, all across America, in small towns, large cities, flying every day in search and rescue missions. Almost 85 percent of all the search and rescue missions in America are done by the Civil Air Patrol. We have youth programs for thousands of cadet groups. America.

This organization started in World War II when German submarines were sinking our ships off the coast, sometimes within sight of land. We didn’t have the Army and Navy aircraft to patrol, so flying their own small aircraft, sometimes using automobile inner tubes as their life preservers, the CAP pilots did what the enemy submarines did not— they found the submarines in the Atlantic and Gulf of Mexico. They spotted and reported the location of 173 submarines to the military and the CAP itself attacked or damaged two of them. I wanted to lay that out as a kind of proud history of the Civil Air Patrol.

Since that time, under civilian control, the Patrol has had a great cadet program to recruit young people into its program. Many of the pilots we have had in the Air Force, the Navy, came out of the Civil Air Patrol. It is just an invaluable youth program. One time I came over here to talk to a youth group from the Cleveland, OH, Civil Air Patrol squadron, all young African Americans, male and female, taken out of the inner city. They had uniforms. They were given discipline. They had summer programs. It was just a wonderful thing to see, this cadet program instilling good American values in these young people.

Again, I point that out as a way of saying that this is a very proud, very good organization, one that has done a lot of good. As I said, 85 percent of all search and rescue is done by the Civil Air Patrol. In 1998, we conducted 3,155 search and rescue missions and saved 116 lives.
We also support communities and States in times of disaster. In 1998, during a period lasting weeks, when we saw all the fires in Florida and Texas, hundreds of CAP members flew emergency fire watch, while others maintained airborne communication relay stations.

Three weeks ago during the terrible Oklahoma tornadoes that killed 45 people, CAP was there with aerial and ground units and quickly joined with community and State disaster relief efforts. I can tell you that in 1993, during the terrible floods we had in the Midwest, in Iowa, the Civil Air Patrol was there day after day after day helping with logistics, helping with communication, helping fly aircraft over rivers to warn of propane tanks floating downstream.

All of these things are done by volunteers. The people flying these planes don’t get paid a dime.

One other thing that most people don’t know about is the drug interdiction efforts by the Civil Air Patrol. This is something that I had a proud involvement with back in the 1980s. We changed the law to give the Civil Air Patrol the authority to join with the DEA and others to fly drug interdiction, both off our coasts and looking for drugs within the continental United States.

At that time, if I am not mistaken, much of what was being done in that regard was done by the National Guard. They were charging over $1,100 an hour for that. The Civil Air Patrol did it for about $80 an hour. Why? Because it was all volunteers. In fact, many of the flying volunteers took their own cameras with them, paid for their own film, paid for developing, which pictures they then turned over to the DEA.

Again, I point that out because I am very proud of the Civil Air Patrol, very proud of their history, proud of what they have been doing recently, proud of what they are doing yet today to help our States, our local communities, and the great cadet programs they have to instill good values and discipline among so many young people in America.

Now what do we have? In front of us, we have this provision that was put into the bill. I understand it was voice voted in committee. We have had no hearings on it, not one hearing. Yet, this provision would basically allow the Air Force to completely take over the Civil Air Patrol.

The Air Force has always had a relationship with the Civil Air Patrol—quite frankly, a pretty decent relationship. But because of some unfounded allegations, all of a sudden we have this provision in the bill that basically would allow the Air Force to take it over.

Well, what the Allard and Harkin amendment—joined by so many others—says is, what we have are allegations. When you have allegations, the best thing to do is to have the GAO investigate and do a study. Have the inspector general’s office investigate these allegations. Let’s find out where the truth lies. That is what our amendment says.

The world is not going to end in the next year if we do not make this massive change to let the Air Force take over the Civil Air Patrol. What we need to do is to approach it in a logical manner. That is what the Allard-Harkin amendment does.

It simply says, GAO, IG, do an investigation, report back by February 15 of the year 2000, next year, in time for the next cycle. I am also going to ask the chairman and the ranking member of the Armed Services Committee if they would have hearings on this. I am going to ask the chairman of the Armed Services Committee if they would have hearings on this, bring in the Civil Air Patrol. Let’s find out if there are any bases to these allegations.

I called the present commanding officer of the Civil Air Patrol, Jay Bobick, last night. I talked to him about some of the allegations that were made on the record by my friend from Oklahoma. Quite frankly, I got a completely different story.

There have been allegations of financial mismanagement and safety lapses, but there is no evidence to support it. There has been no report by the Air Force inspector general, no report by DOD, nor by GAO. The Civil Air Patrol leadership rejects these allegations.

We don’t need to rush to a hasty decision. I talked personally to both the Acting Secretary of the Air Force and to the CAP leadership. I asked them if we could get them both together in the same room, across the table from each other. They are going to do that. Indeed, I said I would be there. Senator ALLARD would be there. Anybody else is invited to come, too. Let’s get these two entities together, and let’s talk it out, just see what is the basis of this problem. I think that is the proper way to proceed.

The Senator from Oklahoma described many of the allegations of CAP missteps. Some were made, as I understand, in the record by unnamed former members. Again I ask, where is the evidence? Where is the formal review? Where are the hearings? Are we going to base this legislation on unchecked allegations by unnamed former members?

I must say at the outset, I know of some former members of the Civil Air Patrol who are still upset because they were run out because they were mismanaging things. Now they are coming back, writing letters, and doing things like that. Well, OK, if they want to do that, that is fine. But let’s check it out.

We heard last night about the infamous CAP cruise, I say to my friend from Oklahoma, a CAP cruise to wherever it was, the Bahamas or Nassau, some place like that, purported as one of the worse CAP missteps, I looked into the matter, and here is what I found.

It is true that in 1998 the southeast region—that is basically Florida, Alabama, Mississippi, Georgia, Tennessee; I may have missed a couple States—I had a meeting. They had it aboard a ship instead of at a hotel.

I point out the Civil Air Patrol regions have meetings regularly within the region and all the wings come together and they decide on the location. They decided on having it on a ship.

Let’s look at the facts. First, no Civil Air Patrol member used Federal dollars to pay for that cruise, not one. They paid for it out of their own pockets, volunteer members. It is true that Mr. Bobick mentioned the head-quarters staff at Maxwell Air Force Base attended the meeting. They were reimbursed for the cost. But this has long been the normal practice. They are paid Federal employees. They are not volunteer members. When they go to meetings like this, they get reimbursed.

Now, we were told they were reimbursed. They got the meals free on the ship, but they then got reimbursed for that.

This, I was told. I say to my friend from Oklahoma, is not so. What they got reimbursed for was breakfast and lunch on the way to the ship, and they got reimbursed for breakfast and lunch and dinner on the way back, which is normal, accepted Federal practice. They were not reimbursed for any of the meals while they were on the ship. Anyway, that is what I have been told.

I point out this out also, to my friend from Oklahoma: The Air Force had no criticism of this. In fact, another key point: The Air Force has about 30 staff overseeing operations and financial matters at headquarters at Maxwell Air Force Base in Alabama.

Before this cruise took place, the southeast region sent it up to the Air Force for approval. Guess what. The Air Force approved the cruise before it ever took place. That is true. The reimbursement and the cruise were approved by the Air Force before they ever took place. In other words, the Air Force already had the authority to oversee Civil Air Patrol financial matters. They exercised that authority and they approved it.

I ask, where is the lack of Air Force control? They had it. And now we have allegations that they took this cruise, but the Air Force approved it in the first place.

Well, now I hear there are some safety concerns. Again, we only have allegations. I talked to Mr. Bobick about them. I asked if there is a need for a safety officer, an Air Force safety officer. I say to my friend from Oklahoma...
that his response was fairly open. He didn’t know about the incident cited. Again, these are letters from unknown sources, unsubstantiated. But he said they would welcome an Air Force safety officer. He pointed this out, I say to my friend from Oklahoma. The Air Force can place a safety officer at headquarters without this legislation. They always could. They could tomorrow. Why haven’t they? Perhaps the Air Force didn’t think it was a very serious matter.

Yes, I want to point out that the Air Force could—today, if they want—place a safety officer at headquarters in Alabama. They have never done so. I am not saying they should not, but I am saying let’s get some studies done here and have some hearings on this before we run off and do something without even knowing what the facts are.

I want to make just one other observation. Prior to 1995, we had some 170-plus—I will leave myself a little room—Air Force personnel at Maxwell running the Civil Air Patrol. The Air Force, as I have stated, didn’t want to do any more. We replaced them with civilians over a period of time. We replaced 170-some Air Force personnel—they drew them down—with I think about 100 civilians. They pay less and we are actually saving the taxpayers money.

Now, I understand the Air Force is talking about placing a two-star general as the executive director of the Civil Air Patrol instead of the civilian we have there now. I asked for a cost estimate on that. It would cost about $60,000 more per year to do that.

The PRESIDING OFFICER. The Senator has used 15 minutes.

Mr. HARKIN. I thank the Chair. I ask, where is the sense in doing this? Again, I am not going to say we should not make some changes in the Civil Air Patrol. I believe some changes are warranted. I have been involved in this a long time. I am not going to say I have all the knowledge on exactly how to do it, but I believe we ought to bring the Air Force and Civil Air Patrol together and hammer this thing out. We need hearings, a GAO investigation, an IG investigation, and then let’s do it in a logical manner, in a manner which really is going to keep the civilian nature of the Civil Air Patrol and even make it better than it is today. I believe that can be done.

That is why I am so strongly supportive of the Allard amendment. I think it takes that kind of a commonsense, logical approach to improve and make the Civil Air Patrol even better in the next century.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Colorado and the Senator from Virginia are the only ones who have time remaining.

Mr. INHOFE. I am controlling time for the Senator from Virginia.

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. INHOFE. I will yield myself a couple of minutes and I will reserve the remainder of my time.

First of all, I disagree with many of the things the Senator from Iowa is saying. The only thing I disagree with is that he has much better proof than he is implying in terms of mismanagement.

I find something very interesting, and that is a letter that went out last night over the web site from one of the prominent members, named Cameron Warner, to all his fellow members. In this letter he makes it very specific that we at CAP have problems—problems at the top—and they are going to have to be addressed. He goes on to say that if that is not done about it, those things that we said yesterday on the floor of the Senate as to “60 Minutes” coming in and looking at all these abuses could actually be a reality. So here is a request from members of the CAP saying they want to clean up this act.

I ask unanimous consent that this be printed in the RECORD. There being no objection, the letter was ordered to be printed in the RECORD, as follows:

A SAD COMMENTARY
(By Cameron F. Warner)

DEAR CAP MEMBERSHIP: Folks, today as I watched the debate about CAP v. USAF take place on the Senate floor, I couldn’t help but think how sad it is. Just listen to the subject matter. All this dirty laundry about CAP being aired out on the Senate floor in front of the American public.

Today, the image is given step in the wrong direction relative to public perception. How embarrassing to say the least! Years of good work and wonderful acts by members being tarnished by the actions of a few. Indeed, this is a dark day in the history of CAP.

It is a personal heartbreak to see just where the leadership of Bobick and Albano have taken CAP. Here is CAP, center stage on the United States Senate floor for all to see, but not for all it’s good deeds or accomplishments. Quite the contrary! Rather, we have United States Senators on the Senate floor talking about all the wrong doings of leadership and the bad management of CAP. Sen. Inhofe talks about FBI investigations of CAP. Ask yourself, how bad does that sound to the American public? How does that really sound to you?

The Allard amendment was not resolved as earlier thought, so the debate will continue early tomorrow morning with a vote to follow. For those of you who are interested, live Senate TV coverage on CSPAN2 first thing in the morning. No matter what the outcome, it will only get worse for CAP and CAP will end up the big loser. Tomorrow is the biggest day on one single war. The longer this goes on and the more public this becomes, the worse CAP will look in the public eye no matter how you cut it. Don’t be surprised if Sen. Warner comes out about the "60 Minutes" bad press possibility becomes a reality. CAP will not be portrayed in a positive light at all.

And I am sure that this is right where Bobick, Albano, the NEC and NB have lead CAP at the end of this century! Today is tomorrow’s history. Good work, guys!

Mr. INHOFE. Mr. President, the other thing I want to mention is that we all love the CAP. There isn’t a person in the 100 Members here who has worked closer with them than I have. I was a flight instructor, and I have been involved with these people. We love them. We don’t want something to happen where all of a sudden we find out bad things are going on and the Air Force says we can’t be responsible for it, dump the program. We all want to save the CAP.

Third, I don’t buy the argument when they say we are using our own money. It is 95 percent paid for by public funds. But it is always easy to say these funds were the ones that were the 5 percent. I am not criticizing anybody for saying that, because I hear that all the time on the floor of the Senate.

I have no problem with accepting this amendment, I think we can probably do it by voice vote. I would like to address these things together. The Senator from Iowa and I have talked, and certainly the Senator from Colorado also shares the concern that there could be mismanagement that has to be stopped, and this is actually the request of the members of the CAP. I reserve the remainder of my time.

Mr. ALLARD. Mr. President, first of all, I want to reiterate how important the Civil Air Patrol is to States such as Colorado, particularly in the mountainous regions. They have played such a vital role when we have had disasters in the Mountain States. They have been a nonprofit civilian organization ever since 1946, and they have been designated since 2 years after that as an auxiliary. After all, it is the Civil Air Patrol, not the Defense Air Patrol or the Air Force Air Patrol. This is the Civil Air Patrol, and it is volunteers. That has been its focus. That is the strength of the organization. I think any effort at this point to put it under the control of the Air Force is premature.

I am glad to hear that my colleague from Oklahoma has recognized the fact that we can do a GAO study to look at the budget aspects of some of the discrepancies that supposedly come out, and then if we can get the inspector general to go in and look at how the management side of it is handled and get concrete recommendations back to the Senate, then we can go ahead and have some hearings next year. That makes good sense to me. I hope we can accept that plan and see what happens.

So if they want to go with a voice vote, that is acceptable to me, with the idea that we have a GAO study and we
I have an inspector general study, and then we have some hearings and get the facts in there. I think Senator HARKIN, my colleague from Iowa, has made a good suggestion, that we need to get both of them in the same room to talk about these differences. I think there is all sorts of room to correct some misunderstandings between the Air Force and Civil Air Patrol. I think we can do it in an honest manner.

So I think the Allard amendment is reasonable. I think it has a reasonable approach, and I urge my colleagues on the Armed Services Committee to work with us on the Allard amendment.

I ask unanimous consent to add another cosponsor to the amendment, Senator ROD GRAMS of Minnesota. The amendment (No. 396) was agreed to. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, do I have 4 or 5 minutes?

The PRESIDING OFFICER. Four minutes remain.

Mr. HARKIN. I think maybe we are going to reach a good resolution on this and accept the amendment. I have no problems with a voice vote. That is fine. I know the Senator from Oklahoma is sincere. We have talked about this. He has been involved in the Civil Air Patrol for a long time. I believe we can work this out. Again, I hope we can do it in a logical approach.

I have to chide my friend from Oklahoma a little bit here on reading a letter on the web. I say to my friend that I know there are probably disgruntled people in the CAP, like in the Air Force or anywhere else. We are going to get those kinds of letters.

Again, I just repeat for the sake of emphasis that the best way to do this is to get the IG to look into the darned thing and see what type of basis there is on that. I just want to add in my little time remaining that I really want to examine, perhaps, this oversight board.

The Air Force wanted to have a military oversight board. I personally don’t think that is the way to go. For the Civil Air Patrol, I agree, the present structure of the board is not right. I want to say that publicly to my friend from Oklahoma. That is not right. But I hope to work with him in thinking about an oversight board that would be more akin to the civilian oversight board of the academies or something like that, or maybe Congress would appoint some and the President would appoint some where we would have a blend of civilians with the background that would give them the kind of knowledge they need to have an oversight of the Civil Air Patrol.

I hope that might be a better way of proceeding on an oversight board to keep it in civilian hands, but to do it in the way that is not the present structure of how the board is set up, which I, quite frankly, think invites a lot of problems, the way the board is set up with the commander. I am willing to work on this to work that out, but to have some kind of a civilian oversight board.

Again, I appreciate the debate we have had. I think we all are very justly proud of the Civil Air Patrol and what they have done in the past. I really believe that in the future, with drug interdiction, with national disasters, the Civil Air Patrol will continue to play a vital role in our society. Plus, I also want to work with my friend from Oklahoma and my friend from Colorado.

I have been trying for a long time to beef up the cadet program in the Civil Air Patrol. We need to strengthen the cadet program. These inner-city kids especially are looking for things to do. They need some order. They need some structure and discipline in their lives. This is what the Civil Air Patrol can do for them. It will help build up our summer camps where these kids get to go for a couple of weeks. They can learn some technology and get some discipline and order in their lives. They can wear a uniform of which they can be proud. Believe me, I think we ought to do more to strengthen and to build up the cadet program in the Civil Air Patrol. I think it would be one of the best things we could do for the future of our country.

Again, I appreciate all the work that Senator ALLARD has done on this. I have talked to so many Democrats on my side who are supporting the Allard amendment. I believe there is overwhelming support on both sides for this approach.

Again, if we want to have a voice vote on it, that is fine with me.

I thank my friend from Colorado. I thank my friend from Oklahoma. I think he has done a service here by at least highlighting the problem and pointing out that we have to do something. We may have disagreed a little bit on how to do it, but that is normal. I think now we are set on a course that is really going to improve and make the Civil Air Patrol even better.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma has 3 minutes remaining.

Mr. INHOFE. The other side?

The PRESIDING OFFICER. The time of the Senator from Iowa last expired. Mr. INHOFE. Mr. President, I agree with a lot of the things the Senator from Iowa is saying. I felt that we were in a position where we couldn’t do nothing. We had the accusations out there. I think, quite frankly, “60 Minutes” did a good job of getting this out of the CAP has. However, that is the reality. Any time there are accusations like this and 95 percent of the taxpayers’ money is being spent, we have a responsibility for oversight. I think we will be able to do that. I certainly have no objection to working on this and making it happen.

I also say, since I have a minute remaining, that I am particularly concerned, because 2 weeks ago I was thinking about this ACP while flying an airplane which had an engine blow, and I wasn’t sure I was going to be able to land safely gliding into the airport. I could very well have been their product a couple of weeks ago.

I yield the remaining time.

Mr. ALLARD. Mr. President, I would like to summarize briefly before we go to a vote. I think the Allard amendment is a reasonable plan. It sets out the process in which we can gather our facts through a GAO report, and I am sure the report from the Inspector General, then hold some hearings and make some reasonable decisions. We all, I think, agree that we need to understand the problem before we can come to some satisfactory conclusion. I think the plan does that.

I urge the Members to vote ayec. I yield any remaining time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 396) was agreed to.

Mr. ALLARD. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I wanted to ask my colleagues whether or not they are ready to go to an amendment right this second, or whether I could have 3 minutes as if in moving business.

Mr. WARNER. Mr. President, can I get more clearly in mind the amount of time the Senator needs?

Mr. WELLSTONE. I say to my colleagues that I think I can do everything in 5 minutes.

Mr. WARNER. Is it related to the bill?

Mr. WELLSTONE. No.

Mr. WARNER. We have a Senator that is anxious to address a matter on the bill.

Mr. WELLSTONE. Mr. President, I have the floor, but I know we want to move forward.

Mr. President, while I have the floor, we are going to go forward with the Kennedy amendment. Is that correct? Can I ask unanimous consent that after we dispense with the Kennedy amendment I have to move on?

Mr. WARNER. Mr. President, allow the managers to represent to the Senator that we will find a window in which the Senator from Minnesota can address the matter not related to the bill. But we have good momentum on this bill. I would like to ask the Senator from Massachusetts as to what his desire is.
Mr. KENNEDY. Mr. President, I would like to submit the amendment.

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

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I will send the amendment to the desk and speak probably for 4 or 5 minutes on it. I think my colleague, Senator LAUTENBERG, may want to talk for a similar period of time. We are prepared. There is virtual support for it, and no opposition. Then we would obviously like to get a vote on it and have it at a time that is suitable with the managers any time during the course of the day.

Mr. WARNER. If I might inquire, Mr. President, of the Senator from Massachusetts, be he get the vote. Would a voice vote be suitable?

Mr. KENNEDY. This issue is sufficiently important, Mr. President, dealing with Libya that I think it is advantageous to the Secretary of State and on the whole issue of Qadhafi that we have a strong vote in the Senate. We would be glad to accommodate leaders to vote at any time during the course of the day.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WARNER. Mr. President, here is a schedule that the ranking member and I are considering; that is, to have the debate by the Senator from Massachusetts and the Senator from New Jersey. That would take, say, 10 minutes.

Mr. KENNEDY. Mr. President, I will only take about 4 or 5. I believe that is what the Senator from New Jersey desires. But I have not heard from him this morning. I think we could at least present the amendment, and I will speak briefly. I am trying to get the Senator from New Jersey here at the present time.

Mr. WARNER. Then I would suggest the following: The Senator from Minnesota is very anxious and very patient to try to get 5 minutes to address the Senate on a matter other than the bill. I am perfectly willing, as this manager, to grant him 5 minutes within which time the Senator can contact Senator LAUTENBERG. Then that will be followed, as soon as the Senator from Minnesota has concluded his remarks, with 20 minutes of debate on the Kennedy amendment, with, let's say, 12 minutes under the control of the Senator from Minnesota. Then I would suggest which amendment that is?

Mr. FEINGOLD. That would be difficult. We started off with 45 minutes and we are going down. It is a very complicated issue.

Mr. WARNER. I appreciate that, but it is a subject that I think is pretty well known. The Senator has raised it very conscientiously through the years. We have the necessity to get this bill completed by early afternoon. If the Senator could grant us 20 minutes on the first amendment, say 10 minutes on the second amendment, then I ask for only 5 minutes on each amendment on this side.

Excuse me, I am told on the first amendment the Senator from Wisconsin would have 20 minutes; on this side, we would have 15 minutes; is that agreeable?

Mr. FEINGOLD. That is pretty tough, but I will agree to it and proceed accordingly.

Mr. WARNER. That is the first amendment. As to the second amendment, the amount of time?

Mr. FEINGOLD. I would like 15 minutes.

Mr. WARNER. Fifteen minutes; we would take 10 minutes on this side.

That concludes those two amendments.

Mr. WARNER. We will proceed as follows: 5 minutes allocated to the Senator from Minnesota to address the Senate; followed by the Senator from Massachusetts, with 10 minutes under his control; 5 minutes under the control of the Senator from Virginia, if necessary. That will require a record vote, and it will be stacked. We will then proceed to the Feingold amendments, the first one with 20 minutes under the control of the Senator from Wisconsin, 15 under the control of the Senator from Minnesota; then to the second Feingold amendment, 15 minutes under the control of the Senator from Wisconsin and 10 minutes under the control of the Senator from Virginia.

That will be two record votes.

So we will have three record votes in approximately an hour's time. We will add no amendments in order to any of the three amendments that we just rejected.

Mr. LEVIN. Mr. President, reserving the right to object, I understand the three votes will not only be stacked at the end of the debate on the third amendment but that we would vote on them in the order in which they are presented; is that correct?

Mr. WARNER. That is correct.

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

The Senator from Minnesota is recognized for 5 minutes.

Mr. WELLSTONE. Mr. President, let me thank the Senator from Virginia for his graciousness, together with both of my colleagues, Senator KENNEDY and Senator FEINGOLD.

KOSOVO

Mr. WELLSTONE. Mr. President, I ask unanimous consent to have printed in the Record a very eloquent, powerful and important piece written by President Jimmy Carter, entitled, "Have We Forgotten the Path to Peace?" from the New York Times.

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


After the cold war, many expected that the world would enter an era of unprecedented peace and prosperity. Those who live in developed nations might think this is the case today, with the possible exception of the war in Kosovo. But at the Carter Center we monitor all serious conflicts in the world, and the reality is that the number of such wars has increased dramatically.

One reason is that the United Nations was designed to deal with international conflicts, and almost all the current ones are civil wars in developing countries. This creates a peacemaking vacuum that is most often filled by powerful nations that concentrate their attention on conflicts that affect them, like those in Iraq, Bosnia and Serbia. While
the war in Kosovo rages and dominates the world's headlines, many conflicts in developing nations are systematically ignored by the United States and other powerful nations.

One can traverse Africa, from the Red Sea in the east to the southwestern Atlantic coast, and never step on peaceful territory. Fifty thousand people have recently perished in the war between Eritrea and Ethiopia, and almost two million have died during the 16-year conflict in neighboring Sudan. That war has now spilled into northern Uganda, whose troops have joined those from Rwanda to fight in the Democratic Republic of Congo (formerly Zaire). The other Congo (Brazzaville) is also ravaged by civil war, and all attempts to bring peace to Angola have failed. Although formidable commitments are being made in the Balkans, where white Europeans are involved, no such concerted efforts are being made by leaders outside of Africa to resolve the disputes.

This gives the strong impression of racism.

Because of its dominant role in the United Nations Security Council and NATO, the United States tends to orchestrate global peacemaking. Unfortunately, many of these efforts are seriously flawed. We have become increasingly prone to sidestep the verifiable premises of negotiation, which in most cases prevent deterioration of a bad situation and at least offer the prospect of a bloodless solution. Abusive leaders can best be induced by the simultaneous threat of consequences and the promise of reward—at least legitimacy within the international community.

The approach the United States has taken recently has been to devise a solution that best suits its own purposes, recruit at least tacit support from its noun government, and then put the onus on the alleged violator to accept American casualties by sending military forces into Kosovo.

So far, we are following the first, and worst, option—and seem to be moving toward including the third. Despite earlier denials by American and other leaders, the recent decision to deploy a military force of 16,000 troops in Kosovo is almost totally destroyed, to rely on Russia to resolve our dilemma through indirect diplomacy, or to accept American casualties by sending military forces into Kosovo.

How did we end up in this quagmire? We have ignored some basic principles that should be applied to the prevention or resolution of all conflicts:

1. Short-circuiting the long-established principles of patient negotiation leads to war, not peace.
2. Bypassing the Security Council weakens the United Nations and often alienates permanent members who may be helpful in influencing warring parties.
3. The exclusion of governmental organizations from peacemaking precludes vital second track opportunities for resolving disputes.
4. Ignoring serious conflicts in Africa and other underdeveloped regions deprives these people of justice and equal rights.
5. Even the most severe military or economic punishment of enemies who oppressed citizens is unlikely to force their oppressors to yield to American demands.
6. The United States' insistence on the use of cluster bombs, designed to kill or maim humans, is condemned almost universally and provides moral authority by targeting the civilian infrastructure. I think we are seriously undercutting our own moral authority by targeting the civilian infrastructure. I think we are severely underestimating our own moral authority by targeting the civilian infrastructure.

I come to the floor to say to all of my colleagues, I hope you have time to read President Carter's piece. I believe we are severely underestimating our own moral authority by targeting the civilian infrastructure. I think we are severely underestimating our own moral authority by targeting the civilian infrastructure.

Slobodan Milosevic has been indicted as a war criminal. He has committed brutal crimes against the Kosovars. But the citizens of Yugoslavia have not been the ones who have committed these crimes.

Now this infrastructure is being targeted. Too many civilians are being targeted. As a Senator, I call into question these airstrikes. I think Jimmy Carter has done a real service for the country by writing this piece, putting the emphasis on diplomacy, putting the emphasis on a diplomatic solution to this conflict.

VETERANS ACCOUNTABILITY DAY

Mr. WELLSTONE. Mr. President, I rise today to inform my colleagues about a nationwide event which is going to be taking place the Memorial Day weekend. The event is going to be an accountability day. It is organized by the Disabled American Veterans. It is an extremely important gathering.

I ask unanimous consent to have the list of the locations and the dates of these events printed in the RECORD.
DAV SAVE VA HEALTH CARE RALLIES, 1999
MEMORIAL DAY WEEKEND
(As of 5/26/99)

Alaska
DAV National Service Office: 907–444–7120

Arizona
DAV National Service Office: 602–444–4655

Arkansas
DAV National Service Office: 501–370–3838

California
West Los Angeles—12 noon, Friday, 5/28/99
Lorna Linda—11 am, Sunday, 5/30/99
Long Beach—11 am, Sunday, 5/30/99
Oakland DAV National Service Office: 510–893–2921
Fresno—10 am, Friday, 5/28/99
Palo Alto—10 am, Sunday, 5/30/99

Colorado
DAV National Service Office: 303–914–5570
Denver—4 am, Saturday, 5/29/99
Fort Lyon—2 pm, Sunday, 5/30/99
Grand Junction—1 pm, Sunday, 5/28/99

Connecticut
DAV National Service Office: 860–240–3335
West Haven—3 pm, Sunday, 5/30/99

Delaware
National Service Office: 302–622–5224
Wilmington—1 pm, Sunday, 5/30/99

District of Columbia
DAV National Service Office: 202–691–3060
Washington, DC.—12:30 pm, Sunday, 5/30/99

Florida
National Service Office: 727–319–7444
Pan Am—2 pm, Sunday, 5/30/99

Georgia
National Service Office: 404–347–2204
Augusta—2 pm, Sunday, 5/30/99
Decatur—2 pm, Sunday, 5/30/99
Dublin—2 pm, Sunday, 5/30/99
Savannah—2 pm, Sunday, 5/30/99

Hawaii
DAV National Service Office: 808–524–1610
Honolulu VARO—1 pm, Friday, 5/28/99

Idaho
Boise—1 pm, Sunday, 5/30/99

Illinois
DAV National Service Office: 312–335–3960
Chicago (Lakeside)—2 pm, Sunday, 5/30/99
Dannville—2 pm, Sunday, 5/30/99
Hines—2 pm, Sunday, 5/30/99
Marion—2 pm, Sunday, 5/30/99
North Chicago—2 pm, Sunday, 5/30/99

Indiana
DAV National Service Office: 317–226–7928
Fort Wayne—1 pm, Sunday, 5/30/99
Marion—1 pm, Sunday, 5/30/99

Iowa
DAV National Service Office: 515–284–4658
Des Moines—12 pm, Sunday, 5/30/99

Kansas
DAV National Service Office: 316–868–6722
Wichita—1 pm, Sunday, 5/30/99

Kentucky
DAV National Service Office: 502–582–5849
Lexington—3 pm, Sunday, 5/30/99
Louisville—3 pm, Sunday, 5/30/99

Louisiana
DAV National Service Office: 504–619–4570
Alexandria—2 pm, Sunday, 5/30/99
New Orleans—2 pm, Sunday, 5/30/99
Shreveport—2 pm, Sunday, 5/30/99

Maryland
DAV National Service Office: 410–962–3045
Baltimore—2:30 pm, Sunday, 5/30/99
Perry Point—2:30 pm, Sunday, 5/30/99

Massachusetts
DAV National Service Office: 617–565–2575
West Roxbury—10 am, Tuesday, 6/1/99

Michigan
DAV National Service Office: 313–964–6056
Allen Park—11 am, Sunday, 5/30/99
Ann Arbor—11 am, Sunday, 5/30/99
Battle Creek—11 am, Sunday, 5/30/99
Iron Mountain—11 am, Sunday, 5/30/99
Saginaw—11 am, Sunday, 5/30/99

Minnesota
DAV National Service Office: 612–970–5665
Minneapolis—1 pm, Sunday, 5/30/99

Mississippi
DAV National Service Office: 601–364–7178
Biloxi—2 pm, Sunday, 5/30/99
Jackson—1 pm, Sunday, 5/30/99

Missouri
DAV National Service Office: 314–589–9883
Kansas City—1 pm, Monday, 5/31/99 (DAV Chapter #2 Home)
Poplar Bluff—2:30 pm, Monday, 5/31/99
St. Louis—1–3 pm, Sunday, 5/29/99

Montana
DAV National Service Office: 406–443–8754
For Harrison—2 pm, Monday, 5/31/99

Nebraska
DAV National Service Office: 402–420–4025
Grand Island—Lincoln—2 pm, Sunday, 5/30/99
Omaha—2 pm, Sunday, 5/30/99

Nevada
DAV National Service Office: 775–784–5239
Reno—2 pm, Sunday, 5/30/99
Las Vegas—2 pm, Sunday, 5/30/99

New Hampshire
DAV National Service Office: 603–666–7664
Manchester—1 pm, Sunday, 5/30/99

New Jersey
DAV National Service Office: 973–645–3797
East Orange—9 am, Sunday, 5/30/99
Lyons—9 am, Sunday, 5/30/99

New Mexico
DAV National Service Office: 505–248–6732
Albuquerque—11 am, Sunday, 5/30/99

New York
DAV National Service Office: 518–462–3311 ext. 3574
Albany—1 pm, Sunday, 5/30/99
Buffalo DAV National Service Office: 716–551–5216
Buffalo—1 pm, Sunday, 5/30/99
Bath—1 pm, Sunday, 5/30/99
Rochester OC—1 pm, Sunday, 5/30/99

New York City DAV National Service Office: 212–866–3715
New York City—1 pm, Sunday, 5/30/99

Ohio
Cleveland DAV National Service Office: 216–522–3507
Chillicothe—3 pm, Sunday, 5/30/99
Cleveland—3 pm, Sunday, 5/30/99
Dayton—3 pm, Sunday, 5/30/99

Pennsylvania
Philadelphia—1 pm, Sunday, 5/30/99
Allentown—1 pm, Sunday, 5/30/99
Coatesville—1 pm, Sunday, 5/30/99
Lebanon—1 pm, Sunday, 5/30/99

South Dakota
Pittsburgh—1 pm, Sunday, 5/30/99
Butler—1 pm, Sunday, 5/30/99

Tennessee
DAV National Service Office: 615–333–6896
Syracuse DAV National Service Office: 315–423–5541

Texas
Kerrville—11 am, Saturday, 5/29/99

Tulsa DAV National Service Office: 918–687–2108
Muskogee—2 pm, Sunday, 5/30/99

Vermont
DAV National Service Office: 802–324–5707

Virginia
DAV National Service Office: 804–255–4145
Providence—1 pm, Sunday, 5/30/99

Washington
DAV National Service Office: 206–324–5707
South Dakota—1 pm, Sunday, 5/30/99

Wisconsin
DAV National Service Office: 608–255–4238

Wyoming
DAV National Service Office: 307–684–2677

DAV National Service Office: 804–255–4145

VIRGINIA director has said no to any rallies on hospital grounds)
The PRESIDING OFFICER. The clerk will report.

The Clerk reads as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. LAUTENBERG, Mr. BROWNBACK, Mr. SMITH of Oregon, Mr. MOYNIHAN, Mr. SCHUMER, Mr. TORRICELLI, Ms. MIKULSKI, and Mr. KYL, proposes an amendment numbered 432.

Mr. KENNEDY. 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:

At the appropriate place in the bill, insert the following:

SEC. 2. SENSE OF THE CONGRESS REGARDING THE CONTINUATION OF SANCTIONS AGAINST LIBYA.

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

(1) On December 21, 1988, 270 people, including 189 United States citizens, were killed in a terrorist bombing on Pan Am 103 Flight over Lockerbie, Scotland.

(2) Britain and the United States indicted two Libyan agents, Abd al-Baset Ali al-Megrahi and Al-Amin Khalifa Fimah, in 1991 and sought their extradition from Libya to the United States or the United Kingdom to stand trial for this heinous terrorist act.

(3) The United Nations Security Council called for the extradition of the suspects in Security Council Resolution 731 and imposed sanctions on Libya in Security Council Resolution 748 and 883 because Libyan leader Colonel Muammar Qaddafi refused to transfer the suspects to a third and neutral country to stand trial.

(4) The United Nations Security Council Resolutions 731, 748, and 883 demand that Libya cease all support for terrorism, turn over the two suspects, cooperate with the investigation and the trial, and address the issue of appropriate compensation.

(5) The sanctions in United Nations Security Council Resolutions 731, 748 and 883 include—

(A) a worldwide ban on Libya’s national airline;

(B) a ban on flights into and out of Libya by other nations’ airlines; and

(C) a prohibiting arms, airline parts, and certain oil equipment to Libya, and a blocking of Libyan Government funds in other countries.

(6) Colonel Muammar Qaddafi has for many years refused to extradite the suspects to either the United States or the United Kingdom and has insisted that he would only transfer the suspects to a third and neutral country to stand trial.

(7) On August 24, 1998, the United States and the United Kingdom agreed to the proposal that Colonel Qaddafi transfer the suspects to The Netherlands, where they would stand trial under a Scottish court, under Scottish law, and with a panel of Scottish judges.


(9) The United States, consistent with United Nations Security Council resolutions, has been required to produce evidence, including the presence of witnesses before the court, and to comply fully with all the requirements of the United Nations Security Council resolutions.

(10) After years of intensive diplomacy, Colonel Qaddafi finally transferred the two Libyan suspects to The Netherlands on April 5, 1999, and the United Nations Security Council, in turn, suspended its sanctions against Libya that same day.

(11) Libya has only fulfilled one of four conditions (the transfer of the two suspects and the Libya-Britain agreement in the Lockerbie bombing case) of the United Nations Security Council Resolutions 731, 748, and 883 that would justify the lifting of United Nations Security Council sanctions against Libya.

(12) Libya has not fulfilled the other three conditions (cooperation with the Lockerbie investigation and trial; renunciation of all forms of support for terrorism; and payment of appropriate compensation) necessary to lift the United Nations Security Council sanctions.

(13) The United States Secretary General is expected to issue a report to the Security Council on or before July 5, 1999, on the issue of Libya’s compliance with the remaining conditions.

(14) Any member of the United Nations Security Council has the right to introduce a resolution to lift the sanctions against Libya after the United Nations Secretary General’s report has been issued.

(15) The United States Government considers Libya a state sponsor of terrorism and the State Department Report, “Patterns of Global Terrorism; 1998”, stated that Colonel Qaddafi “continued publicly and privately to support Palestinian terrorist groups, including the PFLP and the PFLP- GC”.

(16) United States Government sanctions (other than sanctions on food or medicine) should be maintained on Libya, and in accordance with U.S. law, the Secretary of State should keep Libya on the list of countries the governments of which have repeatedly provided support for acts of international terrorism under section 6(j) of the Export Administration Act of 1979 in light of Libya’s ongoing support for terrorists groups.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should use all diplomatic means necessary, including the sanctions in the United Nations Security Council, to prevent the Security Council from lifting sanctions against Libya until Libya fulfills all of the conditions set forth in United Nations Security Council Resolutions 731, 748, and 883.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

This is an amendment on behalf of myself and Senators LAUTENBERG, BROWNBACK, GORDON SMITH, MOYNIHAN, SCHUMER, TORRICELLI, MIKULSKI, and KYL. This amendment states the sense of the Congress that UN Security Council sanctions against Libya should not be lifted until Libya meets all four conditions specified in UN Security Council Resolutions 731, 748, and 883, and urges the Secretary of State to use all diplomatic means necessary to prevent sanctions from being lifted before these conditions are met.

On December 21, 1988, 270 people, including 189 U.S. citizens, were killed in the terrorist bombing of Pan Am 103 Flight over Lockerbie, Scotland. In 1991, the United States and the United States inquired two Libyan intelligence agents and sought their extradition from Libya to the United States or the United Kingdom to stand trial for this despicable act. Libyan leader Qadhafi...
refused to transfer the suspects, and the United Nations Security Council imposed sanctions on Libya.

The sanctions in United Nations Security Council Resolutions 748 and 883 include a worldwide ban on Libya’s national airline; a ban on flights into and out of Libya by other nations’ airlines; a prohibition on supplying arms, airplane parts, and certain oil equipment to Libya, and a blocking of Libyan Government funds in other countries.

The Security Council demanded that Libya cease all support for terrorism and terrorist groups, turn over the two suspects, cooperate with the investigation and the trial, and address the issue of appropriate compensation for the victims’ families before sanctions could be lifted.

Last month, after years of intensive diplomacy, a compromise was finally reached, and Colonel Qadhafi transferred the two suspects to The Netherlands, where they will be tried under a Scottish court, under Scottish law, before a panel of Scottish judges. The United Nations Security Council, in turn, suspended its sanctions against Libya that same day.

On or before July 5, the United Nations Secretary General will issue a report to the Security Council on the issue of Libya’s compliance with the remaining conditions. I hope he will recommend that the sanctions against Libya should not be permanently lifted.

It is clear that Libya has only fulfilled one of the four conditions—the transfer of the suspects accused in the Lockerbie bombing—in the UN Security Council resolutions. Libya has not ceased its support for terrorist groups. The State Department’s “Patterns of Global Terrorism: 1998” clearly states that Colonel Qadhafi “continued publicly and privately to support Palestinian terrorist groups . . .” In addition, because the trial has not begun and is expected to last at least several months, it would be premature to conclude that Libya has fulfilled the other remaining conditions.

The amendment I am offering expresses our view that the United Nations Security Council should not permanently lift the sanctions against Libya, until Libya has fulfilled all of the remaining conditions in the Security Council resolutions. It also calls upon the Secretary of State to use all diplomatic means necessary, including the use of our veto at the U.N. Security Council, to prevent the Security Council from lifting sanctions against Libya until Libya fulfills all of the conditions.

The Secretary of State has steadfastly and commendably maintained a vigilant stand against Libya, and this amendment will provide the strong support of Congress for using all diplomatic means necessary, including the use of the veto, to block the lifting of the sanctions.

Mr. President, it would be a gross injustice to the Pan Am 103 families, who have suffered so much in this ordeal, to reward Libya in violation it has not fulfilled. We must all remain vigilant and make sure that justice is served in all of its aspects in the Lockerbie bombing trial. We must remain vigilant and make sure that Libya ceases—not just in words, but in deeds—its support for terrorist groups. I know of no opposition to this amendment, and I urge my colleagues to support it.

Mr. President, I ask unanimous consent my colleague, Senator Lautenberg, be able to retain his 5 minutes on this.

It is the intention, if I could ask the floor managers, to ask for the yeas and nays at the appropriate time for all the amendments. Mr. LEVIN. Can we get the yeas and nays on the Kennedy amendment now? Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered. Mr. KENNEDY. I thank the Chair.

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

Mr. LEVIN. The Senator from Massachusetts has requested, and I surely have no objection, that the remainder of his time be saved and reserved until some point either during or after the conclusion of the Feingold amendment.

That is agreeable with the Senator from Wisconsin, I think that would accommodate Senator Lautenberg.

Mr. FEINGOLD. I have no objection, Mr. President.

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

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. I want to clarify, the votes would still all be stacked at the end of that period; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. If the Senator will yield on that point? My friend from Virginia is attempting, if the Senator from Virginia is able to do this, to see if we cannot have the votes begin at a slightly later time than would previously be indicated by the way in which the three amendments are stacked. Since the Senator from Virginia is the manager, if he is willing, we could give that preliminary alert.

Mr. WARNER. Mr. President, as I understand it, the Democratic leader has a commitment at the White House. We were not aware of that at the time this amendment was introduced. We want to accommodate the minority leader, and therefore we will at this time vacate the order of the timing of these three votes until we can establish another time. But I would want the Senate to know that time would be right around 12 to 12:30.

Mr. LEVIN. That would be very accommodating.

Mr. WARNER. I ask unanimous consent to vacate that order.

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

Mr. WARNER. We will continue with the debate and conclude all amendments.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask to be informed by the Chair at a point when I have consumed 15 minutes of my time.

AMENDMENT NO. 443

(Purpose: To limit the total cost of the F/A-18 E/F aircraft program.)

Mr. FEINGOLD. 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 Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 443.

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

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

The amendment is as follows:

On page 26, after line 25, insert the following:

(c) LIMITATION ON TOTAL COST.—(1) For the fiscal years 2000 through 2004, the total amount obligated or expended for production of airframes, contractor furnished equipment, and engines under the F/A-18E/F aircraft program may not exceed $8,440,795,000.

(2) The Secretary of the Navy shall adjust the amount of the limitation under paragraph (1) by the following amounts:

(A) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 1999.

(B) The amounts of increases or decreases in costs attributable to economic inflation occurring since September 30, 1999.

(C) The amounts of increases or decreases in costs resulting from aircraft quantity changes within the scope of the multiyear contract.

(3) The Secretary of the Navy shall annually submit to Congress, at the same time the budget is submitted under section 1105(a) of title 31, United States Code, written notice of any change in the amount set forth in paragraph (1) during the preceding fiscal year that the Secretary has determined to be associated with a cost referred to in paragraph (2).

Mr. FEINGOLD. Mr. President, this amendment is a straightforward, commonsense measure that establishes greater accountability in the Navy’s F/A-18E/F Super Hornet program.

The Navy and Boeing say they need $8.8 billion over the next five years to procure the Super Hornet. Specifically, they say the $8.4 billion that would procure the airframe, contractor furnished equipment, and engines.

The amendment simply sets a cost cap that holds them to that amount. My amendment
doesn’t terminate the funding; it doesn’t hold that money up; it doesn’t even restrict the use of the money. My amendment just holds them to the amount that they say they need.

I would like to discuss the spectacular mediocrity of the Navy’s F/A-18E/F, or Super Hornet, aircraft program, and to raise concerns about the poor decisions that have been made with regard to this breathtakingly expensive program.

President Eisenhower warned us four decades ago about the inexorable momentum of the military-industrial complex. Today we face the military-industrial-congressional complex that plods forward with a relentlessness that Ike, for all his foresight, could not have imagined. I have long feared that the Super Hornet is not the future of naval aviation but rather a step backward. The Super Hornet just isn’t worth the cost. It’s as simple as that.

The Pentagon wants to spend 45 billion of our tax dollars to buy the Super Hornet for the Navy. But the plane isn’t as good in some respects, as the one they currently use, and may have design problems that could cost billions more to fix. “Super” is not the way to describe this plane—“superfluous” really is.

For very limited gain, the American taxpayers are getting hit with a 100 percent premium on the sticker price.

At this point in the program’s development and testing, my colleagues may be asking why I continue to tilt at this windmill. I continue this effort in part because pilots’ lives may be placed at risk in the F/E for the next 25 to 30 years. I come to the floor today to point out not just the failings of the Super Hornet but the failed decision-making process that has brought us to this point. Where both the Pentagon and Congress continue to approach a 21st century reality with a Cold War mentality.

Exhibit A for this failed decision-making process is the Defense Department’s current strategy for its aviation programs. The Super Hornet is just one overpriced piece of this strategy, which carries an almost $350 billion price tag. Here is the real kicker: The strategy will not even adequately replace our existing tactical aviation fleet but rather plods backward. The Navy’s solution increases drag, thus resulting in a deficiency that would preclude the aircraft from carrying external fuel tanks. If the aircraft were to carry the two 480-gallon tanks, it will not be able to meet its required range specification. The Navy and its contractor now have little choice but to redesign the wing pylons.

Also affecting the range, believe it or not, is the potential of bombs colliding with each other or with the aircraft. The Navy’s solution increases drag, thus resulting in a deficiency that would preclude the aircraft from carrying external fuel tanks. If the aircraft were to carry the two 480-gallon tanks, it will not be able to meet its required range specification.

A third pillar of the program is survivability. Since the inception of the Super Hornet program, the Navy has asserted that the aircraft will be more survivable than the current Hornet. Based on operational tests, however, survivability issues now comprise the majority of the program’s deficiencies, as identified by the Procurement Executive Office for Tactical Aircraft. A chief survivability problem is that the plane’s exhaust will actually burn through its decoy tow line. The towed decoy is designed to attract enemy missiles away from the aircraft. Obviously, losing a decoy will not increase survivability.

A third pillar but forth is growth space, or space availability to accommodate additional new systems without removing existing capability. We were told that the Super Hornet would have a 21 cubic feet of growth space versus less than 0 cubic feet. But now, GAO actually reports that the Super Hornet has only 5.46 cubic feet of usable growth space. The Navy’s F/A-18 upgrade roadmap shows that most of the upgrades planned for the Super Hornet are already planned to be installed on the Hornet as well.

The remaining pillars are that of payload and bringback. The Navy claims that the Super Hornet would provide greater payload and bringback than the Hornet. Increased payload should mean the Super Hornet is able to carry more weapons and fuel, and increased bringback should mean that the Super Hornet should return from its mission carrying more of its unused payload. But pilots do not have to lessen their load for the trip home by dropping missiles unnecessarily. That is what payload and bringback should mean, but with the Super Hornet, the reality falls short of expectations.

Flight tests have revealed additional wing pylons that allow for increased payload capacity. In response to this glitch, the Navy is determining whether the missiles need to be redesigned. The Navy also plans to restrict what can be carried on inner wing pylons during Operational Test and Evaluation because of the excess loads on them. These restrictions would prohibit the Super Hornet from carrying 2,000-pound bombs on these pylons, which reduces the payload capacity for the interception mission.

According to GAO, the aircraft’s performance is less than stellar. In fact, GAO reports that the aircraft offers only marginal improvements over the Hornet. The same finding it made in 1996. Over the last 3 years, GAO has offered evidence of shortcomings in each and every area the Navy declared as justifications for the Super Hornet. In addition, the Super Hornet is actually worse than the Hornet in turning, accelerating, and climbing—actually worse than the plane we are using now that is less expensive.

The story of the Super Hornet is one of huge sums of money spent with really very disappointing returns. The plane’s failings have been expensive and alarming. These problems do not just empty our pocketbook; they could endanger our pilots.

I want to bring back to this mantra what the Navy has described as the “pillars” of the Super Hornet program. These are the performance parameters that the Navy touts as justifications for this expensive program. But these pillars have become problems.

First and foremost is the plane’s range. The Navy argues that the Super Hornet will fly significantly farther than the Hornet. But these improvements have yet to be proven in reality. What is worse, initial Super Hornet range predictions have actually declined as flight data has been gathered. By continuing to base range predictions on actual flight test data, the Super Hornet range in the interdiction role actually crumbled. But don’t take my word for it. Just look at the troubling evidence provided by the GAO which makes the point.

According to GAO, the aircraft’s performance is less than stellar. In fact, GAO reports that the aircraft offers only marginal improvements over the Hornet. The same finding it made in 1996. Over the last 3 years, GAO has offered evidence of shortcomings in each and every area the Navy declared as justifications for the Super Hornet. In addition, the Super Hornet is actually worse than the Hornet in turning, accelerating, and climbing—actually worse than the plane we are using now that is less expensive.

GAO testified recently before Congress that the Super Hornet is not meeting all of its requirements. It is behind schedule, and it is above cost, regardless of Navy boasts to the contrary. The Navy’s statements on performance actually reflect the
single-seat E model of the aircraft, and it does not factor in the performance of the less capable two-seat F model. This is truthfully because the F model actually comprises 56 percent of the Pentagon’s purchasing plan for the overall Super Hornet program. Not only that, the Navy’s assertions about performance are based on projections, not on actual performance.

GAO’s work has made crystal clear the setbacks the Super Hornet has already faced and the serious problems that lie ahead. There is really a mountain of evidence against the Super Hornet. The Navy’s response to that mountain of evidence has been simply to tell you: It’s a molehill; don’t worry about it.

To close the cost gap between the Super Hornet and Hornet aircraft, Boeing is shutting down production lines for the Hornet. Those lines may be prohibitively expensive to reopen if we ever face the facts and decide that the Super Hornet is not worth the cost and risk.

The Navy’s response to the Super Hornet’s troubles has been to play games, to divert attention from the plane’s failings, to keep the Navy from relying on the more reliable Hornet, and, most of all, they are playing games with Federal tax dollars. These games have to stop.

For the sake of our pilots and American taxpayers, the Navy must be forthright. By any reasonable assessment, the Super Hornet program has problems that have to be corrected before we commit our pilots and our taxpayers to a long-term obligation.

But that is what is so disturbing here, Mr. President. At the very moment we should be pausing to reassess this program, in our oversight role, the Navy and the Pentagon are pushing for full procurement commitment. Not only is it unreasonable, it is consistent with existing Navy criteria.

What concerns me most here is the conduct of the Navy and the Pentagon as they have tried to ensure that the Super Hornet has a place in its aviation program. At every turn, they have pushed this plane, despite all logic to the contrary. They have even resisted answering simple, straightforward questions about the plane’s performance.

My own experiences trying to extract information from the Pentagon about the Super Hornet’s performance have been fraught with difficulties. Last November, I sent a strongly worded letter to the Secretary of Defense that asked some simple questions about the status of the E/F. At the time, Congress had just appropriated more than $2 billion for the third lot of production. After that letter, and additional times urging DOD to answer very specific, clear questions regarding the performance of the aircraft in its latest flight test.

Three months later, I received a memorandum stating that it "addressed some of my concerns." This was unfortunate because I was assured by Pentagon officials familiar with the report that my questions could be easily answered in full. I can assure everyone who is listening that I will not stop asking until I get answers.

I would like to conclude my initial remarks by telling my favorite story about this profoundly flawed program. This past January, the Assistant Secretary for Research, Development, and Acquisition commissioned an independent study to address my questions. I had been asking for a study for some time, so I was heartened and relieved and looking forward to the results.

Unfortunately, the person chosen to lead the inquiry is a well known Washington defense lobbyist who had a long-standing business relationship with Boeing, the Super Hornet’s primary contractor. During the meeting with my staff, the lobbyist did not disclose his firm’s association with Boeing. Later my staff telephoned him, and he described his firm’s association with Boeing in response to direct questions from my staff. Then he went on to say that he had terminated his relationship with Boeing "a few days" after Mr. Buchanan asked him to perform the independent review—"a few days."

No one will be shocked to hear that the report was very favorable to the Super Hornet. This latest episode with the Super Hornet highlights a pervasive Pentagon mindset that sometimes sacrifices the interests of our men and women in uniform to the assumption that bigger and more expensive programs are always better. It puts in stark relief the power of the defense industry which gave more than $10 million in PAC money and soft money to parties and candidates in the last election cycle.

In the last 10 years, the defense industry gave almost $40 million to the two national political parties. You know, for that much money, they could buy their own Hornet.

The PRESIDING OFFICER. The Senator has used 15 of his 20 minutes.

Mr. FEINGOLD. I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 additional minutes.

Mr. FEINGOLD. Mr. President, in the last 10 years, the defense industry gave almost $40 million to the two national political parties. For that kind of money, these interests could have gotten their own Hornet. Unfortunately, they would have needed another $36 million to get themselves a Super Hornet.

Boeing, the Super Hornet’s primary contractor, gave more than $3 million in PAC money and more than $1.5 million in soft money during that same period. There were no PACs in Eisenhower’s day, but this is what he warned us about, only with higher stakes than he may have imagined.

I have stood on the floor of the Senate for 3 years now discussing the inadequacy of the Super Hornet program. And for 3 years, Congress has turned a deaf ear to the facts. I harbor no illusions that the Super Hornet will be terminated. I do hold out hope that this body will use some common sense in procuring the aircraft.

My amendment does nothing more than set a cost cap using the exact dollar amount put forward by the Navy—nothing more, nothing less.

We owe it to our naval aviators to give them a product worthy of their courage and dedication. And we owe it to the American taxpayers to ensure that we are using their money to modernize our Armed Forces wisely.

Mr. President, I ask for the yeas and nays and reserve the remainder of my time.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays were ordered.

Mr. FEINGOLD. I yield the floor.

The PRESIDING OFFICER (Mr. Bennett). The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I thank the Chair and I thank the manager of this bill for giving me the opportunity to support the strongest amendment to the amendment offered by my colleague from Wisconsin.

This is becoming an annual ritual where the Senator from Wisconsin
seeks to undermine the Navy’s No. 1 procurement priority against the will of the administration, the Department of Defense, and at the expense of our Navy warfighters.

There are quite a few problems with this amendment and the one that he will offer to follow it. But on this first one, it is absolutely not necessary. A fixed-price contract is already in place. So submitting an amendment that purports to do what is already being done is redundant.

Cost caps are normally reserved for program problems to control cost overruns in the development phase. The F-18 E/F program of today is a model program which has consistently come in budget. It is a well controlled program with cost incentives in place.

The attacks on this program can best be summed up by the words: Don’t confuse me with the facts, I have my prejudice, and I have my viewpoints that I am going to argue, regardless of what the facts are. Because the facts are that the F-18 E/F procurement program is under budget and it is ahead of schedule.

It absolutely amazes me that the Senator from Wisconsin would seek one more time to hamper the program by adding further administrative cost controls for a program that has already been reviewed by the Senate Armed Services Committee, the House Armed Services Committee, and the Senate Appropriations Committee. All three of these bodies reviewed the F-18 program and found no need to add further administrative constraints to this successful program.

There is a report out, that was put out a year ago by Rear Admiral Nathman, the “N88 Position on OT-IIB.” It answers all the contentions raised by the Senator from Wisconsin. I ask unanimous consent that this summary be printed in the RECORD.

We will have it available for anybody who wants to read it, the specific responses to all the points raised. They have been available to the Senator from Wisconsin, and all of us, for over a year.

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

N88 POSITION ON OT-IIB

The OT-IIB Report has done an excellent job of further quantifying and qualifying known issues with the F/A-18E/F. The Navy Developmental and Operational Test process is structured to identify issues prior to production to avoid costly production modifications.

The OT-IIB Report has revalidated that process, confirming that no such issues exist. The F/A-18E/F Hornet Program remains a model program, on cost, on schedule, under budget and meeting or exceeding all performance parameters.

I think we can take the word of the person who has the responsibility for operational program review. We have people who do this for a living and who look at these programs full-time. This is what they are saying about the program.

The F/A-18 multiyear contract will be a fixed price incentive contract. It is a capped program in application. But the agency retains contract administration authority over the contractor; maintains inherent cost control incentives. The statutory cap being proposed would undoubtedly increase contract administration costs.

In an era where we are experiencing vexing retention problems, I see no need to add additional burdens to a major acquisition program intended to give our warfighters the best equipment available.

The viability of the Navy’s tactical aviation program is directly tied to the success of this program, and any effort to tie up this program with needless administrative controls is counterproductive. The amendment also contains no cost exemptions that would exclude costs beyond the control of the contractor, such as allowance for new technology built into later models or changes in aircraft quantity.

To date, the F-18E/F has flown 4,665 hours during more than 3,100 flights with no mishaps. The aircraft just finished its Engineering, Manufacturing and Development phase and is scheduled to enter the Operational Test and Evaluation Phase, or OPEVAL, this week. It is anticipated that OPEVAL will be complete, looking to have a decision on full rate production by March 2000.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. BOND. Mr. President, I ask if I might be accorded 2 more minutes.

Mr. WARNER. Mr. President, if the Senator would yield for a moment, we are very anxious to start votes.

Mr. SANTORUM. I yield the Senator 2 of my 5 minutes.

Mr. WARNER. I think this would be an appropriate time for the managers to address the Senate as to the schedule of voting.

We are now hoping to start the first vote at about 11:50. That vote would be in the normal sequencing of time, and we have been told following votes at 10 minutes each. I will not prophecy that at this moment. I wish to alert the Senate and those debating so when I object to any extension of time for this debate to accommodate a number of Senators on the vote schedule, they will understand. I do not propose a floor at this time.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 2 minutes from the time of the Senator from Pennsylvania.

Mr. LEVIN. Will the Senator yield for a unanimous consent request?

Mr. BOND. Surely.

Mr. LEVIN. So we can sequence Senator Lautenberg’s 5 minutes for an earlier amendment in this process, after the Senator from Missouri is finished his time and the Senator from Pennsylvania is recognized, the Senator from Missouri is recognized.

Mr. WARNER. You have a few Missouri mixed up, we will have Senator amendment, you are going to deal with that; is that correct?

Mr. BOND. I will make brief comments about the second amendment, and then I will conclude.

Mr. WARNER. Could you advise the managers at what juncture we could complete Senator Lautenberg’s 5 minutes on the Kennedy amendment? What would be convenient?

Mr. BOND. Mr. President, I only need about 2 minutes to finish up all of my efforts on both of these, if I could finish.

Mr. WARNER. So in between the two amendments we could get 5 minutes?

Mr. SANTORUM. That would be fine with me. The two Senators from Missouri, myself, and then I would be happy to—

Mr. WARNER. Why don’t you finish up the first amendment, inform the Chair, and then we will have Senator Lautenberg complete the Kennedy amendment.

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

Mr. BOND. Mr. President, I only need about 2 minutes to finish up the Kennedy amendment.

He has flown one, and has given overwhelming, enthusiastic, and unqualified support for the Super Hornet.

Now, we have hearings in this body for a reason; that is, to listen to the people who have the expertise and the experience. These people have told us that the F-18 is the best thing we have for our Navy operations. They know it is ahead of schedule, and under budget, with improved performance. Why do we even bother with hearings if we do not pay attention?

I say, with respect to the second amendment, this is an attempt to set up the GAO as a decision making authority in the Defense Department. Constitutionally they are not authorized to do so. We have a director of

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OPEVAL, who is appointed by the President with advice and consent of the Senate, to make these decisions. I believe in legislative oversight. I believe in the GAO having a responsibility to raise questions. The people who have the responsibility in the executive branch have answered these questions.

I think it is time to quit hampering the program, trying to kill or cripple a program that is providing us the best tactical aircraft for the Navy's carriers.

I urge my colleagues to join in what I trust will be a tabling motion to table both of the amendments or to vote against them if they are not tabbed.

I thank the Chair and the chairman of the subcommittee for giving me this opportunity.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I am pleased to rise in response to the amendment proposed by the Senator from Wisconsin.

The senior Senator from Missouri has stated eloquently the need to respond to the military demands of America in ways that the military believes are effective. We have in the E/F a program that is under budget, under cost. It is on schedule. It is certified ready for operational test and evaluation.

Those who have had the ability and opportunity to fly it have certified to its character and its characteristics as those that are needed. Every aircraft that we have in our arsenal has some characteristics which preclude others. There are tradeoffs. So there will be those who attack this aircraft and say it doesn't do this as well as something else does, or it doesn't do that as well as another plane does. The fact of the matter is, a plane must do what it is designed to do, it meets the needs of the defense of this United States of America.

Aircraft fighters and attack aircraft are designed to do specific things. There is a need—and we have seen it; we are seeing it plainly in the arena of conflict today in the Balkans—for additional mission radius. There is a need for the ability to fly further. There is a need for increasing the payload. If you look at the strike/sortie to just general sortie ratio in the war in the Balkans, it is far different than it was in the war in Desert Storm. That is because we are basing our planes in a different place.

This particular aircraft has a 37-percent increase in mission radius. That is important. It is a design feature. It is needed. It is something the Defense Department and those who fly these airplanes understand we have to have in order to protect the most important resource we have in defense operations, and that is the human resource of our pilots.

There is a 60-percent increase in recovery payload. Depending on the mission, the E/F has two to five times the strike capability of the earlier model, two to five times the strike capability, being able to put destruction on a target. That is an important thing to understand.

There is a 25-percent increase in frame size to accommodate 20 years of upgrades in cooling, power, and other internal systems. That is important. It may be said this aircraft is only marginally better. Well, the margin is what wins races. The winner in the 100 yard dash does it in 10.4 seconds. The loser does it in 10.5 seconds. It is only marginally better, but marginal superiority is what wins conflicts. It is what saves lives. It is what makes a difference.

In testimony before the Armed Services Committee, Phil Coyle, Director, Operational Test and Evaluation, Department of Defense, said it this way: "The Department of Defense embarked upon the F/A-18E/F program primarily to increase the Navy's capability to attack ground targets at longer ranges.

Does that sound familiar? That is where we are right now in the Balkans. We are having to fly lots of sorties, because we have to have lots of refueling and other things, because the current things that we have do not have the ability to attack and increase our ability to attack ground targets at longer ranges.

In order to obtain this objective, the principal improved characteristics were increased range and payload; increased capability to bring back unused weapons to a carrier; improved survivability; and growth capacity to incorporate future advanced subsystems. . . .

Three to five times the strike capability. We need to be able to add improved technology. It is my understanding the Senator from Wisconsin wants to flatten the plane out, simply to say it can be this plane and no further. If there is a generation of technology available to upgrade this, we need to be able to add the upgrades.

I think we need to be in a position where we can do for those who fight for America and freedom that which will serve their best interests. The idea, somehow, that the GAO should make a determination about whether an airplane is ready—I served as an auditor. For 2 years I was the auditor for the State of Missouri. It is a great job. It is a wonderful responsibility. But those flying green eyeshades and walnut desks in Washington should not be compared to those who fly fighters to defend freedom. We shouldn't have the green eyeshade accountant flying a desk in Washington telling us whether or not the fighter is fit to fly. We need to rely on the responsible testimony and information provided to us by those whose job it is to defend America and whose lives depend on the fighter being fit to fly.

The PRESIDING OFFICER. The Senator from Wisconsin has 3 minutes, and then the Senator from New Jersey will be recognized for 5 minutes.

The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I think the fine representatives from the State of Missouri, Senators BOND and ASHCROFT, addressed the issue of the F/A-18E/F adequately on the merits. Frankly, I will not address that because that is not what this amendment does.

This amendment has nothing to do with the merits of the F/A-18E/F. This has to do with a cost cap on a fixed price contract. Frankly, I was willing to accept this amendment because a fixed price contract is a low the Feingold amendment we can't do that.

The Senator from Wisconsin talked about how we have an obligation to our aviators, and quite sure that have the most competent equipment to be out there flying. I agree. That is why I can't support this amendment. If we put this in, we would be denying those very aviators a technology insertion that would be important in improving the survivability of the aircraft, or their ability to locate targets, or whatever the case may be.

This is a dangerous amendment. It threatens our naval aviators who are going to be flying these aircraft because we are not going to allow the insertion of technology for an additional cost that may increase the efficacy of that aircraft.

One other comment. This was in response to the comment of the Senator from Wisconsin that we should not be approving this multiyear contract, which we do under this bill, without having the operational evaluation of testing go on, which could fail.

I say to the Senator from Wisconsin, if it fails, under our bill, there is no multiyear contract. We spell out specifically in this legislation that it has to pass OPEVAL. If it doesn't, there is no multiyear.
We have taken care of the Senator from Wisconsin in that if there are problems—and the Senator lists a variety that he believes exist—and if that is what is determined by the Department of Defense and the Bureau of Testing, we will not have a multiyear contract. So the Senator will get his wish.

So I think, in the end, the Senator’s amendment is superfluous at best—if he would agree to the amendment I suggested—but it is dangerous now because it doesn’t allow for technology insertion. So I will move, at the appropriate time, to table the Feingold amendment.

Mr. FEINGOLD. How much time do I have remaining?

The PRESIDING OFFICER. Three minutes.

Mr. FEINGOLD. Mr. President, it is pretty obvious at this point that any effort to question any weapons system is considered an effort to somehow undermine the ability and strength of our country. The fact is that we have a responsibility to do some oversight on our own. We should not just take the word of Government bureaucrats, whether they are in one Department or the other—the Defense Department or Department of Agriculture. We should not just take their word for it. We have some responsibility to look at the questions that have been raised by independent bodies such as the General Accounting Office that say there are real problems.

There has been a great effort here to distort my amendment. It takes the Navy’s figure of $5.8 billion and uses that for the cost cap. That is what it does. We have done this before on this particular airplane. My amendment to do this in another phase of the program a couple of years ago was accepted, and it worked just fine.

On the engineering and manufacturing development portion of it, it was not a radical attack. This simply takes the Navy’s own numbers and holds them to it. We all know what happens with the incredible cost increases that occur with these planes.

Where is the role of oversight of the Senate? There is a attitude of “don’t confuse me with the facts” when it comes to such a complicated, expensive program. It is a $45 billion program, and we are whitewashing the whole thing, even though the General Accounting Office—not me, but the GAO—has identified problems on each of the five pillars of the program. There is no substantive response to any of the points the GAO made that I laid out. They just repeated the facts of the original claims without saying one thing about what has been determined about problems with survivability, and with the additionality, not only is it not as good as originally claimed.

So what we are left with is a blank check. This is the only challenge to any weapons system on the floor of the Senate on this entire bill. Where have we come to, that we scrutinize and cut so many other programs of government? I have worked hard on that and have a good record on it. But why doesn’t the Defense Department, and why don’t these weapons systems have to share in the scrutiny of everything else?

There are problems with this plane. My amendment doesn’t terminate the plane; it says we ought to hold them to a dollar amount that the Navy itself has identified.

Regarding the Senator’s point, that technology improvement language he thinks would help is a giant loophole that will allow anything to get through to add to the cost. In fact, you could fly a Super Hornet through that loophole.

How much time do I have remaining?

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator’s time has expired.

Mr. LEVIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. SANTORUM. Mr. President, I move to table the Feingold 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.
Numbers 731, 748 and 883—have demanded that Libya cease all support for terrorism, turn over the bombing suspects with the special¬cy and trial, and address the issue of appropriate compensation.

To date, Tripoli has only fulfilled one of the four conditions—turning the two bombing suspects over to Scottish au¬thorities to stand trial at a specially-constituted court in the Netherlands. We have seen no indication that the Libyans intend to fulfill the other re¬quirements.

In early July, the U.N. Secretary General will report to the Security Council on Libya's compliance with the conditions set by the international community. Once he submits that re¬port, members of the Security Council may well introduce a resolution to lift sanctions on Libya under the multiyear contract specifications prior to multi-year production under the Navy's F/A–18E/F Super Hornet program meet the key performance parameters in the Operational Re¬quirements Document before going into full-rate production and before the Navy enters into a multi-year procurement contract.

Mr. President, my colleagues are well aware of my concerns about the Navy's F/A–18/E/F Super Hornet aircraft program. Over the past three years, I've been drawn into this project's fiscal and execution review of facts and figures and the Pentagon's Director of Oper¬ational Test and Evaluation and the General Accounting Office, on the Super Hornet's shortcomings. So I won't subject my colleagues to more of the same facts showing how the Super Hornet program fails to improve on the existing Hornet program more than marginally, or in a cost-effective manner.

Mr. President, I'm sure many of my colleagues wonder why I continue on this lonesome crusade. I continue this effort pilots' lives will be placed at risk in this F/A–18/E/F for the next 25 to 30 years. On top of that, taxpayers are being asked to pay more than $45 billion for this program.

Mr. President, the amendment I offer simply requires the Super Hornet to
cies of the current arrangement. For example, Libya has only fulfilled one of four requirements set forth in the resolu¬tions. Colonel Qadhafi has yet to reassure us he will fully cooperate with the investigation and trial; he has yet to renounce his support for international terrorism; and he has failed to pay compensation to the bombing victims' families.

I have little confidence that no matter what the outcome of this trial, Qa¬dhafi will not change his stripes. He is a dictator and a criminal. Indeed, the London Sunday Times of May 23, 1999, reported that British intelligence has information clearly linking Qadhafi himself to the bombing.

This amendment states the sense of Congress that the President should use all means, including our veto in the Se¬curity Council, to preclude the lifting of sanctions on Libya until all condi¬tions are fulfilled. I would go further. Until we know just who ordered this bombing, and until that person is duly punished, Libya must remain a pariah state, isolated not only by the United States but by all the decent nations of the world.

I urge colleagues to support this amendment, and commend Senator KENNEisy for his many efforts of the Pan Am 103 victims and families.

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized.

AMENDMENT NO. 444

(Purpose: To ensure compliance with con¬tract specifications prior to multi-year contracting and entry into full-rate pro¬duction under the F/A–18E/F aircraft pro¬gram)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin (Mr. FEINGOLD) proposes an amendment numbered 444.

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

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

The amendment is as follows:

On page 26, strike lines 20 through 25, and insert the following:

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) to enter into a multiyear contract for the procurement of F/A–18E/F aircraft or author¬ize entry of the F/A–18E/F aircraft program into full-rate production until—

(1) the Secretary certifies to the Committees on Armed Services of the Senate and House of Representatives that the F/A–18E/F aircraft has successfully completed initial operational evaluation,

(2) the Secretary of the Navy—

(A) determines that the results of oper¬ational test and evaluation demonstrate that the Super Hornet is at least as good as the aircraft to be procured under the multiyear contract in the higher quantity than the other version satisfies all key performance parameters in the opera¬tional requirements document for the F/A–18E/F program, as submitted on April 1, 1997; and

(3) the Comptroller General reviews those results of operational test and evaluation and transmits to the Secretary of the Navy and the Comptroller General his concurrence with the Secretary's certification.

The PRESIDING OFFICER. The Sen¬ator from Virginia.

Mr. WARNER. Mr. President, we have now reached concurrence among leadership and the managers that the three votes that were to begin at 1:30 today will begin 20 minutes thereafter, at 1:50 a.m. in sequence back to back. At the conclusion of the first vote, it is the intention of the managers to seek a 10-minute limitation on the remaining two.

I thank the Chair.

Mr. FEINGOLD. Mr. President, the Navy would like to rely on flight test data from the single seat E version of the Super Hornet to claim that the aircraft procured under the Navy's F/A– 18E/F Super Hornet program will perform up to specifications. Here is the problem. Fifty-six percent of the planes the Navy in¬tends to buy will be the lower per¬forming two-seat F models. My amend¬ment to address this sleight of hand is simple and sensible. It would require that the majority of aircraft ordered under the Navy's F/A–18E/F Super Hornet program meet the key performance parameters in the Operational Require¬ments Document before going into full-rate production and before the Navy enters into a multi-year procurement contract.
meet existing performance specifications before going into full-rate production. It is simply a common sense measure.

To briefly summarize the contracting process, in 1992, the Secretary of the Navy and the aircraft’s primary contractor, Boeing, entered into a contract for the development, testing, and production of the Super Hornet. Within a follow-up Operational Requirements Document, or ORD, which was signed off by the Navy in April, 1997, are a number of key performance parameters. Essentially, Mr. President, the contract states explicitly what the Navy wants the plane to be able to do.

Mr. President, the Navy wanted, and I assume still wants, a plane with increased range, increased payload, greater bringback capability, improved survivability, enhanced growth space over the existing F/A–18C Hornet aircraft. The Navy calls these improvements the pillars of the Super Hornet program.

As I stated earlier, premier among the Navy’s justifications for the purchase of the Super Hornet is that it fly significantly farther than the Hornet. As recently as this past January, the Navy claimed the E/F would be able to fly up to 50 percent farther than the Hornet.

Mr. President, again, these improvements have yet to be proven in reality. And in the realm of reality, initial Super Hornet range predictions have declined as actual flight data has been gathered and incorporated into further prediction models. If the anticipated, but yet to be demonstrated range improvements are not included in the estimates, the Super Hornet range in the interdiction role amounts to a mere 8 percent improvement over the Hornet. According to GAO, this is not a significant improvement.

Mr. President, not only does the Super Hornet fall short in its range, but also in its payload capacity, and growth space improvements. On top of that, the Super Hornet is worse than the Hornet is turning, acceleration, and ability to climb. Again, this plane will cost far more, perhaps twice as much as the current model.

As I mentioned earlier, the General Accounting Office filed recently before Congress that the Super Hornet is not meeting all of its performance requirements, is behind schedule, and above cost, regardless of Navy boasts to the contrary. The agency offered evidence of shortcomings in each and every area of the Navy declared as justifications for the aircraft. GAO also states that some of the Navy’s assumed improvements to the aircraft have yet to be demonstrated.

Mr. President, the Navy’s statements on performance reflect the single-seat E model of the aircraft, not the less-capable two-seat F model. This is troubling because the F model comprises 56 percent of the Pentagon’s three-year production of the Super Hornet. Again, Mr. President, the Navy’s statements on performance are based on projections, not actual performance.

According to GAO, which has been reviewing the program for more than three years, the aircraft continues to offer only marginal improvements over the Hornet, the same finding GAO made in 1996. After three years of development and testing, Mr. President, we still stand to gain only marginal improvements that don’t outweigh the cost.

Again, Mr. President, I have stood on the floor of the United States for three years now discussing the inadequacies of the Super Hornet program. And for three years, three times of three, my colleagues have turned a deaf ear to the facts. I hold out hope that this body will use some measure of common sense in procuring this aircraft.

Mr. President, this amendment merely enforces what should be blatantly obvious. Before moving to full-rate production, or entering into a multi-year procurement contract, of the Super Hornet, the contract between the Navy and its contractor should be enforced. The Navy signed a contract to receive a plane that can do certain things. I agree with the Navy.

The plane ought to do certain things. We shouldn’t go forward until we know that it really does those things.

This amendment simply requires that the Navy receive the plane it expects.

Mr. President, I ask for the yeas and nays. I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Mr. President, I say this with great amusement. When I pronounced the unanimous consent request for an 11:50 vote, it was interpreted as a little too folksy for the Parliamentarian, so I now in a very stern voice ask unanimous consent that the votes begin at 11:50.

Mr. ASHCROFT. I ask for a point of clarification. Does that include the following two votes would be 10-minute votes?

Mr. WARNER. I intend to ask they be 10 minutes, but traditionally we don’t do it until we determine the whereabouts of all Members.

Mr. ASHCROFT. In that event, I have no objection.

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

Mr. LEVIN. Does this include any time between the votes? Could there be 2 minutes between the votes on the first and second and third amendments—2 minutes equally divided?

Mr. WARNER. Is it desired?

Mr. LEVIN. It is desired.

Mr. WARNER. I have no objection.

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

The Senator from Wisconsin.

Mr. SANTORUM. Mr. President, I yield myself 3 minutes.

In response to the amendment of the Senator from Wisconsin, it is an additional hurdle to begin production of the E and F. This says that we cannot move forward without full-scale production, of this aircraft without a successful operational test and evaluation. That will be done by operational test pilots, maintenance people, experts in evaluating aircraft. They do the testing. They will do the report. The commander of operational test forces will issue the report, determine whether there was a successful test, and then that report will be given to the director of operational test and evaluation, who, under normal circumstances, will then make the decision that a successful test has been conducted.

So we have already put in one additional step. We say that after the director of operational test and evaluation views the report, they have to then get a certification from the Secretary of Defense that this program has successfully completed operational test and evaluation. We have put an additional step in that is outside the course of the normal procurement and before the decision for acquisition is made. So we have already put in one additional step.

What the Senator from Wisconsin wants to do is put an additional step in. This is somewhat dangerous in this respect: He includes no time limit. GAO can take 2 years if they want to. They can take whatever amount of time they want, hold up a $2.8 billion contract, hold up what is a needed requirement for the Navy to determine when a bunch of people with “green eye shades,” as the Senator from Missouri said—to make the determination as to whether the auditors believe that the test pilots and the maintenance people and the Secretary of Defense and the director of operational test and evaluation, the defense acquisition board, they were all wrong—all the experts were wrong—congressional auditors are really the best determinant as to whether this aircraft meets its requirements, is needed, and should be procured.

I don’t think we want to do that. I think that sets a very dangerous precedent. Frankly, it raises some constitutional questions as to whether the Congress can, in fact, do that.
I can say to the Senator from Wisconsin, the junior Senator from Missouri, as I mentioned before, I have spent the better part of a day at the facility in St. Louis. This is a program of which I think everyone will be proud. They are using state-of-the-art manufacturing techniques. They are, as the Senators have said, ahead of schedule, meeting every single benchmark. They have 4,000 hours of flight time, more than any other aircraft that has been tested in history.

I think this is an additional hurdle that is unnecessary and potentially dangerous. That is why I will at the appropriate time move to table the amendment of the Senator from Wisconsin.

Mr. FEINGOLD. How much time remains?

The PRESIDING OFFICER. The Senator from Wisconsin controls 9 minutes.

Mr. FEINGOLD. I yield myself the time required at this point.

Let me say exactly what this amendment does rather than rely on the characterization that was given. This appears to be something of a sleight-of-hand with regard to proving that this plane actually meets the performance parameters it is supposed to meet.

There are two versions of the Super Hornet aircraft, a one-seat E model and another that has been proven to be less capable, a two-seat F model. The Navy now states that 56 percent of the Super Hornet will be F models, but they are trying to rely on the performance of the E model to determine compliance with performance parameters.

The amendment simply requires that the version of the Super Hornet aircraft—85 percent of the majority—of the Navy’s purchasing plan has to satisfy all the key performance parameters in the program Operational Requirements Documents. That is what this amendment does.

For this to be characterized as an additional hurdle, as has been done by the Senator from Pennsylvania, is simply not accurate. It simply says that the flight test data used by the Navy, represent the version of the plane they intend to purchase. All we are trying to do is to be sure that the information we are getting and that the assumptions are based on the planes that are actually being purchased and that they actually do what they said they would do.

That is not an additional step. That is just somebody buying something, making sure they are actually getting what they contracted for. Shouldn’t we, as the guardians of the taxpayers’ dollars, be sure we are getting what we contracted for? How can that be an additional hurdle, unless we want to allow the contractor to give us something we didn’t want and, in fact, paid a fortune for?

The Senator from Pennsylvania reasonably asked whether or not there is a problem with the GAO having a limited time to do its work. I am happy to enter into an agreement for a time limit for the GAO, with the Senator’s indication that he would regard that as a reasonable change. That is not a problem that was intended, and we can solve that quite simply.

This is an incredibly expensive program. Hopefully, this plane, if it goes through, will work as well as has been advertised. Hopefully, it will not cause problems for our pilots, although there are those who are concerned about that.

All this amendment does is say that when we make the decision to move to the next phase, it is actually based on the plane we are buying. Any householder knows that much caution when buying something. We talked a lot as we brought down the deficit, on a bipartisan basis, about doing things like American families have to do. Don’t we have a responsibility to make sure we are getting the plane we are paying for? We are not paying for it, the taxpayers are paying for it, and they will pay $45 billion for it. It ought to be the plane that we are supposed to get.

I reserve the remainder of my time.

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

The PRESIDING OFFICER. The six minutes of the Senator have expired.

Mr. LEVIN. The Presiding Officer, the Secretary’s certification, I think that is a clear violation of the separation of powers. In Bowsher v. Synar, the Supreme Court ruled:

That to permit the execution of the laws to be vested in an officer answerable only to Congress would, in practical terms, reserve in Congress control over the execution of the laws.

So, except for that part requiring a legislative concurrence or legislative officer’s concurrence with the Secretary’s certification, I think that amendment would have been acceptable. With that additional provision, it is unacceptable as it violates separation of powers and the Supreme Court ruling in the Bowsher case.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. Who yields time? Who yields time to the Senator from Missouri?

Mr. SANTORUM. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The 2 minutes of the Senator from Missouri have expired.

Mr. SANTORUM. Mr. President, the F-18 is under budget and early. The Department of Defense is making very, very careful evaluations, and will continue to do so. This contracting will not go forward without their professional critical evaluation that the plane succeeded.

Mr. SANTORUM. I am happy to yield an additional minute.

Mr. LEVIN. On the pending amendment, again I think this is a well-intended amendment. I think up until the last paragraph it is on target. We do want the Secretary of the Navy to determine the results of operational test and evaluation and to certify that the version of the aircraft to be procured under the multiyear satisfies all key performance parameters. I think that is very good.

The problem is it then gives to the Comptroller General, who is in the legislative branch, the veto power because the Comptroller General must concur with the Secretary’s certification. I believe that is a clear violation of the separation of powers. In Bowsher v. Synar, the Supreme Court ruled:

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Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. Who yields time? Who yields time to the Senator from Missouri?

Mr. SANTORUM. Mr. President, how much time do I have remaining?

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

Mr. SANTORUM. I yield the Senator from Missouri 30 seconds.

Mr. LEVIN. The Comptroller General must concur with the Secretary’s certification. I believe that is a clear violation of the separation of powers. In Bowsher v. Synar, the Supreme Court ruled:

That to permit the execution of the laws to be vested in an officer answerable only to Congress would, in practical terms, reserve in Congress control over the execution of the laws.

So, except for that part requiring a legislative concurrence or legislative officer’s concurrence with the Secretary’s certification, I think that amendment would have been acceptable. With that additional provision, it is unacceptable as it violates separation of powers and the Supreme Court ruling in the Bowsher case.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. Who yields time? Who yields time to the Senator from Missouri?

Mr. SANTORUM. Mr. President, how much time do I have remaining?

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

Mr. SANTORUM. I yield the Senator from Missouri 2 minutes.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, the F-18 is under budget and early. The Department of Defense is making very, very careful evaluations, and will continue to do so. This contracting will not go forward without their professional critical evaluation that the plane succeeded.
When you put an extra seat in an airplane, it changes the characteristics, but it also changes the fighting capability of the airplane. You can put two pilots—or one plus a person operating radar or other things in a hostile environment in terms of locating targets—what you can't do with one person both flying the airplane and doing that.

The Senator from Wisconsin asks about oversight. Frankly, we have had substantial oversight here. We have had oversight in the Senate Armed Services Committee, oversight in the House Armed Services Committee, oversight in the Senate Appropriations Committee. There will be, again, evaluation in the House Appropriations Committee.

This is a circumstance where, obviously, there has been substantial oversight. The members of the committee and committee chairman are saying we should approve this. I believe we should. For us to say the Department of Defense, the Navy, whose lives depend on this airplane performing, are to have their judgment about the airplane set aside or deferred or delayed until accountants or auditors from the General Accounting Office make a decision on this plane is unwise. It is not only unwise, it has been clearly demonstrated, I think, in the arguments that it is unconstitutional as well.

The F-18 is an outstanding aircraft with characteristics that will serve well—extended range, extended load-carrying capacity, and ability in the two-seat configuration to do things not otherwise available in the one-seat configuration. It is a well-made airplane that will serve our interests well by serving well those who fly them. It will serve us well by allowing those conflicts to be survivable. The margin of improvement provides the margin of difference that means we win instead of losing.

It is time for us to move forward with this program; stop unnecessary attacks on it. This is an airplane that will serve us well.

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

Mr. FEINGOLD. Mr. President, I appreciate that. I reserve a few moments of my time because the response to this will affect my argument. The only real objection to this is primarily to the cost containment amendment, let me explain that. The Senator from Wisconsin said is that in order to protect the rights of other Senators, he would object to this amendment. But I suggest at least the possibility that the Senator renew his unanimous-consent request and perhaps there will be no objection, after there has been an opportunity for people to read the modification.

Mr. FEINGOLD. Mr. President, if the Senator from Michigan advise me of the appropriate time to raise that unanimous-consent request?

Mr. LEVIN. They are checking it out now.

Mr. FEINGOLD. Mr. President, I appreciate that. I reserve a few moments of my time because the response to this will affect my argument. The only real objection to this is primarily to the role of the GAO in this process. The Senator from Virginia said is that in order to protect the rights of other Senators, he would object to this amendment. But I suggest at least the possibility that the Senator renew his unanimous-consent request and perhaps there will be no objection, after there has been an opportunity for people to read the modification.

Mr. FEINGOLD. Will the Senator from Michigan advise me of the appropriate time to raise that unanimous-consent request?

Mr. LEVIN. If the Senator will yield?

The PRESIDING OFFICER. The Senator from Michigan.

Mr. FEINGOLD. Mr. President, I appreciate that. I reserve a few moments of my time because the response to this will affect my argument. The only real objection to this is primarily to the role of the GAO in this process. The Senator from Virginia said is that in order to protect the rights of other Senators, he would object to this amendment. But I suggest at least the possibility that the Senator renew his unanimous-consent request and perhaps there will be no objection, after there has been an opportunity for people to read the modification.

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Mr. FEINGOLD. Will the Senator from Michigan advise me of the appropriate time to raise that unanimous-consent request?

Mr. LEVIN. They are checking it out now.
May 27, 1999

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

Mr. WARNER. Mr. President, I yield 1½ minutes to myself for a statement unrelated to the amendment.

The PRESIDING OFFICER. Time remains 25 seconds.

Mr. WARNER. Mr. President, I yield to the chairman of the subcommittee, the Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, on the second Feingold amendment, we are attempting to work some accommodation so we can accept the amendment. I ask unanimous consent that the yeas and nays which were ordered on the second Feingold amendment be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. FEINGOLD. Reserving the right to object, I assume it is the intent of the Senator that if we do not work it out, there will be no problem getting a rollcall vote.

Mr. SANTORUM. Absolutely.

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

Mr. WARNER. Let’s give the number of that amendment so there is absolute clarity.

The PRESIDING OFFICER. No. 442 is the second Feingold amendment.

Mr. WARNER. Mr. President, we are still trying to start our series of two votes now at approximately 11:50. To keep Senators advised, the ranking member and I are rapidly clearing the way for the majority to take the floor. Time remains 1½ minutes to myself for a statement.

Mr. WARNER. I think we waived the 2 minutes before the first vote and we will proceed to the vote.

Are the yeas and nays ordered on the amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered on the first vote as well as the second vote.

The Senator from Michigan.

Mr. LEVIN. The 2-minute request was between the first and the second vote, not before the first vote.

Mr. WARNER. It is clear now. We are proceeding to the vote for the full period of time. At the conclusion of that, I will, in all probability, ask the next vote be 10 minutes, and then there will be a period of time, 2 minutes total, prior to the second vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 442. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. McCAIN) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Covey
Craig
Crapo
Dashich
DeWine
Dodd
DOMENICI
Dorgan
Durbin
Edwards
Enzi
Feingold
Fitzgerald
Frist
Gorton
Grumman
Hagel
Hatch
Henton
Horne
Hutchinson
Inhoffe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Largent
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Loebsack
Lott
Mack
McConnell
Mikulski
Meynihan
Markowski
Marziale
Nelson
Nelson
Nichols
Nunn
Osborne
Reed
Robb
Roberts
Rockefeller
Romney
Schumer
Sessions
Shelby
Smith (NM)
Smith (RI)
Snowe
Specter
Spilka
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Waxman
Wyden

Mr. NICKLES. I announce that the Senator from Pennsylvania (Mr. SPECTER) is necessarily absent.

The result was announced—yeas 87, nays 11, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—87

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Covey
Craig
Crapo
Dashich
DeWine
Dodd
DOMENICI
Dorgan
Durbin
Edwards
Enzi
Feingold
Fitzgerald
Frist
Gorton
Grumman
Hagel
Hatch
Henton
Horne
Hutchinson
Inhoffe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Largent
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Loebsack
Lott
Mack
McConnell
Mikulski
Meynihan
Markowski
Marziale
Nelson
Nelson
Nichols
Nunn
Osborne
Reed
Robb
Roberts
Rockefeller
Romney
Schumer
Sessions
Shelby
Smith (NM)
Smith (RI)
Snowe
Specter
Spilka
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Waxman
Wyden

The amendment (No. 442) was agreed to.

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

Mr. KENNEDY. I move to lay that amendment on the table.

The amendment (No. 443) was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that the next vote be 10 minutes in length.

The PRESIDING OFFICER. The motion to lay on the table was agreed to.
The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I have a unanimous consent request.

Mr. WARNER. I, likewise, but I will defer.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Bob Perrett, a congressional fellow in my office, be allowed the privilege of the floor during the consideration of the Defense bill.

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

AMENDMENT NO. 394, AS MODIFIED

Mr. WARNER. Mr. President, with respect to amendment No. 394, I ask a modification to the amendment be accepted. I send the modification to the desk.

The amendment (No. 394), as modified, is as follows:

On page 387, below line 24, add the following:

SEC. 1061. INVESTIGATIONS OF VIOLATIONS OF UNITED STATES SATELLITE MANUFACTURING ACT.

(a) Notice to Congress of Investigations.—The President shall promptly notify Congress whenever an investigation is undertaken of an alleged violation of United States export control laws in connection with a commercial satellite of United States origin.

(b) Notice to Congress of Certain Export Waivers.—The President shall promptly notify Congress whenever an export waiver is granted on behalf of any United States person or firm that is the subject of an investigation described in subsection (a). The notice shall include a justification for the waiver.

(c) Notice in Applications.—It is the sense of Congress that any United States person or firm subject to an investigation described in subsection (a) that submits to the United States an application for the export of a commercial satellite should include in the application a notice of the investigation.

(d) Protection of Classified and Other Sensitive Information.—The Senate and House of Representatives shall establish, by rule or resolution of such House, procedures to protect from unauthorized disclosure classified and other sensitive information relating to intelligence sources and methods, and sensitive law enforcement information that is furnished to Congress pursuant to this section.

(3) to allocate funds and other resources to the Agency to monitor satellite launch campaigns and related activities monitored by the Defense Threat Reduction Agency during the preceding year.

(4) to establish mechanisms in accordance with the provisions of section 151(a)(2)(A) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2175; 22 U.S.C. 2778 note) that provide for—

(a) the allocation to the Agency, in advance of a launch campaign, of an amount equal to the amount estimated to be required by the Agency to monitor the launch campaign; and

(b) the reimbursement of the Department, at the end of a launch campaign, for amounts expended by the Agency in monitoring the campaign; and

(c) to establish a formal technology training program for personnel of the Agency who monitor satellite launch campaigns overseas, including a structured framework for providing training in areas of export control laws;

(d) to review and improve guidelines and restrictions, and encourage such officers and employees to participate in such briefings;

(e) to establish a system for—

(A) the preparation and filing by personnel of the Agency who monitor satellite launch campaigns overseas of detailed reports of all activities observed by such personnel in the course of monitoring such campaigns;

(B) the systematic archiving of reports filed under subparagraph (A); and

(C) the preservation of such reports in accordance with applicable laws; and

(f) to establish a counterintelligence program within the Agency as part of its satellite launch monitoring program.

(b) ANNUAL REPORT ON IMPLEMENTATION OF SATELLITE TECHNOLOGY SAFEGUARDS.—

(1) The Secretary of Defense and the Secretary of State shall submit to Congress each year, as part of the annual report for that year under section 151(a)(8) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, the following:

(A) A summary of the satellite launch campaigns and related activities monitored by the Defense Threat Reduction Agency during the preceding year.

(B) A description of any license infractions or violations that may have occurred during such campaigns and activities.

(C) A description of any personnel, funds, and other resources dedicated to the satellite launch monitoring program of the Agency during that year.

(D) An assessment of the record of United States satellite makers in cooperating with Agency monitors, and in complying with United States export control laws, during that year.

SEC. 1065. ADHERENCE OF PEOPLES REPUBLIC OF CHINA TO MISSILE TECHNOLOGY CONTROL REGIME

(a) Sense of Congress.—It is the sense of Congress that—

11264

CONGRESSIONAL RECORD—SENATE

May 27, 1999

Landrieu

Leahy

Levin

Lieberman

Lincoln

Lott

Lugar

Lasky

MITCHELL

Boxer

Feingold

Harkin

Jeffords

NOT VOTING—2

Lautenberg

Specter

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I have a unanimous consent request.

Mr. WARNER. I, likewise, but I will defer.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Bob Perrett, a congressional fellow in my office, be allowed the privilege of the floor during the consideration of the Defense bill.

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

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(c) to establish a formal technology training program for personnel of the Agency who monitor satellite launch campaigns overseas, including a structured framework for providing training in areas of export control laws;

(d) to review and improve guidelines and restrictions, and encourage such officers and employees to participate in such briefings;

(e) to establish a system for—

(A) the preparation and filing by personnel of the Agency who monitor satellite launch campaigns overseas of detailed reports of all activities observed by such personnel in the course of monitoring such campaigns;

(B) the systematic archiving of reports filed under subparagraph (A); and

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(A) A summary of the satellite launch campaigns and related activities monitored by the Defense Threat Reduction Agency during the preceding year.

(B) A description of any license infractions or violations that may have occurred during such campaigns and activities.

(C) A description of any personnel, funds, and other resources dedicated to the satellite launch monitoring program of the Agency during that year.

(D) An assessment of the record of United States satellite makers in cooperating with Agency monitors, and in complying with United States export control laws, during that year.

SEC. 1065. ADHERENCE OF PEOPLES REPUBLIC OF CHINA TO MISSILE TECHNOLOGY CONTROL REGIME

(a) Sense of Congress.—It is the sense of Congress that—
(1) the President should take all actions appropriate to maintain the agreement with the People's Republic of China to adhere to the Missile Technology Control Regime (MTCR) and the MTCR Annex; and
(2) the People's Republic of China should not be permitted to join the Missile Technology Control Regime as a member without having—
(A) demonstrated a sustained and verified commitment to the nonproliferation of missiles and missile technology; and
(B) adopted an effective export control system for implementing guidelines under the Missile Technology Control Regime and the MTCR Annex.
(b) DEFINITIONS.—In this section:
(1) the term ‘‘Missile Technology Control Regime’’ means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.
(2) the term ‘‘Export Control Regulations’’ means the Guidelines and Equipment and Technology Annex of the Missile Technology Control Regime, and any amendments thereto.

SEC. 1066. UNITED STATES COMMERCIAL SPACE LAUNCH CAPACITY.
It is the sense of Congress that—
(1) Congress and the President should work together to stimulate and encourage the expansion of a commercial space launch capacity in the United States, including by taking actions to eliminate legal or regulatory barriers to long-term competitiveness in the United States commercial space launch industry; and
(2) Congress and the President should—
(A) encourage the United States policy of permitting the export of commercial satellites of United States origin to the People's Republic of China for launch;
(B) review the advantages and disadvantages of phasing out the policy over time, including advantages and disadvantages identified by Congress, the executive branch, the United States space launch industry, the United States commercial space launch industry, and other interested persons; and
(C) determine the extent to which the policy is adopted, permit launches of commercial satellites of United States origin by the People’s Republic of China only if—
(i) such launches are licensed as of the commencement of the phase out of the policy; and
(ii) additional actions are taken to minimize the transfer of technology to the People’s Republic of China during the course of such launches.

SEC. 1067. ANNUAL REPORTS ON SECURITY IN THE PACIFIC STRATEGIC STATER.
(a) IN GENERAL.—Not later than February 1 of each year, beginning in the first calendar year after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report, in both classified and unclassified form, detailing the security situation in the Taiwan Strait, including—
(1) an analysis of the military forces facing Taiwan from the People’s Republic of China; and
(2) an assessment of any challenges during the preceding year to the offensive military capabilities of the People’s Republic of China; and
(b) REPORT ELEMENTS.—Each report shall include—
(1) an analysis of the military forces facing Taiwan from the People’s Republic of China; and
(2) an assessment of any challenges during the preceding year to the deterrent forces of the Republic of China on Taiwan, consistent with the commitments made by the United States in the Taiwan Relations Act (Public Law 96–8).
(c) APPROPRIATE CONGRESSIONAL COMMITTEE.—The term ‘‘appropriate congressional committee’’ means the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on International Relations and the Committee on Armed Services of the House of Representatives.

SEC. 1068. DECLASSIFICATION OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA.
Section 3161(b) of the Stennis Thurmord National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–208; 122 Stat. 2260; 50 U.S.C. 435 note) is amended by inserting at the end the following:
‘‘(9) The actions to be taken to ensure that records subject to Executive Order No. 12968 that have previously been determined to be suitable for release to the public are reviewed on a page by page basis for Restricted Data and Formerly Restricted Data unless such records have been determined to be highly unlikely to contain Restricted Data or Formerly Restricted Data.‘‘

SEC. 3164. CONDUCT OF SECURITY CLEARANCES.
(a) PROVISION OF TRAINING.—The Secretary of Energy shall establish a pool of Department employees and Department contractor employees who are specially trained to counter threats of espionage and intelligence-gathering by foreign nationals against Department employees and Department contractor employees who travel abroad for laboratory-to-laboratory or other cooperative exchange activities on behalf of the Department.
(b) REQUIREMENT TO PARTICIPATE.—Section 1061(a) of the amendment would require the President to promptly notify Congress whenever an ‘‘investigation’’ is undertaken. The term ‘‘investigation’’ is not defined in the amendment.
I am concerned that some could interpret this to require the President to report to Congress every time the executive branch receives an allegation, everywhere the Justice Department or others have an opportunity to determine whether the allegations are based in fact. Such an interpretation could lead to the disclosure of a flood of unsubstantiated allegations to Congress, with a resulting injustice to innocent individuals who may be the subject of such allegations.

Mr. LOTT. I thank the Senator for his comments and I appreciate his concerns. I am pleased to agree to work closely with the Senator from Michigan during the conference on this bill, and to solicit the views of the administration, on how this provision will be implemented and in an effort to address his concerns.

THE PRESIDENT. Mr. President, the amendment has been cleared on both sides. I urge the Senate to adopt this amendment.
THE PRESIDENT. If there is no further debate, the question is on agreeing to the amendment, as modified.

The amendment (No. 394), as modified, was agreed to.
Mr. LEVIN. Mr. President, on that amendment I ask Senator BAUCUS be added as a co-sponsor.

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

Mr. WARNER. Mr. President, with regard to the remaining business, I am hopeful the leadership clears a unanimous consent request, agreed upon between Mr. LEVIN and myself. It is in the process now. It will give clarity to the balance of the day.

At the moment, there are two Senators who have been waiting for 3 days. I want to accommodate them. The Senator from Mississippi, Mr. COCHRAN, would like to lay down an amendment and speak to it for 10 minutes. The amendment is not cleared, so I reserve 10 minutes for the opposition to that amendment prior to any vote that is required.

AMENDMENT NO. 444

The PRESIDING OFFICER. There is a pending amendment. The Chair tells the distinguished Senator the pending amendment at the desk is No. 444 by the Senator from Wisconsin.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. My understanding is the various Senators have negotiated agreement on this, and it is acceptable on both sides. As modified, the Senate is prepared to accept it.

AMENDMENT NO. 444, AS MODIFIED

The PRESIDING OFFICER. Will the Senator send the modification to the desk.

Mr. FEINGOLD. I send the modification to the desk.

The amendment (No. 444), as modified, is as follows:

On page 26, strike lines 20 through 25, and insert the following:

(b) Limitation.—The Secretary may not exercise the authority under subsection (a) to enter into a multiyear contract for the procurement of F/A-18E/F aircraft or authorize entry of the F/A-18E/F aircraft program into full-rate production until—

(1) the Secretary of Defense certifies to the Committees on Armed Services of the Senate and House of Representatives the results of operational test and evaluation of the F/A-18E/F aircraft.

(2) The Secretary of Defense—

(A) determines that the results of operational test and evaluation demonstrate that the version of the aircraft to be procured under the multiyear contract in the higher quantity than the other version satisfies all key performance parameters appropriate to that version of aircraft in the operational requirements document for the F/A-18E/F program, as submitted on April 1, 1997, except that with respect to the range performance parameter a deviation of 1 percent shall be permitted.

The PRESIDING OFFICER. Without objection, the amendment is modified and agreed to.

The amendment (No. 444), as modified, was agreed to.

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

Mr. WARNER. I move to lay down that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Now, it is the request of the amendment that Mr. COCHRAN be recognized for not to exceed 10 minutes to lay down an amendment. If that amendment cannot be agreed upon by a voice vote, we would just lay it aside with the understanding there is 10 minutes for opposition at some point in the afternoon.

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

Mr. WARNER. The Senator from Florida has waited very patiently for about 2 or 3 days. He has an amendment which is to be laid down following the Cochran amendment. I ask there be a period of 30 minutes, 15 minutes under the control of the Senator from Florida, 15 minutes under the joint control of Senators SHELBY and ROBERT KERREY.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. WARNER. I guess that is the end of the ability to move things. We just have to put that request in abeyance.

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

AMENDMENT NO. 445

(Purpose: To authorize the transfer of a naval vessel to Thailand)

Mr. COCHRAN. Mr. President, I ask 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 amendment is as follows:

In title X, at the end of subtitle B, insert the following:

SEC. 1013. TRANSFER OF NAVAL VESSEL TO FOREIGN COUNTRY.

(a) THAILAND.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the CYCLONE class coastal patrol craft CYCLONE (PC1) or a craft with a similar hull. The transfer shall be made on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321).

(b) COSTS.—Any expense incurred by the United States in connection with the transfer authorized under subsection (a) shall be charged to the Government of Thailand.

(c) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent consistent with practicality, the Navy shall require, as a condition of the transfer of the vessel to the Government of Thailand under this section, that the Government of Thailand have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a United States Naval shipyard or other shipyard located in the United States.

(d) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection (a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. COCHRAN. Mr. President, for the information of the Senate, this amendment would authorize the transfer of a naval vessel to Thailand and would authorize the Secretary of the Navy to receive in exchange a ship that is now in the fleet of Thailand. The purpose of the amendment is to provide authority to the Secretary of the Navy to give a retiring U.S. Navy Cyclone class ship to the Government of Thailand in exchange for a former U.S. Navy ship which served in World War II in the Pacific. That ship is the LCS 102, LCS 102 here, for landing craft support. It is presently in the service of the Royal Navy of Thailand.

For some history on this subject, 3 years ago in Public Law 104–201, the Congress went on record in favor of trying to bring back to the United States the LCS 102. It is the last surviving ship of its class. This ship saw heavy combat action in the western Pacific during World War II. It was transferred after the war to Japan and then later was transferred to Thailand where she has been in service for 30 years. This ship is of great historical significance. It is the last one of its kind in existence in the world. Just a few years ago, it was entered on the Register of the World Ship Trust.

Many sailors from World War II might not recognize this class of ship, because it was one of many different types of amphibious ships used in the Pacific during World War II. But it was highly appreciated by the Navy admirals and the Marines because it was a heavily armed gunboat which gave close-in fire support to the Marines in amphibious landings. In fact, the LCS ships had more firepower per ton than an Iowa class battleship.

The ships were in the thick of it in Iwo Jima, Okinawa, the Philippines, and New Guinea. They also served in an anti-aircraft role against kamikaze aircraft at Okinawa and Iwo Jima, because of their tremendous firepower.

Mr. President, 26 of the 130 LCSs that were built were sunk, or badly damaged in the first 6 months of their duty in the Pacific. Historians have begun to write about these ships and the role they played in the successful war in the Pacific. There is one illustrative title, ‘‘Mighty Midgets At War: The Saga of the LCS(L) Ships from Iwo Jima to Vietnam,’’ by Robert L. Reilly.

Our distinguished former colleague, who is the chairman of the Appropriations Committee, Mr. LEVIN, posed a question with regard to the Navy's request for landings craft support.

Mr. President, in the final analysis, it is just a question of, do we want to recognize this class of ship as an American ship that was involved in World War II? If so, I believe this is a way to accomplish that.
May 27, 1999

CONGRESSIONAL RECORD—SENATE

Navy William Middendorf served as an officer aboard LCS 53 and former Secretary of the Navy John Lehman's father served as commanding officer of LCS 18 in the Pacific. He received the Bronze Star for bravery during his service at Okinawa.

In addition, the commanding officer of LCS 32, then Lieutenant, Richard M. McCool, who now resides in Bainbridge Island in the State of Washington, received the Congressional Medal of Honor from President Truman for his service during a kamikaze attack at Okinawa.

There are several former LCS sailors from my State who have written me in support of this transfer: Robert Wells of Ocean Springs, MS, recently wrote me a letter saying he was the only medical officer aboard LCS 31. Here is what he said:

... The LCS–31, along with approximately 20 other LCSs, invaded Iwo Jima in February, 1945, assisting the Marines in landing.

From there, the LCS 31 went to Okinawa and hounded Japanese planes on radar picket duty where the #31 shot down 6 suicide planes and was hit by 3, killing 9 sailors and wounding 15. The 31 received the Presidential Unit Citation for their efforts. Please help in returning the LCS 102 to the United States and receiving the recognition that the LCSs deserve.

Mr. President, these ships were a part of the U.S. Navy that fought and won the war in the Pacific. The LCS 102 is the last remaining ship of its class, and I believe it would be appropriate for it to come home and serve as a floating museum and a monument to the brave service of tens of thousands of sailors who served on these ships with the nickname “Mighty Midgets.”

Since the Congress adopted an amendment 3 years ago urging the Secretary of Defense to bring home the LCS 102, the Navy has determined that the Thai Navy will give up the LCS from its fleet for a return to the United States, but they need a replacement ship to fulfill the shallow water mission now accomplished by the LCS 102.

This year, the Navy is retiring a small, fast gunboat from our fleet that would meet the Thai Navy’s requirement. The ship is a Cyclone class ship. It could be made available to the Thai Navy in exchange for the LCS 102. This amendment authorizes the Secretary of the Navy to offer a Cyclone class ship to the Thai Navy. It does not mandate that the trade be consummated; it simply authorizes the trade if it can be negotiated and legal hurdles and other details can be worked out.

There is an urgency to this issue because World War II veterans are aging. Most of them are now in their seventies and eighties. If we are going to help the LCS association realize its dream of bringing home the last ship of its class, then we need to do it now. There are LCS sailors living today all over the country in almost all 50 States, and they would appreciate a vote in support of this amendment.

Fund on it will be raised from the private sector to put this ship in condition to serve as a museum, and there are still many details to be worked out before the LCS can be brought home. But by approving this amendment, which is necessary as a first step, the Senate will be on record in support, as we did 3 years ago when we suggested this should be done by the Navy.

I hope my colleagues will support the amendment and join the Chief of Naval Operations, Jay Johnson, who has written me a letter in support of this amendment. I ask unanimous consent that the letter be printed in the RECORD.

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


Hon. THAD COCHRAN, U.S. Senate.
Washington, DC.

DEAR SENATOR COCHRAN: I wanted to offer my thanks and support for your proposed amendment to help return the last ex-LCS 102 from Thailand. This ship would make an excellent public memorial in honor of those who served in ships like her during WWII. Further, it would provide an additional monument for generations to come of the sacrifices of this special generation.

My staff stands ready to brief yours on the details involved in making the transfer of a retiring Cyclone-class Patrol Craft (PC) come about. Thank you again for your support. If I may be of further assistance, please do not hesitate to let me know.

Sincerely,

JAY L. JOHNSON, Admiral, U.S. Navy.

Mr. REID. Will the Senator yield?
Mr. COCHRAN. I am happy to yield if I have any time.

Mr. REID. The Senator has made very clear this is not a mandate; is that right?
Mr. COCHRAN. That is right. It is authorizing legislation.

Mr. REID. Also, on page 2 of the Senator’s amendment, it says “on a grant basis.” Is it clear that it could also be done on a sale basis, lease basis or a lease with an option to buy?
Mr. COCHRAN. We want to swap it. We want to swap the Cyclone for the LCS 102. It authorizes the trade.

Mr. REID. It says, “the transfer shall be made on a grant basis.”

Mr. COCHRAN. That is a legal word of art. I have explained the meaning of it. If we had been able to get the committee to adopt the amendment as we had hoped they would, there would be report language in the committee report. I will be happy to give the Senator a copy of that which further explains. If he will let me, I will read it.

The committee recommends that the Secretary of the Navy be authorized to transfer to the Government of Thailand one Cyclone class patrol vessel for the purpose of supporting Thailand’s counterdrug and counterpiracy operations. The committee intends this transfer to replace the former LCS 102 currently in service with the Royal Thai Navy, should the discussions urged in section 1025 of PL 104-201 result in the Government of Thailand’s decision to return LCS 102 to the Government of the United States. The committee understands that the Secretary of the Navy supports the return of LCS 102 to the United States for public display as a naval museum.

Mr. REID. Will the Senator yield for another question?

Mr. COCHRAN. I will be happy to yield.

Mr. REID. This is just to give the Secretary more options—sale, lease, lease option. It will give more discretion to the Secretary. Is it clear that saying the transfer shall be made by grant. There are other ways it can be done. I think it would be in the best interest of all concerned if these other options are available. I repeat: sale, lease, lease with an option to buy.

Mr. REID. This is just to give the Secretary more options—sale, lease, lease option. It will give more discretion to the Secretary. Is it clear that saying the transfer shall be made by grant. There are other ways it can be done. I think it would be in the best interest of all concerned if these other options are available. I repeat: sale, lease, lease with an option to buy.

Mr. COCHRAN. I will be happy to consider that, and I appreciate the Senator raising it as an alternative.

The PRESIDING OFFICER. The time allotted to the Senator has expired.

The Senator from Virginia is recognized.

Mr. WARNER. Let me clarify, Mr. President, there still remains some time in opposition to the amendment of the Senator from Mississippi; am I correct in that?

The PRESIDING OFFICER. The Chair observes that Senators said there would be 10 minutes allotted to the opposition of the Senator’s amendment. It was not stated in the form of a request.

Mr. WARNER. Mr. President, I think some time should be reserved. I indicate for the RECORD, I support the Senator from Mississippi, but I am sure time should be reserved on this side, 10 minutes, and then we will determine whether or not a recorded vote is necessary in this matter, or it may be voice voted. I put that in the form of a unanimous consent request.

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

Mr. SMITH of New Hampshire. Mr. President, I rise to support the amendment of the Senator from Mississippi. This amendment deserves the support of every Senator because it is the right thing to do.

During World War II more than 10,000 Americans served their country on LCS ships, and these ships were heavily involved in combat in the Pacific. There is only one LCS left in the world, and a group of World War II sailors wants...
to bring that ship back to the United States and make it a floating museum.

Three years ago I sponsored an amendment to the Defense Authorization bill urging the Secretary of Defense to seek the expeditious return of the LCS 102 from Thailand. That amendment passed the Congress and became part of Public Law 104-201. For three years not much has happened because the Thai Navy still need ed the LCS 102, even though it is now more than 55 years old. Thai officials have indicated that they would be prepared to return the LCS 102 to the United States if we could provide a suitable ship to take its place. The U.S. Navy is planning to retire just such a ship this year, and that is what this amendment is about.

The ranks of those World War II sailors is thinning each year, and there is a need to move expeditiously. We need to bring this historic ship home before all of our World War II veterans are gone.

Let me list briefly some facts about LCS ships and their service to our country.

These ships were born out of desperate need. In the early years of World War II, our Navy and Marine Corps discovered that they needed more close-in gunfire support to protect our troops as they went ashore in amphibious landings. With typical American ingenuity, a new small gunboat was designed and quickly moved into production. The result was the LCS(L) which stood for Landing Craft Support Ship (Large).

This newly designed ship had more firepower per ton than a battleship, and it was capable of going all the way in to the beach and providing close-in fire support for our troops going ashore.

One hundred and thirty of these ships were built and rushed into service in 1944 and 1945. These ships and their brave crews helped save the lives of countless soldiers and Marines by providing the heavy close-in firepower to support amphibious landings at Okinawa, Iwo Jima, and many other Pacific Islands. Twenty-six of these ships were sunk or badly damaged in the Pacific campaign.

These ships were nicknamed the “Mighty Midgets” because of their firepower and their service in World War II. These ships, like so many others, received little notice when the history books were written because Car riers, Battleships, and Cruisers took most of the glory. However, the sailors aboard LCSs served bravely and well, and their part of World War II needs to be preserved as a part of our Navy’s history.

LCS sailors received many decorations for their service during World War II. A young Lieutenant by the name of Richard McCool from Washington State received the Congressional Medal of Honor from President Harry S. Truman for his service at Okinawa. A young Lieutenant by the name of John F. Lehman received a Bronze Star for his service at Okinawa, as well. His son, John, Jr. served as a naval officer many years later and became Secretary of the Navy under President Ronald Reagan.

Since the mid-1990s, several books have been published covering the history of the LCS ships. Former Secretary of the Navy John F. Lehman, Jr. wrote the foreword to one of those books. This foreword provides eloquent summary of the service to our Nation provided by LCSs and their brave sailors.

Finally, Mr. President, a distinguished former Senator served as Chair of the Armed Services Committee in this body served ably as a Boatswain’s Mate on an LCS during World War II. John Tower served his nation in World War II on an LCS. This body has his service and that of all the LCS sailors by helping to save the LCS 102—the only one left in the world.

I urge my colleagues to support this amendment and to do what they can to bring this ship in the task of bringing this ship home to the United States to serve as a museum and a memorial to the valiant service of thousands of LCS sailors.

Mr. WARNER. Mr. President, I want to propose a unanimous consent request, which is agreed upon on the other side, with regard to a procedural matter. As soon as that is concluded, then I want to state a UC request on behalf of my two colleagues, Mr. DOMENICI and Mr. KYL, on this side. I think we can work it out.

Mr. MURKOWSKI. Mr. President, I also am a sponsor of this legislation and would like to be recognized.

Mr. WARNER. Mr. President, with regard to the balance of the afternoon: I ask unanimous consent that all remaining first-degree amendments be offered by 2:30 p.m. today, and at 2:10 p.m., Senator LEVIN be recognized to offer and lay aside amendments for Members on his side of the aisle, and at 2:30 p.m., the chairman of the committee be recognized to offer and lay aside amendments for Members on his side of the aisle, and that those amendments be subject to relevant second-degree amendments. I further ask that all first-degree amendments must be relevant to the text of the bill.

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

Mr. WARNER. Mr. President, in light of this agreement, all first-degree amendments must be relevant and offered by 2:30 p.m. today. It is the intention of the managers and leaders to complete action on this bill, hopefully, no later than 5 o’clock today.

We have had a number of Senators patiently waiting. The Senator from Florida is willing to accommodate the chairman in his request that a period of 30 minutes, under the control of the amendment, be allocated for the Senator from New Mexico, be allocated for an amendment which they will lay down within that period of time, and at the conclusion of the 30-minute period, that amendment will be laid aside for the purpose of an amendment to be laid down by the Senator from Florida, which amendment will require 30 minutes of debate, 15 minutes under the control of the Senator from Florida, 15 minutes under the control of the Senator from Alabama, Mr. SHELY, and that 15 minutes will be shared between Mr. SHELY and Mr. KERREY, the ranking member of the Intelligence Committee.

I propose that to the Chair.

Mr. WARNER. That being in order, we will now proceed with the 30 minutes.

Mr. KYL. At this time I send an amendment to the Chair.

Mr. VOINOVICH. The distinguished Senator from Arizona is recognized.

Mr. KYL. Thank you.

Mr. KYL. At this time I send an amendment to the Chair and to the members of the Armed Services Committee.

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

Mr. KYL addressed the Chair.

The PRESIDING OFFICER (Mr. VOINOVICH). The distinguished Senator from Arizona is recognized.

Mr. KYL. Thank you.

Under the agreement just announced by Senator WARNER, it would be the intention of Senator DOMENICI and Senator MURKOWSKI and myself to divide the next half-hour into roughly 10 minute segments. I would appreciate an indication from the Chair when we have achieved those three milestones, if the Chair would, please.

Mr. KYL. At this time I send an amendment to the Chair.

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

Mr. KYL. At this time I send an amendment to the Chair.

Mr. REID. Would the Senator yield for a parliamentary inquiry?

Mr. KYL. I am happy to yield.

Mr. REID. I say to the manager of the bill, the chairman of the committee, there has been no unanimous consent agreement regarding the Domenici amendment.

Mr. REID. I say to the manager of the bill, the chairman of the committee, there has been no unanimous consent agreement regarding the Domenici amendment.

Mr. REID. I appreciate the Senator yielding.

Mr. KYL. Thank you.
The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. MUKOWSKI, Mr. SHELY, Mr. HUTCHINSON, and Mr. HELMS, proposes an amendment numbered 466.

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

The PRESIDENT PRO Tempore. Without objection, it is so ordered.

The amendment is as follows:

Strike Section 3138 and insert the following:

"SEC. 3158. ORGANIZATION OF DEPARTMENT OF ENERGY. (a) Institutional Arrangements. (1) The Office of Counterintelligence, and the Director of the Office of Counterintelligence, shall be responsible for the programs and activities of the Department relating to the analysis of intelligence with respect to nuclear weapons and materials, other nuclear matters, and energy security.

(b) The Director of the Office of Counterintelligence shall be responsible for the programs and activities of the Department relating to the analysis of intelligence with respect to nuclear weapons and materials, other nuclear matters, and energy security.

(c) The Director of the Office of Counterintelligence shall have the authority to":

The Assistant Secretary assigned the function under section 201(a)(5) shall serve as the Administrator.

(2) The Administrator shall be responsible for the executive and administrative operation of the functions assigned to the Administration, including functions with respect to (A) the selection, appointment, and fixing of the compensation of such personnel as the Administrator considers necessary, (B) the supervision of personnel employed by or assigned to the Administration, and (C) the direction of, and responsibility for, the operation of the functions assigned to the Administration.

(3) Each report submitted under this subsection to the Congress shall include, but not be limited to, information related to the nuclear weapons program, including the Department of Energy contractor, who has been identified as the lead Department of Energy contractor for a nuclear weapons program and any contractor to which a Department of Energy contract is awarded for the performance of a nuclear weapons program.

(4) The Nuclear Security Administration shall be responsible for the programs and activities of the Department relating to the analysis of intelligence with respect to nuclear weapons and materials, other nuclear matters, and energy security.

The Assistant Secretary assigned the function under section 201(a)(5) shall serve as the Administrator.

(5) The functions assigned to the Administration, including functions with respect to (A) the selection, appointment, and fixing of the compensation of such personnel as the Administrator considers necessary, (B) the supervision of personnel employed by or assigned to the Administration, and (C) the direction of, and responsibility for, the operation of the functions assigned to the Administration, including functions with respect to (A) the selection, appointment, and fixing of the compensation of such personnel as the Administrator considers necessary, (B) the supervision of personnel employed by or assigned to the Administration, and (C) the direction of, and responsibility for, the operation of the functions assigned to the Administration.

(6) Each report submitted under this subsection to the Congress shall include, but not be limited to, information related to the nuclear weapons program, including the Department of Energy contractor, who has been identified as the lead Department of Energy contractor for a nuclear weapons program and any contractor to which a Department of Energy contract is awarded for the performance of a nuclear weapons program.

(7) The Nuclear Security Administration shall be responsible for the programs and activities of the Department relating to the analysis of intelligence with respect to nuclear weapons and materials, other nuclear matters, and energy security.

The Assistant Secretary assigned the function under section 201(a)(5) shall serve as the Administrator.

(8) The functions assigned to the Administration, including functions with respect to (A) the selection, appointment, and fixing of the compensation of such personnel as the Administrator considers necessary, (B) the supervision of personnel employed by or assigned to the Administration, and (C) the direction of, and responsibility for, the operation of the functions assigned to the Administration.

(9) Each report submitted under this subsection to the Congress shall include, but not be limited to, information related to the nuclear weapons program, including the Department of Energy contractor, who has been identified as the lead Department of Energy contractor for a nuclear weapons program and any contractor to which a Department of Energy contract is awarded for the performance of a nuclear weapons program.

(10) The Nuclear Security Administration shall be responsible for the programs and activities of the Department relating to the analysis of intelligence with respect to nuclear weapons and materials, other nuclear matters, and energy security.

The Assistant Secretary assigned the function under section 201(a)(5) shall serve as the Administrator.

(11) The functions assigned to the Administration, including functions with respect to (A) the selection, appointment, and fixing of the compensation of such personnel as the Administrator considers necessary, (B) the supervision of personnel employed by or assigned to the Administration, and (C) the direction of, and responsibility for, the operation of the functions assigned to the Administration.

(12) Each report submitted under this subsection to the Congress shall include, but not be limited to, information related to the nuclear weapons program, including the Department of Energy contractor, who has been identified as the lead Department of Energy contractor for a nuclear weapons program and any contractor to which a Department of Energy contract is awarded for the performance of a nuclear weapons program.

(13) The Nuclear Security Administration shall be responsible for the programs and activities of the Department relating to the analysis of intelligence with respect to nuclear weapons and materials, other nuclear matters, and energy security.

The Assistant Secretary assigned the function under section 201(a)(5) shall serve as the Administrator.

(14) The functions assigned to the Administration, including functions with respect to (A) the selection, appointment, and fixing of the compensation of such personnel as the Administrator considers necessary, (B) the supervision of personnel employed by or assigned to the Administration, and (C) the direction of, and responsibility for, the operation of the functions assigned to the Administration.

(15) Each report submitted under this subsection to the Congress shall include, but not be limited to, information related to the nuclear weapons program, including the Department of Energy contractor, who has been identified as the lead Department of Energy contractor for a nuclear weapons program and any contractor to which a Department of Energy contract is awarded for the performance of a nuclear weapons program.

(16) The Nuclear Security Administration shall be responsible for the programs and activities of the Department relating to the analysis of intelligence with respect to nuclear weapons and materials, other nuclear matters, and energy security.

The Assistant Secretary assigned the function under section 201(a)(5) shall serve as the Administrator.

(17) The functions assigned to the Administration, including functions with respect to (A) the selection, appointment, and fixing of the compensation of such personnel as the Administrator considers necessary, (B) the supervision of personnel employed by or assigned to the Administration, and (C) the direction of, and responsibility for, the operation of the functions assigned to the Administration.

(18) Each report submitted under this subsection to the Congress shall include, but not be limited to, information related to the nuclear weapons program, including the Department of Energy contractor, who has been identified as the lead Department of Energy contractor for a nuclear weapons program and any contractor to which a Department of Energy contract is awarded for the performance of a nuclear weapons program.

(19) The Nuclear Security Administration shall be responsible for the programs and activities of the Department relating to the analysis of intelligence with respect to nuclear weapons and materials, other nuclear matters, and energy security.

The Assistant Secretary assigned the function under section 201(a)(5) shall serve as the Administrator.

(20) The functions assigned to the Administration, including functions with respect to (A) the selection, appointment, and fixing of the compensation of such personnel as the Administrator considers necessary, (B) the supervision of personnel employed by or assigned to the Administration, and (C) the direction of, and responsibility for, the operation of the functions assigned to the Administration.

(21) Each report submitted under this subsection to the Congress shall include, but not be limited to, information related to the nuclear weapons program, including the Department of Energy contractor, who has been identified as the lead Department of Energy contractor for a nuclear weapons program and any contractor to which a Department of Energy contract is awarded for the performance of a nuclear weapons program.

(22) The Nuclear Security Administration shall be responsible for the programs and activities of the Department relating to the analysis of intelligence with respect to nuclear weapons and materials, other nuclear matters, and energy security.

The Assistant Secretary assigned the function under section 201(a)(5) shall serve as the Administrator.

(23) The functions assigned to the Administration, including functions with respect to (A) the selection, appointment, and fixing of the compensation of such personnel as the Administrator considers necessary, (B) the supervision of personnel employed by or assigned to the Administration, and (C) the direction of, and responsibility for, the operation of the functions assigned to the Administration.

(24) Each report submitted under this subsection to the Congress shall include, but not be limited to, information related to the nuclear weapons program, including the Department of Energy contractor, who has been identified as the lead Department of Energy contractor for a nuclear weapons program and any contractor to which a Department of Energy contract is awarded for the performance of a nuclear weapons program.
California.

means any of the following laboratories:

the Savannah River Site, Aiken, South Caro-

nation facility' means any of the following fa-

shall concurrently transmit a copy thereof

and include a statement by the Adminis-

terator showing (1) the amount requested by

appropriations request under this Act, the Sec-

specified operations office, shall report di-

under subsection (f) to that head of that

ries, the Congress, State, tribal, and local
governments, and the public.

' (C) The Y–12 Plant, Oak Ridge, Ten-

ratories; the Savannah River Site, Aiken, South Caro-

(C) Y–12 Plant, Oak Ridge, Tenn-

The term "specified operations of-

" (3) The term "specified operations of-

of the Department of Energy:

(A) Albuquerque Operations Office, Albu-

(B) Oak Ridge Operations Office, Oak

(Tennessee.

(C) Oakland Operations Office, Oakland,

California.

(D) Savannah River Operations Office, Savannah

Test Site, Las Vegas, Nevada.

(E) Savannah River Operations Office, Savannah

Site, Aiken, South Carolina.

(f) The Administrator may delegate

functions assigned under subsection (d) only

within the headquarters office of the Admin-

istrator, except that the Administrator may

delegate to the head of a specified operations
office functions including, but not limited to,

providing or supporting the following ac-

tivities at a nuclear weapons production fac-

(facility or a national laboratory:

'(A) The Los Alamos National Labora-

tory, Los Alamos, New Mexico.

'(B) The Lawrence Livermore National Labora-

tory, Livermore, California.

'(C) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.


'(E) The Nevada Test Site, Las Vegas, Nevada.

(F) The Pantex Plant, Amarillo, Texas.

'(G) The Y–12 Plant, Oak Ridge, Ten-

neseee.

'(H) The tritium operations facilities at the Savannah River Site, Aiken, South Carolina.

'(I) The Nevada Test Site, Nevada.

'(J) The term "national laboratory" means any of the following laboratories:

'(A) The Lawrence Livermore National Laboratory, Livermore, California.

'(B) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

'(C) The Los Alamos National Laboratory, Los Alamos, New Mexico.

'(D) The Savannah River Site, Aiken, South Carolina.


'(F) The Savannah River Operations Office, Savannah, South Carolina.


'(H) The Savannah River Operations Office, Savannah, South Carolina.

'(I) The Savannah River Operations Office, Savannah, South Carolina.


'(K) The Savannah River Operations Office, Savannah, South Carolina.

'(L) The Savannah River Operations Office, Savannah, South Carolina.

'(M) The Savannah River Operations Office, Savannah, South Carolina.


'(O) The Savannah River Operations Office, Savannah, South Carolina.

'(P) The Savannah River Operations Office, Savannah, South Carolina.

'(Q) The Savannah River Operations Office, Savannah, South Carolina.

'(R) The Savannah River Operations Office, Savannah, South Carolina.

'(S) The Savannah River Operations Office, Savannah, South Carolina.

'(T) The Savannah River Operations Office, Savannah, South Carolina.


'(V) The Savannah River Operations Office, Savannah, South Carolina.


'(X) The Savannah River Operations Office, Savannah, South Carolina.


'(Z) The Savannah River Operations Office, Savannah, South Carolina.

The term "specified operations office" means any of the following operations offices of the Department of Energy:

'(A) Albuquerque Operations Office, Albu-

que, New Mexico.

'(B) Oak Ridge Operations Office, Oak

(Ridge, Tennessee.

'(C) Oakland Operations Office, Oakland,

California.

'(D) Savannah River Operations Office, Nevada

Test Site, Las Vegas, Nevada.

'(E) Savannah River Operations Office, Savannah

Site, Aiken, South Carolina.

'(F) Savannah River Operations Office, Savannah

Site, Aiken, South Carolina.

'(G) Savannah River Operations Office, Savannah

Site, Aiken, South Carolina.

'(H) Savannah River Operations Office, Savannah

Site, Aiken, South Carolina.

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Site, Aiken, South Carolina.

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Site, Aiken, South Carolina.

'(N) Savannah River Operations Office, Savannah

Site, Aiken, South Carolina.

'(O) Savannah River Operations Office, Savannah

Site, Aiken, South Carolina.

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Site, Aiken, South Carolina.

'(U) Savannah River Operations Office, Savannah

Site, Aiken, South Carolina.

'(V) Savannah River Operations Office, Savannah

Site, Aiken, South Carolina.

'(W) Savannah River Operations Office, Savannah

Site, Aiken, South Carolina.

'(X) Savannah River Operations Office, Savannah

Site, Aiken, South Carolina.

'(Y) Savannah River Operations Office, Savannah

Site, Aiken, South Carolina.

'(Z) Savannah River Operations Office, Savannah

Site, Aiken, South Carolina.

I am certainly not trying to object, but it is a very large unknown quantity since we have not seen the amendment. Mr. KYL. Mr. President, I ask unanimous consent that the 30 minutes Senator WARNER asked for begin at this time.

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

The Senator from Arizona. Mr. KYL. Thank you.

Mr. President, let me briefly describe the purpose of this amendment. I will acknowledge right up front that Senator DOMENICI, from New Mexico, has been a primary motivating factor in addressing this subject, based upon his expertise with our National Laboratories and his concerns about national security. A lot of folks sat down to try to determine what the best course of action would be to take steps to ensure the security of our National Laboratories. Certainly, Senator DOMENICI is the person one would first turn to for that kind of consideration.

Next, Senator MURkowski, the chair-
man of the Energy Committee, would be the first person one who has jurisdiction and who has held hearings and who has a great deal to offer with respect to the organiza-
tion of the Department of Energy, in particular the weapons programs, so we can ensure that we have security over those programs.

Naturally, Senator SHELBY, the chairman of the Intelligence Committee, has also had his input into this amendment, as have others.

Mr. KYL. Mr. President, I express my gratitude to Senator GRAHAM for per-
mitting us to take this next half hour to at least lay this down to begin set-
ting the framework for the discussion. Mr. BINGAMAN. Would the Senator yield for a procedural question?

Mr. KYL. Yes, I hope this will not come out of the 30 minutes.

Mr. BINGAMAN. Did not intending to take long. I just ask, since we have no time allotted during this time, will the sponsors be available later in the afternoon to answer questions about the amendment, because we have not seen the amendment.

Mr. KYL. Mr. President, absolutely.

We will be pleased to answer any and all questions and discuss this at whatever length the Senator would like to discuss it.

Mr. BINGAMAN. Thank you.

Mr. WARNER. If the Senator will yield for a moment, it was the decision of the manager of the bill that the im-
portance of this amendment was such that the sooner it was shared on both sides of the aisle the better, because this is an important amendment. We are making progress towards completing this bill by the hour of 5 o'clock. This is simply the one unknown quantity that we have to assess. This procedure, in my judgment, en-
tables the Senate to get an assessment of the probability of the resolution of this amendment.

Mr. BINGAMAN. Mr. President, I thank the manager for that statement.

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come back to that. But that office has been identified in the defense authorization bill. We simply flush out the provisions of that office in that bill and ensure that that officer will have total authority here to deal with issues of counterintelligence at our National Laboratories.

Then the second part of this amendment is to address the longstanding management problems of the Department of Energy, especially relating to the nuclear weapons complex and reorganizing the Department of Energy in such a way that there is a very clear line of authority over the nuclear weapons programs, with a person at the top of that, an administrator, who has the responsibility over all of these nuclear programs, and nothing else, within the Department. And, by the same token, nobody else in the Department, except those who are senior to him, including the Secretary of the Department of Energy, would have any authority over his programs.

In effect, what we are replacing in the Department of Energy is a situation in which all of the rules and regulations and management policies, and everything else that applies to everybody within the Department—including the weapons complex—have created a situation in which, literally, they have not been able to focus on the management of the nuclear weapons complexes, especially with regard to security.

So what this amendment does—in the intelligence community terminology—is to create a "stovepipe" within the Department of Energy. At the top, of course, is the Secretary of Energy. Below him is a person with the rank of Assistant Secretary, called the "administrator," who would, within that stovepipe, have the total authority to operate the Department of Energy weapons programs, including the security functions of those programs.

He would be doing this, of course, in coordination with the office that would be created by the language put in the bill by the Armed Services Committee relating to counterintelligence, with the FBI presence here, and the two of them would coordinate the national security portions of this program.

In this way, we have people within the Department of Energy responsible for all kinds of other things. Somebody talked about refrigerator standards and powerplant issues and all of the rest of it. Those people would not have anything to do with this. This group would not have anything to do with them. This would be a discrete function within the Department that would have nothing to do except manage our nuclear weapons programs, including, first and foremost, the security of those programs.

We will have much more to say about the details of this after a bit. Certainly Senator Domenici can go into many of the reasons he has helped to craft this in the way that organizationally it will work.

Let me just make two concluding points.

First of all, I do not think we can emphasize enough the need to do something about security at the Laboratories now. There have been concerns that has been raised about the amendment we have offered here is that it is premature, that we should hold hearings, and we should take a long time so we can "do this right."

We have since 1995. And this administration has not done it right. It is time for the Senate to get involved in this issue and begin the debate by putting this amendment out there. We will have plenty of time to deal with this before this bill ever goes to the President. I am sure he will have time to do this right.

This is our approach to the best management for this weapons program. We believe that to delay anymore is to engage in the same obfuscation and delay and, frankly, dereliction of duty that has characterized this administration's approach to national security at our Nation's Laboratories, our nuclear weapons programs. We can't delay any longer.

If I were to go home over this Memorial Day recess, the first thing my constituents would talk to me about is, what about this Chinese espionage? What about security at the Laboratories? If I say to them, well, we were in such a hurry to get this Department of Defense authorization bill done that we didn't really do anything about security at our Nation's Laboratories, we are going to take our time and do that later, I think I would be pilloried, and so would all the rest of my colleagues. Our constituents are used to act with alacrity. I don't see how we can complain about the Department of Energy and about the administration taking their sweet time to deal with this problem if we don't address it up front and right now.

The second point I make in closing is, with regard to a previous draft of this legislation, the Secretary of Energy is indicating that he doesn't approve of everything in here and might even recommend a veto of the legislation. I think it is done that he is done hearing the debate and conferring with us and reading the actual language of the amendment, he will be willing to cooperate with us rather than threaten vetoes. We need to work together on this.

I commend Secretary Richardson because from the time he has come in, he has tried to do the job of making reforms at the Department of Energy. But it will not do to say that he is the only one who has any ideas that could work here and for the Congress to but out, thank you.

The Congress has held numerous hearings, both in the House and the Senate. We have a lot of good ideas. Frankly, this management proposal, which has gone through a great deal of thought and concern about how to provide security at our National Laboratories, is going to be part of that reorganization. I know my colleagues and I look forward to working with the Secretary of Energy to make this work.

As I conclude, might I ask how much time we have remaining?

The PRESIDING OFFICER. Twenty-one minutes remaining.

Mr. KYL. Within 1 minute, I will close. I will come back with more discussion of the rationale for the specific changes we have made in here.

I close by saying this: The only way we are going to be able to guarantee security for the nuclear programs at our National Laboratories in the future is to replace the stovepipe, have the total focus, full responsibility over those programs in the Department of Energy, responsible for nothing else, and nobody else in the Department responsible for those programs. This person should be able to report directly to the Secretary of Energy and to the President of the United States, which is what our amendment calls for. Finally, he should be able to work very closely with the Office of Counterintelligence established in the other part of this bill.

That is the essence of what this does. It detracts nothing from what Secretary Richardson is trying to do. As a matter of fact, it fits very nicely with what the Secretary is trying to do. I believe that, working together, we can provide security at our Nation's Laboratories and, therefore, security for the people of the United States.

I thank the Chair, and I yield to Senator Domenici from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I wonder if the Chair will advise me when I have used 10 minutes so there will be 10 minutes remaining for Senator Murkowski.

The PRESIDING OFFICER. The Chair will be more than happy to do that.

Mr. DOMENICI. Mr. President, I note the presence on the floor of my distinguished colleague from New Mexico, Senator Bingaman. He can rest assured that we intend to answer any questions he might have, debate any amendments he might have, and do this in a way that all of us can feel is right.

Nobody was more saddened than this distinguished colleague from New Mexico, Senator Bingaman. He can rest assured that we intend to answer any questions he might have, debate any amendments he might have, and do this in a way that all of us can feel is right.

Nobody was more saddened than this Senator when the Cox report was issued and when many of the facts broke in the New York Times and other newspapers about a Chinese espionage effort.

I have been working with those Labs for a long time. I believe we are very fortunate as a people to have these National Laboratories in our midst. Looking at the science they practice, the technology they develop, and the way
they have protected and preserved our nuclear options during a long cold war, with a formidable opponent in America and another one of making nuclear weapons but is nonetheless formidable both in capacity and number, we are very fortunate that up until this time in history, with a few times when it wasn’t true, almost without limit the very best scientists in America cherished working at one of these three great Labs and at the defense portion of the Lab in Tennessee at Oak Ridge. Great scientists, great Nobel laureates serving America well.

The problem now is, it has become obvious that for a long time, with the biggest emphasis here in the last 3 or 4 years, the Chinese, the People’s Republic of China, and their spies and cohorts have engaged in a solid effort on many matters that we are not going to do anything about as they could from these Laboratories. We now know there is a high probability that they have succeeded and that our children in the future will have a much more formidable Communist Chinese leadership confronting the world with a much more formidable set of rockets, delivery systems, and nuclear weapons.

All of their sabotage did not occur, all of their efforts to spy did not occur, at just the Laboratories. They have had a concerted effort across our land. But there is an adage that says, if it ain’t broke, don’t fix it. The counter one to that is, if it is broke, fix it. Frankly, before the day is out, as I attempt to answer questions about this approach, I will read to the Senate reams of reports, many of which have occurred in the last 4 or 5 years, telling us that we must change the way we manage the nuclear defense part of the Department of Energy. Now we have a reason to do it and a reason to get on with that business.

Frankly, I have struggled mightily to try to figure out what is the best approach under these circumstances. I am firmly convinced that with the assault on the Laboratories and our scientists that is coming from the Congress and coming from across this land, we had better take a giant step right now to move in the right direction and to assure people and assure the Laboratories and the American public that we have the management apparatus is done efficiently and appropriately.

Once again, I say to the Senators on the other side of the aisle, including my friend Senator BINGAMAN, and the Secretary of Energy, as it obviously, is working hard to defeat this amendment, we ought not to defeat this amendment. If you have some constructive changes, let’s get them before us. We ought to send to that conference at least some thing that is much more formidable and apt to do the job than we have done in this bill, because we are apt to find some very serious suggestions coming from the House.

If this bill goes there with no serious changes in the Department of Energy, they are apt to be changed by the House. We ought to have our input, and I am very proud that every chairman of every committee on our side of the aisle who will have anything to do with this in the future do it. If they adopt this amendment—the Intelligence Committee chairman, the Energy and Natural Resources chairman, Government Operations, and I am the Senator who appropriates the money. We are all on board and asking that we take the step in the direction of real reform and that we can go home saying this defense bill, when it finally comes out, may indeed start us down a path that not only the Chinese, but nobody will be able to breach the security the way they have in the past.

Now, from my standpoint, there is not going to be a perfect structure ever designed for the nuclear deterrent work, nuclear weapons work, of the Department of Energy. It is complicated, it is complex. That Department is complicated and complex, and there is nothing within that Department more important than this. I have been listening, as people have ideas about what ought to happen, and I am worried about some of those ideas. I am not worried about this idea.

I am not worried about this idea; this idea will work. What I am worried about are ideas that are talking about putting these Laboratories in the Department of Defense, which started from Harry Truman on down that it was something we thought we should not do as a Nation. I am worried when this bill goes to conference and, in the heat of all this, we will do something we should not do. If they adopt this amendment, I would feel very comfortable, as a Senator, with these Laboratories. I have probably worked longer and harder on these issues than any Senator around, and I would be very comfortable that we are starting down a path to make it work and yet keep alive that enormous prestige and scientific prowess that has served us so well.

Before the afternoon is finished, we shall have more remarks. I yield the remainder of my time to the chairman of the Energy and Natural Resources Committee and thank him for his efforts in this regard.
The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. SORDERSEN. Mr. President, I thank the Senator who introduced me from New Mexico. I rise to join with Senators BYRUM, DOMENICI, and SHELBY to offer an amendment which I feel confident creates accountability in the Department of Energy for protecting our country’s national security information.

Mr. President, it is clear that the Department of Energy’s chief of intelligence, Notra Trulock, was ringing alarm bells starting back in 1995, it simply seems that nobody was listening. Today, we find that nobody is accountable.

We propose a change to the structure of the system simply didn’t work. For Mr. Trulock to get approval to brief senior officials, he had to go through more junior officials. He could not brief the Congress without approval. He didn’t have access to the executive branch. What the amendment that is pending creates is real accountability—accountability at DOE, accountability for the President, and accountability for Congress. It puts into law an Office of Counterintelligence and mandates that the Director report to the Secretary, the President, and the Congress, any actual or potential threat to or loss of national security information.

We have seen a situation where the individual responsible simply didn’t have the capability to get the message through the process—to any of the four Secretaries of Energy whom we could identify for the record.

We must require a report once a year to the Congress regarding the adequacy of the Department of Energy’s procedures and policies for protecting national security information, and whether each Department of Energy Lab is in full compliance with all Department of Energy security requirements. The National Labs clearly had different security arrangements previously.

The amendment also would prohibit any officer or employee of any other Federal agency from interfering with the Director’s reporting. No interference, Mr. President.

Secretary Richardson has introduced several initiatives aimed at correcting the security problems at the Labs. I commend him for his efforts. I welcome the Secretary’s initiative, energy, and enthusiasm, but without a legislative overhaul, I doubt his ability to change the mindset at the Department of Energy which has plagued every other reform initiative.

It is kind of interesting to go back and look at the attempted reforms. Victor Rezendes, a director of the GAO, who has closely followed security initiatives at the Labs, made the following observation:

"DOE has pledged to take corrective action, but the implementation has not been successful."

A former head of security at Rocky Flats weapons plant, David Ridenour, was more blunt. He was quoted in USA Today on March 19:

"It’s all the same people and I think they’ll continue to fail back into old ways. If there’s a problem, classify it, hide it and get rid of the people who brought it up."

Recall the so-called Curtis plan, which was put forth by Deputy Secretary Curtis. A good plan, but after Mr. Curtis left the Department, it was either disregarded or forgotten. It was so quickly forgotten, as a matter of fact, that Mr. Curtis’ successor as Deputy Secretary wasn’t even informed of its existence. There is no excuse for that.

The New York Times reported that a November 1998 counterintelligence report contained some shocking warnings, including, that foreign spies “rightly view the Department of Energy as an inviting, diverse and soft target that is easy to access and that employees are willing to share information.”

So change is necessary. I think creating this new line of responsibility will help change the mindset at the Department of Energy. The amendment puts the DOE on the road to accountability by creating under the law an Office of Counterintelligence, an Office of Intelligence, and a Nuclear Security Administration.

More legislation, obviously, is going to be needed. We simply don’t have all of the answers now. But the Cox report fills in some of the shocking details. After months of investigation, they have revealed frightening information about the true ineptness of the espionage investigation.

I understand that the Secretary of Energy opposes this amendment. I am sorry to hear that. I gather he sent a letter up here indicating that he will recommend that the President veto the bill because Congress is taking action to fix the problem. But what does he want Congress to do? Wait to take action until U.S.-designed nuclear weapons are launched at U.S. cities?

The problem is precisely that serious. After what we have learned about security failures at the Department of Energy, I dare—I dare—the President to veto this legislation.

It is time for action, and that is what we are talking about with this amendment.

If one looks at where we are today, I am stricken by three revelations.

First, we have in the Cox report stunning information about a compromise of our national security that was self-inflicted. We can blame the Chinese for spying. But this happened as a consequence of our own failure to maintain adequate security in the Laboratory. Security of the most important Laboratories has been marginal at best.

We find that U.S. companies—Loral and Hughes—allowed their commercial interests to override our national security interests. We gave the Chinese a roadmap on how to shoot their missiles straight and how to arm those missiles with nuclear weapons. Aimed at whom? Well, that is another concern.

Second, how much of this happened on President Clinton’s watch?

Third, the balance of power in the Asia-Pacific region could be affected by the information they have obtained.

Based on these findings, I believe now is the time for Congress to demand accountability. It’s time for the President to be held accountable. Congress should also subpoena the Attorney General. We need to hear from the President and the Attorney General. The Administration should also hold hearings. At another time I want to delve into what was done. I want to hear from the Director Freeh why he created the so-called “misinformation” on Wen Ho Lee’s signed waiver of consent to access his computer.

Sandy Berger should testify. He might require a subpoena. So be it. The President referred to the testimony of Mr. Berger was briefed in April of 1996 and July of 1997. Berger should be forced to testify as to what precisely he told the President and when.

Congress should also subpoena the written summary of the Cox report to President Clinton, which the President received in January of 1999.

Let us judge whether the President was being forthcoming in his March 1999 statement when he said:

“To the best of my knowledge, no one has said anything to me about any espionage which occurred by the Chinese against the laboratories during my presidency.

What did the Vice President know? When did he know it?

The Vice President told the American people on March 10:

Please keep in mind that the [alleged espionage] happened during the previous administration.

Now the Vice President is rather silent. What was he told by his National Security Adviser, Leon Panetta, who was briefed in 1995 and 1996?

I have held six Energy Committee hearings. At another time I want to detail what I have learned from those
hearings. But let me summarize very briefly.

Our Laboratories have not and still are not totally prepared to protect our Nation's nuclear secrets.

The DOE put our national security at risk by not searching Wen Ho Lee's computer in 1996 in spite of information about Chinese targeting of lab computers.

The FBI investigation was bureaucratic bungling. The right hand never knew what the left hand was doing. Before killing the waiver, we have learned that on March 22, 1995, the Los Alamos Lab issued a policy to all employees, including Wen Ho Lee, stating that "the laboratory or Federal Government may without notice audit or access any user's computer."

On April 19, 1995, Wen Ho Lee signed a waiver at the DOE Lab to allow his computer to be accessed. This is the actual copy of the waiver that Wen Ho Lee signed in the Los Alamos Lab director, the DOE attorney, the DOE director of counterintelligence. All agreed that Lee's computer could be searched because of these waivers.

Why wasn't his computer searched and the loss of our nuclear secrets prevented? Because the FBI claimed that the DOE told them there was no waiver. The FBI then assumed that they needed a waiver.

Here is how the Los Alamos Lab director summed it up.

The FBI and the Department of Justice decided they should seek court approval before accessing the subject's (Lee's) computer. The Laboratory's policy seems clear to be sufficient for FBI access, but the legal framework affecting the FBI's actions, as viewed by them, apparently prevented this.

What is the result? Lee's computer could have been searched but instead was not searched for 3 long years. Yet there was a waiver. This waiver was there the entire time, and the FBI didn't know it.

And then there was DOJ's role: DOJ thwarted investigation by refusing to approve FISA warrants—not once, not twice, but three times! Still have not heard a reasonable explanation.

What's frightening, as well as frustrating, is that no one put our national security as a priority. FBI and DOJ more concerned about jumping through unnecessary legal hoops than about preventing one of the most catastrophic losses in history.

The events involved throughout the Lee case are not only irresponsible—they're unconscionable.

That is why we must have this security change. This is why this amendment must prevail.

Mr. President, I ask unanimous consent that the "Rules of Use" which Wen Ho Lee signed be printed in the Record.

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

RULES OF USE

X-DIVISION OPEN LOCAL AREA NETWORK

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

Passwords. User passwords are assigned by the X-Division Computing Services (XCS) Team. Exceptions may only be granted by the CISO. Users may not use their unclassified (C) password. Passwords must be changed each year in cooperation with an Open LAN Computer Security Officer or network administrator. Passwords will not be given out or shared with any other person. Users may not change their passwords. Users will protect passwords according to Laboratory requirements.

Classified Computing. No classified information or computing is allowed on the X-Division Open LAN.

User Responsibilities. Users are responsible for:

Ensuring that information, especially sensitive information, is properly protected.

Restricting access to their workstation or terminal where they are attended.

The workstation or terminal should be set to a state where a user password is required to gain access (e.g., lockscreen software) or the office door is locked.

Using the X-Division Open LAN only for official business purposes.

Properly reporting, protecting, accounting for, and disposing of their computer output containing sensitive unclassified information. See X-Division Guidance on Computers, available from the XCS Team, for more information.

Properly labeling and logging of all recording media, including local storage devices. See X-Division Guidance on Computers for more information.

Installing and using virus control programs, if applicable to their system.

Reporting security-related anomalies or concerns to the X-Division Computer Security Officers.

Promptly reporting changes in the location, ownership, or authorization of their workstation to the X-Division Computing Services Team.

Promptly registering all computer systems (open, classified, standalone, networked, and portable) with the X-Division Computing Services Team to comply with DOE and Laboratory orders.

Posting their Rules of Use and workstation information addendum next to their workstations.

User Restrictions. Users are not permitted to:

Use a workstation or terminal to simultaneously access resources in different security partitions. Workstations which move between different security partitions must be sanitized according to the X-Division Computer Sanitization Policy which must be posted next to such workstations.

Install or modify software which has an adverse effect on the security of the LAN.

Add other users or systems without the prior approval of an X-Division Computer Security Officer.

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

Signed: Wen Ho Lee.

Date: April 19, 1996.

Mr. MURKOWSKI. I thank my friend, the floor manager, for the time.

I wish the President a good day.

Mr. WARNER. Mr. President, we have negotiated the amendment of the Senator from Florida. I ask unanimous consent to speak for 2 minutes on this amendment prior to going to the amendment of the Senator from Florida.

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

Mr. WARNER. Mr. President, I strongly support this amendment. I view it as an augmentation of what we have in the defense bill. I understand my colleague from New Mexico addressed the defense bill. I ask the question of my colleague from Alaska. The provision in the defense bill is a direct product of the working group assembled by the majority leader, Senator LOTT. I am not entirely sure what Senator DOMENICI said about the provisions of the defense bill. But the Senator from Alaska incorporated a portion of that in his bill. So there is some redundancy. But I look upon the two as joining forces and, indeed, putting forth what is essential at this point in time.

Does the Senator share that view?

Mr. MURKOWSKI. I share that view with the senior Senator from Virginia. It is my understanding that the leader is still prepared to go ahead with his amendment known as the Lott amendment.

Mr. WARNER. Mr. President, I wish to advise my colleague that the amendment has been agreed to and is in the bill now.

Mr. MURKOWSKI. Good.

Mr. WARNER. There are really three components: One, the Armed Services' position; Leader LOTT's position; and the position recited by the three Senators who are sponsors of this amendment. But it all comes together as a very strong package. I hope it will be accepted on the other side.

I yield the floor.

Mr. President, I hope that Senators SHELBY and ROBERT KERREY are aware that this amendment is now up, and they have 15 minutes under their joint control reserved.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Thank you, Mr. President.

AMENDMENT NO. 447

(Purpose: To establish a commission on the counterintelligence capabilities of the United States)

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

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:
The Senator from Florida (Mr. Graham) proposes an amendment numbered 474.

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

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

(\text{The text of the amendment is printed in today's Record under \textquote{Amendments Submitted.}})

PRIVILEGE OF THE FLOOR

Mr. Graham. Mr. President, I also ask unanimous consent that Sandi Dittig of our staff be allowed on the floor for the duration of the debate on the Department of Defense authorization bill.

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

Mr. Graham. Mr. President, thank you.

Mr. President, I have presented the Senate with an amendment to the Defense Department authorization bill. The amendment would establish a national commission to conduct an in-depth assessment of our Government's counterintelligence policies and practices.

Mr. President, I also ask unanimous consent that the amendment be dispensed with.

Mr. Graham. Mr. President, I also ask unanimous consent that the amendment be dispensed with.

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

(See Exhibit 1.)

CONGRESSIONAL RECORD— SENATE 1175

Mr. Graham. Mr. President, as members of the Congress, we need to address our responsibility and accept the inevitable fact that counterintelligence is one of the most crucial and important issues facing our Nation today.

The threat goes beyond the traditional security parameters of guns, gates, and guards at the Department of Energy. We must include in the jurisdiction of the Department against threats of the disclosure of such information, processes, and activities.

In the same bill where we are establishing a commission to review those issues of process, we are now about to adopt an amendment which countermands this commission by making a decision based on 30 minutes of floor debate for answers to provide greater security at the Department of Energy.

I suggest these proposals have not received the thought and consideration which they merit. A review that is overdue.

A review that would address a number of issues: What is the nature of the counterintelligence threat? The nature of the threat goes far beyond China and it goes far beyond our Department of Energy National Laboratories. For example, there are 24 countries on the Department of Energy's sensitive country list. Those countries include those that we would expect to be on such a list—China, Cuba, Iran, Iraq—but the list also includes India, Israel, and Taiwan—countries I suspect, many Americans would be surprised to find on that list.

Another example of the threat relates to the missile programs in India, Pakistan, and North Korea. To what extent have their programs benefited from American technology and how gleaned from our Labs or other high-tech institutions? What leads us to believe that our only vulnerability is from China?

The threat goes beyond the traditional security parameters of guns, gates, and guards at the Department of Energy. We must include an in-depth look across the government and at the new areas of security vulnerability, and their adequacy, the adequacy of current investigative techniques and, last but not least, attempt to determine whether our counterintelligence capability can coexist with important work carried out by our National Laboratories and other important technological institutions.

It is important that we consider counterintelligence problems and possible solutions in some perspective. There is no doubt that counterintelligence deficiencies at the Department of Energy are longstanding. They have been excruciatingly well documented over a long period of time. We should have addressed these issues years ago. But as serious as our counterintelligence weaknesses are at the Department of Energy and at our National Laboratories, effective focus on counterintelligence issues must take into account many other agencies of the government.

It must do this if we are to construct a comprehensive and effective counterintelligence response.

These agencies, of course, include those belonging to the intelligence community, but also must include agencies such as NASA, whose vulnerability I have just outlined, and the Department of Commerce, which has had the responsibility for reviewing highly technical decisions on whether it is appropriate to license for export particular dual-use machinery that might serve a military purpose.

These reviews of agencies like NASA and the Department of Commerce have not been viewed in the past as warranting the degree of counterintelligence focus which I believe they deserve. For those who argue that we can't wait for the commission, that we must act today, I point out that the immediate counterintelligence issues facing our Department of Energy National Labs are being addressed.
According to Ed Curran, a highly respected 37-year FBI veteran who now heads the Defense-Intelligence Energy's Counterintelligence Office, 75 to 80 percent of the Tier One recommendations resulting from a 1998 FBI evaluation of Lab counterintelligence are now in place. The remainder will be in place within 7 months. These are important steps that will go a long way in the short term to protect the work going on at the Labs.

In the heat of the moment, numerous recommendations are being put forward to improve counterintelligence at the Department of Energy. Some of them may be useful. Others, such as placing counterintelligence at the Labs under the FBI's control, may not be. All recommendations deserve careful, objective, and dispassionate attention. I believe that the time has come to proceed. I am convinced if we reach a consensus as Americans on the best way to proceed. I am convinced that this amendment would establish would be the appropriate place to begin such a comprehensive reexamination.

I suggest that we draw a collective breath, that we step back, that we take a serious, indepth look at this very complex problem and that we reach a consensus as Americans on the best way to proceed. I am convinced if we force solutions and force them beyond the way to proceed. I am convinced that the time has come to proceed. I am convinced if we reach a consensus as Americans on the best way to proceed. I am convinced that this amendment would establish would be the appropriate place to begin such a comprehensive reexamination.

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have examined. Indeed, one of the people we asked to do an evaluation of the damage, Admiral Jeremiah, has said in the past that he has told us it is terribly important that we do a net assessment; we try to establish what the gains were, what the losses were, before we move on.

I am just not persuaded, I say to my friend from Florida, that this commission he is proposing—that would be essentially similar to the Brown-Aspin Commission; I think it is modeled after that commission—is the right way to do it.

I propose as an alternative, No. 1, the Senate Select Committee on Intelligence try to come up with a scope of study similar to the Jeremiah study, try to put it in the intelligence authorization bill, but, in other words, challenge Mr. Teller to do something different from what he did with Admiral Jeremiah. He started to do a damage assessment for us.

I think much more needs to be done before the Congress knows for certain, A, what the damage was and B, for certain what exactly it is we ought to do.

I know the majority leader has, and I am cosponsoring with him, some changes he is recommending that we will be recommending to be made. But these are pretty limited. Many of these things can be done administratively. They really are just based upon what we know right now. So, while I find myself unpersuaded by this amendment—although maybe with a little bit more time I could have been persuaded—I am not persuaded we need a commission of this kind. I am persuaded we do need further examination, in fact a more thorough examination, than done to date.

The damage has been done. So we make certain in our response to this story of espionage and story of lax security, not just at the Labs but in monitoring and watching the satellites that were being launched in the Chinese Long March program, and the whole export regime we have established to make certain we do not export things that are then used against us in some fashion, that we do not presume. In short, that we know everything that happened and we do not take action that could make the problem worse.

I believe what the Senator from Florida is suggesting to us is right on target. We have to be very careful that we do not rush to judgment and do things that will make things worse. So I recommend an alternative that I think will enable us to accomplish the same objective.

Again, I have great respect for the Senator from Florida and what he is trying to do. I think I vote with him 9 out of 10 times and do not like to be in a position where I am opposing his amendment.

Mr. GRAHAM. Will the Senator from Nebraska yield for a question?

Mr. KERREY. It depends on the question.

Mr. GRAHAM. One of the principal purposes of this commission starts with a recognition that our counterintelligence problems, or vulnerabilities, are not limited to Chinese penetration and are not limited to Department of Energy Laboratories. In fact, I have quoted from a study by the General Accounting Office that is less than 10 days old about a major potential penetration in NASA of its computer systems.

The question: "Would the Senator agree that whatever form Congress took to look at this issue, in addition to being rational, prudent, thoughtful, that it should also be comprehensive, in terms of what is done in the Federal Government and the potential sources of efforts to penetrate those agencies?"

Mr. KERREY. I answer emphatically yes. It needs to be Governmentwide. Indeed, I would say to the Senator, as he no doubt knows, there is also vulnerability with contractors, current and former employees. There is a significant amount of vulnerability.

Let me point out in the case of the transfer of these designs that have been reported to the public, we are not 100 percent certain that they were transferred out of Los Alamos. That is the problem. This design was held by many other people other than Los Alamos. So that is one of the problems here. When you take this particular situation, if you are 100 percent certain it is Los Alamos, tighten up security at the Lab. If you are not 100 percent certain and we tighten up security in the Lab, we may be tightening up security in a place the problem.

So I think there is reason to believe the changes that have been suggested thus far will not damage us. But I think what the Senator is saying is exactly right. It needs to be Governmentwide. It needs to look at the contractors.

Another thing I think needs to be considered, there was an op-ed piece written by Edward Teller, published in the New York Times. Mr. Teller can best be described as somebody whose lifetime project was the task of making certain the United States of America has a robust nuclear deterrent and that nuclear deterrent was adequate to protect the people of the United States of America and our interests.

Mr. Teller says, and I agree with him, by the way, by the time you put all other security measures in place, the most important deterrent against losing our technological superiority is not defensive measures but making certain we allocate enough for research and development and we keep the pointy edge of our technological spear sharp. So long as we continue in research and development, not just in design but construction and deployment, Mr. Teller is saying you decrease the possibility that this happened or some other transfers—in some cases transfers you do not even think about—will do damage to the security of the United States of America.

Mr. GRAHAM. Mr. President, will the Senator from Nebraska yield for another question?

Mr. KERREY. Yes.

Mr. GRAHAM. The Senator's last point about trade-offs highlights the fact that we risk making our nation less secure if we are not careful with our solutions. We could potentially be lured into doing what Hitler did in the 1930s and 1940s; that is, prevent intelligent and capable people from participating in our nation's government and our security.

So we do not want, as some have suggested, ethnic standards determining who will have an opportunity to access our laboratories. In my judgement, security should be based on the individual who is involved, not on that individual's membership in a larger ethnic group. The danger of denying our nation a pool of talent due to ethnic stereotyping illustrates the complexity of this issue.

Would the Senator agree also that in order to sort through all of those complexities—

The PRESIDING OFFICER. The 7 1/2 minutes of the Senator is up.

Mr. GRAHAM. Since I don't think Senator SHELBY has arrived—

Mr. KERREY. He is here.

Mr. GRAHAM. I ask unanimous consent to complete my question and give Senator KERR 2 minutes to respond.

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

Mr. GRAHAM. Does the Senator agree that in order to sort through these complexities, we would need a group of Americans who can look at this both from a strategic perspective as well as from the technical competencies of what is required to do appropriate counterintelligence protective processes and methods?

Mr. KERREY. Yes, I do. I have to answer the first part of the Senator's question, no. I do not think we are in any danger of following Adolf Hitler's example, but I do think we need to be careful that in an effort to restrict who gets to know things we do not create an additional security problem.

We have had many examples, as we try to figure out what goes wrong with a national security decision, especially intelligence, where we discover that the problem was Jim knew it; Mary didn't know it. Neither one of them had a right or need to know what each other was doing. As a consequence of them simply walking from one cubicle to the other talking, a mistake is made.
We have to be very careful in exercising our judgment in what ought to be done in tightening things that we do not already do, and not create additional security problems.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, how much time do I have? The PRESIDING OFFICER. The Senator has 7½ minutes.

Mr. SHELBY. Mr. President, I oppose the Graham amendment as the chairman of the Senate Intelligence Committee. We should, as an institution, oppose all efforts to devolve the authority and the responsibility of any congressional committee to an outside group, such as this commission, when there is no compelling reason to do so, and there is certainly no compelling reason to do so in this instance at this time.

As my colleagues probably know, the Intelligence Committee is already aware of the state of our counterintelligence capabilities, I have worked very closely as the vice chairman, Senator KERRY, and other Members on both sides of the aisle, in dealing with our counterintelligence capabilities because we are engaged in the committee now in an ongoing legislative oversight of the intelligence community’s approach to counterintelligence activities and espionage investigations. That is an ongoing, very much alive investigation.

We have a tremendous staff, I believe—and I believe the Senator from Nebraska, the vice chairman, joins me in saying this—a very able staff on the Senate Intelligence Committee that is deeply involved in a bipartisan way in this investigation.

The committee has recommended, and will continue to recommend as our investigation unfolds, substantive changes in this area. We are working with the majority leader, with the minority leader, and their staffs in this regard.

I believe the Intelligence Committee is completely capable—and I believe the vice chairman has already indicated this—of addressing this relatively small but very, very critical area within the National Foreign Intelligence Program.

Most important, though, this legislation presumes the failure of congressional oversight, and that did not happen. It did not happen in this instance, and the Senator from Nebraska, who has just come back on the floor, was very involved as the vice chairman of this committee in pushing for more money for counterintelligence. That goes without saying.

The failure of congressional oversight, as far as the Intel Committee is concerned, did not happen. For nearly 10 years, the Intelligence Committee has repeatedly directed the intelligence community to improve its counterintelligence capabilities communitywide and specifically at the Department of Energy where our most precious and our most important Labs are located.

I believe this is really a case of the executive branch failing to heed congressional warnings, and I think we will see more and more of this as the investigation unfolds.

Finally, counterintelligence has been a specific priority of the Intelligence Committee in the Senate and will continue to be a high priority, as it should, as long as I am chairman and as long as I am involved.

This amendment ignores the past and ongoing work of the Intelligence Committee in the Senate. I urge my colleagues to oppose it.

The PRESIDING OFFICER. Who yields time?

Mrs. HUTCHISON addressed the Chair. The PRESIDING OFFICER. Time is under the control of the Senator from Alabama and the Senator from Florida.

Who yields time?

Mr. WARNER. Mr. President, we are trying to work this out right now. The Senator from Florida has authorized the managers to make a request on his behalf that this amendment be laid aside.

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

Mr. WARNER. Mr. President, I see the distinguished minority whip.

Mr. REID. Mr. President, this is a question—more of a statement—for the purpose of understanding the schedule for the rest of the day. I say at this time, so there are no surprises later on, as you know, there has been an amendment offered by the Senator from Arizona and the Senator from New Mexico which is pending. I want the body to know that this amendment is not satisfactory with the minority and with the administration.

The debate on this amendment is going to take a very, very long time. I want everyone to understand that. I have several hours of information that I need to explain to the body. Senator BINGAMAN and others wish to speak at length in this regard.

It is getting late in the day, and I did not want at 3 or 4 o’clock for people to ask: Why didn’t you tell us earlier? I have suggested to both managers of the bill that this amendment causes some problem over here, in addition to the fact the President said he will veto it. In short, I will not belabor the point other than to say I hope we can finish this bill, but this amendment is going to prevent us from doing so in an expeditious fashion.

Mr. DURBIN. Will the Senator yield?

Mr. REID. Yes, I yield.

Mr. DURBIN. I have not taken much time to debate. I admire the leadership of the Senators from Virginia and Michigan. But I have to concur with what the Senator from Nevada said. If we are going into this new debate topic about security at the Laboratories, we are going to have to give it an adequate amount of time, and that will be substantial. I hope the Senator understands and will advise his side of the aisle.

Mr. WARNER. Mr. President, I hear very clearly what our two colleagues have said. I believe that information was imparted to the three sponsors of the amendment earlier today. We will just have to await their response. At the moment, the Kyl-Domenici amendment is laid down. It is the pending business; am I not correct?

The PRESIDING OFFICER. It has been laid aside but it is still pending.

Mr. WARNER. I see other Senators anxious to speak to the Senate. I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan yield for a question by the Senator from Texas?

Mr. LEVIN. I would ask unanimous consent that the Senator from Texas be recognized, and then we return to the previous order. But before offering that suggestion, I ask the Senator what her amendment is.

Mrs. HUTCHISON. This is the amendment to ask for the report from the President on the foreign deployments with a report on where these deployments could be categorized as low priority and where there can be consolidation for reductions in troop commitments.

Mr. WARNER. Mr. President, might I inquire of the Senator—I am privileged to be a cosponsor of this important amendment. However, in the course of the last hour we have had a chance to make a suggestion to the Senator from Texas. Has she incorporated that suggestion?

Mrs. HUTCHISON. No. I say to the distinguished cosponsor of my amendment, I discussed that particular issue and was told that it would be put in an addendum that would be classified if there were any such missions that needed to be disclosed.

Mr. LEVIN. Mr. President, reserving the right to object, it is my understanding now from my staff—staffs have been working on this and are still working on it. I ask that the Senator withhold that until we can see whether or not that can be worked out, because my staff indicates that they were actually in the process of discussion, and we are not sure what version it is that the Senator is offering.

So I would not be able to agree to a change in our order unless we take a
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few minutes here to see if we can first work it out. Then I would assure the Senator that if it is not worked out—I know the good friend from Virginia would assure you as well—there would be an opportunity to offer the amendment.

Mrs. HUTCHISON. I would want to be assured from both the distinguished chairman and ranking member that if we go past the 2:30 unanimous consent deadline I would be allowed to offer my amendment if there is not an agreement.

Mr. WARNER. Mr. President, I assure my colleague that her amendment will be included in the 2:30 unanimous consent agreement. But I thought perhaps the Senator from Texas could address the general content of the amendment for a few minutes, and perhaps within that period we can work out a resolution.

I note the Senator from Alabama was anxious to speak to the Senate. I do not see him at the moment. He has an amendment which I think is going to be accepted. He wants to speak to it.

I yield the floor at this time.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I am in no need of speaking to my amendment until I am able to offer it.

Mr. WARNER. We ask that she withhold it, but will consider it to be within the deadline.

Mrs. HUTCHISON. As long as I am assured I will be able to offer it.

Mr. WARNER. Mr. President, I believe the managers are prepared to submit to the Chair a package of amendments.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENTS NO. 376, 386, 397, 398, 399, AND 403

Mr. LEVIN. Pursuant to the prior unanimous consent agreement, I now call up the following amendments at the desk:

The Kerrey amendment, No. 376; the two Sarbanes amendments, Nos. 386 and 387; two Harkin amendments, Nos. 398 and 399; and one Boxer amendment, No. 403.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for other Senators, proposes amendments numbered 376, 386, 387, 398, 399 and 403.

The amendments are as follows:

AMENDMENT NO. 376

(Purpose: To provide for a one-year delay in the demolition of certain naval radio transmitting (NRTF) towers at Naval Station, Annapolis, Maryland, to facilitate the transfer of such towers)

At the end of subtitle E of title XXVIII, add the following:

SEC. 524. MODIFICATION OF LAND CONVEYANCE AUTHORITY, FORMER NAVAL TRAINING CENTER, BAINBRIDGE, CECIL COUNTY, MARYLAND.

Section 1 of Public Law 99–596 (100 Stat. 3549) is amended—

(1) in subsection (a), by striking "subsections (b) through (f)" and inserting "subsections (b) through (e)";

(2) by striking subsection (b) and inserting the following new subsection:

"(b) CONSIDERATION.—(1) In the event of the transfer of property under subsection (a) to the State of Maryland, the transfer shall be with consideration or without consideration from the State of Maryland, at the election of the Secretary.

"(2) If the Secretary elects to receive consideration from the State of Maryland under paragraph (1), the Secretary may reduce the amount of consideration to be received from the State of Maryland under that paragraph by an amount equal to the cost, estimated as of the time of the transfer of the property under this section, of the restoration of the naval radio transmitting facilities at the property. The total amount of the reduction of consideration under this paragraph may not exceed $500,000.";

(3) by striking subsection (d); and

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(AMENDMENT NO. 398

(Purpose: To require the implementation of the Department of Defense supplemental nutrition program, and to offset the cost of implementing that program by striking the $18,000,000 provided for procurement of three executive (UC–35A) aircraft for the Navy)

In title VI, at the end of subtitle E, add the following:

SEC. 551. IMPROVEMENT OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

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

(b) FUNDING.—Subsection (b) of such section is amended to read as follows:

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

(c) PROGRAM ADMINISTRATION.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: "In the determination of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1766) shall be considered eligible for the duration of the certification period under that program.

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

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

"(4) The terms "costs for nutrition services and administration", "nutrition education" and "supplemental foods" have the meanings given the terms in paragraphs (4), (7), and (14), respectively, of section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1766(b))."

On page 17, line 6, reduce the amount by $18,000,000.

AMENDMENT NO. 399

(Purpose: To direct the Secretary of Defense to eliminate the backlog in satisfying requests for former members of the Armed Forces for the issuance or replacement of military medals and decorations)

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

SEC. 552. ELIMINATION OF BACKLOG IN REQUESTS FOR Replacement of MILITARY MEDALS AND OTHER DECORATIONS.

(a) SUFFICIENT RESOURCES REQUIRED.—The Secretary of Defense shall make available funds and other resources at the levels that are necessary for ensuring the elimination of the backlog of the unsatisfied requests made to the Department of Defense for the issuance or replacement of military decorations for former members of the Armed Forces. The organization to which the necessary funds and other resources are to be made available for that purpose are as follows:

(1) The Army Reserve Personnel Command.

(2) The Bureau of Naval Personnel.

(4) The National Archives and Records Administration.

(b) CONDITION.—The Secretary shall allocate funds and other resources under subsection (a) in a manner that does not detract from or reduce the performance of other personnel service and personnel support activities within the Department of Defense.

(c) REPORT.—Not later than 45 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of the backlog described in subsection (a). The report shall include plans for eliminating the backlog.

(d) REPLACEMENT DECORATION DEFINED.—For the purposes of this section, the term "replacement decoration" means a medal or other decoration that a former member of the Armed Forces was awarded by the United States for military service of the United States.

AMENDMENT NO. 401

(Purpose: To authorize transfers to allow for the establishment of additional national veterans cemeteries)

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

SEC. 101. TRANSFERS FOR THE ESTABLISHMENT OF ADDITIONAL NATIONAL VETERANS CEMETERIES.

(a) AUTHORITY.—Of the amounts appropriated for the Department of Defense for fiscal year 2000 pursuant to authorizations of appropriations in this Act, the Secretary of Defense shall transfer $100,000 to the Department of Veterans Affairs. The Secretary shall select the source of the funds for transfer under this subsection, and make the transfers in a manner that causes the least significant harm to the readiness of the Armed Forces, does not affect the increases in pay and other benefits for Armed Forces personal, and does not otherwise adversely affect the quality of life of such personnel and their families.

(b) USE OF AMOUNTS TRANSFERRED.—Funds transferred to the Department of Veterans Affairs under subsection (a) shall be made available to establish, in accordance with chapter 24 of title 38, United States Code, national cemeteries in areas in the United States that the Secretary of Veterans Affairs determines to be most in need of such cemeteries to serve the needs of veterans and their families.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The authority to make transfers under subsection (a) is in addition to the transfer authority provided in section 1001.

The PRESIDING OFFICER. Under the order the amendments will be set aside.

Mr. WARNER. Mr. President, I will just have to ask the indulgence of my colleague for a minute or two. I hope that can be achieved.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NO. 401 THROUGH 407

Mr. LEVIN. Mr. President, on behalf of Senator Reid, I send an amendment to the desk; on behalf of Senator Bryan, I send an amendment to the desk; on behalf of Senators Harkin and Boxer, I send an amendment to the desk; on behalf of Senator Leahy, I send an amendment to the desk; on behalf of Senator Conrad, I send three amendments to the desk; on behalf of Senator Lautenberg, I send two amendments to the desk; and on behalf of Senator Sarnazes, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. Levin], for other Senators, proposes amendments numbered 448 through 457.

The amendments are as follows:

AMENDMENT NO. 448

(Purpose: To designate the new hospital bed replacement building at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, in honor of Jack Streeter)

On page 387, below line 24, add the following:

SEC. 1006. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS HOSPITAL BED REPLACEMENT BUILDING IN RENO, NEVADA.

The hospital bed replacement building under construction at the Ioannis A. Lougaris Department of Veterans Affairs Medical Center in Reno, Nevada, is hereby designated as the "Jack Streeter Building".

Any reference to that building in any law, regulation, map, document, record, or other paper on the United States shall be considered to be a reference to the Jack Streeter Building.

AMENDMENT NO. 449

(Purpose: To authorize $11,600,000 for the Air Force for a military construction project at Nellis Air Force Base, Nevada (Project RKMFP9801491))

On page 416, in the table following line 13, insert after the item relating to Nellis Air Force Base, Nevada, the following new item:

<table>
<thead>
<tr>
<th>Nellis Air Force Base</th>
<th>$11,600,000</th>
</tr>
</thead>
</table>

On page 417, in the table preceding line 1, strike "$628,133,000" in the amount column of the item relating to the total and insert "$639,733,000".

On page 419, line 15, strike "$1,917,191,000" and insert "$1,928,791,000".

On page 419, line 19, strike "$628,133,000" and insert "$639,733,000".

On page 420, line 17, strike "$628,133,000" and insert "$639,733,000".

AMENDMENT NO. 450

(Purpose: To require the implementation of the Department of Defense special supplemental nutrition program, and to offset the cost of implementing that program by striking "$18,000,000" provided for procurement of three executive (UC–35A) aircraft for the Navy)

In title VI, at the end of subtitle E, add the following:

SEC. 676. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

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

(b) FUNDING.—Subsection (b) of such section is amended to read as follows:

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

(c) PROGRAM ADMINISTRATION.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: ‘‘In the determining of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) shall be considered eligible for the duration of the certification period under that program.’’.

(d) NUTRITIONAL RISK STANDARDS.—Subsection (c)(1)(B) of such section is amended by adding after ‘‘and income standards’’ after ‘‘income eligibility standards’’.

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

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

On page 17, line 6, reduce the amount by $18,000,000.

AMENDMENT NO. 451

At the appropriate place in the bill, insert the following:

SEC. 38. TRAINING AND OTHER PROGRAMS.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act may be used to support any training program involving the deployment of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that a member of such unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—Not more than 90 days after enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall establish procedures to ensure that prior to a decision to conduct any training program referred to in paragraph (a), full consideration is given to all information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in paragraph (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under paragraph (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, the information relating to human rights violations that necessitates the waiver.
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AMENDMENT NO. 432

(Purpose: To require a report regarding National Missile Defense.)

In title II, at the end of subtitle C, add the following:

SEC. 225. REPORT ON NATIONAL MISSILE DEFENSE.

Not later than March 15, 2000, the Secretary of Defense shall submit to Congress the Secretary's assessment of the advantages of a two-site deployment of a ground-based National Missile Defense system, with special reference to its effect on missile reentry, coverage, redundancy and survivability, and economies of scale.

AMENDMENT NO. 433

(Purpose: To encourage reductions in Russian nonstrategic "tactical" nuclear arms, and to require annual reports on Russia's non-strategic nuclear arsenal.)

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

SEC. 1061. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.

(a) SENIOR OF CONGRESS.—It is the sense of Congress that—

(1) in the interest of Russia to fully implement the Presidential Nuclear Initiatives announced in 1991 and 1992 by then-President of the Soviet Union Gorbatchev and then-President of Russia Yeltsin;

(2) the President of the United States shall provide the United States assistance under Cooperative Threat Reduction with Russia to reduce the unilateral reductions in the United States inventory of tactical nuclear weapons, which have reduced the inventory by nearly 90 percent; and

(3) if the certification under section 194 is made, the President should emphasize the continued interest of the United States in working cooperatively with Russia to reduce the dangers associated with Russia's tactical nuclear arsenal.

(b) ANNUAL REPORTING REQUIREMENT.—(1) Each annual report on accounting for United States assistance under Cooperative Threat Reduction with Russia that is submitted to Congress under section 1206 of Public Law 104-106 (110 Stat. 471; 22 U.S.C. 5955 note) after fiscal year 1999 shall include, regarding Russian assessment of tactical nuclear warheads, the following:

(A) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

(B) An assessment of the strategic relevance of the warheads.

(C) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.

(D) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

(2) The Secretary shall include in the annual report, with the matters included under paragraph (1), the views of the Director of Central Intelligence and the views of the Commander-in-Chief of the United States Strategic Command regarding those matters.

(c) VIEWS OF THE DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence shall submit to the Secretary of Defense, for inclusion in the annual report under subsection (b), the Director's views on the matters described in paragraph (1) of that subsection concerning Russia's tactical nuclear weapons.

AMENDMENT NO. 434

(Purpose: To require a study and report regarding the options for Air Force cruise missiles.)

In title II, at the end of subtitle C, add the following:

SEC. 225. OPTIONS FOR AIR FORCE CRUISE MISSILES.

(a) STUDY.—(1) The Secretary of the Air Force shall conduct a study of the options for meeting the requirements being set forth as of the date of the enactment of this Act by the conventional air launched cruise missile (CALCM) once the inventory of that missile has been depleted. In conducting the study, the Secretary shall consider the following options:

(A) Restarting of production of the conventional air launched cruise missile.

(B) Acquisition of a new type of weapon with the same lethality characteristics as those of the conventional air launched cruise missile or improved lethality characteristics.

(C) Utilization of current or planned missile systems.

(D) A summary of past, current, and planned United States assistance under Cooperative Threat Reduction with Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads, which have reduced the inventory by nearly 90 percent; and

(2) Not later than March 15, 2000, the Secretary shall submit the results of this study to the Armed Services Committees of the House and Senate by January 15, 2000, so that the results might be—

(A) reflected in the budget for fiscal year 2001 submitted to Congress under section 1105 of title 31, United States Code; and

(B) reported to Congress as required under subsection (b).

(b) REPORT.—The report shall include a statement of how the Secretary intends to meet the requirements referred to in subsection (a)(1) in a timely manner as described in that subsection.

AMENDMENT NO. 435

(Purpose: To require conveyance of certain Army firefighting equipment at Military Ocean Terminal, New Jersey.)

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

SEC. 1061. CONVEYANCE OF FIREFIGHTING EQUIPMENT AT MILITARY OCEAN TERMINAL, NEW JERSEY.

(a) PURPOSE.—The purpose of this section is to provide means for the City of Bayonne, New Jersey, to furnish fire protection through the municipal fire department for the tenants of the Coast Guard and property at Military Ocean Terminal, New Jersey, thereby enhancing the City's capability for furnishing safety services that is a fundamental capability necessary for encouraging the economic development of Military Ocean Terminal.

(b) AUTHORITY TO CONVEY.—The Secretary of the Army shall, notwithstanding title II of this Act, convey to the City of Bayonne, New Jersey, the property described in subsection (a) in a timely manner as described in subsection (c).

(c) EQUIPMENT TO BE CONVEYED.—The equipment to be conveyed under subsection (a) is firefighting equipment at Military Ocean Terminal, Bayonne, New Jersey, as follows:


(2) Pierce Arrow 100-foot Tower Ladder, manufactured February 1994, Pierce Job #E-3002, VIN #NS1FDK3E3OM5HA35749.

(3) Pierce, manufactured 1993, Pierce Job #E-7509, VIN #N1FLDRY2AZ0403605.

(4) Ford E-330, manufactured 1992, Plate #8213693, VIN #1FDXE3OM9MFA358749.

(5) Ford E-302, manufactured 1990, Plate #G3112452, VIN #1FDKE3OM9MHA35749.

(b) ECONOMIC DEVELOPMENT ACTIVITIES.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT NO. 436

(Purpose: To authorize a land conveyance, Nike Battery 80 family housing site, East Hanover Township, New Jersey.)

On page 453, between lines 10 and 11, insert the following:

SEC. 2852. LAND CONVEYANCE, NIKE BATTERY 80 FAMILY HOUSING SITE, EAST HANOVER TOWNSHIP, NEW JERSEY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Township of East Hanover, New Jersey (in this section referred to as the "Township"), all right, title, and interest of the United States in and to a parcel of real property, including improvement thereon, consisting of approximately 13.88 acres located near the unincorporated area of Hanover Township, East Hanover, New Jersey, the former family housing site for Nike Battery 80. The purpose of the conveyance is to permit the Township to develop the parcel for affordable housing and for recreation purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined in a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Township.

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

AMENDMENT NO. 437

(Purpose: To authorize a one-year delay in the demolition of the Navy's naval radio transmitting towers at Naval Station, Annapolis, Maryland and to facilitate transfer of towers)

At the end of subtitle E of title XXVIII, add the following: SEC. ONE-YEAR DELAY IN DEMOLITION OF RADIO TRANSMITTING FACILITIES TOWERS AT NAVAL STATION, ANNAPOlis, MARYLAND, TO FACilitATE TRANSFER OF TOWERS.

(a) ONE-YEAR DELAY.—The Secretary of the Navy may not obligate or expend any funds for the demolition of the naval radio transmitting towers described in subsection (b) during the one-year period beginning on the date of the enactment of this Act.

(b) COVERED TOWERS.—The naval radio transmitting towers described in this subsection are the three southeastern most naval radio transmitting towers located at Naval Station, Annapolis, Maryland that are eligible for demolition as of the date of enactment of this Act.

(c) TRANSFER OF TOWERS.—The Secretary may transfer to the State of Maryland, or the County of Anne Arundel, Maryland, all right, title, and interest (including maintenance responsibility) of the United States in
and to the towers described in subsection (b) if the State of Maryland, or the County of Anne Arundel, Maryland, as the case may be, agrees to accept such right, title, and interest (including accrued maintenance responsibility) during the one-year period referred to in subsection (a).

The PRESIDING OFFICER. Under the order, the amendments will be set aside.

Mr. SPECTER addressed the Chair. The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 458

(Purpose: To prohibit the United States from negotiating a peace agreement relating to the Federal Republic of Yugoslavia (Serbia and Montenegro) with any individual who is an indicted war criminal)

Mr. SPECTER. Mr. President, of course, within the unanimous consent agreement which requires submission of amendments before 2:30—and it is now 2:17—I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 458.

The amendment is as follows:

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

SEC. 1061. PROHIBITION ON NEGOTIATIONS WITH INDICTED WAR CRIMINALS.

(a) In General.—The United States, as a member of NATO, may not negotiate with Slobodan Milosevic, an indicted war criminal, with respect to reaching an end to the conflict in the Federal Republic of Yugoslavia.

(b) YUGOSLAVIA DEFINED.—In this section, the term “Federal Republic of Yugoslavia” means the Federal Republic of Yugoslavia (Serbia and Montenegro).

The PRESIDING OFFICER. The amendment will be set aside.

Mr. SPECTER. Mr. President, parliamentary inquiry. Is there any established procedure for the consideration of amendments like the one I just sent to the desk?

Mr. WARNER addressed the Chair. The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. We are trying to re.pose as much discretion in the managers as possible. Your amendment will be treated equally with the others. But at the moment we are not going to try to sequence the deliberation.

Mr. SPECTER. I thank my colleague. Mr. LEVIN addressed the Chair. The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 459

(Purpose: To amend title XXIX, relating to renewal of public land withdrawals for certain military ranges, to include a place named after the Secretary of Defense and the Secretary of the Interior the opportunity to complete a comprehensive legislative withdrawal proposal, and to provide an opportunity for public comment and review)

Mr. LEVIN. On behalf of Senator BINGAMAN, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 459.

The amendment is as follows:

On page 476, line 13, through page 502, line 3, strike title XXIX in its entirety and insert in lieu thereof:

“TITLE XXX—RENEWAL OF MILITARY LAND WITHDRAWALS.”

SEC. 2901. FINDINGS.

“(1) The Congress finds that—

“(a) Public Law 101–510 authorized public land withdrawals for several military installations, including the Barry M. Goldwater Air Force Range in Arizona, the McGregor Range in New Mexico, and Fort Wainwright and Port Greely in Alaska, collectively comprising over 4 million acres of public land;

“(b) these military ranges provide important military training opportunities and serve a critical role in the national security of the United States and their use for these purposes should be continued;

“(c) in addition to military purposes, these ranges contain significant natural and cultural resources, and provide important wildlife habitat;

“(d) the future use of these ranges is important not only for the affected military branches, but also for local residents and other public land users;

“(e) the public land withdrawals authorized in 1986 under Public Law 99–606 were for a period of 15 years, and expire in November, 2001; and

“(f) it is important that the renewal of these public land withdrawals be completed in a timely manner, consistent with the process established in Public Law 99–606 and other applicable laws, including the completion of appropriate environmental impact studies and opportunities for public comment and review.

SEC. 2902. SENSE OF THE SENATE.

“It is the Sense of the Senate that the Secretary of Defense and the Secretary of the Interior, consistent with their responsibilities and any other applicable laws, should jointly prepare a comprehensive legislative proposal to renew the public land withdrawals for the four ranges referenced in section 2901 and transmit such proposal to the Congress no later than July 1, 1999.”

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 460

Mr. WARNER. Mr. President, on behalf of the Senator from Virginia, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 460.

The amendment is as follows:

SEC. 3. ARMY RESERVE RELOCATION FROM FORT BRAGG, NORTH CAROLINA TO FORT BLISS, TEXAS AND FORT WAINWRIGHT, ALASKA.

With regard to the conveyance of a portion of Fort Douglas, Utah to the University of Utah and the resulting relocation of Army Reserve activities to temporary and permanent relocation facilities, the Secretary of the Army may accept the funds paid by the University of Utah or State of Utah to pay all costs associated with the conveyance and relocation. Funds received under this section shall be credited to the appropriation, fund or account from which the expenses are ordinarily paid and Amounts so credited shall be available until expended.

The PRESIDING OFFICER. The amendment will be set aside.

Mr. LEVIN addressed the Chair. The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 461

(Purpose: To authorize payments in settlement of claims arising from the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposition of evidence)

Mr. LEVIN. On behalf of Senator ROBB, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mr. ROBB, proposes an amendment numbered 461.

The amendment is as follows:

On page 93, between lines 2 and 3, insert the following:

Sec. 349. (a) AUTHORITY TO MAKE PAYMENTS.—Subject to the provisions of this section, the Secretary of Defense is authorized to make payments for the settlement of the claims arising from the deaths caused by the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposition of evidence.

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretary shall make the decision to exercise the authority in subsection (a) not later than 90 days after the date of enactment of this Act.

(c) SOURCE OF PAYMENTS.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of Navy for operations and maintenance for 2000 or other unexpended balances from prior years, the Secretary shall make available $40 million only for emergency and extraordinary expenses associated with the settlement of the claims arising from the accident and the subsequent determination that parties involved in the accident obstructed the investigation by disposition of evidence described in subsection (a).

(d) AMOUNT OF PAYMENT.—The amount of the payment under this section is the settlement of the claims arising from the death of any person association with the accident described in subsection (a) may not exceed $2,000,000.

(e) TREATMENT OF PAYMENTS.—Any amount paid to a person under this section is intended to supplement any amount subsequently determined to be payable to the person under section 127 or chapter 163 of title 10, United States Code, or any other provision of law for administrative settlement of claims against the United States with respect to damages arising from the accident described in subsection (a).

(f) CONSTRUCTION.—The payment of an amount under this section shall be considered to constitute a statement of legal liability on the part of the United States or otherwise as evidence of any material fact in any judicial proceeding or investigation arising from the accident described in subsection (a).
Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Senator Lincoln.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Senator Sessions.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 463
Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Senator Helms.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 467
Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Senator DeWine.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 466
Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Senator Voinovich.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 465
Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Senator Sessions.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 462
Mr. LEVIN. Mr. President, I send to the desk an amendment on behalf of Mr. Smith of New Hampshire.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 464
Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the distinguished Senator from North Carolina, Mr. Helms.

The PRESIDING OFFICER. The amendment will be set aside.

The legislative clerk read as follows:

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the distinguished Senator from Alabama, Mr. Sessions.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 461
Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the distinguished Senator from Virginia, Mr. Warner.

The PRESIDING OFFICER. The amendment will be set aside.

The legislative clerk read as follows:

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the distinguished Senator from Ohio, Mr. DeWine.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 460
Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the distinguished Senator from Alabama, Mr. Sessions.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 459
Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the distinguished Senator from Virginia, Mr. Warner.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 458
Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the distinguished Senator from Alabama, Mr. Sessions.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 457
Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the distinguished Senator from Virginia, Mr. Warner.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 456
Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the distinguished Senator from Virginia, Mr. Warner.
The amendment is as follows:
At the appropriate place, insert the following:

SEC. 2912. SENSE OF SENATE REGARDING WITHDRAWAL OF ORDINANCES

(a) The Secretary of Defense is directed to undertake a study, and to remove ordnance infiltrating the federal navigation channel and adjacent shorelines of the Toussaint River.

(b) The Secretary shall report to the congressional defense committees and the Senate Environment and Public Works on long-term solutions and costs related to the removal of ordnance in the Toussaint River, Ohio. The Secretary shall also evaluate any ongoing use of Lake Erie as an ordnance firing range and justifying the need to continue such activities by the Department of Defense or its contractors. The Secretary shall report not later than April 1, 2000.

(c) This provision shall not modify any responsibilities and authorities provided in the Water Resources Development Act of 1986, as amended (Public Law 99-662).

(d) The Secretary is authorized to use any funds available to the Secretary to carry out the authority provided in subsection (a).

The PRESIDING OFFICER.

The Voinovich amendment will be set aside.

AMENDMENT NO. 469

(Purpose: To strike the portions of the military lands withdrawals relating to lands located in Arizona)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senate from Arizona, Mr. MCCAIN.

The PRESIDING OFFICER.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona, Mr. MCCAIN.

The PRESIDING OFFICER.

The Helms amendment will be set aside.

AMENDMENT NO. 470

(Purpose: To ensure continued participation by small businesses in providing services of a commercial nature)

Mr. WARNER. Mr. President, once again, a number of these amendments we are now sending to the desk, the two managers, pursuant to the unanimous consent request, are ones which we are in the process of clearing—not all of them but some. I urge my colleagues, once again, there is no assurance that an amendment that was sent to the staff in the last 72 hours is in consultation with the Secretary of State.

On page 356, beginning on line 8, strike “the Committees on Armed Services of the Senate and House of Representatives” and insert “the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives”.

On page 339, line 21 and all that follows through page 339, line 7.

On page 339, line 8, strike “(c)” and insert “(b)”.

On page 339, line 16, strike “(d)” and insert “(c)”.

The PRESIDING OFFICER.

The Helms amendment will be set aside.

SEC. 2912. SENSE OF SENATE REGARDING WITHDRAWAL OF CERTAIN LANDS IN ARIZONA.

It is the sense of the Senate that—

(1) it is vital to the national interest that the withdrawals be withdrawn by section 1(c) of the Military Lands Withdrawal Act of 1986 (Public Law 99-662), relating to Barry M. Goldwater Air Force Range and the Cabazon Prieta National Wildlife Refuge, which would otherwise expire in 2001, be renewed in 1999;

(2) the renewed withdrawal of such lands is critical to meet the military training requirements of the Armed Forces and to provide the Armed Forces with experience necessary to defend the national interests;

(3) the Armed Forces currently carry out environmental stewardship of such lands in a comprehensive and focused manner; and

(4) a continuation in high-quality management of United States natural and cultural resources is required if the United States is to preserve its national heritage.

The PRESIDING OFFICER.

The McCain amendment will be set aside.

AMENDMENT NO. 469

(Purpose: To improve the bill)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. HELMS.

The PRESIDING OFFICER.

The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. HELMS, for himself and Mr. BIDEN, proposes an amendment numbered 469.

The amendment is as follows:

On page 153, line 18, strike “the United States’” and insert “such”.

On page 356, line 7, insert after “Secretary of Defense” the following: “, in consultation with the Secretary of State.”.

On page 356, beginning on line 8, strike “the Committees on Armed Services of the Senate and House of Representatives” and insert “the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives”.

On page 338, line 21 and all that follows through page 339, line 7.

On page 339, line 8, strike “(c)” and insert “(b)”.

On page 339, line 16, strike “(d)” and insert “(c)”.

The PRESIDING OFFICER.

The amendment will be set aside.

AMENDMENT NO. 470

(Purpose: To require a report on the Air Force damage control training)

Mr. President, I send to the desk an amendment on behalf of Senator from Arizona, Mr. MCCAIN.

The PRESIDING OFFICER.

The bond amendment will be set aside.

AMENDMENT NO. 471

(Purpose: To set aside $600,000 for providing procurement technical assistance for Indian reservations out of the funds authorized to be appropriated for the Procurement Technical Assistance program)

Mr. President, I send to the desk an amendment on behalf of Mr. Bond and Mr. KERRY, proposes an amendment numbered 471.

The amendment is as follows:

In title III, at the end of subtitle A, add the following:

SEC. 305. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

Of the amount authorized to be appropriated under section 301(5) for carrying out the provisions of chapter 142 of title 10, United States Code, $600,000 is authorized for fiscal year 2000 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Service regions in accordance with section 2415 of such title.

The PRESIDING OFFICER. 

The amendment will be set aside.

AMENDMENT NO. 472

(Purpose: To require a report on the Air Force damage control training)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Senator HATCH of Utah.

The legislative clerk read as follows:

The amendment will be set aside.

AMENDMENT NO. 473

(Purpose: To set aside $1 million for the provision of housing to veterans)

Mr. President, I send to the desk an amendment on behalf of Mr. HELMS, proposes an amendment numbered 473.

The amendment is as follows:

Under paragraph 1, line 18, strike “helicopters” and insert “aircraft”.

The amendment will be set aside.

AMENDMENT NO. 474

(Purpose: To reduce the small business set-aside from 5 to 1 percent)

Mr. President, I send to the desk an amendment on behalf of Mr. KERRY, proposes an amendment numbered 474.

The amendment is as follows:

On page 284, between lines 6 and 7, insert the following:

(4) The term “HUBZone small business concern” has the meaning given the term in section 8(p)(3) of the Small Business Act (15 U.S.C. 632(p)(3)).

The PRESIDING OFFICER.

The amendment will be set aside.

AMENDMENT NO. 475

(Purpose: To provide procurement technical assistance to the Armed Forces)

Mr. President, I send to the desk an amendment on behalf of Mr. WARNER, proposes an amendment numbered 475.

The amendment is as follows:

In title III, at the end of subtitle A, add the following:

SEC. 306. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

Of the amount authorized to be appropriated under section 301(5) for carrying out the provisions of chapter 142 of title 10, United States Code, $600,000 is authorized for fiscal year 2000 for the purpose of carrying out programs sponsored by eligible entities referred to in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas referred to in subparagraph (B) of section 2411(2) of such title. If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow effective use of the funds made available in accordance with this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Service regions in accordance with section 2415 of such title.

The PRESIDING OFFICER. 

The amendment will be set aside.

AMENDMENT NO. 476

(Purpose: To require a report on the Air Force damage control training)

Mr. President, I send to the desk an amendment on behalf of Senator from Arizona, Mr. MCCAIN.

The amendment will be set aside.

AMENDMENT NO. 477

(Purpose: To require a report on the Air Force damage control training)

Mr. President, I send to the desk an amendment on behalf of Senator HATCH of Utah.
Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The legislative clerk reads as follows:

The Senator from Virginia (Mr. WARNER), for Mr. GRAMM of Texas.

The legislative clerk reads as follows:

The Senator from Michigan (Mr. LEVIN), for Mr. EDWARDS, proposes an amendment numbered 473.

The amendment is as follows:

At the appropriate place, insert the following new section:

AUTHORITY FOR PUBLIC BENEFIT TRANSFER TO CERTAIN TAX-SUPPORTED EDUCATIONAL INSTITUTIONS OF SURPLUS PROPERTY UNDER THE BASE CLOSURE LAWS.

(a) In General.--(1) Notwithstanding any provision of the applicable base closure law or any provision of the Federal Property and Administrative Services Act of 1949, the Administrator of General Services may transfer to institutions described in subsection (b) the facilities described in subsection (c). Any such transfer shall be without consideration to the United States.

(2) A transfer under paragraph (1) may include real property associated with the facility concerned.

(b) COVERED INSTITUTIONS.--An institution eligible for the transfer of a facility under subsection (a) is any tax-supported educational institution that agrees to use the facility for:

(1) student instruction;

(2) the provision of services to individuals with disabilities;

(3) the health and welfare of students;

(4) the storage of instructional materials or other materials directly related to the administration of student instruction; or

(5) other educational purposes.

(c) AVAILABLE FACILITIES.--A facility available for transfer under subsection (a) is any facility that:

(1) is located at a military installation approved for closure or realignment under a base closure law;

(2) has been determined to be surplus property under a base closure law; and

(3) is available for disposal as of the date of the enactment of this Act.

(d) DEFINITIONS.--In this section:

(1) The term ''base closure laws'' means any of the base closure laws.

(2) The term ''facility'' means any public or private facility for:

(A) administration of student instruction; or

(B) the provision of services to individuals with disabilities.

(3) The term ''educational institution'' means any tax-supported educational institution covered by section 203(k)(1)(A) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 310a(1)(A)).

The PRESIDING OFFICER. The Hatch amendment will be set aside.

AMENDMENT NO. 474

(Purpose: To commemorate the victory of Freedom in the Cold War)

Mr. WARNER, Mr. President, I send to the desk an amendment on behalf of Mr. GRAMM of Texas.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The Senator from Michigan (Mr. LEVIN), for Mr. EDWARDS, proposes an amendment numbered 474.

The amendment is as follows:

In title VI, at the end of subtitle B, add the following:

SEC. 629. SENSE OF THE SENATE REGARDING TAX TREATMENT OF MEMBERS RECEIVING SPECIAL PAY.

It is the sense of the Senate that members of the Armed Forces who receive a special pay for duty subject to hostile fire or imminent danger (37 U.S.C. 310) should receive the same tax treatment as members serving in combat zones.

The PRESIDING OFFICER. The Edwards amendment will be set aside.

AMENDMENT NO. 475

(Purpose: To commemorate the victory of Freedom in the Cold War)

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The Senator from Michigan (Mr. LEVIN), for Mr. EDWARDS, proposes an amendment numbered 473.

The amendment is as follows:

In title VI, at the end of subtitle B, add the following:

SEC. 629. SENSE OF THE SENATE REGARDING TAX TREATMENT OF MEMBERS RECEIVING SPECIAL PAY.

It is the sense of the Senate that members of the Armed Forces who receive a special pay for duty subject to hostile fire or imminent danger (37 U.S.C. 310) should receive the same tax treatment as members serving in combat zones.

The PRESIDING OFFICER. The Edwards amendment will be set aside.

AMENDMENT NO. 474

(Purpose: To commemorate the victory of Freedom in the Cold War)

Mr. WARNER, Mr. President, I send to the desk an amendment on behalf of Mr. GRAMM of Texas.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows:

The Senator from Virginia (Mr. WARNER), for Mr. GRAMM, for himself, Mr. ASHCROFT, Mr. COVERDELL, Mr. LOTTER, and Mrs. HUTCHINSON, proposes an amendment numbered 474.

The amendment is as follows:

On page 387, below line 24, add the following:

SEC. 1061. COMMEMORATION OF THE VICTORY OF FREEDOM IN THE COLD WAR.

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

(1) The Cold War between the United States and the former Union of Soviet Socialist Republics was the longest and most costly struggle for democracy and freedom in the history of the world.

(2) Whether millions of people all over the world would live in freedom hinged on the outcome of the Cold War.

(3) Democracy in countries throughout the world bore the burden of the struggle and paid the costs in order to preserve and promote democracy and freedom.

(4) The Armed Forces and the taxpayers of the United States bore the greatest portion of such a burden and struggle in order to protect such principles.

(5) Tens of thousands of United States soldiers, sailors, Marines, and airmen paid the ultimate price during the Cold War in order to preserve the freedoms and liberties enjoyed in democratic countries.

(6) The Berlin Wall erected in Berlin, Germany, epitomized the totalitarianism that the United States struggled to eradicate during the Cold War.

(7) The fall of the Berlin Wall on November 9, 1989, marked the beginning of the end for Soviet totalitarianism, and thus the end of the Cold War.

(8) November 9, 1999, is the 10th anniversary of the fall of the Berlin Wall.

(b) DESIGNATION OF VICTORY IN THE COLD WAR DAY.—CRES, hereby:

(1) designates November 9, 1999, as "Victory in the Cold War Day"; and

(2) requests that the President issue a proclamation recognizing the contributions of the people of the United States to observe the week with appropriate ceremonies and activities.
The Senator from Virginia [Mr. WARNER], for Mr. SMITH of New Hampshire, proposes an amendment numbered 476.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. 1029. SHORT TITLE.

The Federal Activities Inventory Reform Act of 1998 (P.L. 105-270) shall be implemented by an Executive Order issued by the President.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk reads as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THOMAS, proposes an amendment numbered 477.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. 1030. REPORT.

The Military is to coordinate with the Department of Defense, the other federal agencies, and the military services to submit to the Congress a report on the military-to-military contacts between the United States and the People’s Republic of China.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk reads as follows:

The Senator from Virginia [Mr. WARNER], for Mrs. HUTCHISON, proposes an amendment numbered 478.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. 1031. REQUIREMENT.

The Pentagon shall submit to the Congress a proposed to the Secretary of Defense a proposed to prioritize and demilitarize military assets.

The PRESIDING OFFICER. The Hutchison amendment will be set aside.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. 1032. REQUIREMENT.

The report shall include the following:

(1) The itinerary of the visits referred to in paragraph (2), including the installations visited, the duration of the visits, and the activities conducted during the visits;

(2) The involvement, if any, of the general and flag officers referred to in paragraph (2) in the Tiananmen Square massacre of June 1989;

(3) A list of facilities in the People’s Republic of China that United States military officers have visited as a result of any military-to-military contact program between the United States and the People’s Republic of China since January 1, 1993;

(4) A list of facilities in the People’s Republic of China that have been the subject of a requested visit by the Department of Defense which has been denied by People’s Republic of China authorities;

(5) A list of facilities in the United States that have been the subject of a requested visit by the People’s Liberation Army which has been denied by the United States;

(6) Any official documentation, such as memos, letters, reports, final itineraries, and any receipts for expenses over $1,000, concerning military-to-military contacts or exchanges between the United States and the People’s Republic of China in 1999.

(7) An assessment regarding whether or not any People’s Republic of China military officials have been shown classified material as a result of military-to-military contacts or exchanges between the United States and the People’s Republic of China;

(8) An amendment to report whether or not any People’s Republic of China military officials have been shown classified material as a result of military-to-military contacts or exchanges between the United States and the People’s Republic of China.

The PRESIDING OFFICER. The amendment will be set aside.

The amendment is as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SMITH of New Hampshire, proposes an amendment numbered 477.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. 1030. REPORT.

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. SMITH of New Hampshire.

The PRESIDING OFFICER. The Thomas amendment will be set aside.

The amendment is as follows:

The Senator from Virginia [Mr. WARNER], for Mrs. HUTCHISON, proposes an amendment numbered 478.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. 1031. REQUIREMENT.

The report shall include the following:

(1) The itinerary of the visits referred to in paragraph (2), including the installations visited, the duration of the visits, and the activities conducted during the visits;

(2) The involvement, if any, of the general and flag officers referred to in paragraph (2) in the Tiananmen Square massacre of June 1989;

(3) A list of facilities in the People’s Republic of China that United States military officers have visited as a result of any military-to-military contact program between the United States and the People’s Republic of China since January 1, 1993;

(4) A list of facilities in the People’s Republic of China that have been the subject of a requested visit by the Department of Defense which has been denied by People’s Republic of China authorities;

(5) A list of facilities in the United States that have been the subject of a requested visit by the People’s Liberation Army which has been denied by the United States;

(6) Any official documentation, such as memos, letters, reports, final itineraries, and any receipts for expenses over $1,000, concerning military-to-military contacts or exchanges between the United States and the People’s Republic of China in 1999.

(7) An assessment regarding whether or not any People’s Republic of China military officials have been shown classified material as a result of military-to-military contacts or exchanges between the United States and the People’s Republic of China.

The PRESIDING OFFICER. The amendment will be set aside.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. 1030. REPORT.

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. SMITH of New Hampshire.

The PRESIDING OFFICER. The Thomas amendment will be set aside.

The amendment is as follows:

The Senator from Virginia [Mr. WARNER], for Mrs. HUTCHISON, proposes an amendment numbered 478.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. 1031. REQUIREMENT.

The report shall include the following:

(1) The itinerary of the visits referred to in paragraph (2), including the installations visited, the duration of the visits, and the activities conducted during the visits;

(2) The involvement, if any, of the general and flag officers referred to in paragraph (2) in the Tiananmen Square massacre of June 1989;

(3) A list of facilities in the People’s Republic of China that United States military officers have visited as a result of any military-to-military contact program between the United States and the People’s Republic of China since January 1, 1993;

(4) A list of facilities in the People’s Republic of China that have been the subject of a requested visit by the Department of Defense which has been denied by People’s Republic of China authorities;

(5) A list of facilities in the United States that have been the subject of a requested visit by the People’s Liberation Army which has been denied by the United States;

(6) Any official documentation, such as memos, letters, reports, final itineraries, and any receipts for expenses over $1,000, concerning military-to-military contacts or exchanges between the United States and the People’s Republic of China in 1999.

(7) An assessment regarding whether or not any People’s Republic of China military officials have been shown classified material as a result of military-to-military contacts or exchanges between the United States and the People’s Republic of China.

The PRESIDING OFFICER. The amendment will be set aside.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. 1030. REPORT.

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. SMITH of New Hampshire.

The PRESIDING OFFICER. The Thomas amendment will be set aside.

The amendment is as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SMITH of New Hampshire, proposes an amendment numbered 477.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. 1030. REPORT.

Mr. THOMAS.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk reads as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SMITH of New Hampshire, proposes an amendment numbered 476.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. 1029. SHORT TITLE.

The Federal Activities Inventory Reform Act of 1998 (P.L. 105-270) shall be implemented by an Executive Order issued by the President.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk reads as follows:

The Senator from Virginia [Mr. WARNER], for Mrs. HUTCHISON, proposes an amendment numbered 478.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. 1031. REQUIREMENT.

The report shall include the following:

(1) The itinerary of the visits referred to in paragraph (2), including the installations visited, the duration of the visits, and the activities conducted during the visits;

(2) The involvement, if any, of the general and flag officers referred to in paragraph (2) in the Tiananmen Square massacre of June 1989;

(3) A list of facilities in the People’s Republic of China that United States military officers have visited as a result of any military-to-military contact program between the United States and the People’s Republic of China since January 1, 1993;

(4) A list of facilities in the People’s Republic of China that have been the subject of a requested visit by the Department of Defense which has been denied by People’s Republic of China authorities;

(5) A list of facilities in the United States that have been the subject of a requested visit by the People’s Liberation Army which has been denied by the United States;

(6) Any official documentation, such as memos, letters, reports, final itineraries, and any receipts for expenses over $1,000, concerning military-to-military contacts or exchanges between the United States and the People’s Republic of China in 1999.

(7) An assessment regarding whether or not any People’s Republic of China military officials have been shown classified material as a result of military-to-military contacts or exchanges between the United States and the People’s Republic of China.

(8) An amendment to report whether or not any People’s Republic of China military officials have been shown classified material as a result of military-to-military contacts or exchanges between the United States and the People’s Republic of China.

The PRESIDING OFFICER. The amendment will be set aside.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. 1030. REPORT.

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. THOMAS.

The PRESIDING OFFICER. The Thomas amendment will be set aside.

The amendment is as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SMITH of New Hampshire, proposes an amendment numbered 477.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. 1030. REPORT.

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. THOMAS.

The PRESIDING OFFICER. The Thomas amendment will be set aside.

The amendment is as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SMITH of New Hampshire, proposes an amendment numbered 477.
The amendment is as follows:

At the appropriate place insert the following:


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

(1) On September 13, 1997, a German Luftwaffe Tupolev TU–154M aircraft collided with a United States Air Force C–141 Starlifter aircraft off the coast of Namibia.

(2) As a result of that collision nine members of the United States Air Force were killed, namely Staff Sergeant Stacey D. Bryner, 24, crew chief, Crestwood, New York; Captain Gregory M. Cindrich, 28, pilot, Byrons Road, Maryland; Airman 1st Class Justin J. Drager, 19, loadmaster, Colorado Springs, Colorado; First Officer Robert D. Evans, 31, flight engineer, Garrison, Kentucky; Captain Jason S. Ramsey, 27, pilot, South Boston, Virginia; First Officer Scott H. Roberts, 27, flight engineer, Library, Pennsylvania; Captain Peter C. Vallejo, 34, aircraft commander, Crestwood, New York; and Senior Airman Frankie L. Walker, 23, crew chief, Windber, Pennsylvania.

(3) The Final Report of the Ministry of Defense of the Defense Committee of the German Bundestag unequivocally states that, following an investigation, the Directorate of Flight Safety of the German Federal Armed Forces assigned responsibility for the collision to the Aircraft Commander/Commandant of the Luftwaffe Tupolev TU–154M aircraft for flying at a flight level that did not conform to international flight rules.

(4) The United States Air Force accident investigation report concluded that the primary cause of the collision was the Luftwaffe Tupolev TU–154M aircraft flying at an incorrect flight altitude.

(5) Procedures for filing claims under the Status of Forces Agreement are unavailable to the families of the members of the United States Air Force killed in the collision.

(6) The families of the members of the United States Air Force killed in the collision have filed claims against the Government of Germany.

(7) The Senate has adopted an amendment authorizing the payment to citizens of Germany of a supplemental settlement of claims arising from the deaths caused by the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) SENSE OF SENATE.—It is the sense of the Senate that:

(1) The Government of Germany should promptly settle with the families of the members of the United States Air Force killed in a collision between a United States Air Force C–141 Starlifter aircraft and a German Luftwaffe Tupolev TU–154M aircraft off the coast of Namibia on September 13, 1997, and

(2) the United States should not make any payment to citizens of Germany as settlement of such citizens' claims for deaths arising from the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy, until a comparable settlement is reached between the Government of Germany and the families described in paragraph (1) with respect to the collision described in that paragraph.
requirements for equipment and resources, as well as installations from which they provide combat power.

In the U.S. Armed Forces there is a very simple way to measure power, you can count the senior officers—specifically the generals and admirals who make the decisions for their components. In the Army, there are 249 of them, a total of 307 general officers. In the Air Force the number is 282. When compared to the 118 United States Army Reserve General Officers and the 75 United States Air Force Reserve General Officers or the 195 Army National Guard General Officers of whom only 92 have Federal Recognition, the situation there appears to be an inequity when it comes to the Reserve Components. In the case of the Army, Air Force, Marine and Navy Reserves, there are no four or three star positions. In the case of the National Guard, the answer is one three-star—the Chief of the National Guard Bureau who represents both the Army and the Air National Guard. This means that in the case of the Army, Navy, Air Force, and Marine Corps Reserves and the Army and Air Force National Guard, each component’s home team advocate is merely a two-star.

I do not choose the phase “merely a two-star” by accident. “Merely” is an apt word when you are talking about the fight for resources in the Pentagon. When programming and budgeting decisions are made within the services, the existing rank structure excludes the Reserve Chiefs from what I consider to be full participation in deliberations, which are the realm of three-star participants. The Reserve chiefs are relegated to the periphery and must rely on a higher-ranking participant at the table to champion their cause. They cannot speak for themselves or their components, unless asked. Of this is wrong in my opinion and a classic example of how the Reserve chiefs are restricted from actively participating in the decision making process.

Furthermore, the two-star Reserve Component commanders exercise their preeminent authority over other senior commanders of their components who also wear two stars. While the Reserve and Guard chiefs, by necessity, have made this situation work, this arrangement, in my view, is inequitable, where but in the Reserve Components.

Let me give you a compelling example of the inequity I am speaking of by looking closely at but one of our Reserve Components, the Army Reserve: The Chief, Army Reserve, the CAR. As he is commonly known, is responsible for more than 20 percent of the Army’s personnel. The same applies for the Chief of the Navy Reserve. The CAR commands a total Army Reserve force of nearly 600,000 soldiers. Of those soldiers over 415,000 are in the Ready Reserve and of those billets, nearly 205,000 are in the ever more frequently deployed Selected Reserve.

Don’t let anybody use the outdated pejorative “weekend warrior” for these citizen soldiers. Granted, when not deployed, one cannot call them a two-star troop. Nevertheless, the CAR also commands nearly 19,000 full-time support personnel plus nearly 4,400 Department of the Army Civilians, or DA civilians. In contrast an Active Component four-star, yes, a four-star general in the field commands an average of 48,400 troops plus DA civilians. An active component three-star general in the field commands lesser number of troops, plus civilians, but only 3 percent of that commanded by the Chief, Army Reserve.

The Chief, Army Reserve, in the exercise of his preeminent authority over the other senior commanders of his component is also responsible for evaluating seven active command by 42 major generals. In contrast an active component four-star, yes, four-star general in the field is responsible for evaluating an average of 31 brigadier generals and 10 major generals. An active component three-star general or admiral in the field is responsible for evaluating an average of only 7 brigadier generals and only 2 major generals.

The Chief, Army Reserve has full responsibility for $3.5 billion of fiscal year 1999 appropriations—nearly triple that ($1.2 billion) of a three-star general in the field and over 62% of that ($5.6 billion) of a four-star general in the field.

Currently the Army National Guard provides 54 percent of the Army’s combat forces, 46 percent of the Combat Support capability, and about one third of the Combat Service Support forces. Likewise, the Air National Guard is a fully integrated partner in the nation’s defense; 9 percent of the theater airlift capability, 45 percent of the aerial tanker forces, 34 percent of the fighters and 36 percent of the Air Rescue resources.

The Air Force Reserve, 74,000 strong, notably has been the second largest major command in the USAF since it was elevated to that status in 1997. Only the Air Combat Command, with its 90,000 personnel is larger, and, of the eight major Air Force commands, is led by 4-star generals. Only the smallest, the Special Operations Command with fewer than 10,000 personnel, is commanded by a major general. Prior to Desert Storm the Air Force Reserve had been involved in 10 contingencies. However, since the Gulf War, it has been involved in over 30 contingency, nation-building and peacekeeping operations. The Air Force Reserve provides the Air Force 20 percent of its capability. Air Force Reserve Command airlifts over 250 days a year; support personnel serve over 60.

The Commander Naval Reserve serves in a billet that, in the past, actually was filled by a vice admiral and reports directly to the Chief of Naval Operations, which is not even typical for Navy three-star admiral. He is responsible for software development and acquisition for the Navy’s Manpower and Personnel information systems. The Naval Reserve is responsible for: five percent of the Navy’s total complement of ships and aircraft, 100 percent of the Navy’s harbor surface and subsurface surveillance forces, 90 percent of the Navy’s Expeditionary Logistics Support Force, 47 percent of the Navy’s combat search and rescue capability, and 35 percent of the Navy’s total airborne ocean surveillance capability.

The Commander, Marine Force Reserve commands over 40,000 personnel providing over half of all U.S. ground divisions and 13 percent of all U.S. tactical air. The Marine Corps Reserve provides the Marine Corps the following: 100 percent of the adversary aircraft, 100 percent of the civil affairs groups, 50 percent of the theater missile defense, 50 percent of the tanks, 40 percent of the force reconnaissance, 40 percent of the air refueling, and 30 percent of the artillery. We find similar core competencies in the Army Reserve where the USAR provides 97% of Civil Affairs units, 81% of all psychological units, 100% of Chemical Brigades, 75% of Chemical battalions; and 85% of all medical brigades or roughly 47% of all Army Combat Support Service.

What are the implications for the Reserve Components?

Well, when reserve commanders, by virtue of their ranks, are outnumbered so to speak by active counterparts, it means that the men and women in the Reserve Components, which are deployed on an ever-increasing frequency, might be deploying with less than the best resources because of the type of unit, where it fits in the equipping matrix or the deployment matrix. I am gravely concerned that ALL TROOP’s training they need before they deploy. I am concerned you see because I was not an Army reservist for 13 years and understand what it means to be on the short end of things they need like personnel or equipment or training slots, are fairly distributed.

Because the nation has come to depend on a great extent on the readiness of the Reserves and the National Guard, decisions taken within the Pentagon must be discussed, made and agreed to among individuals more nearly alike in authority. To expect a two-star major general to compete...
Mr. WARNER. Mr. President, I am very pleased today that Chairman WARNER, Senator LEVIN, and others who have been working on this bill have seen it fitting to agree and to accept as an amendment that there will be a series of three-star ranks given to the Reserve Forces of the United States. That is a critically important matter.

For a few minutes, I would like to explain why it is equitable and fair and why this will be an important step forward for the Reserves. I served for 13 years in the Army Reserve. In the unit I served there was a chief of staff. I remember getting out after 13 years and he remained in and was activated for 6 months for Desert Storm. Reservists all over America, like those in the 11–20 transportational unit, are being deployed; 33,000 have now been called up for the Kosovo activities.

In Desert Storm, in Kuwait, the Iraq war, 33 percent of the forces committed to that war were Reserves or National Guard serving in a theater of war. When I talk about the Reserve components. They play a critical role. Yet, in our allocation of rank, they have not been treated, in my opinion, fairly. It impacts on them when they seek to make sure that the interests of the National Guard and Reserves are properly taken care of. When the brass sits around the table and decides how we are going to deal with the limited amount of resources available, the Army Reserve, the Air Force Reserve and the Marine Reserve—their officers sit there with just one star. They do not have the same level of clout that they would otherwise have.

I would like to share a few things with you. I have some charts that deal with the numbers given to the Reserve Forces of the United States. That is a critically important matter.

The Chief of the Army Reserve also, for example, has full responsibility for $3.372 billion in the fiscal year 1999 appropriations. That is nearly triple that of a field three-star general, and over 62 percent, almost as much, as a four-star field active-duty general. An active three-star general’s prorated share of the Active Army 1999 appropriations is more than $1 million.

Let me show you this chart. I think it again adds some impact to what I am saying.

The General Chief of the Army Reserve commands over 1 million total Army reserves. Those include those who are in retired status, subject to being recalled; the active reservists, which has 200,000; the ready reserves, which are subject to a more immediate callup; plus 18,000 FTS personnel and nearly 150,000 civilians.

So you can begin to see the situation we are facing. I do not believe it reflects proper balance.

Two years ago, the Appropriations Committee asked the Department of Defense to submit an analysis of this situation for improvement. That report has not been received as requested.

It seems to me plainly obvious that we need at least three-star generals in charge of the Army Reserve and the Naval Reserve—a three-star general for Army Reserve, Naval Reserve, and Air Force Reserve, Marine Reserve. There is one three-star general in the National Guard. Because of their large size—they are bigger than any one of the other components—we believe they need two three-star generals. With that, I believe we will have a more appropriate balance in the leadership and rank in our Defense Department.

I thank the Chair.

Mr. WARNER. Mr. President, I commend our colleague. He is a very valuable member of the committee.

I was privileged to be in the Pentagon when Secretary Melvin Laird demonstrated how the total force concept, which means the United States of America looks to its national security in terms of not only the Active Forces but the Reserve and the Guard. That was the turning point, a recognition for those men and women who so proudly and in a great deal of sacrifice in terms of their private lives—because they have to balance a full-time job in most instances together with Reserve and Guard commitments requiring them to proportion to those—contribute that time to their desired slots in the Reserve and the Guard.

Therefore, I strongly support this amendment.
I want to clarify one thing. This does not add any more numbers of general or flag officers to the total number now in the Pentagon. The numbers that will be used for these promotions are to be drawn from a number within the ranks of each of the departments of the military.

Am I not correct on that?

Mr. SESSIONS. That is correct. In fact, there are 45, now, three-star generals in the Army. This would only involve two of those.

Mr. WARNER. Just by way of quick anecdote, when I was Secretary of Navy, I felt so strongly about the Naval Reserve that I promoted the then two-star admiral to the grade of three, and he served in that grade throughout my tenure. The day after I left the Department, the third star disappeared, and it never reappeared again until this moment when we agree to this amendment. I hope it will become law.

I commend the Senator. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 477

Mrs. HUTCHISON. Thank you, Mr. President.

I call up amendment No. 477.

The PRESIDING OFFICER. The amendment is now pending.

Mrs. HUTCHISON. Thank you, Mr. President.

This amendment requires that the President and the Department of Defense come forward and report on the missions we have throughout the world.

One thing that has become very clear to me is that we have visited with our troops—whether it is in Saudi Arabia or Kuwait, or whether it is in Bosnia or in Albania just 2 weeks ago—is that our troops are overdeployed.

Secretary Bill Cohen said in testimony just last week to the Defense Appropriations Committee that we have either too few people or too many missions. The fact is that this is beginning to show the wear and tear on our military. Between 1986 and 1998, the number of American military deployments per year nearly tripled at the same time that the Department of Defense budget was reduced by 38 percent. There is no question that our military is stretched. No one disagrees with that.

The Department of Defense is asking for help. Congress realizes that this is a problem and has continually tried to increase the military spending, including pay raises for our military to give them more chances to live a quality of life. But the fact is that we have to do something about either overdeployment or too few numbers. In fact, our present military strategy is to deter and defeat large-scale cross-border aggression in two distant theaters in an overlapping timeframe.

We have the deterrence of Iraq and Iran in southwest Asia and the deterrence of North Korea in northeast Asia. We have to start to, that is, to look at the feasibility of a large-scale cross-border theater requirements. In addition to that, we have 120,000 troops permanently assigned to those theaters and 70,000 in addition to that assigned to non-NATO, non-American countries. The United States has more than 6,000 in Bosnia-Herzegovina and many others around the world. What we need to do is to start to prioritize where our missions are and where American troops should be deployed.

On May 27 of this year, the Secretary of the Air Force announced a stop-loss program that places a temporary hold on transfers, separation, and retirement from the Air Force. This is a decision that is normally reserved for wartime or severe conflicts. And, yet, we now have in place that no one can separate from the Air Force.

My amendment says it is the sense of Congress that the readiness of our U.S. military forces is a cornerstone of the national security strategy is being eroded from a combination of declining defense budgets and expanded mission. It says to the President that we must have a report that prioritizes ongoing global missions, that the President shall include a report on the feasibility and analysis of how the United States can shift resources from low-priority missions in support of high-priority missions, and consolidate the use of U.S. troop commitments worldwide, and end low-priority missions. This is a report that the President would make through the Department of Defense to prioritize these missions.

I believe the Department of Defense has been looking for this type of opportunity to prioritize the missions we are going to look at the wear and tear on our military and we are going to have to make some final decisions.

I think when we get this report we will be able to see if, in fact, we need more military and we need to “ramp up” the military force strength in our country or whether we can prioritize the overseas missions and stop the overdeployment and the mission fatigue that so many of our military people have.

I am very pleased to offer this amendment. I think it is a step in the right direction. It is a positive step toward relieving our very stretched military. Certainly, as we are watching events unfold in Kosovo and we are seeing more and more of our military being called up, I think it is time for Members to assess everywhere we are in the world and ask the President to prioritize those. Then Congress can make a determination of the Department of Defense to say, if we need to ramp up our military force structure or ramp down the number of deployments that we have around the world.

I ask that the amendment be agreed to.

Mr. WARNER. I commend the Senator from Texas. This is a very important amendment. I am a cosponsor. I believe it is acceptable on this side.

Mr. LEVIN. Mr. President, the amendment is acceptable here. It performs a useful purpose. The Defense Department has in the past given the Senate these lists, but this updates it and gives us a little more detail. I think it is very important we know all of our missions and how many people are involved around the world.

We have no objection to it at all.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 477) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. I ask unanimous consent that we return to the amendment number 446. I also ask unanimous consent that the two-speech rule not apply to the remarks about which I am about to make.

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

AMENDMENT NO. 446

Mr. REID. Mr. President, the country established the independence of the weapons laboratory directors for a reason. We are lucky to have had the weapons laboratories that have been such an important, integral part of this country. They are one of the main reasons the cold war ended. They have been established independently so that the President and the Congress could expect independent and objective responses of the directors in judgments regarding assessment of the safety and reliability of nuclear weapon stockpile. We are talking about thousands of nuclear warheads.

The problem in the world today is the fact that we have too many nuclear warheads, but those that we have must be maintained to be safe and reliable. It is a responsibility of our weapon laboratories to make sure that, in fact, is the case.

This amendment, No. 446, strips our laboratory directors of this independent objective status. The amendment makes the laboratory directors directly subject to the supervision and direction of the administration.

What this means, in very direct language, is that we will get the opinion of the administration regarding stockpile safety and reliability—not the lab director’s expertise and, therefore, their opinion. They will say what the administration tells them to say—not what their scientists and engineers tell them is appropriate with these weapons of mass destruction. There will no
longer be any reason to believe that stockpile assessments are founded on scientific and technical fact.

If this proposal continues to be we should just declare the stockpile adequate and simply not bother evaluating it for safety and reliability. This would be a tragedy not only for this country but the world.

That is the reason that the Secretary of Energy, Bill Richardson, wrote a letter yesterday to the chairman of the Armed Services Committee, the senior Senator from Virginia. He said, among other things in this letter, "The proposal would effectively cancel my 6-month effort to strengthen security at the Department in the wake of the Chinese espionage issue," and he goes on to say if this proposal is adopted by the Congress, "I will recommend to the President, I do veto the defense authorization bill."

This has gone a step further, separate and apart from the letter—the President will veto this bill if this language is in the bill.

This proposal would reverse reforms in the Department of Energy. According to the Secretary of Energy, still referring to this letter to Chairman Warrner:

"This proposal would reverse reforms in the Department of Energy going back to the Bush Administration by placing oversight responsibilities within defense programs. A program would be in charge of its own security oversight, its own safety oversight.

He says the fox will, in fact, be guarding the chicken coop.

Secretary Richardson says in the final paragraph of this letter:

"In short, I rise in strong opposition to this amendment. As I have said earlier today, this amendment is not going to go away. This deals with the security of this Nation. When I finish speaking, there are other Senators wishing to speak. I see the junior Senator from New Mexico who is going to speak, the senior Senator from Illinois said he will speak, we will have Senator Boxer from California speak. It will take a considerable period of time before enough is said about this amendment.

If adopted, this amendment would make the most sweeping changes in the structure and management since the Department was created in 1977. This amendment fundamentally over-turns the most basic organizational decisions made about the Department when it was created. It does it without any congressional hearings, without any oversight hearings, without any investigations having taken place. These changes will result in re-creating dysfunctional management of the Department of Energy. The defense National Laboratories will be tremendously compromised as scientific institutions.

The weapons laboratories have always been held out as being scientific institutions, not political institutions. Those who deal with these laboratories—and I had the good fortune to work in the Department of Energy. The defense National Laboratories will be tremendously compromised as scientific institutions.

The weapons laboratories have always been held out as being scientific institutions, not political institutions. Those who deal with these laboratories—and I had the good fortune to work in these laboratories to be some of the most nonpolitical people I have ever dealt with in my entire political career. They are not involved in politics. They are involved in science. We shouldn't change that. That's why, their work—that is, the work of the National Laboratories on national security—is underpinned by scientific excellence, in a wide range of civilian programs that sustained needed core competency at the laboratories.

The amendment, No. 446, will result in the Department of Energy's defense-related laboratories losing their multi-purpose character to the detriment of the laboratories themselves as scientific institutions and to the detriment of their ability to respond to defense needs.

This change reverses management improvements made at DOE by a series of Secretaries of Energy under both Republican and Democratic administrations. These improvements were made after careful review by the Secretaries. They looked at the management deficiencies they encountered during their tenures. There were hearings held in the Congress before the right committees, and decisions were made to what changes the Secretaries recommended should be made in permanent law. That is how we should do things. That is not how we are doing things with this bill.

These improvements made part of the law have been made by careful review by the Secretaries of the management deficiencies they encountered during their tenures. This amendment re-creates dysfunctional management relationships at the Department of Energy that have proven in the past not to work. I repeat, these sweeping changes are being proposed on the floor of the Senate without any input from the committees of jurisdiction over general department management—that is, the Appropriations, Energy and Natural Resources, or the committee with specific jurisdiction over atomic energy defense activities—this committee, the Committee on Armed Services.

The two managers of this bill have worked very, very hard. As I said the other day, on Monday evening, I do not know of two more competent managers we could have for a piece of legislation. They have dedicated their lives to Government. They have dedicated much of their adult lives to making sure the United States is safe and secure. They have worked very hard to have a bill that should be completed today, a very important bill dealing with the armed services of the United States. We should not let this stand in its way. We should not have a bill that comes out of here that is vetoed. We do not need this information in the bill.

To this point, this bill has been proceeding forward on a bipartisan basis. This is the way legislation should move forward. We have been working on this bill for a few short days. In the past, it has taken as many as 14 days of floor activity to complete this legislation.
These two very competent managers are completing this bill, if we get rid of this, completing this bill in 4 days. We should not do this.

There are so many important things in this bill that need to be completed that we should do that. If my friends on the other side—my friends, the Senator from Arizona and the senior Senator from New Mexico—if they really think there are problems in this regard I will work with them. I will work from my position as the ranking member of the Energy and Water Subcommittee. I will do whatever I can to make sure, if they believe a bill needs to come forward on the floor dealing with these things, we would not object to a motion to proceed, that they could bring this bill forward on the floor. We do not want to hold up this bill. But the bill officials in the Department of anything we are doing on this side but because of this mischievous legislation.

I say to my two friends, the Senator from Arizona and the Senator from New Mexico—who are not on the floor; they are two Senators for whom I have the greatest respect—this is not the way to proceed on this. No matter how strongly they feel about what went on with the Chinese espionage, whatever the reasons might be, let’s work together and see if, in fact, after we go through the normal legislative process, with hearings, with committees of jurisdiction, that their method is the way to proceed. Certainly, we are not going to proceed on an afternoon with a bill of this importance, without, I repeat, committee hearings and the other things that go into good legislation.

These sweeping changes are being proposed with no supporting analysis, no public record. Indeed, the changes to be made fly in the face of past recommendations by distinguished experts and past reports of congressional hearings on the subject—DOE Organization, Reorganization and Management.

These changes are firmly opposed, and that is an understatement, by the administration, and I think we should pull this amendment so we can go forward with this bill. The absurdity of this amendment is even more striking when you see who the senior management officials in the Department of Energy are at this time. Think of this. This is not whether we are going to change the way boxing matches are held in this country or how much money we are going to give to high ways in this country. This deal with approximately 6,000 nuclear warheads, any one of which, as a weapon of mass destruction, would cause untold damage to both people and property. So this is not how we should proceed on this legislation. We should proceed on this legislation in an orderly fashion.

I say to my friends, the Senator from New Mexico and the Senator from Arizona, if they are right—which I certainly do not think they are—but if they are right, then let’s have this legislation in the openess of a legislative hearing, the openness of the legislative process.

This amendment No. 446 causes us to be in the midst of protracted debate when we should be trying to complete this legislation.

We are in the midst of a major change in the way we ensure this critical stockpile safety and reliability because we can no longer demonstrate weapons performance with nuclear tests.

We have had approximately 1,000 nuclear weapons tests in the State of Nevada—approximately 1,000. Some of these tests were set off in the atmosphere. We did not know, at the time, the devices were detonated, what happened with the winds blowing radio active fallout into southern Utah, creating the highest rates of cancer anywhere in the United States as a result.

I would awaken in the mornings as a little boy and watch the tests, watch the detonation, and see that orange flash in the sky. It was a long way from where I was, but not so far that you could not see it. Over 100 miles away or more, that would light up the morning sky. It was not far enough away that you could not hear the noise. Still, we were very fortunate in that the wind did not blow toward Searchlight, my hometown; it blew the other way.

We have set off over 1,000 of these nuclear weapons in the air, underground, in tunnels, shafts. We cannot do that anymore. We cannot do it because there has been an agreement made saying we are no longer going to test in that manner. We have to manage our nuclear stockpile using science and computer simulation instead of nuclear testing. This is a terribly, terribly complex job. The greatest minds in the world are trying to figure out how they can understand these weapons of mass destruction to make sure they are safe and reliable.

It needs all of our attention and energy because we must demonstrate with high confidence that this job can be done. We must demonstrate that these weapons of mass destruction can be maintained without nuclear testing, but we are doing everything we can to succeed.

We have developed a program called subcritical testing. What does that mean? It means that components of a nuclear device are tested in a high explosive detonation. The fact is, the components cannot develop into a critical mass, necessary for a nuclear detonation. It is subcritical. As a result of computerization, they are able to determine what would have happened had the tests become critical. We are working on that. We think it works, but there is a lot more we need to do. We need, for example, to develop computers that are 100 times faster than the ones now in existence. Some say, we need computers 1,000 times faster than the ones now in existence to ensure these nuclear weapons, nuclear devices, are safe and reliable.

This tremendously demanding job is made even more difficult by all the other problems with managing the nuclear stockpile. For example, we have to clean up the legacy of the cold war at our production facilities. We are spending billions of dollars every year doing that. We need to develop the facilities and skills for stockpile stewardship. We need to maintain an enduring, skilled workforce.

The people who worked in this nuclear testing for so long are an aging population. We have to make sure we have people who have the expertise and the ability to continue ensuring that these weapons are safe and reliable. We need to provide the special nuclear materials for the stockpile, because the material that makes up a nuclear weapon does not last forever. Tritium, for example, has a life expectancy in a weapon of maybe 12 years. Weapons have to be continually monitored to determine if they are safe and reliable.

All these things are complicated by the discovery that some of our most closely guarded nuclear secrets about our stockpile have been compromised.
over the past 20 years. That makes it even more difficult and makes it even more important that we proceed to ensure that our nuclear stockpile is safe, that it is not seen by eyes that should not see the secrets that go into our nuclear stockpile. We should not be determining the afternoon before the Memorial Day recess how we are going to do that.

Secretary Richardson is one of the most open, available Secretaries with whom I have dealt in my 17 years. He is open to the majority; he is open to the minority. We should not do this to him. He is a dedicated public servant. We need to concentrate on the most important things right now, not later.

I do not think an ill-conceived administrative change—and that is what it is; we are legislating administrative change—and that is what this most important, difficult job is being managed—is the most important thing we can do right now. Clearly, it is not. We have far more pressing matters to attend to in the nuclear stockpile.

We talk about the stockpile, but it is a nuclear stockpile. It is something we have to maintain closely, carefully, to make sure it is safe and reliable. We need to improve our computational capability; I said 100, others say by 1,000 or more, beyond the advances we have already made. That is where we need to direct our attention. We need to develop new simulation computer programs that will make effective use of these higher performance machines. I have been in the tunnels where these subcritical tests are conducted. I have been in the tunnels where the critical tests were conducted. We need to continue, I repeat, making sure these weapons of mass destruction are safe and reliable.

We need to design, as I say, advanced experimental facilities to provide the data for this advanced simulation capability.

We need to hire and train the next generation of weapons physicists and technicians; before, our experienced workforce really withers away.

We have to continue the training of these individuals, not only continue the training but have work for them to do, which we will surely do.

We need to direct and more effective controls in how we do these jobs to ensure no further environmental contamination at our working sites. Hanford, that is an environmental disaster; Savannah River, environmental disaster. We cannot let that take place anymore.

We should be directing our attention to those efforts, not legislating on a bill that we should have completed by now. We could have completed this bill, and I do not think we can figure out some way to get rid of this amendment.

We need to establish better and more effective controls in how we do those jobs, making sure we do not have Savannah Rivers or Hanford, WA, sites where we are spending billions upon billions in those places environmentally sensitive and clean.

Just as important—maybe more important—we need to implement effective security measures that will protect our secrets without unnecessary interference in this very important work. Whatever we do in this terribly important job, we need to do it right.

There is neither the time nor the money to make mistakes. This proposed change in management of the nuclear weapons program is not the right thing to do right now. I feel fairly confident, having spent considerable time speaking to Secretary Richardson, that he is really dedicated to doing the right thing. He does not want to remediate the site after we found that our weapons systems in a Democratic fashion—I am talking in the form of a party—or a Republican fashion. He wants to do it in a bipartisan fashion.

This amendment No. 446 would make the most sweeping changes in the Department of Energy structure and management since its creation in 1977. These drastic changes would be made with no consideration or suggestions, I repeat, by the committee of jurisdiction. They would be made with no consideration or suggestions by the committee that has general management jurisdiction; that is, the Committee on Energy and Natural Resources; or the committee that has jurisdiction over atomic energy defense activities, the Armed Services Committee.

There have been no hearings and testimony by proponents and opponents of a change, and not just this proposed change, but other proposed changes as well.

These jurisdictional considerations and testimony by credible witnesses are mandatory for such a change, because what is being proposed is not obviously better than the present program management frame work.

I want to take this opportunity to compliment the Secretary of Energy—with whom I came to Congress in the same year—for his energetic response to the problems that have come to light since the new responsibilities. I think his public and private statements regarding the possible compromise by the Chinese or others have been outstanding. I think he has done extremely well. No Secretary in my memory has taken such forthright and aggressive actions to remedy problems in this most complex and, I repeat, important Department. He is searching out the Department’s problems. He is doing everything he can to correct these shortcomings.

Let’s give him a chance to succeed. I am confident he will. I know the Secretary has an outstanding relationship with one of the authors of this legislation, the senior Senator from New Mexico. Secretary Richardson is from New Mexico. He served in Congress for many years from New Mexico. He has a good working relationship with the junior Senator from New Mexico and, frankly, with most everyone in this body. Let’s give him a chance to be successful.

This amendment has not been given, I believe, enough thought. There are obvious deficiencies in this proposal. Damage to our weapons laboratories’ capabilities would surely occur under the terms of this amendment. The National Weapons Laboratories are truly multiprogram laboratories, providing their skills and facilities, unmatched anywhere in the world.

We talk about how proud we are of our National Institutes of Health, and we should be, because it does the finest medical research that has ever been done in the history of the world. That is going on as we speak. But likewise, the National Laboratories are truly unmatched anywhere in the world for the sector of critical defense and non-defense problems as well.

We think of the Laboratories as only working with nuclear weapons. But the genome research started in one of our National Laboratories. Many, many things that are now being developed and worked on in the private sector were originally developed with our National Laboratories.

Enactment of this amendment would isolate these multiprogram national assets, making their contributions to other than defense work very difficult, if not impossible. This isolation would reduce and erode the technical scope and skills within the weapons laboratories and that might result in missing an important national defense opportunity.

I am absolutely confident that the directors of the weapons labs will testify to the enormous damage that accompany the opportunity to attack important nondefense problems. I repeat that. There is no doubt in my mind that the directors of the National Laboratories would testify privately or publicly to the enormous defense benefits that accompany the opportunity they have had in the past and continue to have to attack important nondefense problems. That opportunity exists because the weapons program is not isolated within the Department, as it would be in this amendment.

There is a critical need to rebuild our confidence that necessary work can be done in a secure way and within a secure environment. I am very uncomfortable with placement of security in a position where it might compete with the management of the technical program. That critical function needs to exist independently of the program function so that these two equally important matters can be managed without conflict.

This amendment would require unnecessary duplication and redundancy.
of activities in the Department of Energy. Security of nuclear materials and information is necessary for activities that would not be included in the administration proposed by this amendment. This would require separate security organizations to undertake the same and other very similar functions. There is no money to allow this kind of inefficiency to creep into the weapons program.

The Secretary of Energy and the President of the United States oppose this amendment. The President promises to veto the defense authorization bill if it is included in the bill. I personally oppose this proposal for the reasons I have mentioned, and many other reasons that at the right time I will be happy to discuss. I have worked with the senior Senator from New Mexico now for 3 years as ranking member, and many other years as a member of his subcommittee. I just think there is a better way to do this. I know of the time and effort spent with the National Laboratories. I believe this amendment compromises the National Laboratories.

I urge my colleagues to vote against this amendment or to vote for the motion to table, which I am sure will precede an opportunity to vote on this ill-conceived and untimely measure.

Mr. BINGAMAN addressed the Chair. The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that my remarks not count against the two-speech rule. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, let me first just say that I have had a chance now to read the amendment. We received it at about 1:15, about 10 minutes into the description of the amendment from Arizona.

I have had that chance to read it. It is really three separate provisions. I just want to briefly point out that two of them are totally acceptable to this Senator, at least as I see it.

The first, of course, would put into statute the provision establishing an Office of Counterintelligence in the Department of Energy. This is something which was done as a result of President Clinton’s Directive 61 in February of 1998. It is something which the previous Secretary of Energy has done administratively. This Secretary has carried through on that. Clearly, this is a good thing to do, and putting it in statutory form is also helpful.

So I do not have a problem with that part of the amendment at all. I would support that. In fact, I point out that those provisions, with very few changes, are in the underlying bill. But I can certainly agree to whatever changes the Chairman of this amendment would like to see in that section.

The second part of the three parts in this bill is establishing the Office of Intelligence. Again, I believe this is totally appropriate. Again, this is something that the administration has already put energy into. So if this version of that legislative provision has some improvements in it, that certainly is appropriate. I do not oppose that.

The third part of the amendment is the part which I find very objectionable. Let me use the rest of my time to just describe the nature of my concern about the rest of it.

The third part of the amendment is the part designated “Nuclear Security Administration.” This sets up a totally new organization within the Department of Energy which is, as my good friend and colleague from Nevada said, by far the most far-reaching reorganization of the Department of Energy since that Department was created 22 years ago.

The reasons I object to this provision, as it now stands, are several. Let me start by saying that I object to it because of the procedure we followed in getting to where we are today. This is an important proposal. It has far-reaching ramifications. Much of what we do here in the Senate is impacted by the law of unintended consequences, and this is a prime example of something that is going to produce substantial unintended consequences, in my opinion.

We have had many studies about the problems in the Department of Energy. Some of those have been very useful. None of those studies have suggested that we solve the problems with this solution.

The last time we had a hearing on the problems of organization in the Department of Energy was in September of 1996. That was nearly 3 years ago. I sit on the committee, as does my colleague from New Mexico, as do many of us involved in this discussion. I sit on the committee that has jurisdiction over this Department, the Energy and Natural Resources Committee. In that committee, we have had a great many hearings on the Chinese espionage problem. We have had six hearings in that committee alone. We have had one joint hearing with the Armed Services Committee, which I also sit on. That is seven hearings.

None of those hearings have we considered any of this set of recommendations. In none of those hearings have we asked the Secretary of Energy to come forward and explain what changes he thinks might be appropriate, whether or not these kinds of proposals might be appropriate as a way to fix the problem.

My friend, the Senator from Arizona, said it would be a derogation of our duty if we didn’t go ahead and pass this this afternoon. I say it is almost a derogation of our duty if we do pass it this afternoon, because we will not have given the administration a chance to react. We will not have given the administration a chance to explain why they oppose this. I think that is the only reasonable course to follow.

Another suggestion was made by my colleague from Arizona that although Secretary Richardson had objected to an earlier draft, he was fairly confident that those problems had been resolved in the latest bill, which is the one we received at 1:15.

I have in my hand here—I will ask unanimous consent that it be printed in the RECORD—a letter from Secretary Richardson just received a few minutes ago in which he says:

I have now reviewed the latest version of the amendment being offered by Senator Domenici to the Defense Authorization bill. I am still deeply concerned that it moves the Department of Energy and its effort to improve security in the wrong direction. I remain firmly opposed to the amendment, and I want to reiterate my intention to recommend to the President that he veto the Defense Authorization bill if this proposal is adopted by the Congress.

He goes on to explain in more detail why that is his view.

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

The PRESIDING OFFICER. Without objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF ENERGY,

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: I have reviewed the latest version of the amendment being offered by Senator Domenici to the defense authorization bill. I am still deeply concerned that it moves the Department of Energy and its effort to improve security in the wrong direction. I remain firmly opposed to the amendment, and I want to reiterate my intention to recommend to the President that he veto the defense authorization bill if this proposal is adopted by the Congress.

As I stated in my letter of May 25, 1999, our security program deserves a senior departmental advocate, with no missions “conflict of interest” to focus full time on the security mission. The requirements of the security program should not compete with other programmatic priorities of Defense Programs for the time and attention of the senior management of that program, as well as for budgetary resources. Resource competition has been a core problem of Department of Energy security for decades, and we have seen firsthand that inherent conflicts arise and security suffers when the office that must devote resources to the security mission has a competing primary mission, such as Stockpile Stewardship. It is critical that we have a separate office setting security policy and requirements and avoid financial and other pressures from limiting security requirements and operations.

Also, it is important to recognize that the Environmental Management program has significant security responsibilities for securing large quantities of nuclear weapons.
Mr. BINGAMAN. So procedurally, we should not be here on a Thursday afternoon, where the very distinguished manager of the bill, the chairman of the Armed Services Committee, has said we need to finish this bill in the next hour and a half. We need to leave town for their plane reservations. We have to fly out. And by the way, before we leave, let's reorganize the Department of Energy.

This is not a responsible way for us to proceed. Accordingly, I do object to the procedure.

Let me talk about the substance. My friend from Arizona, who is a prime sponsor on the bill, described the bill fairly accurately when he said, this bill, this provision, the third part of the amendment, that I have said is objectionable, the establishment of this Nuclear Security Administration, says this bill creates a stovepipe. That is his exact quote. I agree that that is what happens.

Let me use this chart beside me here to describe very briefly how the Department of Energy functions now.

The Secretary of Energy is in charge of the Department of Energy. There are, under the Secretary, various sub-departments, such as defense programs. We have environmental management, energy efficiency, nuclear nonproliferation, fossil energy and science.

With regard to each of those, the Secretary has established—much of this has been done by Secretary Richardson in the 6 months he has been there—some crosscutting responsibilities. Some people with crosscutting responsibilities are directly answerable to the Secretary. One is the director of counterintelligence. This was a major step forward, and I think everybody who sat through these hearings would acknowledge that this was a major step forward. This was one of the actions that was taken, really, by Secretary Richardson's predecessor, when Ed Curran, who is the gentleman who has been put in the Office of Director of Counterintelligence, was hired. This was in April of 1998.

The problem here is, under the provisions of this bill, has crosscutting responsibility for counterintelligence in each of the parts of the Department of Energy; in fact, in each laboratory. Mr. Curran has testified to this very specifically and focused and provides the means to hold the appropriate line managers responsible.

I appreciate your attention to this serious matter.

Yours sincerely,

BILL RICHARDSON.

Mr. BINGAMAN. This stovepipe organization chart, because we have one of those as well. This, as Senator KYL indicated, is a major change, this third part; the establishment of this Nuclear Security Administration is a major change in the way the Department operates.

What essentially is done is you eliminate the defense programs portion of the Department of Energy and you rename the “Nuclear Security Administration.” You put that in the so-called stovepipe. You would have no independent counterintelligence authority over how that agency functions. There will be no independent security oversight over how that agency, that independent agency or administration functions. There will be no environmental oversight, through the Department, on that. And there will be no oversight regarding health and safety factors relating to workers.

Under that we put all of the facilities that relate to nuclear weapons. One reason why I am particularly concerned, frankly, about this, is that the two National Laboratories in my State would be in this stovepipe. I do not know that that is good for them long term. I have great doubts that that is good for them long term. I really do have doubts as to whether that is a wise course for us to follow.

One problem—and I think the Senator from Nevada referred to this—is that under this new arrangement, it makes it very clear with very specific language here; it says the administrator of this new stovepipe agency, who shall report directly to and shall be accountable directly to the Secretary, “the secretary may not delegate to any department official the duties of the administrator.”

Presumably, what that means is that Secretary Richardson could not ask his Under Secretary, in this case Dr. Moniz, to take on any of the responsibilities for supervising what is going on in this so-called stovepipe agency. Regardless of the experience or the qualifications of Secretary Moniz, or any other Under Secretary, Secretary Richardson would have to personally exercise that oversight, or it would not be exercised. That is clearly not a good management arrangement.

This stovepipe agency, as it is contemplated in this Nuclear Security Administration, eliminates the ability of the Secretary of the Interior to integrate important work on nuclear weapons with other important scientific work going on in the Department of Energy.

I believe very strongly that our laboratories and our nuclear weapons program are strengthened by the interaction that scientists and engineers in that nuclear weapons program have with other scientists and other engineers working elsewhere in the Department of Energy. That would be stopped. That would be much more difficult under this kind of a stovepipe arrangement. There is no prohibition against it happening here, but it is very clear that the head of this Nuclear Security Administration has all authority, and exclusive authority, for what goes on in his department, and there is very little incentive for anyone else to try to put work in those laboratories or interact necessarily with those laboratories on nonnuclear weapons activity.

As a result of this, I fear very much—and I know my good friend and colleague from New Mexico, Senator Domenici, who is a cosponsor of this amendment, says he believes that something like this amendment should be adopted by the Senate because it will keep the Congress, ultimately, after we conference with the House, from going even further and taking a step toward shifting some of this nuclear weapons responsibility to the Department of Defense.

My fear is somewhat different. My fear is that this is a first and sort of a logical step toward giving in that direction, and that if you are going to set up all of this nuclear weapons activity in a stovepipe and it is going to be cordoned off from the rest of the Department of Energy, as is proposed in this bill, I think you will go from that point to the point of saying let's just cut this loose entirely from the Secretary of Energy and make it responsible to the Secretary of Defense.

I think that would be a serious mistake. That is a mistake that our predecessors had the wisdom to avoid. President Truman had the wisdom to avoid...
Mr. DOMENICI. There is no need to do that. Let me say to Senator Bingaman, first of all, I believe that over the last 6 or 7—and I am not casting aspersions in any way on anybody else, but I believe I have had as much to do with keeping the labs diversified as any single Member of Congress.

I believe we have done an exciting job in dealing with the cards that were dealt to us when we decided not to do anymore underground testing. And I believe what Senator Reid spoke about, which has the very fancy words surrounding it—"science-based stockpiled stewardship"—you have no idea how long it was difficult for me to put all four of those words together. I used to leave half of them off. But I think I have got it now. It was a very complicated department. It was imposed on a laboratory system that, I regret to say to you and everybody, was broken down.

In fact, I am going to quote from some reports—all current ones, because they got back to saying the Department of Energy, in terms of doing its work right for the nuclear weapons part—I haven’t seen an analysis about solar, but that is a little program, whether they run it or fund it. I have not seen a report in the last decade, and there are two within the last 6 years, that does not say the Department of Energy’s ability to handle nuclear weapons development is not broken to the core. That is principally because it is stuck in a department with so many other things to do that are, with reference to urgency, much different and much easier and not as important as nuclear weaponry and all that goes with it.

Yet, decisionmakers are making decisions on refrigerator efficiency, and then they move over and make a decision on nuclear weapons. I would almost say with certainty—but I am not going to say I will predict—if they don’t adopt this amendment—and we are going to stay here for a while and see if we are going to adopt it. Maybe some of you want to filibuster it. Some of you haven’t filibustered yet, so it might be exciting. But I can tell you, either this model or a totally independent department for nuclear weapons is going to be the aftermath of this espionage.

I am not worried that it is going to be the Department of Energy managing this because I think too many people have spoken out about that. But when those looking at the management end up saying it cannot fit in a department of the type that is the Department of Energy and be run in a regular, ordinary chain of command decision-making, I am talking much about this proposal—you can allude to it as stovepipe. I choose the Marine concept that is chain of command—I almost would predict today—but not quite—that it will be one of those, freestanding. When, finally, it is determined what I have been frustrated with for years is nuclear weapons, perhaps you can manage the other aspects that are not so critical, but you can’t manage the nuclear part under the current environment. It needs dramatic change.

The reason we are on the floor and the reason we are going to finally get it done is because we are scared, because now it is not a question of efficiency and how long it takes to make decisions for nuclear weaponry. It is because we are frightened that we are getting kicked to death. So being frightened, we are going to fix something. This fix is not going to be a little tiny fix as we have done in the past. If anybody chooses to say this is the lab dragnet, I challenge those. In my view it was created from its former underpinnings called ERDA, which was another department put together with bits and pieces from everywhere, they are right. It is the most significant proposal to streamline nuclear weaponry that has ever been put forward.

But let me suggest that this administration has had two reports, or three, suggesting that dramatic changes ought to be made, and nothing has been done of any significance.

Mr. Richardson, in the aftermath of what some have called the „greatest espionage” in our whole history, is busy and is to be admired and respected for trying to reform. But if you try to reform it, and you are the Secretary of Energy, and you are as diligent as Bill Richardson—and one who likes to run a lot of things, which I admire him for, and one who is a good politician, so he wants to do things politically acceptable, especially for the White House and those he works for— you will never come to the conclusion that this Department should be streamlined such that the Secretary has only one person to be responsible for the nuclear weapons and they will run it inside out, because in a sense it diminishes the role of the Secretary.

I don’t know whether Secretary Richardson does or not. But they are not in office more than 6 months, and they run around calling these great labs, the 11 laboratories of the United States, “my laboratories.” It is just like: Isn’t this great? The Secretary of Energy has this big, $3 billion laboratory, and he calls it “my laboratory.”

I did not say Secretary Richardson does that. I have not heard him. But, if he did, he would be consistent with the other ones.

We have a suggestion here that is probably going to make it a little more difficult for Secretaries of Energy to manage the labs, which are called “laboratories,” because they are going to be a laboratory system run by an administrator within the Department, whether he ends up being an Under Secretary or
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an Assistant Secretary who is going to run the whole show.

For those who do not think there are models such as this, there are. You can take a look at DARPA. You can take a look within the Energy Department at the nuclear Navy. It is different than this, but if you want to look at a model that is within a big department where you have something structured to handle a very important role and mission, there are such models. As a matter of fact, there are experts who say this is a good model, if you want to keep it within the department.

I want to add two other things, and I want to read some notes.

First, if this Senator thought for 1 minute that the implementation of this approach would minimize the diversification and versatility of these three major laboratories to do outside work for the government and others, I would pull it this afternoon. I don’t believe that will happen. I don’t believe it is inherent in this amendment. I believe this concern can be fixed with language, because the fact that it is so poorly managed under this structure that we have is not what is contributing one way or another to its versatility. It is the efficiency and effectiveness of the scientists that are making the laboratories multiuse, multipurpose, multifaceted and that do work beyond nuclear work.

Since my colleague asked that his first speech not be counted as two speeches, which I didn’t object to, I gather that the other side doesn’t intend to let us vote on this. I don’t know what we should do about that. I will meet with our leadership. If it is just up to me, I will debate it as long as we can tonight, and I will go home with this debate completed and bring it up and take another week on it when we come back.

The time is now to fix this tremendous deficiency in terms of how our nuclear weapons and everything attendant to it are managed.

Secretary Richardson is doing a mighty job, but he will never fix it without reorganization and streamlining and chain of command that is provided in this amendment, which is not perfect and not the only one. But this is what it is intended to do.

Let me just read a couple of things. This is Admiral Chiles’ report, the so-called Chiles report of March 1, 1999:

Establish clear lines of authority in DOE. The commission believes that the disorderly organization within DOE has a pervasive and negative impact on the working environment. Therefore, on recruitment and retention, accordingly the commission recommends that the Secretary of Energy organize defense programs—

That is what we are talking about.

That is consistent with the recommendations of the 120-day study. We recommend three structural changes.

They recommend three, for starters.

I use this because anybody, including my colleagues and Senator HRIED, who has today accepted how well the laboratories have done, would almost have to admit that they have done well in spite of the absolute chaotic condition with reference to sustained accountability within the laboratories as a piece of DOE. Frankly, I have appropriated for 5 years—this is my sixth—the Committee on Energy and Water, which funds totally the laboratories, to some extent, not totally, with reference to nuclear work and to some extent on nonnuclear.

There were Congressmen asking that we create some new regional centers for headquarters, Albuquerque, for example, or a greater region somewhere in Texas and the like. We asked, rather than do that, that the appropriations fund a 120-day study. That was done. I am sure my colleague has that. If he doesn’t, his staff does.

I am going to quote from the executive summary of this, which is dated, incidentally, March 1997:

"The bottom of page ES–1, “These practices”—after describing practices within this Department of Energy as it pertains to nuclear weaponry—are constitute the system.”

I am quoting.

They undermine accountability, making the entire system less safe. Further, the process prevents timely decisions and their implementation. Untold millions of dollars are wasted on idle plants and equipment awaiting approvals of various types, or on investments which age and become obsolete and expensive to maintain without ever having been used for the original productive purposes. Finally, the defense program has a job to do—maintenance of a nuclear deterrent, which is not well served by the ES&H review and approval process that drags on forever.

That is the current system of environmental safety and health review in this Department.

People worry about what this amendment is going to do.

Let me tell you. This report says that we are not well served by that which exists in the Department now, and an approval process that drags on forever helps no one.

There is much more to be read in the most current studies that kind of clamor for doing something dramatic and different.

The largest problem [says this same 120-day study on page ES–1] uncovered is that the defense program practices for managing safety, health and environmental concerns are based on nonproductive, hybrid, or centralized management and management practices that have evolved over the past decade. It goes on to say that because they have evolved doesn’t mean they are effective or operative.

I very much am pleased that Senator BINGAMAN yielded so I could have a few words. Senator, I will be back shortly, but I am called to the majority leader’s office to discuss this issue. It will not take me over 15 minutes, and I will return.

I yield the floor.

Mr. BINGAMAN yielded so I could have a few minutes. I rise to speak on behalf of an amendment I sponsored that was agreed to previously as part of the managers’ package.

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

Mr. HUTCHINSON. Mr. President, I rise in support of the Kyl amendment, which brings new security accountability and intelligent administration to the Department of Energy’s (DOE) nuclear weapons program.

The Cox report has shown us that we have ceded design information on all of our most sensitive nuclear warheads and the neutron bomb to China. These designs, our legacy codes, and our computer data have been lost because of lax security at our national labs (Los Alamos, Lawrence Livermore, Oak Ridge, and Sandia), incompetent administrations, and possibly, obstructions of investigations.

What have we lost because of this espionage? According to the Cox report, “Information on seven U.S. thermonuclear warheads, including every currently deployed thermonuclear warhead in the U.S. ballistic missile arsenal.” These warheads are the W-87, W-78, W-79, W-97, W-62, and W-56. China has also obtained information on a number of associated reentry vehicles. But it does not end there. China also has classified design information for the neutron bomb, which no nation has yet deployed. Other classified information, not available to the public, has also been stolen.

With this information, China has made a quantum leap in the modernization of its nuclear arsenal. China will now be able to deploy a mobile nuclear force, with its first deployment as soon as 2002.

The cost of these nuclear thefts is the security of the U.S. and the security of our allies in the Asia-Pacific. The ability to miniaturize and place multiple warheads on a single ballistic missile will have serious destabilizing effects in the region. India is watching China warily, as are Japan, South Korea, and Taiwan.

I hope that our troops in the Asia-Pacific will not have to suffer for a domestic security failure. I hope that we will not have to pay for these thefts in American lives.

But the costs will not be limited to the Asia-Pacific region. We can bet that this information will not stay in the hands of China. China has supplied Iran, Pakistan, Arabia, North Korea, and Libya with sensitive military technology in the past. We have no real guarantees that China will not spread our lost secrets again.

To return to the floor, we have ceded control of our nuclear information, and that control was lost through the specific weaknesses I have described.
This fiasco of security did not happen by accident. There was a concerted effort by both the Chinese government to retain this information and a lack of effort on part of certain individuals to protect those secrets. Janet Reno must be held accountable if she denied her own FBI the authority to investigate suspected spies. Likewise, Sandy Berger must be held accountable if he delayed notification of the President of the United States or if he delayed action on these security breaches.

Mr. President, for two decades we have left the door to our DOE facilities open to thieves. We have exposed our most sensitive details to China. It is time to secure the door of security.

We cannot reverse what has taken place. We cannot take back the information that has been stolen. But we must prevent further theft of our secrets.

The Kyl amendment takes necessary steps in enhancing security at our DOE facilities. It establishes increased reporting requirements to Congress and the President, as well as layers of checks and balances to knock down the stone walls of silence. This amendment also gives the Assistant Secretary of Energy for Nuclear Weapons Programs statutory authority to competitively administer our nuclear programs and enforce regulations.

But we must also recognize that this measure is not an iron sheath for our weapons secrets. Beyond espionage at our national labs, there have also been illegal transfers of sensitive missile defense information by Loral and Hughes, two U.S. satellite manufacturers, to China. With this information, China can improve its military command and control through communications satellites.

In its efforts to engage a “strategic partner,” the Clinton Administration loosened export controls, allowing satellite and high performance computer exports. Within two years of relaxing export controls, a steady stream of high performance computers flowed from the U.S. to China, giving China 600 supercomputers. Once again, China is using these supercomputers to advance its military capabilities. These high performance computers are useful for enhancing almost every sector of the military, including the development of nuclear weapons.

We have not reached the bottom of this pit of security failures. The investigations will continue and Congress will hold the Administration accountable. In the meantime I urge my colleagues to support the Kyl amendment.

Ms. SNOWE. Mr. President, Members of the Senate Armed Services Committee, Senator WARNER, and Senator LEVIN, as well as minority and majority staffs of the Armed Services Committee and the Foreign Relations Committee for working with me on this initiative.

This amendment would impose a requirement on Presidents to seek multilateral economic embargoes, as well as foreign asset seizures, against governments with which the United States engages in armed hostilities.

After 1 month of conflict in Kosovo, the Pentagon had announced that NATO had destroyed most of Yugoslavia’s interior oil-refining capacity. At approximately the same point in time, we had the Secretary of State acknowledging that the Serbians had continued to fortify with imported oil their hidden armed forces in the province.

Just 3 weeks ago, the allies first agreed to an American proposal, one which had been put forward by this administration, to intercept petroleum exports bound for Serbia but then declined to enforce the ban against their own ships.

On May 1, 5 weeks after the Kosovo operation had begun, the President finally signed an Executive order imposing an American embargo against Belgrade on oil, software, and other sensitive products.

Yet, NATO and the United States have paid a steep price for failing to impose a comprehensive economic sanction on Serbia from the beginning of the air campaign, which started in March.

As recently as May 13, a Government source told Reuters that the Yugoslav Army continued to smuggle significant amounts of oil over land and water.

At the end of April, General Clark gave the alliance a plan for the interdiction of oil tankers coming into the Adriatic towards Serbian ports. To justify this proposal, he cited the fact that through approximately 11 shipments, the Yugoslavians had imported 450,000 barrels containing 19 million gallons of petroleum vital to their war effort. Let me repeat: 450,000 barrels, containing 19 million gallons of oil, that supported the war effort. Half of those 19 million gallons of oil would support them for 2 months; half of the 19 million gallons of oil supported the Serbian war effort for 2 months, yet we allowed 11 shipments to come through since the beginning of this air campaign.

Unfortunately, it has been economic business as usual for the Serbians as our missiles try to grind their will. The President declared on March 24 the beginning of the NATO campaign and set a goal of deterring a bloody offensive against the Moslem civilians. We know what happened.

I have a chart that illustrates a chronology of the situation when it comes to economic business as usual. We issued the air briefings on March 24. Then on April 13, while we were adding more aircraft to the engagement, Serbia had reached the midpoint of receiving 11 shipments of oil from abroad.

Of course, on April 27, General Clark announced:

We have destroyed his oil production capacity.

NATO estimates of displaced Kosovars rise to 820,000. Serbia receives 165,000 barrels of imported fuel over a 24-hour period.

While we were adding more aircraft, it now had been a month later since the campaign began, we find they are still bringing in more oil. A month after the start, they were at the midpoint of receiving 450,000 barrels of oil. At the close of April, General Clark confirmed the destruction of Yugoslavia’s oil production capacity. On the same day, however, the Serbs took in 165,000 barrels of imported oil. As I mentioned earlier in this chronology, while we are still bringing in the aircraft, they are still bringing in the oil.

Interestingly enough, just today, in the Financial Times of London, General Wesley Clark was understood to have expressed concern about the oil issue when he briefed NATO ambassadors yesterday on the progress of the 9-week-old air campaign. He has expressed disappointment that U.S. proposals for using force to support the embargo, at least in the Adriatic, were rejected by other allies—notably France. NATO is still working out how the details of a voluntary “visit and search” regime under which the alliance warships would check on ships sailing up the Adriatic Sea. Let me repeat, they are still working out the details of a voluntary visit and search regime.

Now we are in the ninth week of the campaign, well over 400 aircraft, 23, 24 Apache helicopters, the President has called up 33,000 reservists, and they have yet to establish procedures for an oil embargo. They are still working out the details.

The article goes on to say the North Atlantic Council agreed this week to introduce the regime but has to approve the rules of engagement.

It is clear that the air campaign is still being operated, and, obviously, the oil embargo, according to committee.

On May 1, when the President signed the Executive order barring oil and software receipts, there were 11 foreign oil shipments of 450,000 barrels. Milosevic has now received the last of the 11 April oil shipments, for a total of 450,000 barrels on the day when the President signed the Executive order.

As of 3 weeks ago, the number of displaced Kosovars had topped 1 million, and NATO acknowledges the continuation—as we have certainly learned
today in the most recent news updates—of energy imports by the enemy. These imported energy reserves play a significant role in supporting Serbian ground operations.

The U.S. Energy Information Agency estimates that Yugoslavian forces consume about 4,000 barrels of oil per day. This fact means that if Serbian armed units in Kosovo used only one half of the imported fuel just from the month of April alone, they could have operated for nearly 2 months, just half the amount they imported in April, yet as we well know, the air campaign began on March 24.

It took nearly 1 month after the start of the NATO campaign, however, for Milosevic to uproot the vast majority of the ethnic Albanian population of the province. By the timeframe that NATO had claimed to destroy Serbia’s oil refining capacity, which was mid to late April, as we have seen here when General Clark announced it on April 27, the Yugoslavians still managed to perpetrate Europe’s worst humanitarian crisis since World War II. We now face the strategic and operational challenge of uprooting dispersed tank, artillery and, infantry units in Kosovo. This challenge confounds NATO because our military campaign ignored the offshore economic base sustaining the aggression that we had pledged to overcome.

This example teaches us that military victory involves more than the decisive application of force. It also demands, as Operation Desert Storm so dramatically illustrated, a coordinated diplomatic and economic enemy isolation effort among the United States and its allies.

Iraq invaded Kuwait on August 1, 1990. On August 7, the United Nations Security Council, with only Cuba and Yemen in opposition, passed a resolution directing “all States” to bar Iraqi commodity and product imports. This action first helped to freeze Saddam in Kuwait before he could move into Saudi Arabia. The wartime coalition subsequently faced the more manageable task of expelling this dictator from a small country rather than the entire Arabian peninsula.

The point is, during Operation Desert Storm the President of the United States had worked in concert with the allies to establish an embargo. That was effective. What is difficult to understand is why the President and the NATO alliance did not agree to this at the outset? Why, at a time when we were conducting—initiating an air campaign, this oil embargo was not in place? We must always try to damage or destroy the offensive military apparatus of a hostile State, but as the Persian Gulf war taught us, it should also be starved of its resources.

No law can mandate an immediate multinational embargo. But this amendment that will be included in this reauthorization will make it more difficult for future Presidents to repeat the all too common American mistake of waiting a month and actually it is even more than that, because we do not have it in full force. There is no immediate impact of a voluntary embargo currently, as we have obviously heard today with General Clark’s concerns about this issue that continues to fortify Milosevic’s defenses. So we do not want future Presidents to repeat the mistake of waiting a month, waiting longer to allow the enemy to conserve fuel, to get more fuel and to be able to become more entrenched on the ground as we have seen Milosevic has done in Kosovo, and to cloud the prospects for victory.

The United States, as a matter of standard practice, will not pursue an international embargo immediately. In fact, that should have been done even before the campaign had been initiated. That should have been part of the planning process. It should not have been an afterthought. It should not have been ad hoc. It should not have been a few days later we will get to it. In this case, obviously, it was more than a month and it is still running. It should be done immediately. If we are willing to place our men and women and weaponry in harm’s way in the middle of a conflict, in the midst of hostilities, then at the very least the ability of any adversaries to reinforce their military machine should cease. Dictators, tyrants, would further know in advance that we would wage a parallel diplomatic and trade campaign next to the military one to disable their war machinery.

This amendment is not micromanaging policy, but it provides increased assurance and corrects a delay in the interception of war materiel. In the case of Kosovo, the administration and the alliance admits this was helpful to the enemy. We keep seeing that time and time again. We keep hearing it is helpful. That should have been done long ago. It does beg the question why this was not considered as part of the planning process before we initiated the air campaign. It seems to me it would be very logical. This amendment will not constrain but strengthen future Presidents in organizing the international community against regional zealots like Milosevic. We must remember the European Union states declined to enforce the Adriatic Sea embargo, against the advice of the United States. Obviously, that is what General Clark is stating, in terms of his concerns. Obviously, the NATO alliance does not have the rules of engagement for even doing a voluntary search and seizure process.

So I think this amendment will be helpful to lend the force of law to future Presidents in order to strengthen their hand in implementing an embargo and to seek international agreement with those countries with whom we are engaged in a military effort so we can go into this conflict with a united front against military and economic bankruptcy.

As our Balkan campaign reveals, the foreign energy and assets at the disposal of dictators can provide their forgotten tools of aggression. But this amendment signals that the United States will not only remember these tools, but take decisive action to break them. It signals we should not bomb only so the enemy can trade and hide but conduct business as usual. It has been business as usual for Mr. Milosevic, regrettably.

So I hope this amendment will enforce greater clarity in our strategies of isolating our adversaries of tomorrow.

I am pleased the Senate has given its unanimous support of this amendment. I yield the floor.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

Mr. LEVIN. Object.

Mr. REID. Parliamentary inquiry.

The PRESIDING OFFICER. There is a quorum call in progress.

Mr. REID. I object.

The legislative assistant continued with the call of the roll.

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

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

Mr. STEVENS. I ask unanimous consent that the quorum call be put in effect after I finish this statement. It will take about 5 minutes as in morning business.

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

(remarks of Mr. STEVENS pertaining to the introduction of S. 1159 are located in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. STEVENS. I suggest the absence of a quorum.

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

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Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, I ask that the roll be taken, that Senator Reed be recognized to talk about the roll call for 10 minutes and that then the quorum call be reinstated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.
The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, as a preliminary matter, I ask unanimous consent that Herb Cupo, a fellow in Senatorロの office, and that Sheila Jazzayeri and Erin Barry of Senator Johnson's staff be granted floor privileges during the debate.

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

Mr. REED. Mr. President, I rise today in support of S. 1059, the fiscal year 2000 defense authorization bill. As a new member of the Senate Armed Services Committee, I would like to thank Chairman WARNER and Ranking Member ROBB of my committee and thank Senator EVANS, Member L EVIN for their leadership on this legislation and, also, the subcommittee chairmen and ranking members who have been very helpful.

The staff of the committee has also given us able support and assistance throughout this process.

This bill represents a significant increase in funding for national defense, $288.8 billion. This is an $8.3 billion increase over the request of the Administration. I must admit that although I recognize the need for increasing defense spending, this is a substantial increase that puts tremendous pressure on other priorities of the nation. Nevertheless, I think at this time in our history it is important to reinvest in our military forces to give them the support they need to do the very critical job they perform every day to defend the United States.

I am also pleased that, given this increase, the committee has very wisely allocated dollars to needs of the services that are paramount. We have been able, for example, to increase research and development by $1.5 billion. In an incredibly technological world, we have to continue to invest in research and development if our military forces are going to have the technology, equipment and the sophisticated new weapons systems that they need to be effective forces in the world.

In addition, we have added about a billion dollars to the operation and maintenance accounts. These are critical accounts because equipment needs to be maintained and our troops need to be trained. These dollars are integral parts of an effective fighting force, and we have made that commitment.

In addition, we have tried with those extra dollars to fund, as best we can, the 'Service Chiefs' unfunded requirements. Those items they have identified—the Chiefs of Staff of the Army, Air Force, CNO of the Navy—are critical systems they think are vital to the performance of their service's mission.

In this bill, we have also looked at and dealt with a very critical problem, and that is recruitment and retention of the military forces. We are finding ourselves each month, in many services, falling behind our goals for enrolling new enlistees to the military services and retaining the valuable members of the military services coming up for reenlistment.

This bill, which incorporates many provisions of S. 4, increases pay by 4.8 percent and significantly changes the retirement provisions that were adopted in the 1980s to more favorably represent a retirement system for our military. It also will incorporate the provisions of Senator CLELAND's bill with respect to Montgomery G.I. bill benefits, making them more flexible for military personnel so they can be used for a spouse or child. This is a very important development, not only because of the substance, but also in the fact that it represents that type of innovative thinking about dealing with the problem of recruitment and retention, not simply by doing the obvious, but something that is innovative and, in the long term, helpful. I commend the Senator from Georgia for his great leadership on this issue.

What we are also recognizing here is that among the quality of life issues that affect the military is the issue of health care. I am pleased to note that we have attempted to deal with a nagging problem with the military, and that is the difficulty of obtaining assistance regarding the TriCare system—that is, the HMO, if you will, that military families and personnel use. We have heard complaints about TriCare. Indeed, they are many of the same complaints we hear about civilian HMOs from constituents back home.

It is interesting to note that this legislation incorporates an ombudsman program for TriCare. There will be an 800 number where a military person can call with a complaint, with a question, or with a concern, and we will have an individual at that number who will help negotiate and navigate through the intricate system of managed care. This is such an interesting program, and, indeed, we are working on this in the context of civilian health care. Senator WYDEN and I introduced legislation to create an ombudsman program for all managed care in the United States. Our program would authorize States to set up ombudsman programs to assist our constituents in dealing with problems just as real and just as complicated as problems facing military personnel in the TriCare system.

I hope that our unanimous support of this provision today in this legislation will be heard by our DoD leaders. We consider managed care reform on this floor in the days ahead so that we can, in fact, adopt an ombudsman provision for our civilian programs as well as our military TriCare program.

I am also pleased to note that we have actively supported the non-proliferation provisions in this legislation.

The Cooperative Threat Reduction program is absolutely essential to our national security. We authorize $475 million, an increase.

The crucial area of concern obviously is the stockpile of nuclear weapons in the newly independent states of the former Soviet Union. We want to make sure that they safeguard that system, and we want to also make sure that we can work with them to dismantle those systems which will lead both to their security and our security and the security of the world.

I am somewhat regretful, however, that the Senate chose to table Senator KERREY's amendment which would strike the requirement that the United States maintain strategic force levels consistent with START I until START II provisions come into effect. We all also recognize that we have in fact pushed ahead on another provision which touches on our nuclear security and a strategic posture, and that is the approval of the decision of the Department of Defense to reduce our Trident submarine force from 18 ships to 14 ships. That is a step in the right direction towards the START II level.

I am also pleased that this bill will authorize funding to begin design activity regarding the conversion of our Trident ballistic nuclear submarines to conventional submarines which are more in line with the current situation in the world. In fact, when I have talked to commanders in chiefs throughout the world, they say they are continually asked to use those submarines for conventional missions. This will give us four more very high quality platforms to use in conventional situations. I think that is an improvement, both in our strategic posture in terms of nuclear forces and also in terms of our conventional posture.

I am, however, also disappointed with respect to another issue. And that is the failure to adopt a base closing amendment as proposed by Senator MCCAIN and Senator LEVIN. We are maintaining a cold war infrastructure in the post-cold-war world. We reduced our forces but we can't reduce our real estate. It is not effective.

We also give our Secretary of Defense and our military chiefs the flexibility in the base closing process to identify and to close excess military installations, we will be spending
money that we don’t have. And we will be taking that money from readiness, from modernization, and from our forces to meet the threat. They do not deserve that reduction in resources, but in fact deserve the shift of those resources from real estate that is excess to the real needs of our fighting forces. The real needs are taking care of their families, being ready for the mission, and having equipment to do the mission. And every dollar that we continue to invest in resources and installations that we don’t need is one dollar less that we don’t have for the real needs of our soldiers, sailors, airmen and marines who are out in harm’s way standing up and protecting this great country.

I hope we can pass a base closing amendment. I am encouraged that we have more support this year than last year. I hope that we can do so, because it is the one way we cannot only eliminate excess space but also do it in a way that is not political. I know there have been many charges on this floor about politicization. As I hear these charges and these arguments against base closings, I fear that we are the ones that are letting politics get in the way of national security policy. The longer we do that, the more detrimental this will be upon the true interests of the country and the needs of our military forces.

Again, let me say in conclusion that this effort, led by Senator WARNER and Senator LEVIN, by the ranking Members, and the Chairpersons of the subcommittees and assisting agencies, results, I think, in excellent legislation. I encourage all of my colleagues to support this bill.

I yield the floor.

Mr. REID. I object.

I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, I have a unanimous consent request that I will propound at this time. I do think the issue which has been before the Senate is a very important issue. I have shown my interest and my concern regarding security and more reports with regard to China, satellite technology, and security of our labs. We have added a significant amount of language into this bill. I also think an important part of making sure we have secure labs in the future and that the administration is handing the lab involvement over to reorganization at the Department of Energy. Obviously, what is now in place is not working. But this is not about organization; this is about security.

I ask unanimous consent that there be 1 hour for debate to be equally divided on amendment No. 446, the amendment by Senator DOMENICI, and others; following that time, the Senate proceed to vote on or in relation to the amendment, with no amendments in order prior to the vote.

I might add before the Chair rules, this agreement is the same type of agreement that we have been reaching for dozens of amendments throughout the consideration of the DOD bill.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

Mr. LOTT. I ask consent that a vote occur on or in relation to this amendment with the same parameters as outlined above, but the vote occur at a time to be determined by the majority leader and the Democratic leader.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. LOTT. I inquire of the assistant Democratic leader, is the Senator objecting because he does not want a direct vote on the amendment No. 446, or is there some other problem with that request?

Mr. REID. I say with the deepest respect for the majority leader, I have spent considerable time here this afternoon indicating why I think this is the wrong time for this amendment. I have stated there are parts of the amendment that I think are acceptable and agreeable to the minority, but this is not the time for a full debate on reorganizing the Department of Energy. This is on the eve of the recess for the Memorial Day weekend. We have had no congressional hearings; we have not heard from the Secretary of Energy, except over the telephone. This is not the appropriate way to legislate.

For these and other reasons, I ask there be other arrangements made so that we can proceed to this most important bill, the defense authorization bill.

Mr. LOTT. Mr. President, in light of that objection, I ask consent that when the Senate considers H.R. 1555—that is the intelligence authorization bill—following the opening statement by the manager, Senator KYL, be recognized to offer an amendment relative to national security at the Department of Energy; I further ask consent that if this agreement is agreed to, amendment No. 446 be withdrawn, following 60 minutes of debate to be equally divided between Senators KYL and DOMENICI and REID and LEVIN, or their designees.

Mr. REID. Reserving the right to object, and I shall not object. I do say to the majority leader, I appreciate on behalf of the minority, very much, this arrangement being made. This we acknowledge is important legislation. It is an important amendment, one that deserves the consideration of this body. I think it is an appropriate time. As indicated, H.R. 1555 will be the time we can fully debate this issue.

So I say to the sponsors of the amendment, Senators KYL, DOMENICI, MUKOWSKI, we look forward to that debate and express our appreciation for resolving this most important legislation today. There is no objection from this side.

The PRESIDING OFFICER. Is there objection? The Senator from New Mexico.

Mr. DOMENICI. Mr. Leader, would you take the time you have allotted to the two of us, the Arizona Senator and myself, and add Senator MUKOWSKI, equally divided?

Mr. LOTT. I will so amend my request.

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

Mr. LOTT. Mr. President, in light of this agreement, then we will continue. The managers have some work they need to do with regard to some amendments that are still pending. During this 60 minutes of debate, I hope that can be resolved. We are expecting that final passage on the Department of Defense authorization bill would occur this evening, hopefully before 8 o’clock. If we can make it any sooner than that, certainly we will try to, but 8 o’clock is still our goal.

Just one final point. I must say, I do not like having to pull aside this amendment. I thought we should have full debate, that it was a very important amendment and we should have had a vote on it. But we will have an opportunity. This is an issue that is important. It does go to the fundamental question of security at our energy and nuclear labs. But I think this Department of Defense authorization bill is the best defense authorization bill we have had in several years. A lot of good work has been done and I thought it would not have been wise to leave tonight without this Department of Defense authorization bill being completed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank both leaders for arranging for this bill to go forward now.

Senators will recall, pursuant to an earlier unanimous consent, we asked Senators to send to the desk such amendments as have not been as yet cleared by the managers. We are continuing to work on those amendments, but we cannot guarantee we will be able to include all of them into the package.

Should we finish this debate, it is the intention of the managers to move to third reading unless Senators come down with regard to these amendments that are pending at the desk.
I will be on the floor, as will Senator Levin, continuously to try to work out as many as we possibly can. But it is essential, as the majority leader said, we try to vote this bill at 8 o’clock right now.

Mr. LEVIN. If the Senator will yield, I concur with his suggestion that those who do not want this, those who believe that they have not been cleared come over. We do not want to raise false hopes that we will be able to clear many more of them because we have cleared, I believe, a goodly number.

Mr. WARNER. There were about 40.

Mr. LEVIN. We are doing the best we can, but it is going to get more and more difficult to clear additional amendments. We have, I believe, cleared about 25 of the 40, roughly, that were sent to the desk. We just may not be able to clear many more because of differences on both sides.

Mr. WARNER. But we both want to be eminently fair to our colleagues. The bill as it stands at the desk are ones that we, at this time, either on Senator Levin’s side or my side, find unacceptable.

Mr. LEVIN. At this moment that is correct. We are going to do our best to see if we cannot get a few more to be acceptable, but it is getting difficult.

Mr. WARNER. I thank the Chair and yield the floor.

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Mr. DOMENICI. Mr. President, I believe I have 10 minutes.

Mr. WARNER. I thank the Chair and yield the floor.

Mr. DOMENICI. Mr. President, if you would appreciate it if you notify me when I have used up 8 minutes.

Mr. WARNER. I thank the Chair and yield the floor.

Mr. DOMENICI. Mr. President, I first want to say how sorry I am at the treatment of this amendment, the first major, significant effort to put our nuclear weapons development house in order and stop the espionage we have been hearing about. The American people are now very fearful of the consequences of this situation. There can be all the talk the other side wants as to how many, if any, of those provisions remain at the desk that are ones that we, at this time, either on Senator Levin’s side or my side, find unacceptable.

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amendment want to speak at this time. I gather they do not since they are not on the floor, so I will take a very few minutes of our time and make a few moments.

First of all, I think this is a good result we have come up with that allows for a reasoned and deliberate consideration of this proposal. I certainly repeat what I said earlier today, which is, I question nobody’s motives. I am sure everyone’s motives are the same as mine, and that is, how do we improve the security of our nuclear weapons program and, at the same time, maintain the good things about our nuclear weapons program in our National Laboratories in our Department of Energy.

I, for one, started this from the proposition that the Stockpile Stewardship Program, which I share a sense of urgency and a sense of importance is essentially responsible for maintaining our nuclear deterrent, has been a success. That is my strong impression, and the suggestion that it has been fettered and burdened—I believe that the language is—what we can do by other activities in the Department, I do not believe is true.

My strong impression is that the Stockpile Stewardship Program is alive and well, that our nuclear deterrent is secure and reliable, and that in fact there is a lot we can point to with pride in that regard. Clearly, there have been security lapses. Clearly, classified information has been stolen, and we need to put in place safeguards against that ever recurring. I favor that, and I believe we have some strong provisions in this underlying bill which will accomplish that and will move us in the direction of accomplishing that.

Maybe there should be more. I am not too aversive to considering reorganization in parts of the Department of Energy. That may be a very constructive suggestion for us to look into. But I do believe that the way to do it is through hearings.

Hopefully, we can have hearings in the Armed Services Committee. This is the appropriate committee, I believe. I serve on that committee. Perhaps Senator WARNER can schedule some hearings as early as the week after next when we return, if there is a sense of urgency that we really are about doing all that is constructive to do.

I am not in any way arguing that we should not look into this issue. I believe if we have hearings, we should give the Secretary of Energy the chance to testify. I do believe that if we are going to embark upon a major reorganization of the Department of Energy, the logical thing to do is to ask the Secretary of Energy his reaction to Secretary DOMENICI, Senator Kyl, and I have participated. I was really disappointed we were denied that opportunity. I am pleased we have this limited time available to us.

When we offered the amendment, we each had 10 minutes. That is not very much time to explain it. I had hoped the minority would have granted more time. I can only assume the minority is very much opposed to a full discussion of the circumstances surrounding the greatest breach of our national security, as evidenced by the Cox report which came down yesterday.

I am further shocked that the administration has succeeded in temporarily derailing this amendment. And that is what they have done; they have delayed the amendment. The administration seems to be more concerned about the organization of the Department of Energy than the Department of Energy is organized than whether the national security of the United States is protected. We had an obligation prior to this recess to initiate a corrective action within the Department of Energy. The minority has precluded us from proceeding with that opportunity today.

As chairman of the Energy and Natural Resources Committee, I have held seven hearings. These hearings have revealed the shocking, dismal state of security at our weapons labs. Those on the other side do not want to repair it now; they want to study. How long have they studied it? It has gone through at least four Secretaries, that it would provide, if you will, reporting not just to the Secretary but to the Congress and to the President.

This would have provided accountability to the people of the United States. They are entitled to it. But not now. The administration and the minority have succeeded in derailing it.

The opponents of the amendment claim that it would make the DOE, the Department of Energy, bureaucracy unwarranted. Well, I have news for you. That is possible? It is already unwarrantable. That bureaucracy is so unwarrantable, it has allowed all our secrets—all our secrets—that we have spent billions of dollars on, to simply pass over to the Chinese, and perhaps other nations as well.

The Department of Energy’s bureaucracy has proven time and time again that no matter how diligent any individual Secretary of Energy is, the bureaucracy can outwait the Secretary, the bureaucracy can ignore the Secretary, the bureaucracy can do whatever it pleases without fear of any consequences.

Let me just give you one example. In 1996, the Deputy Secretary of Energy, Charles Curtis, implemented the so-called Curtis Plan. It was a security plan. It was a good plan. It was a plan to enhance security at the DOE laboratories.

But in early 1997 he left the Department of Energy. And guess what. Not only did the Department of Energy bureaucracy ignore the Curtis Plan, the DOE bureaucracy did not even tell the new Secretary about the Curtis Plan.
I have had the opportunity in hearings to personally ask the new Secretary if he was familiar with the Carter Plan. The specific response was: Well, it was never transmitted.

Why wasn’t it transmitted?

Well, we don’t know. We just have fingers pointing the fingers back and forth.

I certainly commend Secretary Richardson for his efforts to improve security. He has improved security. But the plans, the traditional Department of Energy security plans, seem to have the life of a fruit fly.

The loss of our nuclear weapons secrets is too important to ignore or to trust to the bureaucracy of an agency that has time and time again proven that it simply cannot be trusted, because the bureaucracy does not work, the checks and balances are not there.

So I am extremely disappointed that the Secretary has said in a letter he will demand that the President veto the bill because Congress is taking action—Congress is taking action—to fix the problem. Can you imagine that? We are taking action to fix the problem, and they are saying it is too hasty, we should not fix the problem.

This is just part of the problem. This amendment is just part of the answer. But at least we are trying to do something. The Democrats on the other side say: Oh, no, you’re too early.

The pending amendment would have created accountability and responsibility for protecting the national security at the Department of Energy; but not now, as a result of the administration’s objections.

The pending amendment would have created three new organizations within the Department of Energy to protect our nuclear secrets; but not now, as a result of the administration’s objections.

The pending amendment would require the Department of Energy to fully inform the President and the Congress about any threat to or loss of our national secrets; but not now, as a result of the administration’s objections.

President Clinton will rightfully be able to claim ignorance—claim ignorance—again on what is going on, because he will be ignorant of what is going on.

The amendment would have prohibited anyone in the Department of Energy or the administration from interfering with reporting to Congress about any threat to or loss of our Nation’s national security information; but not now, as a result of the administration’s objections.

The amendment would have required the Department of Energy to report to Congress every year regarding the adequacy of the Department of Energy’s procedures and policies for protection of national security information and whether each DOE laboratory is in full compliance with all the DOE security requirements; but not now, as a result of the objections of the minority and the administration.

The amendment would have required each Department of Energy laboratory director to certify in writing whether that laboratory is in full compliance with all departmental national security information protection requirements; but not now, as a result of the objections of the minority and the administration.

In short, this amendment would have gone far—not all the way—but it would have gone far in preventing further loss of our nuclear weapons secrets to China; but not now—well, it is evident—as a result of the objections of the minority and by the administration.

I suggest that the administration has made a tragic mistake, that the minority has made a tragic mistake. The American people expect a response from the Congress, the Senate, now in this matter—not next week or next month.

Mr. President, I reserve the remainder of my time.

I ask what the time remaining is.

The PRESIDING OFFICER (Mr. Sessions). Two minutes 13 seconds.

Mr. MURKOWSKI. I thank the Chair. I believe there are other Senators wishing to speak at this time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator from New Mexico has 9 minutes 30 seconds.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that Senator Levin’s time be assigned to me.

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

Mr. BINGAMAN. Mr. President, let me respond to a few of the points that have been made. Then I will yield, because I know the Senator from Arizona, who is the prime sponsor on the amendment, is here and wishes to speak.

The suggestion that we are leaving without knowing anything about security in our National Laboratories in the Department of Energy is just wrong.

I am on the Armed Services Committee. I participated in the drafting of the language that is included in this bill. We have 24 pages in the defense authorization bill which is the best—then the language that is included in the bill. We have 24 pages in the defense authorization bill which is the best—the best—we could come up with in the Armed Services Committee to deal with this problem of security and put in the more rigorous regulations.

We start on page 546, establishing a Commission on Safeguards, Security, and Counterintelligence at Department of Energy Facilities. We go on; that commission is established. We move on from the Cox report that that was one area of failure.

For the Democrats, at a time when this Nation is at war, to threaten that they are going to block, through filibuster, a national security reauthorization bill because they do not want us to debate an amendment to address this shocking failure of security, I think is inexplicable, disappointing, and is going to be hard to explain to our constituents.

I wish we had debated the Kyl amendment, had enough time to spend on it, have a vote on it, and take the time that Mr. Kyl has proposed in this amendment.

I leave with disappointment and dismay that such a filibuster would be threatened on an amendment that is so important to the security of the United States.

I yield the floor.

CONGRESSIONAL RECORD—SENATE
May 27, 1999

Mr. BINGAMAN addressed the Chair. The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, how much time remains on our side?

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We start on page 546, establishing a Commission on Safeguards, Security, and Counterintelligence at Department of Energy Facilities. We go on; that commission is established. We move on from the Cox report that that was one area of failure.
Department of Energy facilities. We then go on to establish civil monetary penalties for violations of the Department of Energy regulations related to safeguarding and security of restricted data. 

We have a moratorium on lab-to-lab and foreign visitors and assignment programs unless there is a certification made by the head of the FBI, the head of the CIA, the Secretary of Energy himself as to the fact that safeguards are in place.

We increase penalties for misuse of restricted data. We establish the Office of Counterintelligence in statute, which is essentially a third of the amendment that the Senator from Arizona is proposing. So two of the three parts of the amendment the Senator from Arizona and my colleague from New Mexico have proposed is included in this amendment.

It is just not accurate to say we are leaving here without having done anything. We also provide for increased protection for whistle-blowers in the Department of Energy, provide for investigation and remediation of alleged reprimands for disclosure of certain information to Congress. We provide for notification to Congress of certain security and counterintelligence failures at the Department of Energy facilities. All of these provisions are in the bill the way it now reads.

I say again what I said before: Maybe there should be more. I hope very much we will have some hearings in the Armed Services Committee, perhaps on the Energy Committee. I know my colleague from Alaska, the chairman of the Energy Committee, expressed his great concern that we are not moving ahead this afternoon on this. Since we have given the Senate seven hearings on this China espionage issue, we should go ahead and have an eighth hearing, hopefully the week after next, and we should look at this proposal or similar proposals to see what can be done.

One other minor item: There has been reference made to the failure to implement the recommendations that Charles Curtis, our former Under Secretary, made with regard to security. I agree, this was a failing. The information was not properly passed from one group of appointed officials to the next group of appointed officials when they came into office. That is a very unfortunate lapse. Under this amendment, Secretary Curtis would have been stripped of any authority over the nuclear weapons program. It would be prohibited for the Secretary of Energy to allow the Under Secretary any authority over that program under this proposal.

One of our outstanding Secretaries of Energy, since I have been serving in the Senate, has been Secretary Watkins. He is known for his attention to the detail of management and administration. During the time he was Secretary of Energy, he issued a great many management directives or notices, as he called them. I have here a notation regarding 37 of these management directives that Secretary Watkins issued. They are all related to the operation and management of the Department of Energy. None of them contain the provisions or anything like the provisions that are contained in here.

I hope when we have hearings in the Armed Services Committee, in the Energy Committee, in whatever committee the majority would like to hold hearings, let's call Secretary Watkins, Admiral Watkins, to come and explain to us his view of this proposal. Surely we cannot question his commitment to dealing with safeguards and security and with the problem of Chinese espionage. I know my colleagues want to imply that Members on the Democratic side are less than concerned, let us call Secretary Watkins and see whether he is less than concerned about some of these issues.

I am persuaded that he is very concerned. I am persuaded that all of my colleagues in the Senate, Democrat and Republican, are very concerned. We need to do the right thing. We need to be sure that whatever we legislate helps, rather than hinders, our ability to deal with this. I yield the floor at this point and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, might I just address the Senate to say that Senator LEVIN and I am still working with regard to the managers' package and reviewing such amendments at the desk when Senators come and discuss them. It is the intention of this Senator to move to third reading very shortly, just minutes following the debate on the current amendment by the distinguished Senator from Arizona, Mr. KYL.

Mr. KYL. Mr. President, is there anybody else on the Democratic side who wishes to speak at this point?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the time now is being controlled by Senator BINGAMAN. I ask him for 1 minute.

The PRESIDING OFFICER. The Senator may proceed.

Mr. BINGAMAN. I yield the Senator such time as he wants.

Mr. LEVIN. Mr. President, Senator BINGAMAN has just put in the RECORD the extensive actions that are taken in this bill in order to enhance security at these labs, actions which were taken after some very thoughtful debate and discussion by the Armed Services Committee. Senator BINGAMAN has outlined those for the RECORD and for the Nation.

I want to put in the RECORD at this time the summary of the amendment that we adopted here today. Senator LOTT offered an amendment earlier today. It was modified somewhat. In essence, it does some of the following things:

First, it requires the President to notify the Congress whenever an investigation is undertaken of an alleged violation of export control laws. It would require the President to notify the Congress whenever an export license or waiver is granted on behalf of any person who is the subject of a criminal investigation. It would require the Secretary of Defense to undertake certain actions that would enhance the performance and effectiveness of the Department of Defense program for monitoring so-called satellite launch campaigns. It would enhance the intelligence community's role in the export license review process. It proposes a mechanism for determining the extent to which the classified weapons information has been released by the Department of Energy. It proposes putting the FBI in charge of conducting security background investigations of DOE laboratory employees.

These are a long list of actions which are now in this bill, that started off in this bill from the Armed Services Committee that had been improved on the floor today. To suggest that we are not doing anything relative to trying to clamp down on espionage activities which have been going on for 20 years at these labs, it seems to me, is a total misstatement of what is in this bill that we will be voting on in a few minutes.

I ask unanimous consent that a summary of the Lott amendment, again, slightly modified since this list has been prepared, but that a summary of the Lott amendment be printed in the RECORD at this time.

Mr. WARNER. Reserving the right to object—I do not intend to—could you describe who prepared the summary?

Mr. LEVIN. This was prepared by Senator LOTT's staff. Again, there were some slight modifications in this, which Senator LOTT agreed to, which I proposed prior to the adoption of the amendment. This, in essence, is the summary of the Lott amendment. This, plus the numerous provisions in the Senate bill that came out of the Armed Services Committee, a commission on safeguarding security, counterintelligence at the facility, background check investigations now going on that had not been taking place, polygraph examinations, monetary penalties to be added to the criminal penalties, moratorium on laboratory-to-laboratory and foreign visitors in assignment
programs, counterintelligence and intelligence program activities being organized, while still lower protection, notification of Congress of certain security and counterintelligence failures at these labs.

This is a significant effort on the part of the Armed Services Committee. It was supported by the full committee today. I don’t think we ought to denigrate this effort on the part of the Armed Services Committee or of the Senate in adopting the amendment we adopted today by just suggesting we are not doing anything because in a few hours prior to a recess, without one hearing on the subject, we are not reorganizing the Department of Energy without even hearing from the Secretary of Energy. I think that suggestion is a denigration of what is in this bill, and in a way that will do credit to this institution, the Senate. We ought to do it promptly after the recess. We ought to do it after a hearing, where the Secretary of Energy is heard. The head of the Department should at least be heard. We received a letter from him today. Do we not want to hear from him prior to reorganizing the Department? That is not thoughtful.

That is not the way to proceed to close a hole. That is a way of precipitously trying to do something, trying to get some advantage from the refusal of others to go along with that kind of precipitous action. But more important, I believe it would denigrate the significant steps that are in this bill, both as it came to the floor and as it was added by the majority leader with modifications, which I suggested, and that work is significant. It will close, we hope, most of the holes that have been in these labs in terms of trying to protect against espionage for 20 years, where nothing was done until finally last year the President issued a Presidential directive that started the process of tightening up the security at these laboratories.

We should be proud of these efforts. They were done thoughtfully in committee by the majority leader, by Senators on the floor. We should not denigrate them and simply slough them off because there is not a precipitous reorganization of the entire Department 2 hours before the recess, without even having a hearing on the subject and hearing from the Secretary of the Department.

That is more than 1 minute, Mr. President. I ask unanimous consent that the summary of the Lott amendment be printed in the RECORD, as follows:

LOTT AMENDMENT SUMMARY

First, this amendment would require the President to notify the Congress whenever an investigation of an alleged violation of U.S. export control laws in connection with the export of a commercial satellite of U.S. origin. It also would require the President to notify the Congress whenever an export license or waiver is granted on behalf of any U.S. person or firm that is the subject of a criminal investigation.

Second, this amendment would require the Secretary of Defense to undertake certain actions that would significantly enhance the performance of the DOE program for monitoring so-called “satellite launch campaigns” in China and elsewhere.

Third, this amendment would enhance the Intelligence Community in the export control review process, and would require a report by the DCI on efforts of foreign governments to acquire sensitive U.S. technology and technology transfer.

Fourth, this amendment expresses the Sense of Congress that the People’s Republic of China should not be permitted to join the Missile Technology Control Regime (MTCR) as a member until Beijing has demonstrated a sustained commitment to missile non-proliferation and has adopted an effective export control system.

Fifth, the amendment expresses strong support for stimulating the expansion of the commercial space launch industry here in America. This amendment strongly encourages efforts to promote the domestic commercial space launch industry, including through the removal of regulatory barriers to long-term competitiveness.

The amendment also urges a review of the current policy of permitting the export of commercial satellites of U.S. origin to the PRC for launch.

Sixth, this amendment requires the Secretary of Energy to provide information to U.S. satellite manufacturers when a license application is denied.

Seventh, this amendment also would require the Secretary of Defense to submit an annual report on the military balance in the Taiwan Straits, similar to the report delivered to the Congress earlier this year.

Eighth, the amendment proposes a mechanism for determining the extent to which classified nuclear weapons information has been released by the Department of Energy.

Ninth, the amendment proposes putting the FBI in charge of conducting security background investigations of DOE laboratory employees.

Tenth, the amendment proposes increased counter-intelligence training and other measures to ensure classified information is protected during DOE laboratory-to-laboratory exchanges.

AMENDMENT NO. 458, AS MODIFIED

Mr. WARNER. Mr. President, I send a modification of amendment No. 458 to the desk.

THE PRESIDING OFFICER. The amendment will be so modified. The amendment (No. 458), as modified, is as follows:

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

SEC. 1061. SENSE OF THE SENATE ON NEGOTIATIONS WITH INDICTED WAR CRIMINALS.

(a) IN GENERAL.—It is the sense of the Senate that the United States as a member of NATO, should not negotiate with Slobodan Milosevic, an indicted war criminal, or any other indicted war criminal with respect to reaching an end to the conflict in the Federal Republic of Yugoslavia.

(b) YUGOSLAVIA DEFINED.—In this section, the term “Federal Republic of Yugoslavia” means the Federal Republic of Yugoslavia (Serbia and Montenegro).

Mr. KYL. Mr. President, will you advise us as to the time remaining?

The PRESIDING OFFICER. The junior Senator from New Mexico has 11 minutes; the senior Senator from New Mexico has 2 minutes; the Senator from Alaska has 2 minutes 13 seconds; and the Senator from Arizona has 8 minutes 25 seconds.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, we have had a lot of conversation here on the floor as we have looked at the examples of finger-pointing. It is apparent also that we have had bungling at the very highest level.

I’d like to share a couple of examples with my colleagues. Why wasn’t Wen Ho Lee’s computer searched to prevent the loss of our secrets? Because the FBI claims that the DOE told the FBI that there was no waiver. The FBI then assumed they needed a warrant to search.

Well, Wen Ho Lee did sign a computer access waiver. This is the waiver on this chart. I can’t tell you how many days of communication it took to get this waiver, because the first explanation was that it didn’t exist. When the FBI asked the Department of Energy if there was a waiver on Wen Ho Lee’s computer, the Department of Energy examined their records and they could not find a waiver. Here is a waiver signed by Wen Ho Lee, April 19, 1995. It says:

These systems are monitored and recorded and subject to audit. Any unauthorized access or use of this LAN is prohibited and could be subject to criminal and civil penalties. I understand and agree to follow these rules.

There it is. We found it. What is the result? Lee’s computer could have been searched, but instead was not searched for 3 long years. There was a waiver the entire time. What is the excuse of the bureaucrats for that? They point to one another.

Then there is the role of the Justice Department. The Justice Department thwarted the investigation by refusing to approve a warrant, not once, twice, but three times. We still have not heard a reasonable explanation. The Attorney General owes to the American people and the taxpayers an explanation as to why it was turned down.
What is frightening, as well as frustrating, is that nobody put our national security as the priority. The FBI and the Department of Justice were more concerned about jumping through unnecessary legal hoops than about preventing one of the most catastrophic losses in history. The events involved throughout the Lee case are not only irresponsible, they are unconscionable.

I thank the Chair.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. BINGAMAN. Mr. President, I agree that there was substantial bungling by various officials and, clearly, that computer should have been investigated. Maybe we ought to have an amendment out here to reorganize the FBI. Maybe that is the solution to this problem, and we can consider it tonight before we leave town. Clearly, there is no disagreement between Democrats and Republicans about the fact that serious problems exist and they need correcting.

The question is, Should we do a major reorganization of the Department of Energy with no hearings, no opportunity for the Secretary of Energy to come forward, and do so here as everyone is trying to rush out to National Airport and fly home? In my view, that is clearly not the responsible approach. Accordingly, we did object to that portion of the amendment. I think that is the right thing to do. After hearings, after consideration and meaningful discussion with the Department and with other experts about how to proceed, we may well find some ways to improve that Department through changes in its organization. If we do find those, I will certainly be the first to support such a proposal. But I do think it is appropriate for us, at this stage, to stay with what works and continue to look for other ways to help in the weeks and days ahead.

I yield the floor.

Mr. KYL, addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I suggest that the example of the FBI and the Department of Energy not knowing that the waiver existed that Senator MURkowski spoke about is the perfect case of the right hand not knowing what the left hand was doing, and it is precisely what this amendment seeks to correct. There is an old debate tactic called the red herring. If you mention the real argument of your opponent, throw something out there that you can defeat and pretend like that is the issue.

Members of the Democratic side have said, why don’t you bring all kinds of security provisions in this bill. How dare the Republicans suggest that we haven’t done anything about security in the bill.

The security provisions in the bill were put there by Republicans. We know full well this feature is a security provision in the bill. Virtually every one of them were put there by Republicans. And I am informed that in the Armed Services Committee, Democrats fought many of them. Now they come to the floor today and pretend it is in the bill—not having sponsored them, having opposed some of them, but now contend that we have solved the problem, because the Republicans on the Armed Services Committee put some provisions in the bill, and because the Republican majority leader, Senator Lott, brought a whole series of things to the floor. Much of what was quoted by the Democrats came from the Lott amendment. In fact, Senator LEVIN even put into the RECORD a summary of the Lott amendment.

I am glad. These are all very good provisions. Republicans are serious about our national security. But to suggest that what was done there is the end of it, now we can go home, is to quit way before this problem has been solved.

The Kyl-Domenici-Murkowski amendment is an amendment that seeks to get to the core of the problem. As Senator BINGAMAN said, two-thirds of the Armed Services Committee amendments were incorporated into our amendment. That is true. We did that for stylistic purposes.

What is the problem? It is the remaining one-third. They don’t want to get to the core of the problem, which is the organization of the Department of Energy.

Here is what it boils down to: Who do you trust? Do you trust the Clinton administration with the national security of the United States saying: Trust us; we will do the reorganization down here at the Department of Energy. We are going to figure it out.

Is that who you trust?

I don’t think the American people can afford to continue to put their trust in an administration which has known about this problem since 1995, and only in 1999 did it begin to do anything about it because of public pressure. From the management review report of the Department of Energy itself, as recently as last month, it recognized that, “Significant problems exist in that the roles and responsibilities are unclear.”

That is precisely what we are trying to fix—to get these roles and responsibilities straight.

Only a month before, a congressionally created administration said, “The Assistant Secretary of Defense programs should be given direct line management over all aspects of the nuclear weapons complex.” That is our amendment.

The GAO report—a whole list of reports, all highly critical of the management at the Department of Energy and the defense weapons complex.

I finally conclude with this point: The GAO testified that the continuing management problems at the Department were a key factor contributing to security problems at the laboratories and a major reason why DOE has been unable to develop long-term solutions to the recurring problems reported by advisory groups.

Is that who you want to trust to clean this up and fix it up, and make sure that we don’t have any more problems? I think not. I think it is time for Congress to get involved.

What is so astonishing to me tonight is that the Democrat minority would hold up the defense authorization bill at a time when we are at war in Kosovo, because they don’t even want to debate our amendment. They called a quorum call and wouldn’t take it off so that Republican Members couldn’t even come to the floor. Senator DOMENICI asked to be allowed to speak on our amendment. He is a coauthor. The minority refused him the opportunity even to speak.

So not only will they not allow us to vote on our amendment, but they won’t even allow it to be debated. Yet their ostensible reasoning for opposing it is not because they don’t think it has some good ideas in it but because we have to have a lot more discussion and debate about this; we haven’t had hearings; we need to talk about this.

I have offered them the opportunity to talk about it, but they don’t want to talk about it. They don’t want to talk about it because it gets right to the guts of the problem—the Department of Energy has to be reformed. This amendment does that.

The national security of the United States cannot be protected until we do that. And the suggestion of the distinguished minority whip that now is not the time, on the eve of the Memorial Day recess, is astounding. What is more important, that Members get to go home for the Memorial Day recess, or that we act with alacrity to fix the problems of national security at our laboratories?

I am astonished that the Democratic minority would take this kind of cavalier approach to the national security of the United States—we need to talk about it more, but we are not going to let you talk about it. We need to get out of town for the recess. So withdraw your amendment.

Only because the Department of Defense needs the authorization bill are the authors of this amendment willing to withdraw it at this time.

There is a war in Kosovo. It is irresponsible for the minority to threaten to filibuster this bill until kingdom come while that war is going on, because they don’t even want to talk about an amendment that would guarantee the security at our National Laboratories.

This is a sad day for those who are opposing this amendment. It is a sad
day when Members of this Senate won't let their colleagues talk about this amendment, won't allow us to work on it, and who's going to get out of town to brag about whatever it is that they have done, but without doing the unfinished business of protecting the security of our National Laboratories.

I retain the remainder of my time.

Mr. WARNER. Mr. President, I ask unanimous consent not to take from the time of the debate and to continue to work on the bill.

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

Mr. WARNER. Mr. President, the distinguished Senator from Florida has debated an amendment today. Senator SHELBY and Senator Robert KERREY replied to that drain on our side.

I am now informed that they will consider the amendment of the Senator from Florida at such time as the intelligence bill is brought up, and that basically meets the requirements of the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

UNANIMOUS-CONSENT AGREEMENT—AMENDMENT NO. 47

Mr. GRAHAM. Mr. President, I ask unanimous consent that when the Senate considers H.R. 555 I be recognized to offer an amendment relative to counterintelligence, and I further ask consent that if this agreement is agreed to that amendment 47 be withdrawn.

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

Mr. GRAHAM. Thank you, Mr. President.

Mr. WARNER. Mr. President, the distinguished Senator from Michigan and I will send managers' package to the desk. I don't know that that package is ready at this moment. We hope very much to start the final vote before 8 o'clock. There are a number of our colleagues whose plans can be greatly enhanced if we can start this vote as quickly as possible.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, how much time does the manager have on his hands?

The PRESIDING OFFICER. Nine minutes 40 seconds.

Mr. BINGAMAN. Mr. President, let me make some comments, and then I will be prepared to yield the remainder of our time. Perhaps I will not be able to talk to all the experts we can find. I hope we can come up with some good solutions here.

I yield the floor.

Mr. REID. Mr. President, the junior Senator from Arizona, in my absence, talked about how I had improperly held up this bill. I complied with every Senate rule. The rules of the Senate have been in effect for a long time.

I think what we should understand is that there appears to be some kind of game playing here, that late in the day this amendment was brought up and because people wanted to get home—and I am not one of those Senators who had some desire to rush out of here; I had no airplane today—there would be a capitulation to this amendment which was filed late in the game. It was filed at a time when there were no congressional hearings, there had been no time to review this responsibly. The minority would not cave in to that.

Mr. REID. Mr. President, the Armed Services Committee schedule hearings next week, I will be there and I will do all I can to help make whatever legislative provisions we propose out of those committees be constructive and effective in improving the security of our National Laboratories and our Department of Energy, generally, and improving the organization of that Department.

It is highly improper, in my view, to try to legislate something here without knowing what is the intent of the President to testify, without allowing him to give his input into it, and without looking at how other Secretaries of Energy feel about some of these major, far-reaching changes as well.

Would we do this right. We should do it quickly. We should take whatever action we determine makes sense for the country's good, and we should not play politics with this issue. This is not a Democrat or Republican issue. We are all very concerned about our national security. We are all anxious to do the right thing—Secretary Richardson as much as anyone in this body, and we need to ask his advice. We need to talk to all the experts we can find. I hope we can come up with some good solutions here.

I yield the floor.

Mr. REID. Parliamentary inquiry. How much time remains on this unanimous-consent request?

The PRESIDING OFFICER. The Senator from New Mexico has 2 minutes, the Senator from Arizona 1 minute 42 seconds.

Mr. REID. Mr. President, the junior Senator from Arizona, in my absence, talked about how I had improperly held up this bill. I complied with every Senator rule. The rules of the Senate have been in effect for a long time.

I think what we should understand is that it appears there was some kind of game playing here, that late in the day this amendment was brought up and because people wanted to go home—and I am not one of those Senators who had some desire to rush out of here; I had no airplane today—there would be a capitulation to this amendment which was filed late in the game. It was filed at a time when there were no congressional hearings, there had been no time to review this responsibly. The minority would not cave in to that.

Mr. REID. Mr. President, we are not talking about Memorial Day recess. We are talking about good legislation. This is not good legislation. We have acknowledged that there are certain pieces of this amendment Energy and we should do so with hearings. We can have them as soon as the week after next. I am happy to stay here, to continue to give them, if the Senator is suggesting we are trying to leave town without doing our duty to the country. I am happy to have them next week in the committees I serve on. If the Energy Committee and the Armed Services Committee schedule hearings next week, I will be there and I will do all I can to help make whatever legislative provisions we propose out of those committees be constructive and effective in improving the security of our National Laboratories and our Department of Energy, generally, and improving the organization of that Department.
we are willing to accept, but the rest of it we are not. We are not going to be compelled to do so. We complied with the Senate rules, as we always try to do.

We shouldn’t be dealing with this on a partisan basis. The Cox-Dicks report dealing with the espionage at one of the National Laboratories was done on a bipartisan basis. If we are going to do something to change the way the Department of Energy is administered, it should be done on a bipartisan basis.

There may be feelings hurt in this matter; certainly my feelings are not hurt. I did what was appropriate to protect the prerogatives of a Senator and a minority. That is a reason the Senate has fared so well over the two centuries or more that it has been in existence—that the rights of the minority can be protected. This is the body to do it. We did protect our rights. I look forward to the day when we can debate this again. I think it will be an interesting debate.

I have said this before: I commend and am grateful to the managers of this bill. They have done an outstanding job to get rid of this very, very important, big piece of legislation. They could not have done it with this amendment pending.

I reserve the remainder of my time. The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank the assistant Democratic leader, Senator LEVIN and I have been able to move this bill, but it is because of the cooperation we have had from the leadership and all Senators. This is my 21st armed services authorization bill and Senator LEVIN’s 21st. I don’t know of a smoother one. We have had few quorum calls and cut and come again.

I wish to say to my distinguished friend and assistant Democratic leader, the timing of the bringing up of the Kyl-Domenici amendment I am largely responsible for. I worked with them and said I recognized that this could begin to slow the bill down. It wasn’t a last-minute type of thing.

Mr. REID. I accept that explanation, but I think it underscores what I said about the capabilities of the two managers of this bill. Had this come up earlier, this bill would not be completed now.

Mr. WARNER. I thank the leader, and I certainly want to pay my respect to Senator LOTT. He has worked on this issue knowing the interest of all parties relating to this important amendment. He has worked with us for some several days on it.

Mr. President, we are ready to begin to wrap things up. The amending process. AMENDMENTS NO. 482 THROUGH 536, EN BLOC

Mr. WARNER. On behalf of myself and the ranking member, the Senator from Michigan, I send 56 amendments to the desk. This package of amendments is for Senators on both sides of the aisle and has been cleared by the minority.

I send the amendments to the desk at this time and I ask they be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The clerk will report.

The legislative clerk reads as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. LEVIN, proposes amendments Nos. 482 through 536, en bloc.

The amendments are as follows:

AMENDMENT NO. 482

(Purpose: To add an exception to a requirement to reimburse a mentor firm under the Mentor-Protege Program)

AMENDMENT NO. 483

(Purpose: To provide for the consolidation of Air Force Research Laboratory facilities at the Rome Research Site, Rome, New York)

AMENDMENT NO. 484

(Purpose: To provide for the consolidation of Air Force Research Laboratory facilities at the Rome Research Site, Rome, New York, New)
SEC. [SC099.447]. CONTRACT GOAL FOR SMALL DISADVANCED BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

Amendment to Requirement.—Subsection (k) of section 2323 of title 10, United States Code, is amended by striking “2000” both places it appears and inserting “2003.”

AMENDMENT NO. 488

(Purpose: To authorize payment of special compensation to certain severely disabled uniformed services retirees)

At the end of subtitle D of title VI, add the following new section:

SEC. 650. SPECIAL COMPENSATION FOR SEVERELY DISABLED UNIFORMED SERVICES RETIREES.

(a) Authority.—(1) Chapter 71 of title 10, United States Code, is amended by adding at the end of the section the following new item:

“§1413. Special compensation for certain severely disabled uniformed services retirees.

“(a) Authority.—The Secretary concerned shall, subject to the availability of appropriations for such purpose, pay to each eligible disabled uniformed services retiree a monthly amount determined under subsection (b).

“(b) Amount.—The amount to be paid to an eligible disabled uniformed services retiree in accordance with subsection (a) is the following:

“(1) For any month for which the retiree has a qualifying service-connected disability rated as total, $300.

“(2) For any month for which the retiree has a qualifying service-connected disability rated as 90 percent, $200.

“(3) For any month for which the retiree has a qualifying service-connected disability rated as 80 percent or 70 percent, $100.

(c) Eligible Members.—An eligible disabled uniformed services retiree referred to in subsection (a) is a member of the uniformed services in a retired status (other than a member who is retired under chapter 61 of this title) who—

“(1) completed at least 20 years of service in the uniformed services that are creditable for purposes of computing the amount of retired pay to which the member is entitled; and

“(2) has a qualifying service-connected disability.

“(d) Qualifying Service-Connected Disability Defined.—In this section, the term ‘qualifying service-connected disability’ means a service-connected disability that—

“(1) was incurred or aggravated in the performance of duty as a member of a uniformed service, as determined by the Secretary concerned; and

“(2) is rated as not less than 70 percent disabling—

“(A) by the Secretary concerned as of the date on which the member is retired from the uniformed services; or

“(B) by the Secretary of Veterans Affairs within four years following the date on which the member is retired from the uniformed services.

“(e) Status of Payments.—Payments under this section are not retired pay.

“(f) Funds.—Payments under this section for any fiscal year shall be paid out of funds appropriated for pay and allowances payable by the Secretary concerned for that fiscal year.

“(g) Other Definitions.—In this section:

“(1) The term ‘service-connected’ has the meaning give that term in section 101 of title 38.

“(2) The term ‘disability rated as total’ means—

“(A) a disability that is rated as total under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; or

“(B) a disability for which the scheduled rating is less than total, for which a rating of total is authorized by reason of inability of the disabled person concerned to secure or follow a substantially gainful occupation as a result of service-connected disabilities.

“(3) The term ‘retired pay’ includes re- tainer pay, emergency officers’ retirement pay, and naval pension.”.

(b) Effective Date.—Section 1413 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1999, and shall apply to months that begin on or after that date.

Mr. MCCAIN. Mr. President, I am pleased that the Senate has adopted my amendment to the National Defense Authorization Act for Fiscal Year 2000, to authorize special compensation for severely disabled military retirees who suffer under an existing law regarding “concurrent receipt.” As many of my colleagues know, current law requires military retirees who are rated as disabled to offset their military retired pay by the amount they receive in veterans’ disability compensation. This requirement is discriminatory and wrong.

Today, America’s disabled military retirees—those individuals who dedicated their careers to military service, and who suffered disabling injuries in the course of that service—cannot receive concurrently their military retirement pay and the disability compensation they have earned through at least 20 years of service in the Armed Forces, and their veterans’ disability compensation, which they are owed due to pain and suffering incurred from military service. In other words, the law penalizes the very men and women who have sacrificed their physical or psychological well-being in uniformed service to their country.

My amendment does not provide for full payment to eligible veterans of both the disability compensation and the retired pay that they have earned. I regret that such a proposal, which I support in principle, would be far more expensive than many of my colleagues could accept. I learned that lesson the hard way in the course of sponsoring more ambitious concurrent receipt proposals in previous Congresses.

The amendment instead authorizes special compensation for the most severely disabled retired veterans—those who have served for at least 20 years, and who have disability ratings of between 70 and 100 percent. More specifically, it would authorize monthly payments of $300 for totally disabled retired veterans; $200 for retirees rated as 90 percent disabled; and $100 for retirees with disability ratings of 70–80 percent.

These men and women suffer from disabilities that have kept them from pursuing second careers. If we cannot muster the votes to provide them with their disability pay and retired pay concurrently, the least we can do is authorize a modest special compensation package to demonstrate that we have not forgotten their sacrifices.

The Military Coalition, an organization of 30 prominent veterans’ and retirees’ advocacy groups, supports this legislation, as do many other veterans’ service organizations, including the American Legion and Disabled American Veterans. These highly respected organizations recognize, as I do, that severely disabled military retirees deserve, at a minimum, special compensation for the honorable service they have rendered the United States.

The existing requirement that military retired pay be offset dollar-for-dollar by veterans’ disability compensation is inequitable. I firmly believe that non-disability military retired pay is post-service compensation for services rendered in the United States military. Veterans’ disability pay, on the other hand, is compensation for a physical or mental disability incurred from the performance of such service. In my view, the two pays are for very different purposes: one for service rendered and the other for physical or mental “pain and suffering.” This is an important distinction evident to any military retiree currently forced to offset his retirement pay with disability compensation.

Concurrent receipt is, at its core, a fairness issue, and present law simply discriminates against career military people. Retired veterans are the only group of federal retirees who are required to waive their retirement pay in order to receive VA disability. This inequity needs to be corrected. The Senate has made important progress toward that end with the adoption of this amendment.

I continue to hope that the Pentagon, once it finally understands our message that it cannot continue to unfairly penalize disabled military retirees, will provide Congress with a fair and equitable plan to properly compensate retired service members with disabilities. It is my hope to work with the simple logic that disabled veterans both need and deserve our full support after the untold sacrifices they made in defense of this country.

I look forward to the day when our disabled retirees are no longer unduly penalized by existing law to receive concurrent receipt of the benefits they deserve. And I thank Senators WARNER and LEVIN, the managers of S. 1059, for accepting my amendment to provide

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special compensation for severely disabled retired veterans, who deserve our ongoing support and gratitude.

Amendment No. 890
(Purpose: To clarify the relationship between the pipeline program for commercial services and existing law on the transportation of supplies by air)

On page 283, line 18, strike ”(h)” and insert the following:

(h) RELATIONSHIP TO TRANSPORTATION OF SUPPLIES.—Nothing in this section shall be construed as modifying, superseding, impairing, or restricting requirements, authorities, or responsibilities under section 2631 of title 10, United States Code.

Mr. LOTT, Mr. President, I offer this amendment to clarify the applicability of the Cargo Preference Act to the acquisition streamlining authority found in section 1654 of title 10, United States Code, which authorizes a new pilot acquisition program for commercial services, one of which is “transportation, travel and relocation services.” Although cargo preference or preference waivers are not mentioned in the amended section 2631, it is possible that cargo preference law found in 10 U.S.C. 2631. In the absence of cargo preferences, DOD would have to acquire an immense organic fleet and use very scarce uniformed manpower at enormous cost of more than $600 million per year to waive any acquisition reform savings. This amendment would ensure the waivers of 10 U.S.C. 2631 for commercial service contracts are not authorized under this pilot program.

Amendment No. 491
(Purpose: To require a report on the use of the facilities and electronic infrastructure of the National Guard for support of veterans services)

On page 357, between lines 11 and 12, insert the following:

SEC. 1032. REPORT ON USE OF NATIONAL GUARD FACILITIES AND INFRASTRUCTURE FOR SUPPORT OF PROVISION OF VETERANS SERVICES.
(a) REPORT.—(1) The Chief of the National Guard Bureau, in consultation with the Secretary of Veterans Affairs, shall submit to the Secretary of Defense a report assessing the feasibility and desirability of using the facilities and electronic infrastructure of the National Guard for support of the provision of services to veterans by the Secretary. The report shall include an assessment of any costs and benefits associated with the use of such facilities and infrastructure for such support.

(b) TRANSMITTAL DATE.—The report shall be transmitted under subsection (a)(2) not later than April 1, 2000.

Mr. BINGAMAN, Mr. President, I rise to offer an amendment that promises to extend to the Nation’s veterans an improved, more accessible way to submit and process claims for benefits and other services. Recently, in my state of New Mexico, complaints about processing claims for veterans benefi ts reached high volume. Billboards appeared around Albuquerque that the Albuquerque regional office of the Veterans Administration was the “worst VA office in the country.” I was very concerned about these charges and looked into the situation. Information provided by the Albuquerque office essentially confirmed the accusations I read on the billboard. Statistics show that the system is broken and needs fixing. Compensation for completed claims in New Mexico takes 301.6 days on average, the nationwide average is 192.9 days. Pension compensation claims average 149.9 days in Albuquerque versus 108.8 days nationwide. “Cases Pending Over 180 Days” in Albuquerque are about 81 percent of the total. Nationwide, only about 22 percent fail to appear for cases pending over 180 days. The system appears to be broken and the situation is ripe for creative new ways to solve our beleaguered veterans’ problems.

I recently received a briefing that I thought might go a long way to serving veterans’ needs, particularly in rural States such as New Mexico. The proposal suggested that veterans be permitted to use National Guard armories and communications infrastructure to receive counsel on a wide range of veterans benefits issues. As you are aware, National Guard armories are typically used during weekends for exercises and training, but often are underutilized during the week. The proposal suggested that the National Guard and the Veterans Administration coordinate ideas and concerns into a program which could take advantage of the considerable resources already in place at the armories. The wide dispersion or armories, particularly among rural communities, would provide a considerably more convenient venue for receiving veterans services than the long commute to major metropolitan areas such as Albuquerque that is now required.

My amendment requires the National Guard in consultation with the Veterans Administration to examine this idea, and to report their findings regarding costs and benefits to the Secretary of Defense, who, having reviewed the report, would submit it and an additional report to the Congress. I am optimistic that the analysis will show that investing resources in this project would pay major dividends to the veterans community which is experiencing considerable difficulty in settling benefit claims under the current process.

I am pleased to introduce this idea to my fellow Senators and appreciate its acceptance as an agreed amendment in this year’s defense bill.

In title II, t the end of subtitle C, add the following:

SEC. 225. SENSE OF CONGRESS REGARDING BALLISTIC MISSILE DEFENSE TECHNOLOGY FUNDING.
It is the Sense of Congress that—
(1) because technology development provides the basis for future weapon systems, it is important to maintain funding balance between ballistic missile defense technology development and ballistic missile defense acquisition programs;
(2) funding planned within the future years defense program of the Department of Defense should be sufficient to support the development of technology for future and follow-on ballistic missile defense systems while simultaneously supporting ballistic missile defense acquisition programs;
(3) the Secretary of Defense should seek to ensure that funding in the future years defense program is adequate for both advanced ballistic missile defense technology development and for existing ballistic missile defense major defense acquisition programs; and
(4) the Secretary should submit a report to the congressional defense committees by March 15, 2000, on the Secretary’s plan for dealing with the matters identified in this section.

Mr. SESSIONS. Mr. President, funding for Ballistic Missile Defense Technology has been in a steady decline since Fiscal Year 1992, with the Army part of the budget down approximately 70% during this period. All indications are that it appears technology funding
is headed for further descent in the future.

The Ballistic Missile Defense Technology program is in the category of research and development, a category that bridges the gap between basic research and full-scale weapon system development and it is critical to preventing technical obsolescence and to meeting emerging threats.

Historically, this applied research in the area of ballistic Missile Defense has been vital to the evolution of systems that are being developed and deployed today to meet an ever-growing missile threat. It is the wellspring of new defense systems and the source of demonstrated technology that is needed to make upgrades to systems already in the field.

The emphasis in the Ballistic Defense Technology program for the past 7 to 8 years has been on acquisition, getting systems and fielded. The following Desert Storm in 1991, it was clear that ballistic missiles were a real threat and that the problem of proliferation of these missiles would be of grave concern for many years to come. There were understandable calls to rapidly build defense systems to counter this threat.

While this emphasis is on deployment certainly justified by the pace and scale of the threat, it has resulted in a serious reduction in the advanced development budget. This means the missile defense systems entering the inventory today are the products of laboratories of the services over a number of years, in some cases over a span of 20 or more years.

If we are to remain the world’s leader in missile systems, it is imperative that we do all we can to stop this dramatic erosion of Ballistic Missile Defense Advanced Technology funding and strengthen the chain of development upon which future defense capability depends. We are indeed “eating our seed corn” when we pull from our research efforts to fund the deployment of systems or carry out other military missions such as those found in the contingency operation arena such as Bosnia or Kosovo.

This Sense of the Congress calls upon the Secretary of Defense to take a hard look at the Future Years Defense Program to ensure that funding in the future years defense program is adequate for both planned ballistic missile defense technology development and for existing ballistic defense major defense acquisition and improvement programs. To that end we look forward to the Secretary’s report by March 15th, 2000 on his plan for dealing with the matters identified in the amendment.

AMENDMENT NO. 498

(Purpose: To require a report regarding National Missile Defense)

In title II, at the end of subtitle C, add the following:

SEC. 225. REPORT ON NATIONAL MISSILE DEFENSE.

Not later than March 15, 2000, the Secretary of Defense shall submit to Congress the Secretary’s assessment of the advantages and disadvantages of a ground-based National Missile Defense system, with special reference to considerations of the worldwide ballistic missile threat, defensive coverage, redundancy and survivability, and economies of scale.

AMENDMENT NO. 499

(Purpose: To require a report from the Comptroller General on the closure of the Rocky Flats Environmental Technology Site, Colorado.)

On page 578, below line 21, add the following:

SEC. 317B. COMPTROLLER GENERAL REPORT ON CLOSURE OF ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.

(a) REQUIREMENT.—The Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report addressing the progress of the closure of the Rocky Flats Environmental Technology Site, Colorado.

(b) REPORT ELEMENTS.—The report shall address the following:

(1) How decisions with respect to the future use of the Rocky Flats Environmental Technology Site effect ongoing cleanup at the site.

(2) Whether the Secretary of Energy could provide flexibility to the contractor at the site in order to quicken the cleanup of the site.

(3) Whether the Secretary could take additional actions throughout the nuclear weapons complex of the Department of Energy in order to quicken the closure of the site.

(4) The developments, if any, since the April 1999 report of the Comptroller General that could alter the pace of the closure of the site.

(5) The possibility of closure of the site by 2006.

(6) The actions that could be taken by the Secretary of Energy to ensure that the site would be closed by 2006.

AMENDMENT NO. 498

(The text of the amendment is printed in today’s Record under “Amendments Submitted.”)

Mr. CLELAND. Mr. President, this dynamic legislative year has seen some monumental events. This body began the year by passing S. 4, the Soldiers, Sailors’, Airmen’s and Marines’ Bill of Rights Act of 1999. With an overwhelming vote of 91–8, the United States Senate did not hesitate to show this great Nation that we appreciate the sacrifices and contributions of our service men and women. We also sent a message to the senior leaders of our military services that their pleas for assistance in stemming the flow of highly qualified service members from the military would not go unanswered.

The Soldiers’, Sailors’, Airmen’s and Marines’ Bill of Rights Act of 1999 included a 4.8% pay raise, pay table reforms, retirement savings plan, and improvements to the current GI Bill. These GI Bill improvements included an increase in GI Bill benefits from $526 to $800 per month, elimination of the now-required $1200 service member contribution, permission to accelerate lump sum benefits and finally, authority to transfer GI Bill benefits to immediate family members. While the bill we are considering today addresses pay and retirement system reforms, it does not address the GI Bill enhancements. You, my distinguished colleagues, showed your support for these GI Bill enhancements earlier this year, and the members of our armed services—and their families, asks for your support again.

Since the end of the Cold War, our military services have been reduced by one-third, yet worldwide commitments have increased fourfold. Our forces are poised in Asia, standing guard in the Sinai, providing assistance in south America and Haiti, flying combat missions in Iraq, and still involved in Kosovo. They are providing invaluable humanitarian assistance to those who have been devastated by a number of natural disasters around the world. And, members of our Guard and Reserve components will be this country’s sole providers of a “Homeland Defense” against the challenge of weapons of mass destruction presented by this uncertain world.

Sadly, these men and women who sacrifice so much for our country are bearing the brunt of these competing demands. By improving pay and benefits, as well as providing for increases in equipment upgrades, weapons procurement and replishment, and spare parts funding, we can show America’s brightest that we value their service and recognized their sacrifices.

In my opinion, improvements to the GI Bill may be the single most important step the Congress can take in assisting the recruiting and retaining of America’s best. Data we are seeing indicate that education benefits are an essential component in attracting young people to join the armed services. As the costs of college tuition rise, we must remain in step by increasing in GI Bill benefits, or the benefits themselves will become less effective over time. The transferability option under which service members would be allowed to transfer their GI Bill benefits to their spouse or children, is an innovative, powerful tool that sends the right message to those young people we are trying to attract into the military and those we are trying to retain.

This Nation changed dramatically, and for the better, under the original GI Bill. Now we have another chance to address future national needs by creating the GI Bill of the 21st Century. I ask that you join me as we choose the right path at this important historical crossroads.
Date of the enactment of this Act.

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

The percent applicable for a month under this section is amended to read as follows:

COMPUTATION OF ANNUITY.—''.

The percent applicable for a month is 35 percent for surviving spouses age 62 and older. I am pleased to have join me as cosponsors of the amendment: Senators LOTT, BURNS, COCHRAN, CLELAND, COLLINS, HUTCHINSON of Arkansas, MACK, McCAIN and SNOWE.

Mr. President, as our Armed Forces are engaged in operations over Yugoslavia, it is appropriate for the Congress to correct a long-standing economic injustice to the widows of our military retirees. My amendment would immediately increase for survivors the minimum Survivor Benefit Plan annuity from 35 percent to 40 percent of the Survivor Benefit Plan-covered retired pay. The amendment would provide a further increase to 45 percent of covered retired pay as of October 1, 2004.

Mr. President, I expect every member of the Senate has received mail from military spouses expressing dismay that they would not be receiving the 55 percent of their husband’s retirement pay as advertised in the Survivor Benefit Plan literature provided by the military. The reason that they do not receive the 55 percent of retired pay is that current law mandates that at age 62 this amount be reduced either by the amount paid for other Federal Security benefits or to 35 percent of the SBP. This law is especially irksome to those retirees who joined the plan when it was first offered in 1972. These service members were never informed of the age-62 reduction until they had made an irrevocable decision to participate. Many retirees and their spouses, as the constituent mail attests, believed their premium payments would guarantee 55 percent of their retirement benefits. They were misled.

It would increase the minimum Sur-

vivor Benefit Plan basic annuity for survivors age 62 and older. I therefore urge approval from the Congress in enacting the Survivor Benefit Plan benefits for the so-called Forgotten Wives. This is the second step toward correcting the Survivors Benefit Plan and providing the surviving spouses of our military personnel paid for and paid for benefits.

Thank you, Mr. President.

Mr. President, 2 years ago, with the significant support from the Members of the Senate Armed Services Committee, I was successful in gaining approval of an amendment to increase the Survivor Benefit Plan benefits for those under the Federal Employment Retirement System and a 50 percent subsidy for those under the Civil Service Retirement System. Further, Federal civilian survivors receive 50 percent of retired pay with no offset at age 62. Although Federal civilian premiums are 10 percent retired pay compared to 6.5 percent for military retirees, the difference in the percent of contribution is offset by the fact that our service personnel retire at a much younger age than the civil servant and, therefore pay premiums much longer than the federal civilian retiree.

Mr. President, I urge the adoption of the amendment.

Mr. President, when the Survivor Benefit Plan was enacted in 1972, the Congress intended that the government would pay 40 percent of the cost to parallel the government subsidy of the Federal civilian survivor benefit plan. That was short-lived. Over time, the government’s cost sharing has declined to about 26 percent. In other words, the retiree’s premiums now cover 74 percent of the cost versus the intended 60 percent.

Contrast this with the federal civilian SBP, which has a 42 percent subsidy for those personnel under the Federal Employment Retirement System and a 50 percent subsidy for those under the Civil Service Retirement System. Further, Federal civilian survivors receive 50 percent of retired pay with no offset at age 62. Although Federal civilian premiums are 10 percent retired pay compared to 6.5 percent for military retirees, the difference in the percent of contribution is offset by the fact that our service personnel retire at a much younger age than the civil servant and, therefore pay premiums much longer than the federal civilian retiree.

On page 134, between lines 2 and 3, insert the following:

The Secretary of Defense shall take such actions as are accomplished by the amendments made by subsection (b) and the requirements of subsection (c)(1)(B) to ensure that the reductions in retired pay under section 1456 of title 10, United States Code, are adjusted to achieve the objectives set forth in subsection (b) of that section.

The percent applicable for a month is 35 percent for surviving spouses age 62 and older. I am pleased to have join me as cosponsors of the amendment: Senators LOTT, BURNS, COCHRAN, CLELAND, COLLINS, HUTCHINSON of Arkansas, MACK, McCAIN and SNOWE.

Mr. President, our Armed Forces are engaged in operations over Yugoslavia, it is appropriate for the Congress to correct a long-standing economic injustice to the widows of our military retirees. My amendment would immediately increase for survivors the minimum Survivor Benefit Plan annuity from 35 percent to 40 percent of the Survivor Benefit Plan-covered retired pay. The amendment would provide a further increase to 45 percent of covered retired pay as of October 1, 2004.

Mr. President, I expect every member of the Senate has received mail from military spouses expressing dismay that they would not be receiving the 55 percent of their husband’s retirement pay as advertised in the Survivor Benefit Plan literature provided by the military. The reason that they do not receive the 55 percent of retired pay is that current law mandates that at age 62 this amount be reduced either by the amount paid for other Federal Security benefits or to 35 percent of the SBP. This law is especially irksome to those retirees who joined the plan when it was first offered in 1972. These service members were never informed of the age-62 reduction until they had made an irrevocable decision to participate. Many retirees and their spouses, as the constituent mail attests, believed their premium payments would guarantee 55 percent of their retirement benefits. They were misled.

It would increase the minimum Surv-

vivor Benefit Plan basic annuity for survivors age 62 and older. I therefore urge approval from the Congress in enacting the Survivor Benefit Plan benefits for the so-called Forgotten Wives. This is the second step toward correcting the Survivors Benefit Plan and providing the surviving spouses of our military personnel paid for and paid for benefits.

Mr. President, I urge the adoption of the amendment.

Thank you, Mr. President.

AMENDMENT NO. 497

(Purpose: To authorize the award of the Navy Combat Action Ribbon based upon participation in ground or surface combat as a member of the Navy or Marine Corps during the period between December 7, 1941, and March 1, 1961.)

On page 134, between lines 2 and 3, insert the following:

SEC. 552. RETROACTIVE AWARD OF NAVY COMBAT ACTION RIBBON.

The Secretary of the Navy may award the Navy Combat Action Ribbon (established by the Navy Notice 1850, dated February 17, 1969) to a member of the Navy or Marine Corps who served in ground or surface combat during any period after December 6, 1941, and before March 1, 1961 (to the extent of the statutory limitation on retroactivity for the award of such decoration), if the Secretary determines that the members have not been previously recognized in appropriate manner for such participation.

Mr. DORGAN. Mr. President, I rise today to offer an amendment for myself and Senator SMITH of New Hampshire, to ensure that Navy and Marine Corps Combat veterans get the recognition they deeply deserve.

The ongoing action in Kosovo reminds us of the dangers our men and women in uniform face when called upon during a time of conflict. In recognition of their service, they are awarded the Navy Combat Action Ribbon to identify them as those who have faced this nation’s fiercest challenge—enemy fire. America’s combat veterans risk their lives to preserve our freedoms, and carry out the orders of the President in answering the challenges to our nation’s security.

During World War II, the Army created the combat infantry badge to identify those soldiers who had faced
combat. The Navy had no similar award until the 1960’s. Although the Navy awarded Combat Stars prior to that point, the Combat Action Ribbon was created as a way to better recognize those who had served in combat. Recently, legislation was introduced in the House of Representatives to make Navy and Marine combat veterans who served in combat for any period after July 4, 1943, and before March 1, 1961, eligible for the Navy Combat Action Ribbon. In response to this legislation, a Pearl Harbor survivor from my state wrote to me and pointed out that the dates included in the legislation exclude many of the combat veterans who served in the war’s fiercest naval battles, Pearl Harbor and Midway among them.

In response to this oversight, our legislation will make eligible for the Navy Combat Action Ribbon those Navy and Marine combat veterans who served in combat for any period after December 6, 1941, and before March 1, 1961. The Secretary of the Navy will review those who apply for these awards to ensure that the dates included in the legislation are not forgotten. We believe it is only appropriate that we honor those who were willing to sacrifice their lives in the war.

SEC. 582. ADMINISTRATION OF DEFENSE REFORM INITIATIVE ENTERPRISE PROGRAM FOR MILITARY MANPOWER AND PERSONNEL INFORMATION.

(a) EXECUTIVE AGENT.—The Secretary of Defense shall designate the Secretary of the Navy as the executive agent for carrying out the defense reform initiative enterprise program for military manpower and personnel information.

(b) ACTION OFFICIALS.—In carrying out the pilot program, the Secretary of the Navy shall use the Under Secretary of Defense for Manpower and Personnel, who shall act in coordination with the Under Secretary of Defense for Personnel and Readiness and the Chief Information Officer of the Department of Defense as the administrator.

Ms. LANDRIEU. Mr. President, just a little over a week ago, I had the privilege of traveling with the Secretary of Defense down to my home state. It was a terrific trip and I believe the Secretary was very impressed with the work that we are doing in Louisiana at our military installations and with our defense industry. One of the real highlights of the trip was the ribbon cutting ceremony for the Naval Information Technology Center in New Orleans. This facility, hosted by the University of New Orleans, is home to the Defense Integrated Military Human Resources System, as well as other personnel software projects for the Navy.

The DIHMRS project is one of those rare proposals that instantly captures the support of those that understand it. The military services have spent countless billions of dollars in developing and supporting “stove pipe” personnel software systems, that were out-of-date before they were complete, had no capacity for interconnectivity and did not provide the breadth of personnel information to be of real utility to our military leadership.

DIHMRS seeks to change all of that. It will provide an integrated system of personnel information, that will ultimately tie all the services all the personnel systems and records, and do so in a easily accessible fashion that will give commanders the information they need to make personnel decisions. This project fits perfectly into our efforts to craft smaller, faster and more flexible force structures. One of the key ingredients to creating smaller, more effective forces, is the ability to quickly identify individuals with the appropriate skills and training that needed for particular missions. This is a daunting task for any service now, it becomes more so if you are trying to put together an inter-service task force. When fully operational DIHMRS will address this need.

The advantages do not even address the enormous savings that the Department of Defense will realize by terminating the innumerable individual human resource computer systems that track only one kind of data for one branch of the military. Thus, this project is a boon to both readiness and economic efficiency.

For that reason, I have introduced an amendment which emphasizes the Senate Appropriations Committee's support for this effort. It is important to note that a project like DIHMRS requires innovation and division. Thus, the management structure for the project has also required a degree of innovation and flexibility. It is the unique structure adopted for the DIHMRS project that is critical for its ultimate success. For that reason, the amendment reemphasizes the support for the present management structure expressed in Section 8147 of Public Law 105–262. That appropriations law directed the Department to establish a Defense Reform Initiative enterprise program for military manpower, personnel, training and compensation using a revised DIHMRS project as the baseline. Additionally, the amendment also expresses the intention that the DoD maintain this enterprise project, and the management and executive responsibility be contained within the System Executive Officer for Manpower and Personnel.

The President’s budget request includes $65 million dollars for DIHMRS. I believe that these monies must be used according to the direction given in last year’s Defense Appropriation’s conference report to maintain the success of the program. Specifically, these funds should be used to: (1) address modernization and migration systems support for service information systems within the enterprise of manpower, personnel, training and compensation; (2) to continue support for infrastructure improvements at the Naval Information Technology Center; and, (3) to continue Navy central design activity consolidations and relocations already begun under the Systems Executive Officer and the Naval Reserve Information Systems Office.

The consolidation of the personnel information reform efforts is necessary for both budgetary concerns, and valuable as a tool to maximize the contributions that our soldiers, sailors and airmen better. I believe that DIHMRS will make an invaluable contribution to that effort. I thank the managers for accepting this
amendment, and I look forward to working with the Navy to make this project a real success.

AMENDMENT NO. 501

(Purpose: To provide $10,000,000 (in Budget Activity 1: Operating Forces) for Navy Operations and Maintenance Funding for Oceanography and UNOLS, and to provide an offset)

Of the funds authorized to be appropriated in section 301(2), an additional $10 million may be expended for Operational Meteorology and Oceanography and UNOLS.

AMENDMENT NO. 503

(Purpose: To require that due consideration be given to according a high priority to attendance of military personnel of the new member nations of NATO at professional military education schools and programs of the Armed Forces)

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

SEC. 1061. ATTENDANCE AT PROFESSIONAL MILITARY EDUCATION SCHOOLS BY MILITARY PERSONNEL OF THE NEW MEMBER NATIONS OF NATO

(a) FINDING.—Congress finds that it is in the national interests of the United States ...
to fully integrate Poland, Hungary, and the Czech Republic. The new member nations of the North Atlantic Treaty Organization, into the NATO alliance as quickly as possible.

(b) MILITARY EDUCATION AND TRAINING PROGRAMS—Each military department shall give due consideration to ac-
cording a high priority to the attendance of military personnel of Poland, Hungary, and the Czech Republic at professional military education schools and training programs in the United States, including the United States Military Academy, the United States Naval Academy, United States Air Force Academy, the National Defense University, the war colleges of the Armed Forces, the command and general staff officer courses of the Armed Forces, and other schools and training programs of the Armed Forces that admit personnel of foreign armed forces.

Mrs. HUTCHISON. Mr. President, I am offering this amendment on behalf of myself and Senator LUTZENBERGER. This amendment encourages the Secretary of each mili-
tary department to give due consideration to providing a higher priority to the officers from Poland, Hungary and the Czech Republic for attendance at our military schools and training programs. Our professional military schools and training programs including the service academies, the senior service colleges and the command and general staff colleges provide an outstanding opportunity for these officers to become fully immersed in our mili-
tary doctrine and develop a deeper under-
standing for the American military culture. As new member nations of NATO, it is important that the officers of these countries become fully inte-
grated as quickly as possible. The pro-
fessional friendships and the mutual understand-
ing which results from attend-
ance at these courses is invaluable for both American officers and for for-

eign military officers.

I recently led a Congressional delega-
tion to the Balkans. In Budapest we met with Hungarian Chief of Defense Staff, General Ferenc Vegh, who was proud to inform the delegation that he was a graduate of the United States Army War College in Carlisle, Pennsyl-

vania. As a direct result of the profes-
sional association gained as a student at the War College, General Vegh has been key in directing Hungary’s rapid integration into NATO. His story is simply the example among many of how the United States and the NATO Alliance has reaped an enormous ben-
efit by providing the opportunity for foreign officer attendance at our mili-
tary schools.

Attendance at our service academies on a priority basis will also provide an outstanding opportunity for future of-

cers from our new NATO allies to fos-
ter long-term relationships with future U.S. military leaders. Historically, the relationships through attendance at the Military Academy, the Naval Academy and the Air Force Academy among American and foreign cadets over the four-year curriculum at

the service academies have formed the basis for closer long-term military-to-
military relations. Numerous foreign cadets who have graduated from our service academies have gone on to serve at the very highest levels as mili-
tary and civilian leaders, including many heads of state.

It is our hope and expectation that this legislation will encourage the Secretaries of our military departments to give the officers and cadets from Poland, Hun-
gary and the Czech Republic, our new NATO allies, a priority for attendance at our professional military schools and academies.

AMENDMENT NO. 509

(Purpose: To enhance the technology of health care quality surveillance and account-
ability)

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

SEC. 717. HEALTH CARE QUALITY INFORMATION AND TECHNOLOGY ENHANCEMENT.

(a) PURPOSE.—It is the purpose of this sec-
tion to ensure that the Department of De-
fense addresses issues of medical quality sur-
veillance and implements solutions for those issues in a manner that is consistent with national policy and industry standards.

(b) DEPARTMENT OF DEFENSE CENTER FOR MEDICAL INFORMATICS AND DATA.—(1) The Secretary of Defense shall establish a De-
partment of Defense Center for Medical Informatics to carry out a program to sup-
port the Assistant Secretary of Defense for Health Affairs in efforts—
(A) to develop parameters for assessing the quality of health care information;
(B) to develop the defense digital patient record;
(C) to develop a repository for data on quality of health care;
(D) to develop a capability for conducting research on quality of health care;
(E) to conduct research on matters of quality of health care;
(F) to develop decision support tools for health care providers;
(G) to refine medical performance report cards; and
(H) to conduct educational programs on medical informatics to meet identified needs.

(2) The Center shall serve as a primary re-
source for the Department of Defense for matters concerning the capture, processing, and dissemination of data on health care quality.

(c) AUTOMATION AND CAPTURE OF CLINICAL DATA.—The Secretary of Defense shall accel-
erate the efforts of the Department of De-
fense to automate, capture, and exchange controlled clinical data and present pro-
viders with clinical guidance using a per-
sonal information carrier, clinical lexicon, or digital patient record.

(d) ENHANCEMENT THROUGH DOD-DVA MEDICAL INFORMATICS COUNCIL.—(1) The Sec-
retary of Defense shall establish a Medical
Informatics Council consisting of the fol-
lowing:
(A) The Assistant Secretary of Defense for Health Affairs;
(B) The Director of the TRICARE Manage-
ment Activity of the Department of Defense;
(C) The Surgeon General of the Army;
(D) The Surgeon General of the Navy;
(E) The Surgeon General of the Air Force;
(F) The Deputy Assistant Secretary of Veterans Affairs, whom the Secretary of Veterans Affairs shall designate.

Grams.—The Secretary of each military de-
partment shall coordinate the development, deployment, and maintenance of health care informatics systems within the Department of Defense in coordination with other departments and agencies of the Federal Government and with the pri-

ty sector.

(g) ANNUAL REPORT.—The Assistant Secretary of Defense for Health Affairs shall consult with the Council on the issues described in paragraph (2).

(h) Federal Advisory Committee Act, section 8 of chapter 27 of title 5, United States Code, shall not apply to the Council.

(i) The members of the Council shall be, by rea-
son of service on the Council, an officer or employee of the United States.

(j) No compensation shall be paid to mem-
bers of the Council for service on the Coun-
icl. In the case of a member who is an officer or employee of the Federal Government, the preceding sentence does not apply to compensation paid to the member as an officer or employee of the Federal Gov-
ernment.

(k) The Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Council.

(l) ANNUAL REPORT.—The Assistant Sec-
retary of Defense for Health Affairs shall submit to Congress each year a report on the operation of the council and on the coordination of development, deployment, and maintenance of health care informatics systems within the Federal Gov-
ernment and between the Federal Govern-
ment and the private sector.

(m) The Assistant Secretary of Defense for Health Affairs shall select the Council for service on the Coun-
icl. In the case of a member who is an officer or employee of the Federal Government, the preceding sentence does not apply to compensation paid to the member as an officer or employee of the Federal Gov-
ernment.

(May 27, 1999)
(2) Extent of use of health report cards.
(3) Extent of use of standard clinical pathways.
(4) Extent of use of innovative processes for surveillance.
(5) SENSE OF APPROPRIATIONS.—In addition to other amounts authorized to be appropriated for the Department of Defense for fiscal year 2000 by other provisions of this Act, that are available to carry out subsection (b), there is authorized to be appropriated for the Department of Defense for such fiscal year for carrying out this subsection the sum of $2,000,000.

AMENDMENT NO. 500

(Purpose: To guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections)

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Military Voting Rights Act of 1999”.

SEC. 2. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.

(a) REGISTRATION AND BALLOTING.—

Section 102 of the Uniformed and Overseas Absentee Voting Act (52 U.S.C. 10702) is amended by adding at the end the following:

“(2) Q UANTITATIVE LIMITATIONS APPLICABLE TO COMMERCIAL SPACE LAUNCH SERVICES.—The term ‘quantitative limitations applicable to commercial space launch services’ means the quantitative limits applicable to commercial space launch services contained in Article IV of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Regarding International Trade in Commercial Space Launch Services, signed in Washington, D.C., on September 2, 1993, as amended by the agreement between the United States and the Russian Federation done at Washington, D.C., on January 30, 1996.”

(b) DEFINITIONS.—

(1) In general.—The terms “commercial space launch services” and “Russian space launch service providers” have the same meanings given those terms in Article I of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Regarding International Trade in Commercial Space Launch Services, signed in Washington, D.C., on September 2, 1993, as amended by the agreement between the United States and the Russian Federation done at Washington, D.C., on January 30, 1996.

Mrs. FEINSTEIN. Mr. President, I rise to offer an amendment to the Department of Defense Authorization bill regarding Russian nonproliferation and U.S.-Russian cooperation on commercial space launch services.

This amendment is very simple: It states that a sustained Russian commitment to cooperation with the United States in preventing the proliferation of ballistic missile technology from Iran to any other country of any prohibited fissile material or ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any nuclear weapon or ballistic missile.

I offer this amendment because I believe that there may be no greater long term threat to peace and stability in the Middle East than an Iran actively seeking ballistic missile and nuclear weapons.

Preventing the transfer of illegal nuclear and missile technology from Russia to Iran must be at the top of the U.S. policy agenda.

There have been numerous reports over the past several years of Russian missile technology reaching Iran, sometimes with a semi-official wink from government authorities in Moscow, sometimes with a silent nod from Tehran.

Either way, the Russian Government must put a stop to these transfers.

As much as we want good relations with Russia, cooperation in this area is crucial. In some ways, I believe it is a litmus test of what sort of player Russia wants to be in the post-cold war international system.

There is ample reason for concern. According to a Congressional Research Service report,

Despite pledges by Soviet leaders in 1990 and by various Russian leaders since then to ban missile exports, President Yeltsin’s 1994 agreement to refrain from new arms sales to Iran, and Russia’s entry into the Missile Technology Control Regime in October 1995, there are recurring reports that Russian companies are selling missile technology to Iran and other countries.

On February 6, 1997, Vice President Gore issued a diplomatic warning to the Premier Chirac regarding Russian transfers to Iran of parts and technology associated with SS-4 medium-range ballistic missiles. Over the next several months, press reports indicated that Russian enterprises provided Iran specialty steels and alloys, tungsten coated graphite, wind tunnel facilities, gyroscopes and other guidance technology, rocket engines and fuel technology, laser equipment, machine tools, and maintenance manuals.

Russian assistance has apparently helped Iran overcome a number of obstacles and advance its missile development program faster than expected. The Rumsfeld Commission said, “The ballistic missile infrastructure in Iran is now more sophisticated than that of North Korea and has benefitted from the broad, essential assistance from Russia. * * *”

In February 1998, the Washington Times reported that Russia’s Federal Security Service (FSB, a successor to the KGB) was still working with Iran’s intelligence service to pass technology through a joint research center, Persepolis, with facilities in St. Petersburg and Tehran.
In March 1998, the State Department listed (but did not make public) 20 Russian entities suspected of transferring missile technology to Iran.

Lastly, there are still unanswered questions about Russian-Iranian nuclear cooperation raised by the January, 1995 contract signed by the Russian nuclear agency MINATOM to finish the unit of the Bushehr nuclear power project. Although the Bushehr plant itself is not considered a source of weapons material, the project is viewed as a proliferation risk because it entails massive involvement of Iranian personnel in nuclear technology, and extensive training and technological support from Russian nuclear experts.

Last year, the American Jewish Committee released a report, "The Russian Connection: Russia, Iran, and the Proliferation of Weapons of Mass Destruction" which provides an excellent overview of Russia’s record in this area, as well as U.S.-Russian cooperation.

In addition to the troubling questions raised by Russian’s past actions, however, there are also indications that the Russian government is making efforts to control the proliferation of missile and nuclear technology to Iran.

Although initially Moscow denied that its missiles or missile technology had been transferred to Iran, in September 1997, Russian officials reportedly stated that such transfers were being made without the consent of the government.

In January 1998, in response to concerns raised by numerous U.S. officials, Yuri Koptev, head of the Russian space agency, said of 13 cases raised by the U.S. Government, 11 had no connection to transfers related to weapons of mass destruction (nuclear, biological, or chemical) that were banned under a 1996 agreement.

On July 15, 1998, Russian authorities announced that nine Russian entities were being investigated for suspected violation of laws governing export of dual-use technologies. The nine include the Inor NPO, Polysu Research Institute, and Baltisk State Technical University cited earlier, plus the Graft Research Institute, Tikhomirov Institute, Komintern plant (Novosibirsk), Europolace 2000, and Glavcosmos.

Also last year, Russia announced the cancellation of a 1997 contract between a Russian entity, NPO Trud, and Iran in which rocket engine components were to have been shipped under the guise of gas pipeline compressors.

According to an April 15 letter I received from the Vice President, which I would like to submit for the Record, U.S. Special Ambassador Gallucci and Mr. Koptev have agreed to a work plan that addresses many of the concerns the U.S. has about missile proliferation, including the establishment of international compliance offices at several of the entities of concern.

U.S. experts have also developed a work plan with the Russian Ministry of Atomic Energy on measures to sever the links between NIKEIT, a leading Russian nuclear institute, and Iran, according to the Vice President.

I believe that we should try to build on Russia’s record of cooperation, and that the best and most effective way to work with Russia on this issue is to offer them a carrot—lifting the launch quota—as an inducement to continued cooperation on this vital matter.

The current quota on commercial space launches is set at sixteen. Pending Russian cooperation, I believe that this quota can be raised to 20 and, if Russia continues to cooperate, incrementally raised again in the coming years. Each launch to the Russian with approximately $100 million in hard currency—a good incentive to cooperate.

This amendment also states, however, that the United States must continue to negotiate complete cut-off cooperation from Russia on this issue, and that the United States should take every appropriate measure to assure that the government of Russia continues to cooperate on this issue.

Russia must understand that just as we are willing to offer inducements to cooperate, there will also be a price to be paid for non-cooperation on this critical issue.

This amendment, I believe, is rather simple and straightforward in its make-up. But it is also essential and far reaching in its impact. I urge my colleagues to support this amendment.

I ask unanimous consent the letter I received dated April 15, 1999, from the Vice President be printed in the RECORD.

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

THE VICE PRESIDENT, 
Washington, DC, April 15, 1999.
Hon. DIANNE FEINSTEIN, 
U.S. Senate, 
Washington, DC.

DEAR SENATOR FEINSTEIN: Thank you for your recent letter requesting that I raise the issue of non-proliferation with Russian Prime Minister Primakov during his planned visit to Washington, cutting off the flow of missile and nuclear technologies from Russian entities to Iran is one of the Administration’s most important national security objectives. As you know, I have engaged my Russian counterparts on this issue for the past several years, most recently in January when I saw Prime Minister Primakov in Davos.

It was my intention to raise this issue again with the Prime Minister last month, but our planned meeting was postponed. I can report, however, that over the past several weeks United States and Russian experts developed concrete plans to curtail cooperation by Russian entities with Iran’s nuclear and missile programs. Because of intelligence and security consideration, I will outline only the core elements of the work plans in this letter. My staff can arrange a classified briefing if that would be helpful.

U.S. Special Ambassador Gallucci and Yuri Koptev, head of the Russian Space Agency, agreed to a work plan that addresses some of our most pressing concerns about missile cooperation. As a part of this plan—and as a direct result of my earlier intercession with Mr. Primakov—Mr. Koptev agreed to cancel a contract with Iran’s missile program and to establish a priority basis internal compliance offices at several entities of concern. These internal compliance offices would be staffed by individuals specially trained in export control procedures and techniques, and would have access to the records they need to do their jobs. The United States Government has offered technical assistance to help these entities set up the necessary export control procedures. The Russian government has committed to take effective measures to prohibit Iranian missile specialists from operating in Russia and to facilitate the early adoption of the Russian export control law.

The missile work plan represents some forward movement and in my judgment reflects Russia’s intense desire to see the launch quota increased and sanctions lifted. It is not, however, a complete or easy fix. It may create a credibility foundation to inhibit future cooperation. I have underscored that we will be watching Russian implementation of the agreement closely. I have also made clear that a solid track record is needed for us to consider an increase in the launch quota.

United States experts have also developed a work plan with the Russian Ministry of Atomic Energy on measures to sever the links between NIKEIT, a leading Russian nuclear institute, and Iran. Again, the key principle underlying this work plan is performance, which we are in a position to judge through our intelligence information. If we are satisfied that Russia’s commitments are being implemented, we can begin to incrementally lift our sanctions against NIKEIT, beginning with the nuclear reactor safety projects that have been implicated. The work plans I have described could represent a path forward if the Russian government acts effectively and quickly. I am not ready to resolve with a clear delineation of steps in that direction which we are in a position to verify. Positive, concrete actions by Russia will be the basis for any decisions we take to increase commercial and other forms of cooperation with Russian space and nuclear entities.

I will continue to raise this issue in discussions with our Russian counterparts until I am satisfied that all our concerns have been addressed.

Sincerely,

AL GORE.

AMENDMENT NO. 507

At the appropriate place in the bill, insert the following:

The funds in section 301a(5), $23,000,000 shall be made available to the American Red Cross to fund the Armed Forces Emergency Services.

The purposes for which the funds made available under this amendment may be expended shall be described in the annual report of the Department of Defense to Congress on the activities of the American Red Cross during the fiscal year to which such report pertains.

AMENDMENT NO. 508

(Purpose: To require the Department of Defense and the Department of Veterans Affairs to carry out projects to provide telemedicine and telepharmacy demonstration projects)

On page 272, between lines 8 and 9, insert the following:

"AMENDMENT NO. 508

At the appropriate place in the bill, insert the following:

The purposes for which the funds made available under this amendment may be expended shall be described in the annual report of the Department of Defense to Congress on the activities of the American Red Cross during the fiscal year to which such report pertains."
Telemedicine is technology’s version of the “doctor’s housecall.” Many recipients care, such as the homebound, find making a visit to the doctor a very difficult and often painful experience. Health care outreach is needed in the home, remote deployment sites, rural clinics and other underserved areas. I also propose a telepharmacy project, which will study more efficient ways to bring drug and pharmaceutical expertise, as well as supplies, to the patient. For example, the Navy has reported its Battlegroup Telemedicine Program as cost-saving and groundbreaking in providing onboard ship medical treatment of military personnel, thus preventing unnecessary transport.

Support of collaborative endeavors between DoD and VA to reduce escalating health care costs and for more accessible, quality care has already been strongly advocated and discussed in the 1999 Report of the Congressional Commission on Servicemembers and Veterans Telemedicine and Telepharmacy. The Commission, endorsed by the Congress in the Cleland-Kempthorne Bill, S. 1394, which was made part of the Strom Thurmond National Defense Authorization Act (P. L. 105-336).

I urge my colleagues to support my amendment to further advance DoD/VA collaboration, to explore innovative ways of providing health care for veterans and members of the Armed Services and possible cost-reduction strategies, and to help military and veterans’ health care set an example of quality health care.

AMENDMENT NO. 509

(Purpose: To permit certain members of the Armed Forces not currently participating in the Montgomery GI Bill educational assistance program to participate in that program)

SEC. 476. PARTICIPATION OF ADDITIONAL MEMBERS OF THE ARMED FORCES IN THE GI BILLC PROGRAM

(a) PARTICIPATION AUTHORIZED.—(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by inserting after section 3012C the following new section:

"§ 3018D. Opportunity to enroll: certain VEAP participants; active duty personnel not previously enrolled

"(a) Notwithstanding any other provision of law, an individual who—

"(1) either—

"(A) is a participant on the date of the enactment of this section in the educational benefits program provided by chapter 32 of this title; or

"(B) has made an election under section 3011(c)(1) or 3012(d)(1) of this title not to receive educational assistance under this chapter and has not withdrawn that election under section 3011(b)(1) of this title prior to the date of the enactment of this section;

"(2) is serving on active duty (excluding periods referred to in section 3202(a)(1)) of a uniformed service in the armed forces as a member of the reserves or National Guard; and

"(C) has completed a degree, certificate (or has successfully completed a secondary school diploma or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

"(3) before applying for benefits under this section, has completed the requirements of a secondary school diploma or equivalency certificate or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

"(4) if discharged or released from active duty before the date on which the individual makes an election described in paragraph (5), is discharged with an honorable discharge or released with service characterized as honorable by the Secretary concerned; and

"(5) during the one-year period beginning on the date of the enactment of this section, makes an irrecoverable election to receive benefits under this section in lieu of benefits under chapter 32 of this title or withdraws the election made under section 3011(c)(1) or 3012(d)(1) of this title, as the case may be, pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation may prescribe for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy;

"is entitled to basic educational assistance under this chapter;

"(b)(1) Except as provided in paragraphs (2) and (3), in the case of an individual who makes an election under section (a)(5) to become entitled to basic educational assistance under this chapter—

"(A) the basic pay of the individual shall be reduced in a manner determined by the Secretary of Defense) until the total amount by which such basic pay is reduced is—

"(i) $1,200, in the case of a individual described in subsection (a)(1)(A); or

"(ii) $1,500, in the case of an individual described in subsection (a)(1)(B); or

"(B) to the extent that basic pay is not so reduced before the individual’s discharge or release from active duty as specified in subsection (a)(4), the Secretary shall collect from the individual an amount equal to the difference between the amount specified for the individual under subparagraph (A) and the total amount of reductions with respect to the individual under that subparagraph, which shall be paid into the Treasury of the United States as miscellaneous receipts.

"(2) In the case of an individual previously enrolled in the educational benefits program provided by chapter 32 of this title, the Secretary shall reduce the total amount of the reduction in basic pay otherwise required by paragraph (1) by an amount equal to so much of the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account under section 3222(a) of this title as do not exceed $1,200.

"(3) An individual may at any time pay the Secretary an amount equal to the difference between the total amount of the reduction in basic pay otherwise required with respect to the individual under this subsection and the total amount of the reductions with respect to the individual under this subsection; in the case of an individual described in paragraph (2) the amount paid under this paragraph shall be paid into the Treasury of the United States as miscellaneous receipts;

"(c)(1) Except as provided in paragraph (3), an individual who is enrolled in the educational benefits program provided by chapter 32 of this title and who makes the election described in subsection (a)(5) shall be disenrolled from the program as of the date of such election.

"(2) In the case of an individual who is disenrolled from such program, the Secretary shall refund
My amendment would allow active military personnel not previously enrolled in the GI Bill to participate, and provide little incentive for young men and women to enter the military.

The Montgomery GI Bill offers those serving in the military a significant increase in benefits over its predecessor and has been one of the most important recruiting tools over the last decade. It is essential that active military still covered under VEAP but not by the Montgomery GI Bill be brought into the fold.

The injustice that my bill attempts to address is that new recruits are eligible for a better education program than the noncommissioned officers responsible for their training and well-being. Expanding Montgomery Bill eligibility to those currently eligible for VEAP would, in many cases, help mid-career and senior noncommissioned officers, who are the backbone of our force and set the example for younger troops, become better educated. This legislation is modest in its scope and approach, but is enormously important for the individual attempting to better himself through education.

Moreover, this legislation sends a meaningful message to those serving to protect the American interest that Congress cares. S. 4, the Soldiers, Sailors, Airmen, and Marines Bill of Rights Act which I was proud to cosponsor was an enormous step in this direction, and my legislation complements that effort.

Some of the common sense provisions of this amendment are:

1. Regardless of previous enrollment or disenrollment in the VEAP, active military personnel may choose to participate in the GI Bill.

2. Participation for VEAP-eligible members of the GI Bill is to be based on the same "buy in requirements" as are currently applicable to any new GI Bill participant. For example, an active duty member is required to pay $100 a month for twelve months in order to be eligible for the Montgomery GI Bill. The same would be required of someone previously eligible for VEAP.

3. Any active duty member who has previously declined participation in the GI Bill may also participate.

There will be a one year period of eligibility for enrollment.

I believe that if we are to maintain the best trained, and most capable military force in the world, we must be committed to allowing the people that comprise our armed forces to pursue further education opportunities. I believe that the modest amendment will have a positive effect on morale and give our noncommissioned officers additional opportunities for self-improvement and life-long learning. I ask for your colleagues support in this effort. Thank you, Mr. President.

**AMENDMENT NO. 518**

(Purpose: To authorize the Secretary of Veterans Affairs to continue payment of monthly educational assistance benefits to veterans enrolled at educational institutions during periods in which the interval between such periods does not exceed eight weeks)

On page 254, between lines 3 and 4, insert the following:

SEC. 276. REVISION OF EDUCATIONAL ASSISTANCE ATTACHMENT PAYMENT REQUIREMENTS.

(a) In General.—Clause (C) of the third sentence of section 3680(a) of title 38, United States Code, is amended to read as follows:

"(C) during periods between school terms when the educational institution certifies to the Secretary of Veterans Affairs to continue payment of educational assistance benefits under title 38, United States Code, is amended to read as follows:

11320

Mr. D EWINE. Mr. President, this amendment, which I offer along with Senator Voinovich, would fix an unintended oversight in veterans' educational benefits. This amendment is similar to legislation I introduced along with my distinguished Ohio colleague in the House of Representatives, Congressman Bob Ney, who is the leader of this effort.

Currently, the law allows qualified veterans to receive their monthly educational assistance benefits when they are enrolled at educational institutions during periods between terms, if the period does not exceed four weeks. This allows veterans to continue to receive their benefits during the December/January holidays.

The problem with the current time period is that it only benefits veterans enrolled at educational institutions that operate on the semester system. Obviously, many educational institutions, including several in Ohio, work
on the quarter system, which can have a vacation period of eight weeks between the first and second quarters during the winter holiday season. As a result, many veterans unfairly lose their benefits during this period because of the institution's course structure.

Mr. President, it is my understanding that some educational institutions that have a sizable veteran enrollment frequently create a one credit hour course on military history or a similar topic specifically geared towards veterans in order for them to remain enrolled and eligible for their educational benefits. It is my understanding that, the cost of extending the current eligibility period to eight weeks would have a minimal, if not negligible, cost.

The Department of Veterans' Administration has recognized the need to correct this oversight and assisted in the drafting of this legislation and has given it their full support.

I have no doubt that this very simple fix will be well-received by our veterans and the educational institutions that operate under the quarter system. I already know that Wright State University, Bowling Green State University, Ohio University and Methodist Theological School in Ohio have expressed their support for this legislation.

I urge my colleagues to support this common sense fix and allow all veterans to receive the uninterrupted educational assistance they earned.

**AMENDMENT NO. 511**

(Purpose: To authorize the transfer of a naval vessel to Thailand.)

In title X, at the end of subtitle B, insert the following:

**SEC. 1013. TRANSFER OF NAVAL VESSEL TO FOREIGN COUNTRY.**

(a) THAILAND.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the CYCLONE class coastal patrol craft CYCLONE (PCI) or a craft with a similar hull. The transfer shall be made on a sale, lease, lease/buy, or grant basis under section 514(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) COSTS.—Any expense incurred by the United States in connection with the transfer authorized under subsection (a) shall be charged to the Government of Thailand.

(c) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the Secretary of the Navy shall require, as a condition of the transfer of the vessel to the Government of Thailand under this section, that the Government of Thailand have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a United States Naval shipyard or other shipyard located in the United States.

(d) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under subsection (a) shall expire at the end of the two-year period beginning on the date of the enactment of this Act.
Mr. CHAFEE. Mr. President, I thank my distinguished colleague from Arizona for sponsoring this amendment. It is my hope that it will be passed and that the Administration expeditiously completes its review process regarding the withdrawals. It is not intended in any way to prejudice this process, or to shape the substance of the provisions ultimately adopted by Congress.

Mr. President, my colleague from Arizona and I have worked openly and collaboratively on this provision. As the National Wildlife Refuge System is within the jurisdiction of the Environment and Public Works Committee, I have a strong interest in the withdrawals of lands from the Cabeza Prieta National Wildlife Refuge as well as the Desert National Wildlife Refuge, which will be considered later.

Again, I would like to extend my sincere gratitude to my distinguished colleague from Arizona, and I thank him for his willingness to address my concerns and to sponsor this amendment. It is always a great pleasure to work with him and his staff, and I am delighted to have this opportunity to do so again.

Mr. MCCAIN. Mr. President, this amendment would remove from Title 29 of the bill all references to renewing the withdrawal from public use of the Barry M. Goldwater Range in Arizona. In place of the stricken language, I am proposing a "sense of the Senate" provision that expresses the clear desire to complete the legislative process of renewing the withdrawal of this land this year, both because of its vital importance to military readiness and the environmental and cultural resources that will be preserved and protected by its continued withdrawal status.

I offer this amendment reluctantly, but in full recognition of the unintended controversy caused by its inclusion in the bill at this time. My intention in including these provisions in the Defense Authorization bill this year was to create a meaningful placeholder in the bill to ensure that legislation withdrawing the Goldwater Range could be enacted during this session of Congress. Based on repeated assurances and testimony before Congress, I believe the Administration shares that goal, and I intend to pursue inclusion of a final legislative package, developed with input from all interested parties, in the conference agreement on this legislation.

Unfortunately, my attempt to craft language which remained neutral on the few controversial aspects of the
proposed withdrawal appears to have been inadequate. In addition, concerns about the process by which this legislation is being enacted remain. Therefore, in order to ensure that all interested parties have a full opportunity to participate in the drafting of the final legislation withdrawing the Goldwater Range, I am proposing this amendment to replace the existing language with a “sense of the Senate” provision expressing the desire to complete the withdrawal process this year.

As I have said, there has been some controversy about the language of Title 29. I appreciate the concerns raised by the leadership of the Energy and Natural Resources Committee and the Environment and Public Works Committee concerning their jurisdiction, respectively, over the range and wildlife refuges. In no way was the inclusion of this language in the bill intended to preclude the ability of those Committees to conduct oversight hearings and provide input in the final legislation to withdraw the Goldwater and other ranges covered in Title 29. In full respect, however, of these Committees’ interest in ensuring this bill in no way prejudices the outcome of the legislative process, I agree that a placeholder which simply expresses the desire to the Senate to enact legislation this year is more appropriate at this time. I fully expect to work closely with all members of the Senate and interested outside parties to reach a consensus on legislation that can be re-inserted in this bill in conference.

I also sympathize with the concerns raised by several organizations regarding future environmental stewardship of the Goldwater Range, just as I fully appreciate the support the Secretary has maintained the availability of the range for essential military training.

Let me reiterate what I said more fully in my previous views filed with the bill. This language was intended simply to be a placeholder to ensure that, if an Administration proposal is submitted to Congress this year for the withdrawal of these lands, it can be appropriately considered in the normal legislative process. I have been and will remain committed to replacing the existing language with a bill that is amendable, as is the language of Public Law 99–606 which currently governs these lands, about whether the Cabeza Prieta is withdrawn or not, and it is silent on the issue of which federal agency manages all or part of the land.

At the same time, through the Committee process, the language was amended to include several additional provisions, not in the current law, to improve environmental protection and resource management of the lands. It mandates at least the same level of resource management and preservation be maintained at the range, and requires the Secretary of the Interior to provide a report on any additional recommended management measures. It precludes changes in the memorandum of understanding between the Department of Defense and Department of the Interior that governs these lands, about whether the Cabeza Prieta without notifying Congress 90 days in advance. It also includes a provision requiring a study and recommendation, to be submitted to Congress within two years, on the proposal to designate the Goldwater Range as part of a Sonoran Desert National Monument.

The language would have been subject to further negotiation and amendment, pending submission of the Administration’s legislative proposal to Congress. However, respecting the concerns raised by others about the content of the placeholder legislation, I am proposing that it be stricken.

Mr. President, it is vitally important that the Administration complete the process for renewing the withdrawal of the Goldwater Range to provide a final legislative proposal to Congress this year. Delaying this issue unnecessarily puts at risk both the tremendous efforts to protect the natural and cultural resources on these lands and the critical need to conduct military training, both of which would end with the expiration of the current law.

The Administration has stated their desire to complete the legislative process for withdrawal of these lands during this session of Congress—a goal which I and the Committee fully support—and has now committed to send a final legislative proposal to Congress by approximately June 9, 1999. I urge the Administration to finalize and submit a legislative proposal as early as possible so that all interested parties may review it carefully and efforts can be undertaken quickly to achieve a consensus on legislation that can be enacted this year in this bill.

Mr. Chairman, I believe the language of this amendment can be accepted. I believe I have the support of the able Chairman of the Armed Services Committee, Senator Warner, to try to work out acceptable language on the Goldwater Range withdrawal, as well as the Chairmen of the Environment and Energy Committees. I look forward to working with the relevant committees and interested parties to reach a consensus on a final legislative package regarding the Goldwater Range that can be included in the conference agreement on this bill.

AMENDMENT NO. 518

(Purpose: To authorize a one-year delay in the demolition of three certain radio transmitting facility towers at Naval Station, Annapolis, Maryland and to facilitate transfer of towers)

At the end of subtitle E of title XXVIII, add the following: SEC: ONE-YEAR DELAY IN DEMOLITION OF RADIO TRANSMITTING FACILITY TOWERS AT NAVAL STATION, ANNAPOLIS, MARYLAND, TO FACILITATE TRANSFER OF TOWERS. (a) One-Year Delay.—The Secretary of the Navy may not obligate or expend any funds for the demolition of the naval radio transmitting towers described in subsection (b) during the one-year period beginning on the date of enactment of this Act.

(b) Covered Towers.—The naval radio transmitting towers described in this subsection are the three southeastern most naval radio transmitting towers located at Naval Station, Annapolis, Maryland that are scheduled for demolition as of the date of enactment of this Act.

AMENDMENT NO. 519

(Purpose: To impose certain requirements relating to the recovery and identification of remains of World War II servicemen in the Pacific theater of operations)

In title X, at the end of subtitle D, add the following: SEC: RECOVERY AND IDENTIFICATION OF REMAINS OF CERTAIN WORLD WAR II SERVICEMEN. (a) Responsibilities of the Secretary of the Army.—(1) The Secretary of the Army, in consultation with the Secretary of Defense, shall make every reasonable effort, as a matter of high priority, to search for, recover, and identify the remains of United States servicemen of the United States aircraft lost in the Pacific theater of operations during World War II, including in New Guinea.

(2) The Secretary of the Army shall submit to Congress not later than September 30,
Mr. SMITH of New Hampshire. Mr. President, I want to thank the managers of this bill for accepting this amendment, and I thank all of my colleagues for their support.

Let me say this is a very simple amendment, but one that becomes profoundly relevant as we approach Memorial Day next Monday, especially for the families of unaccounted for servicemen from World War II.

The amendment instructs the Secretary of the Army to make every reasonable effort to search for, recover, and identify the remains of U.S. servicemen from World War II crashsites in the South Pacific. As many of my colleagues know, the Army is DoD's executive agent for this kind of recovery work.

Mr. President, earlier this month I attended a military funeral for a World War II Army Air Corps pilot from Worcester, Massachusetts. I can't begin to tell you how moved I was to attend this funeral, and listen to the eulogy about this young pilot, who joined the Army the day after Pearl Harbor, went on to get his wings in the Army Air Corps, married his sweetheart, only to have her leave two days later. He was never to come home. He was lost over the jungles of New Guinea flying his P-47 Thunderbolt in 1943.

Fifty-three years later, in 1996, his remains inside his crashed plane were accidentally located by a private American citizen, Mr. Fred Hagen, who was searching for his great uncle's B-25 bomber.

Only then, did the emotional rollercoaster ride for the surviving elder family members really begin because it took almost 3 additional years, and my continuous intervention along the way, for the remains to be formally recovered and identified by the Army. There was political instability in New Guinea at one point, and that delayed things, and there were also competing interests, and there were also competing political obstacles that have the potential for precluding the Secretary of the Army from accomplishing the objectives described in subsection (a)(1).

Mr. SMITH of New Hampshire. Mr. President, I want to thank the managers of this bill for accepting this amendment, and I thank all of my colleagues for their support.

Let me say this is a very simple amendment, but one that becomes profoundly relevant as we approach Memorial Day next Monday, especially for the families of unaccounted for servicemen from World War II.

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Only then, did the emotional rollercoaster ride for the surviving elder family members really begin because it took almost 3 additional years, and my continuous intervention along the way, for the remains to be formally recovered and identified by the Army. There was political instability in New Guinea at one point, and that delayed things, and there were also competing priorities that the Army was trying to balance.

That case is now behind us, but I am aware that there are other World War II crashsites in New Guinea where the remains of American servicemen are presently located, yet they have not been formally recovered by the Army. Indeed, Mr. President, I would like to enclose for the record a letter I received yesterday from one American who has located several crash sites in New Guinea.

All this amendment does, Mr. President, is ensure that the Army works hard at locating, excavating, and identifying remains from these crash sites. By passing this amendment, we increase the likelihood that some of these families of missing World War II aviators will finally have a grave at which to lay flowers during a future Memorial Day. It’s the least we can do, Mr. President, to honor those who made the ultimate sacrifice, and their aging family members.

Accounting for missing servicemen from World War II is just as important as accounting for missing servicemen from the Vietnam or Korean Wars. Each of these brave men made the ultimate sacrifice for their country. This amendment makes sure every effort is made to account for these missing servicemen.

I ask unanimous consent to have the letter printed in the RECORD.

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

ALFRED (FRED) HAGEN.
Philadelphia, P.A.

Senator SMITH, c/o Dino Caroluccio.

DEAR SIR: In September, 1998 Cil-Hi apparently flew over the site of a B-25 that I found in November, 1997 and decided that the site should not be recovered due to the danger of landslides and the difficulty of working on the precipitous slope. If Cil-Hi does not change their position on this matter, I plan to organize a private team and recover the site myself.

We were able to identify the plane as a B-25D-1, #43-30092. 18th Bomb Group, 71st Bomb Squadron. The B-25 had departed Saidor on a shuttle flight to Nadzab on July 1, 1944. There were nine persons aboard:

- They were: Pilot, Richard Hurst, 1st Lt.; Co-Pilot, James Henderson, 1st Lt.; Navigator, Aloysius Steele, 2nd Lt.; Radio/Gunner, John Creighton, Pfc.; Gunner, Henry Miga, Sgt.; Passenger, A. Milazzo, TEC 5; Passenger, B. Durham, Pfc.; Passenger, S. Russell; Pfc.; Passenger, G. Norris, Cpl.

Their exact fate had been unknown until Friday, November 7th, 1997. I picked up the bones of what turned out to be partial remains of three men and put them in my backpack. The remains had already been moved by the natives and no site integrity was lost by my action. I returned the remains to the US Ambassador in Port Moresby.

After years of searching, I also located the wreckage of the B-25 in which my late relative, Mr. William Benn was killed in 1947. The spot was located in very rugged terrain in 1957 and was visited by an Australian who performed a cursory "look around", salvaged a few bones and left the site littered with remains. I returned a number of bones to Cil-Hi after my June 1998 visit and requested that they do a formal site investigation. The site has been visited by a US serviceman, in fact, there is little doubt in my mind that no one had re-visited the site until my team located it in 1998. The scarce remains of the crew were interred in a single box in Zachary Taylor National Cemetery (chosen due to its central location). I would like all the recoverable remains to come home, the 1957 burial site exhumed and all the remains to be segregated utilizing today's DNA technology. It would be very meaningful to my family to be able to give Bill Benn a proper burial in Arlington, minutes away from the residence of his widow and daughter.

I don’t think that is too much to ask for a man who recently the following commendations from General Kenney: "No one in the theatre made a greater contribution to victory than Bill Benn". He has subsequently been forgotten by the world but not by his family.

This may not be a high priority for Cil-Hi because the case is supposedly already resolved. The bulk of remains appear to still be in New Guinea, however, and the question is whether it is good enough to appear to recover remains or whether the US military is committed enough to recover all possible remains. I cut a large heli-pad nearby and the site is readily accessible. I am also willing to accompany the team to guide them and render any assistance possible.

I appreciate your interest and assistance. I understand that you are busy and probably not available on short notice but I want to invite you to attend the burial of another P-47 pilot that I discovered in New Guinea named George Gaffney. He is being buried at Arlington on June 9th, 1999. After I found Desilets, Gaffney's daughter contacted me and asked me to look for her father. In what can only be described as a "miraculous" turn of good fortune, I succeeded in finding his remains.

Thank you so much.

FRED HAGEN.

AMENDMENT NO. 529
(Purpose: To make technical and clarifying amendments)

On page 33, beginning on line 3, strike "that involve" and insert "as well as for use for".

On page 278, line 4, strike "1998" and insert "1999".

On page 283, line 19, strike "(A)" and insert "(1)".

On page 283, line 23, strike "(B)" and insert "(2)".

On page 284, line 3, strike "(C)" and insert "(3)".

On page 358, line 14, strike "$40,000,000" and insert "$35,000,000".

On page 397, beginning on line 2, strike "readily accessible and adequately preserved artifacts and readily accessible representations" and insert "adequately visited and adequately preserved artifacts and representations".

On page 411, in the table below line 12, strike the item relating to "Naval Air Station Atlanta, Georgia".

On page 412, in the table above line 1, strike "$744,140,000" in the amount column in the item relating to the total and insert "$738,710,000".

On page 413, in the table following line 2, strike the first item relating to Naval Base, Pearl Harbor, Hawaii, and insert the following new item:
On page 414, line 6, strike "$2,078,015,000" and insert "$72,580,000." On page 414, line 9, strike "$673,960,000" and insert "$688,530,000." On page 429, line 20, strike "$179,271,000" and insert "$159,600,000." On page 429, line 21, strike "$115,185,000" and insert "$104,817,000." On page 429, line 23, strike "$23,045,000" and insert "$22,169,500." On page 509, line 10, strike "$982,629,000" and insert "$880,629,000." On page 509, line 16, strike "$186,290,000" and insert "$180,290,000." On page 509, between lines 16 and 17, insert the following: Project 00-D-317, Transuranic waste treatment, Oak Ridge, Tennessee, $12,000,000. Project 00-D-309, Site Operations Center, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, $1,306,000. On page 541, line 22, strike "The" and insert "After five members of the Commission have been appointed under paragraph (1), the". On page 542, between lines 11 and 12, insert the following: (8) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under paragraph (4). On page 546, strike lines 20 through 23. On page 547, line 1, strike "(3)" and insert "(4)". On page 577, line 16, strike "PROJECT" and insert "PLANT". On page 577, line 23, strike "PROJECT" and insert "PLANT". On page 578, line 3, strike "PROJECT" and insert "PLANT". On page 578, line 6, strike "PROJECT" and insert "PLANT". On page 578, line 14, strike "PROJECT" and insert "PLANT". On page 578, strike lines 17 through 21, and insert the following: (3) That, to the maximum extent practicable, shipments of waste from the Rocky Flats Plant Waste Isolation Pilot Plant will be carried out on an expedited schedule, but not interfere with other shipments of waste to the Waste Isolation Pilot Plant that are planned as of the date of the enactment of this Act.

AMENDMENT NO. 521
(Purpose: To require a report on military-to-military contacts between the United States and the People's Republic of China.) On page 357, between lines 11 and 12, insert the following: sec. 1201. REPORT ON MILITARY-TO-MILITARY CONTACTS BETWEEN THE UNITED STATES AND THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on military-to-military contacts between the United States and the People's Republic of China.

(b) REPORT ELEMENTS.—The report shall include the following:

(1) A list of the general and flag officers of the People's Liberation Army who have visited United States military installations since January 1, 1993.

(2) The itinerary of the visits referred to in paragraph (1), including the installations visited, the duration of the visits, and the activities conducted during the visits.

(3) The involvement, if any, of the general and flag officers referred to in paragraph (2) in the Tiananmen Square massacre of June 1989.

(4) A list of facilities in the People's Republic of China that United States military officers have visited as a result of any military-to-military contact program between the United States and the People's Republic of China since January 1, 1993.

(b) SEC. 1061. CHEMICAL AGENTS USED FOR DEFENSE TRAINING.

(a) Purpose.—The Secretary of Defense is directed to transfer to the Department of Defense, in consultation with the Attorney General, the authority provided in subsection (a).

(b) ANNUAL REPORT.—The Secretary of Defense shall conduct a study of the options for the transfer of the authority provided in subsection (a). In title X, at the end of subtitle D, add the following:

AMENDMENT NO. 522
(Purpose: To transfer the authority to transfer to the Attorney General certain military-to-military contacts with the People's Republic of China from the Secretary of Defense to the Attorney General.)

SEC. 1061. CHEMICAL AGENTS USED FOR DEFENSE TRAINING.

(a) Authority to Transfer Agents.—(1) To carry out the training described in paragraph (1) and other defensive training not prohibited by the Chemical Weapons Convention, the Secretary of Defense may transport lethal chemical agents from a Department of Defense facility in one State to a Department of Defense facility in another State.

(b) ANNUAL REPORT.—The Secretary of Defense shall report to the congressional defense committees and the Senate Environment and Public Works on long-term solutions and costs related to the disposal of ordnance infiltrating the federal navigable channel and adjacent shorelines of the Touska River.

(c) This provision shall not modify any responsibilities and authorities provided in the Water Resources Development Act of 1986, as amended (Public Law 99-662).

AMENDMENT NO. 523
(Purpose: To require a study and report regarding the options for Air Force cruise missiles.) In title II, at the end of subtitle C, add the following:

SEC. 225. OPTIONS FOR AIR FORCE CRUISE MISSILES.

(a) STUDY.—(1) The Secretary of the Air Force shall conduct a study of the options for meeting the requirements being met as of the date of the enactment of this Act by the conventional air launched cruise missile (CALCM) once the inventory of that missile has been depleted. In conducting the study, the Secretary shall consider the following options:
(A) Restarting of production of the conventional air launched cruise missile.

(B) Acquisition of a new type of weapon with the same lethality characteristics as those of the conventional air launched cruise missile or improved lethality characteristics.

(C) Utilization of current or planned munitions, with upgrades as necessary.

(2) The Secretary shall submit the results of this study to the Armed Services Committees of the House and Senate by January 15, 2000, the results might be—

(A) reflected in the budget for fiscal year 2001 submitted to Congress under section 1105 of title 31, United States Code; and

(B) reported to Congress as required under subsection (b).

(b) REPORT.—The report shall include a statement of how the Secretary intends to meet the requirements referred to in subsection (a)(1) in a timely manner as described in that subsection.

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AMENDMENT NO. 525

(Purpose: To encourage reductions in Russian nonstrategic nuclear arms, and to require annual reports on Russia's nuclear arsenal)

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

SEC. 1061. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the interest of Russia to fully implement the Presidential Nuclear Initiatives announced in 1991 and 1992 by then-President of the Soviet Union Gorbachev and then-President of Russia Yeltsin;

(2) the President of the United States should call on Russia to match the unilateral reductions in the United States inventory of tactical nuclear weapons, which have reduced the inventory by nearly 90 percent; and

(3) if the certification under section 1044 is made, the President should emphasize the continued interest of the United States in working cooperatively with Russia to reduce the dangers associated with Russia's tactical nuclear arsenal.

(b) ANNUAL REPORTING REQUIREMENT.—(1) Each annual report on accounting for United States assistance under Cooperative Threat Reduction programs that is submitted to Congress under section 1206 of Public Law 104–106 (110 Stat. 471; 22 U.S.C. 5955 note) after fiscal year 1999 shall include, regarding Russia's arsenal of tactical nuclear warheads, the following:

(A) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

(B) A summary of the assessment of the strategic relevance of the warheads.

(C) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.

(D) A survey of summary, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

(2) The Secretary shall include in the annual report, with the matters included under paragraph (1), the views of the Director of Central Intelligence and the views of the Commander in Chief of the United States Strategic Command regarding these matters.

(c) VIEWS OF THE DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence shall submit to the Secretary of Defense, for inclusion in the annual report, the Director's views on bracket.

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AMENDMENT NO. 526

(Purpose: To make technical corrections)

On page 133, line 19, strike "the United States" and insert "such.

On page 356, line 7, insert after "Secretary of Defense" the following: "in consultation with the Secretary of State.

On page 356, beginning on line 8, strike "the Committees on Armed Services of the Senate and House of Representatives" and insert "the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and International Relations of the House of Representatives".

On page 358, strike line 21 and all that follows through page 359, line 7.

On page 359, line 8, strike "(c)" and insert "(b)".

On page 359, line 16, strike "(d)" and insert "(c)"

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AMENDMENT NO. 527

(Purpose: To authorize $4,000,000 for construction of a control tower at Cannon Air Force Base, New Mexico, and $8,100,000 for runway improvements at Cannon Air Force Base, and to offset such authorizations by striking a military family housing project at Holloman Air Force Base, New Mexico, and by reducing the amount authorized for the United States share of projects of the NATO Security Investment program)

On page 417, in the table preceding line 1, insert after the item relating to McGuire Air Force Base, New Jersey, the following new items:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Mexico</td>
<td>Cannon Air Force Base</td>
<td>$4,000,000</td>
</tr>
<tr>
<td></td>
<td>Cannon Air Force Base</td>
<td>$8,100,000</td>
</tr>
</tbody>
</table>

On page 417, in the table preceding line 1, strike "$628,133,000" in the amount column of the item relating to the total and insert "$640,233,000".

On page 418, in the table following line 5, strike "$196,088,000" and insert "$168,340,000".

On page 418, in the table following line 5, strike "$333,671,000" and insert "$345,511,000".

On page 418, in the table following line 5, strike "$136,248,000" and insert "$139,968,000".

On page 419, line 15, strike "$1,917,191,000" and insert "$1,919,451,000".

On page 419, line 19, strike "$628,133,000" and insert "$640,233,000".

On page 420, line 7, strike "$345,511,000" and insert "$343,671,000".

On page 420, line 17, strike "$628,133,000" and insert "$640,233,000".

On page 420, line 5, strike "$172,472,000" and insert "$170,472,000".

AMENDMENT NO. 528

(Purpose: To amend title XXIX, relating to renewal of public land withdrawals for certain military ranges, to include a place therefor to allow the Secretary of Defense and the Secretary of the Interior the opportunity to complete a comprehensive legislative withdrawal proposal, and to provide an opportunity for public comment and review)

On page 476, line 13, through page 502, line 3, strike title XXIX in its entirety and insert in lieu thereof the following:

"TITLE XXIX.—RENEWAL OF MILITARY LAND WITHDRAWALS.

SEC. 2901. FINDINGS.

(1) The Congress finds that—

(A) Public Law 99–606 authorized public land withdrawals for certain military ranges, to include a place therefor to allow the Secretary of Defense and the Secretary of the Interior the opportunity to complete a comprehensive legislative withdrawal proposal, and to provide an opportunity for public comment and review.

(B) The public land withdrawals authorized in 1986 under Public Law 99–606 were for a period of 15 years, and expire in November, 2001; and

(C) It is important that the renewal of these public land withdrawals be completed in a timely manner, consistent with the process established in Public Law 99–606 and other applicable laws, including the completion of appropriate environmental impact studies and opportunities for public comment and review.

"SEC. 2902. SENSE OF THE SENATE.

(1) It is the Sense of the Senate that the Secretary of Defense and the Secretary of the Interior, consistent with their responsibilities and requirements under applicable laws, should jointly prepare a comprehensive legislative proposal to renew the public land withdrawals for the four ranges referenced in section 2901 and transmit such proposal to the Congress no later than July 1, 1999.

AMENDMENT NO. 529

(Purpose: To authorize $3,850,000 for the construction of a Water Front Crane System for the Navy at the Portsmouth Naval Shipyard, Portsmouth, New Hampshire)

On page 429, line 5, strike out "$172,473,000" and insert in lieu thereof "$188,340,000"
On page 411, in the table below, insert after item 6, the item:

**Nellis Air Force Base, Nevada**

<table>
<thead>
<tr>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nellis Air Force Base</td>
<td>$11,600,000</td>
</tr>
</tbody>
</table>

**AMENDMENT NO. 530**

(Purpose: To authorize, with an offset, an additional $639,733,000 for the Air Force for a military construction project at Nellis Air Force Base, Nevada (Project RKM983014))

On page 416, in the table following line 13, insert after the item relating to Nellis Air Force Base, Nevada, the following new item:

<table>
<thead>
<tr>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nellis Air Force Base</td>
<td>$11,600,000</td>
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On page 417, in the table preceding line 1, strike “$628,133,000” in the amount column of the item relating to the total and insert “$639,733,000”.

On page 419, line 15, strike “$1,917,191,000” and insert “$1,928,791,000”.

On page 420, line 17, strike “$628,133,000” and insert “$639,733,000”.

**AMENDMENT NO. 531**

At the end of Section E of Title XXVIII insert the following:

**SEC. 56. ARMY RESERVE RELocation FROM Fort Drum—Section 2806 of the National Defense Authorization Act for fiscal year 1998 (P.L. 105–85) is amended as follows:**

With regard to the conveyance of a portion of Fort Drum, Utah to the University of Utah and the resulting relocation of Army Reserve activities to temporary and permanent relocation facilities, the Secretary of the Army shall accept the funds paid by the University of Utah or State of Utah to pay costs associated with the conveyance and relocation. Funds received under this section shall be utilized, in the discretion of the Secretary, for any purpose related to the conveyance and relocation.

**AMENDMENT NO. 532**

(Purpose: To authorize, with an offset, an additional $59,200,000 for drug interdiction and counterdrug activities of the Department of Defense)

On page 62, between lines 19 and 20, insert the following:

**SEC. 314. ADDITIONAL AMOUNTS FOR DRUG INTERDICTioN AND COUNTER-DRUG ACTIVITIES.**

(a) **AUTHORIZATION OF ADDITIONAL AMOUNT.**—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 301(a)(20) is hereby increased by $59,200,000.

(b) USE OF ADDITIONAL AMOUNT.—Of the amount authorized to be appropriated by section 301(a)(20), as increased by subsection (a) of this section, funds shall be available for the activities described in paragraph (a). The amounts authorized by this section shall be available for Operation Caper Focus.

(2) $17,500,000 shall be available for a Relocatable Over the Horizon (ROTH) capability for the Eastern Pacific based in the continental United States.

(3) $2,700,000 shall be available for forward looking infrared radars for P-3 aircraft.

(4) $8,000,000 shall be available for enhanced intelligence capabilities.

(5) $5,000,000 shall be used for Mothership Operations.

(6) $20,000,000 shall be used for National Guard State plans.

Mr. DEWINE. Mr. President, last year, the Congress provided an $800 million down payment to restore viability to our counter-drug eradication and interdiction strategy in the region. This funding was the first installment of the Western Hemisphere Drug Elimination Act, which was passed as part of last year's omnibus appropriations bill. Our goal is to reduce significantly the flow of cocaine and heroin into the United States. This would be done by driving up drug trafficking costs, reducing drug availability, and ultimately keeping these horrendous drugs out of the reach of our children.

We made great progress last year to secure the funds for an enhanced counter-drug strategy. Today, I am seeking additional resources for this important national security interest.

Today, Senator COVERDELL and I are offering an amendment that would authorize more funds for Defense counterdrug programs. This amendment is taken from a provision contained in section 5, the Drug Free Century Act, which I introduced with seven of my Senate colleagues.

Mr. President, since the late 1980's, the Department of Defense has been called upon to support counter narcotics activities in transit areas in the Caribbean, and those dedicated members of our armed services have done an extraordinary job. Unfortunately, we in the Congress, and those all over the United States, are keenly aware that the Armed Forces of the United States are being stretched too thin. With the ongoing hostilities against Saddam Hussein in Iraq, and the enormous air campaign against Slobodan Milosevic in Kosovo, material and manpower dedicated to the interdiction of drugs entering our country have been diverted to these “higher priority” duties, leaving the drug transit areas vulnerable and unguarded.

In addition, this year we have seen the closure of Howard Air Force Base in Panama, which causes the United States to lose a premier airfield for conducting counter-drug aerial detection and monitoring missions. Without this aerial surveillance of the coca fields and production sites in Colombia and the major transit areas for bringing cocaine into the United States, timely and actionable intelligence cannot be relayed to the Colombian government forces in time for seizure and eradication actions.

Fortunately, the current bill already would authorize $42.8 million for the creation of forward operating locations to replace the capability lost with the closure of Howard Air Force Base.

These sites will be critical to the continuing ability of the U.S. Armed Forces and law enforcement agencies to effectively detect and interdict illegal drug traffic. However, it will take time to get these sites identified and operational.

Mr. President, that is why this amendment is timely and important. Our amendment would shore up deficient funding in the critical areas of intelligence gathering, monitoring, and tracking of suspect drug activity heading toward the United States.

This amendment would provide authorizations for an additional $59.2 million in counter-drug intelligence gathering and interdiction operations.

We need to have a reliable and efficient means of monitoring, identifying, and tracking suspect traffickers before assigning interdiction aircraft and marine craft to intercept. The key to our success is accurate intelligence. Without accurate intelligence, we are wasting time and valuable resources.

This amendment would enable such intelligence gathering technologies as a CONUS-based, over-the-horizon radar that could be used in detecting and tracking both air and maritime targets in the eastern Pacific and Mexico. This technology would greatly enhance the ability of law enforcement agencies of both the United States and Mexico to interdict and disrupt shipments of narcotics destined for the United States.

This amendment also would authorize funds for enhanced intelligence capabilities such as signals intelligence, collections, and translation that would significantly improve the overall effectiveness of the counter drug effort.

Mr. President, it is time to renew drug interdiction efforts, provide the necessary equipment to our law enforcement agencies, and make the issue a national priority once again. I urge my colleagues to support this amendment and help turn the tide of the drug crisis in our country.

**AMENDMENT NO. 53**

(Purpose: Expressing the Sense of the Senate regarding settlement of claims with respect to the deaths of members of the United States Air Force resulting from the accident off Namibia on September 13, 1997)

At the appropriate place insert the following:

**SEC. 57. SENSE OF SENATE REGARDING SETTLEMENT OF CLAIMS RESULTING FROM THE ACCIDENT OFF NAMIBIA ON SEPTEMBER 13, 1997.**

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

(1) On September 13, 1997, a German Luftwaffe Tupolev TU-154M aircraft collided with a United States Air Force C-141 Starlifter aircraft off the coast of Namibia.

(2) As a result of the collision, six members of the United States Air Force were killed, namely: Staff Sergeant Stacey D. Bryant, 22, loadmaster, Providence, Rhode Island; Captain John H. Cato, 35, loadmaster, Jacksonville, Florida; Captain Scott M. Gammill, 25, pilot, Raleigh, North Carolina; Captain Mike A. Welsh, 31, co-pilot, Oakland, California; Captain Gregory M. Cindrich, 28, pilot, Byrons Road,
described in paragraph (1) with respect to the February 3, 1998, near Cavalese, Italy, until a ment of such citizens’ claims for deaths arising from the deaths caused by the accident involving a United States Marine Corps aircraft for flying at a flight level that did not conform to international flight rules.

(4) The United States Air Force accident investigation report concluded that the primary cause of the collision was the Luftwaffe Tupolev TU–154M aircraft flying at an incorrect cruise altitude.

(5) Procedures for filing claims under the Status of Forces Agreement are unavailable to the families of members of the United States Air Force killed in the collision.

(6) The families of the members of the United States Air Force killed in the collision have filed claims against the Government of Germany.

(7) The Senate has adopted an amendment authorizing the payment to citizens of Germany of a supplemental settlement of claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Government of Germany should promptly settle with the families of the members of the United States Air Force killed in a collision between a United States Air Force C-130 Starlifter aircraft and a German Luftwaffe Tupolev TU–154M aircraft off the coast of Namibia on September 13, 1997; and

(2) the United States should not make any payment to citizens of Germany as settlement of such citizens’ claims for deaths arising from the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy, until a comparable settlement is reached between the Government of Germany and the families described in paragraph (1) with respect to the collision described in that paragraph.

AMENDMENT NO. 534

(Purpose: To commemorate the victory of freedom in the Cold War)

On page 387, below line 24, add the following:

SEC. 1061. COMMEMORATION OF THE VICTORY OF FREEDOM IN THE COLD WAR. (Purpose: To commemorate the victory of freedom in the Cold War)

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

(1) The Cold War between the United States and the former Union of Soviet Socialist Republics was the longest and most costly struggle for democratic freedom and liberty in the history of mankind.

(2) Whether millions of people all over the world would live in freedom hinged on the outcome of the Cold War.

(3) Democratic countries bore the burden of the struggle and paid the costs in order to preserve and promote democracy and freedom.

(4) The Armed Forces and the taxpayers of the United States bore the greatest portion of such a burden and struggle in order to protect such precious freedoms.

(5) Tens of thousands of United States soldiers, sailors, Marines, and airmen paid the ultimate price during the Cold War in order to preserve such freedoms and liberties enjoyed in democratic countries.

(6) The Berlin Wall erected in Berlin, Germany, epitomized the totalitarianism that the United States struggled to eradicate during the Cold War.

(7) The fall of the Berlin Wall on November 9, 1989, marked the beginning of the end for Soviet totalitarianism, and thus the end of the Cold War.

(8) November 9, 1999, is the 10th anniversary of the fall of the Berlin Wall.

(c) PROVISION OF VICTORY IN THE COLD WAR DAY.—Congress hereby—

(1) designates November 9, 1999, as “Victory in the Cold War Day”;

(2) requests that the President issue a proclamation calling on the people of the United States to observe that week with appropriate ceremonies and activities.

(3) The Cold War Medal.—(1) Chapter 57 of title 10, United States Code, is amended by adding at the end the following:

1133. Cold War medal: award.

(1) AWARD.—There is hereby authorized an award of a decoration, as provided for under subsection (b), to all individuals who served honorably in the United States armed forces during the Cold War in order to recognize the contributions of such individual to United States victory in the Cold War.

(2) DESIGN.—The Joint Chiefs of Staff shall, under regulations prescribed by the President, design for purposes of this section a decoration called the “Victory in the Cold War Medal.” The decoration shall be of appropriate design, with ribbons and appurtenances.

(3) PERIOD OF COLD WAR.—For purposes of subsection (a), the term “Cold War” shall mean the period beginning on August 14, 1945, and ending on November 9, 1989.

(4) Prior to the participation of the Armed Forces in participating in a celebration referred to in paragraph (1), the Secretary of Defense may accept contributions from the private sector for the purpose of covering the costs of the Armed Forces in participating in a celebration referred to in paragraph (1), the Secretary of Defense may accept contributions from the private sector for the purpose of covering the costs of the Armed Forces described in paragraph (1).

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

(c) PROGRAM ADMINISTRATION.—Subsection (c)(1) of such section is amended, by adding at the end the following:

“(1) The Secretary of Defense shall carry out the program and supervision activities required under this section in coordination with the Department of Agriculture, the Department of Health and Human Services, and the Department of Education.”

(d) NUTRITIONAL RISK STANDARDS.—Subsection (c)(2)(A) of such section is amended, by adding at the end the following:

“(II) The Secretary of Defense shall establish nutritional risk standards for military members and, in coordination with the departments of health and human services,”

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

“(4) The terms ‘costs for nutrition services and administration’, ‘nutrition education’
Mr. REID. We have not yielded it back, but I don't think we will use it. We will wait and see what the Senator has to say.

Mr. KYL. I ask unanimous consent that Senator DOMENICI's time be folded in with my time and then I will close our side of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has 3 minutes 42 seconds.

Mr. KYL. Mr. President, let me just clarify about three things that were said by Members of the minority a moment ago.

Senator BINGAMAN said we should not be playing politics with national security. We could not agree more with that. He, then, began discussing how these problems have been around a long time, under Republican administrations, under Democratic administrations. That is true. It is not political; it is true. Of course, that is what the Cox Commission report said, but that has nothing to do with whether we should begin to solve those problems now.

Once this administration became aware of the espionage in about 1995, it was important to begin the work of cleaning up the mess at the Department of Energy. What we are saying is if that is not going to be done by the administration, we are prepared to help do that with the amendment we have offered.

Second, Senator BINGAMAN indicated that Democrats did not object to the Republican security amendments in the Armed Services Committee, which were then included in the bill and which Members of the Democratic side have been talking about as a good thing in this bill. I just ask the staff to note a couple of the specifics to which there was objection. The minority, for example, objected to the requirement that DOE employees who have access to nuclear weapons data have a full background investigation. They watered it down by delaying implementation and also requiring an analysis of costs. They weakened the restrictions on the lab-to-lab program, section 3156 or 3158, I have forgotten. There were more. Not to quibble, but the point is the security provisions in this bill were put there by the Members of the Republican side, by and large. The primary section that was discussed was the section put in by Senator LOTT, the majority leader.

But there is one more important piece of unfinished business and that is the Kyl-Domenici-Murkowski amendment, and that is what the Democrats will not let each of us talk about let alone debate about, except for the unanimous consent to close the debate here this evening.

Senator REID concluded by saying he did not improperly hold up the bill. He, in fact, used the rules of the Senate to protect the prerogatives of one Senator and his side. That is certainly true. He knows the rules. He used the rules. He was able to use the rules to prevent us from speaking, from debating our amendment, and from voting on it. The only way we could bring the defense authorization bill to a close and conclude this very important piece of business for the American people was for us to withdraw this important amendment.

I hope all of our colleagues and the American people understand what happened here. Because we could not discuss or vote on the Kyl-Domenici-Murkowski amendment, and because it was important to conclude the work on the defense authorization bill, we were required to withdraw our amendment. That important piece of unfinished business to protect the security of the Nation remains unfinished business and will have to be taken up in the future.

I do not know of a higher priority for the Senate at this time than trying to ensure the security of our National Laboratories and our most sophisticated weapons. This amendment would go a long way toward doing that. It is not the total answer. I am just hopeful in the days and weeks to come we will not hear the continuing walls that it is not time, we do not have time to discuss this, we should have lots of hearings about it.

We are prepared to have all kinds of discussions. We need to have those discussions. If we are not able to have those discussions in future times here, then the next time it will not be withdrawn and we will have to deal with it one way or the other.

I urge my colleagues to work together, try to resolve these important security issues for the safety and defense of the United States of America.

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

Mr. REID. I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. HARKIN. Mr. President, I want to briefly speak on an amendment I offered today that was accepted by unanimous consent in the Defense Authorization Committee. My amendment will address an unfulfilled obligation to our nation's veterans. The problem is a substantial backlog of requests by veterans for replacement and issuance of military medals. At a time when our troops are engaged overseas, and with the Memorial Day weekend approaching, it is all the more important to ensure we are recognizing the sacrifices of our veterans.

Believe it or not, it can take years for veterans to receive medals earned through their service to our nation. My state offices are involved in a number of current cases where veterans have been waiting two to three years for
medals they earned, but were never awarded. While my staff and I pursue these cases aggressively, the logistics that no amount of pressure and follow-through can overcome is essentially a resource problem.

The medal issue revolves around a huge backlog of requests. The personnel centers, which process applications for the separate services for never-issued awards and replacement medals, have accumulated huge backlogs of requests by veterans. In one personnel center alone, 98,000 requests have been allowed to back up, resulting in years of waiting time. These time delays have denied veterans across the nation the medals and honors they have rightfully earned through heroic actions.

Let me briefly share the story of Mr. Dale Holmes, a Korean War veteran. I have shared this story on the floor before, but I think it bears repeating. Mr. Holmes fired a mortar on the front lines of the Korean War. Stacy Groff, the daughter of Mr. Holmes, tried unsuccessfully for three years on her own through the normal Department of Defense channels, to get the medals her father earned and deserved. Ms. Groff turned to me after her letter writing produced no results. My office began an inquiry in January of 1997 and we were not able to resolve this issue favorably until September 1997.

Ms. Groff made a statement about the delays that sum up my sentiments perfectly: "I don’t think it’s fair. My dad deserves, everybody deserves, better treatment than that." Ms. Groff could not be more correct. Our veterans deserve better from the country they served so courageously.

DOD claims that it does not have the personnel, equipment or resources to keep up with the crush of requests. As a Senator, I have been privy to a number of people thinking about how to speed up the process. But it would not take much to make a dent in the problem. For example, the Navy Liaison Office was averaging a relatively quick turnaround time of only four to five months when it had five personnel working cases. Now that it has only three people in the office, it is having a hard time keeping up with the crush of requests. DOD must make putting more resources necessary to eliminate the backlog in decoration requests.

Specifically, my amendment says the Secretary of Defense shall make available to the Army Reserve Personnel Command, the Bureau of Naval Personnel, the Air Force Personnel Center, the National Archives and Records Administration, and any other relevant office or command, the resources necessary to solve the problem. These resources could be in the form of increased personnel, equipment or whatever these offices need for this problem.

My amendment also directs that funding and resources should not come at the expense of other personnel service and support activities within DOD. It is a commonsense approach which will allow DOD to structure a quick and direct line of communication to DOD personnel.

Our veterans are not asking for much. Their brave actions in time of war deserve our highest respect, recognition, and admiration. My amendment will help expedite the recognition that they richly deserve. Our veterans deserve nothing less.

I thank the Veterans of Foreign Wars for strongly supporting this amendment. Their support meant a great deal to my efforts.

I thank the managers of the Defense Authorization bill, Senator WARNER and Senator LEVIN, for their cooperation and understanding in agreeing to accept this important amendment.

While this is only a small change to the Defense authorization bill, it will send a clear message to our Nation’s veterans and active duty personnel: we recognize and value the sacrifices you have made on our behalf.

Ms. COLLINS. Mr. President, I rise today as a cosponsor of the majority leader's amendment to the defense authorization bill. The amendment takes important steps to improve the monitoring of the export of advanced U.S. satellite technology and to strengthen security and counterintelligence measures at Department of Energy facilities.

As a Senator, I have been privy to a wide range of classified and unclassified information relating to efforts by the People's Republic of China to acquire our sensitive technology and influence our political process. As a United States citizen, I am gravely concerned.

As a member of the Governmental Affairs Committee, I learned during the campaign finance investigation ably lead by Chairman THOMPSON that China developed and implemented a plan to influence U.S. politicians and elections. And from Charlie Trie and John Huang, both of whom have recently pled to felony offenses and agreed to cooperate with the Justice Department, I suspect we could learn more. More recently, I reviewed the Cox report, and just yesterday, listened to testimony concerning the report during a hearing of the Subcommittee on International Security, Proliferation, and Federal Services. The evidence is clear that China stole very sensitive military secrets involving virtually all of our nuclear weapons. What is more, I believe that the lax security at our government labs is completely inexcusable as is the Clinton Administration's abject failure to take swift and strong action when it became aware of evidence of serious breaches in our national security.

This administration is faced now with the opportunity to focus the country on constructive solutions to our problems concerning espionage and undue foreign influence. I fear, however, that we will be mired for a long time by the same old story—our government forgets the sacrifices servicemen and women have made as soon as they leave military service.

Therefore, here I am again. My amendment directs the Secretary of Defense to establish and carry out a plan to make available the funds and resources necessary to eliminate the backlog in decoration requests.

The(I)
CONGRESSIONAL RECORD—SENATE

May 27, 1999

The Honorable Carl Levin, a member of the Senate Committee on Appropriations and Senate Defense Appropriations Subcommittee, asked the Chairman to direct the Acting Secretary of Defense to provide an update on the BQM-74 drone program.

Mr. CONRAD. I am pleased to report that this week the Senate Appropriations Committee authorized funding, and the Senate Appropriations Committee has recommended funding. It is my intention to work with the Chairman and our House counterparts in the upcoming conference to try to provide authorization funding for BQM-74 procurement in fiscal year 2000.

Mr. CONRAD. The Office of the Secretary of Defense clearly did not act prudently in this regard, and I am pleased to report that this week the Senate Defense Appropriations Subcommittee—one on which I serve—added $435 million for procurement of 135 BQM-74 drones in fiscal year 2000. This funding was zeroed out by the Office of the Secretary of Defense prior to submission of the budget request to Congress.

Mr. DORGAN. As my colleagues may be aware, the Navy had allocated 435 million for procurement of 135 BQM-74 drones in fiscal year 2000. This funding was zeroed out by the Office of the Secretary of Defense prior to submission of the budget request to Congress.

Mr. DORGAN. As my colleagues may be aware, the Navy had allocated $435 million for procurement of 135 BQM-74 drones in fiscal year 2000. This funding was zeroed out by the Office of the Secretary of Defense prior to submission of the budget request to Congress.

Mr. CONRAD. On behalf of myself, Senator DORGAN, and Senator BINGMAN, I thank the distinguished Chairman and Ranking Members for their important assurances.

Mr. CONRAD. As my colleagues may be aware, the Navy had allocated $435 million for procurement of 135 BQM-74 drones in fiscal year 2000. This funding was zeroed out by the Office of the Secretary of Defense prior to submission of the budget request to Congress.

Mr. WARNER. I thank the Senators for their valuable input. The BQM-74 is one of several critical defense priorities that will be addressed in conference.

Mr. CONRAD. In light of the unquestioned importance of the BQM-74 and the action taken by the House authorizers and Senate appropriators, I wonder if the distinguished Chairman of the Senate Armed Services Committee believes that this matter can be addressed in conference?

Mr. DORGAN. As my colleagues may be aware, the Navy had allocated $435 million for procurement of 135 BQM-74 drones in fiscal year 2000. This funding was zeroed out by the Office of the Secretary of Defense prior to submission of the budget request to Congress.

Mr. LEVIN. Mr. President, it has been economic business as usual for the Serbians as our missiles try to grind their will. The President declared on March 24th the beginning of the NATO campaign and set a goal of deterring a bloody offensive against Moslem civilians.

Mr. LEVIN. Mr. President, it has been economic business as usual for the Serbians as our missiles try to grind their will. The President declared on March 24th the beginning of the NATO campaign and set a goal of deterring a bloody offensive against Moslem civilians.

Mr. CONRAD. On May 1st, President Milosevic signed the executive order banning U.S. trade with Yugoslavia, Milosevic had received the last of the 11 April oil shipments for a total of 450,000 barrels.

As of three weeks ago, the number of destroyed Kosovans had topped one million and NATO acknowledged the continuation of energy imports by the enemy.

These imported energies reserves play a significant role in supporting Serbian ground operations. The U.S. Energy Information Agency estimates that Yugoslav forces consume about four thousand barrels of oil per day. This fact means that if Serbian armored units in Kosovo used only half of the imported fuel just from April, they could have operated for nearly two months.

It took barely one month after the start of the NATO campaign, however, for President Milosevic to uproot the vast majority of the ethnic Albanian population of the province. So by the time frame that NATO had claimed to destroy Serbia’s oil refining capacity, mid-to-late April, the Yugoslavians still managed to perpetrate Europe’s worst humanitarian crisis since World War II.

We now face the strategic and operational challenge of uprooting dispersed tank, artillery, and infantry units in Kosovo. This challenge confounds NATO because our military campaign ignored the offshore economic base sustaining the aggression that we had pledged to overcome.

This example, Mr. President, teaches us that military victory involves more than the decisive application of force. It also demands, as Operation Desert Storm so dramatically illustrated, a coordinated diplomatic and economic enemy isolation effort among the United States and its allies.

Iraq invaded Kuwait on August 1, 1990. Five days later, on August 6th, the United Nations Security Council, with only Cuba and Yemen in opposition, had passed a resolution directing “all states” to bar Iraqi commodity and product imports. This action first helped to freeze Saddam in Kuwait before he could move into Saudi Arabia. The wartime coalition subsequently faced the more manageable task of expelling this dictator from a small country rather than the entire Arabian Peninsula.

We must always try to damage or destroy the offensive military apparatus of a hostile state. But as the Persian Gulf War taught us, it should also be spurred by resources.

Efforts to establish multilateral embargoes will always encounter resistance and lapses in enforcement. My
amendment, however, puts the tyrants of the globe on notice that as a matter of policy the United States will take immediate steps to deprive them of the finances and the imports to wage war should America and its international partners engage in hostilities against them.

The language of this provision instructs the President to "seek the establishment of a multinational economic embargo" against an enemy government upon the engagement of our Armed Forces in hostilities. If the conflict continues for more than six hours, the President must also report to Congress on the actions taken by the administration to implement the embargo and to publish any foreign sources of trade and revenue that sustain an adversary's war-making capabilities.

This amendment will not constrain, but strengthen, future Presidents in organizing the international community against regional zealots like Milosevic. We must remember that the former Union states declined to enforce the Adriatic Sea embargo against the advice of the United States. But if we lend the force of law to administration's embargo efforts from the outset of a war, we could gain more allies partners to force an aggressor into military bankruptcy.

As our Balkan campaign reveals, the foreign energy and assets at the disposal of dictators can provide for their gotten tools of aggression. But this seamless embargo amendment signals that the United States will not only remember these tools, but take decisive action to break them. It signals that we should not bomb only so the enemy can target civilians. To enforce greater clarity in our strategies of isolating the nation's armed adversaries of tomorrow, Mr. President, I urge the Senate's unanimous support for this amendment.

NATO'S MISSION

Mr. DOMENICI. Mr. President, I rise today to discuss three interrelated aspects of our country's security at the brink of the new millennium. There has already been discussion of NATO in this new world. We have also intermittently discussed the war in the region of Kosovo.

It is important to reflect on NATO's mission under changed circumstances. It is critical to address the U.S. role as part of NATO. At the same time, we must evaluate threats globally, and we must be vigilant in safeguarding our security and defense capabilities.

In April, we celebrated NATO's 50th Anniversary. Despite the circumstances, we had good reason to celebrate. After the horrors of World War I and II, U.S. decisionmakers sought to construct European structures for integration, peace, and security. U.S. policy focused on two tracks: the Marshall Plan for economic reconstruction and NATO for transatlantic security cooperation.

The creation of the North Atlantic Treaty Organization in 1949 acknowledged what we failed to admit after World War I—that the world was and is a precarious continent. Twice in the first 50 years of this century, America fought against tyrannical and malevolent forces in Europe.

It is important to remember that NATO did not begin as a response to the Warsaw Pact. This primary objective evolved as a de facto result of Stalinist expansion into Central Europe. Fifty years later NATO remains the strategic link between the Old World and the New. NATO achieved its Cold War mission and even now, in a changed era and very different world, NATO is a vital element of transatlantic cooperation and security.

We must, however, be conscious and careful in applying the lessons of the past to current circumstances. None of what I have just talked about should be interpreted as an argument for current NATO action in the region of Yugoslavia, Albania, Macedonia, and Montenegro.

The administration repeatedly suggests that violence in the Balkans ignited the First World War. This is true. A member of the Black Hand, a Serbian nationalist group, assassinated Archduke Franz Ferdinand. Serbia, at that time, was a small nation fighting for independence within a crumbling Austrian-Hungarian Empire.

Due to Russia's alliance with Serbia and Germany's open-ended military pact with Austria, both Germany and Russia mobilized immediately. Other than a few neutral countries—Norway, Sweden, Italy, Switzerland, and Spain—the rest were locked in polarized blocs that set the Triple Alliance against the Triple Entente. Such polarized blocs do not exist today. Serbian aggression against Kosovar Albanians can and has created regional instabilities. But this would not lead to World War Three.

This is not 1914. Only one alliance dominates Europe—NATO. NATO can be used as a force for peace. Acting without regard to security perceptions outside of NATO, however, can lead us down a very different and dangerous path.

Our current actions disregarded the views of others of their own security. Our actions in Kosovo may yet unravel any gains achieved in nuclear arms reductions and cooperative security alliances since the Soviet Union collapsed. Furthermore, NATO's response in Kosovo has accelerated and exacerbated regional instability. We have managed to create a humanitarian crisis, while not achieving any of our military objectives. Of course, any rational person would realize that an air campaign from 20,000 feet would not prevent executions, rapes, and purges on the ground. This is especially true given the 5 months of time we gave President Milosevic to plan, prepare, and position his forces.

President Milosevic of today's world that the administration failed to mention in their arguments for involvement in this campaign is the impact this would have on U.S.-Russian relations. We have a tendency to believe that Russia is too weak and needs our money so bad that we can disregard their views or interests.

I ask you to consider two key facts: as Russia's conventional military declines, reliance on their nuclear arsenal increases; global stability cannot be achieved without cooperation between the U.S. and Russia.

The reciprocal unilateral withdrawal of thousands of tactical nuclear warheads between the U.S. and Russia may also be reversed. Russia has recently announced its intent to redeploy components of its tactical nuclear arsenal. We went on a path through arms reduction and stepped toward increased transparency to addressing tactical weapons. These gains are steadily unraveling.

The administration never suggested that NATO strikes against Serbs may lead to a worst-case scenario over the next few years in Russian politics. Russia faces Parliamentary elections this year and a Presidential election next.

According to one of the most pro-American Duma members, the U.S. Administration picked the best route to influence the upcoming elections in favor of Communist and ultra-nationalist parties. In Russia, 90 percent of the public support the Serbs and are against NATO.

This war will have profoundly negative impact on the relationship between Russia and the U.S. for a long time.

The U.S. was supposedly not fighting for either side. We were trying to be the honest broker, at least in the beginning. Our actions have created enemies. These enemies have historical ties to Russia. Russia's economy is in tatters, but Russia still controls the only means to obliterate the United States.

We feel we are in the right, because we are fighting a tyrant, one capable of great evil. I don't disagree with the objectives sought, but I do believe that the Administration should have taken into account the possible political consequences of our actions on Russia's political future, as well as our future relationship with Russia.

I urge those who suggest that NATO must be victorious in the Kosovo conflict. Victory in Kosovo is short-term if we do not sort out the broader consequences of a victory dictated on NATO's terms.

Russia is edging closer to China, and India. Our blatant disregard of the security needs of others and perceptions may culminate in a Eurasian bloc allied against us—against NATO. And
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election campaigns in Russia will begin very soon.

As European leaders converged to celebrate NATO’s 50th birthday, they spent much time debating and deliberating on NATO’s future. NATO’s present reflects poor policy decisions and an ineffective military approach.

I also take this opportunity to discuss the grievous situation of our military today. Recent actions in Kosovo underscore the self-inflicted damage we have done to our national security in the years since the Cold War.

I was one of many Senators during the 1980’s who supported seeing our Nation’s defenses bolstered in order to bring the Soviet Union to its knees. We defeated them—not through hot war—but by demonstrating the unparalleled power of American democracy and free market dominance over a command economy.

The collapse of the Soviet state was inevitable, but it would have taken a lot longer without the catalyst of our rapid defense buildup. This charge greatly accelerated the breakdown in the Soviet Union’s economy. Their political and economic institutions unraveled in light of America’s clear superiority.

In 1991, after years of focus on a strong defense, when the Iraqis occupied Kuwait, U.S. forces were able to demonstrate their dominance. The U.S. military liberated Kuwait in a short, decisive campaign. The Gulf war was a ground and air war. It was a full blown offensive.

And at no time during the Gulf war did anyone even so much as hint that U.S. forces were spread too thin. There were no reports of not being able to thwart an attack from North Korea due to our commitments in the Gulf. Nor did we suffer from a lack of spare munitions stores, shortages in spare parts for our equipment, or waning missile supplies.

Eight years later, the cracks in our defense capabilities emerged after less than 40 days of an air campaign in the Kosovo region. In less than forty days of what have been limited air strikes, respected officials reported that U.S. munitions reserves are depleted. Our transport capabilities are insufficient to meet NATO’s needs in the Balkans.

Our munitions reserves are depleted. And, as ludicrous as it may seem, for years our military personnel have not had the means to defend our interests.

We have been forced to divert resources from other regions in the world to meet NATO’s needs in the Balkans. Our transport capabilities are insufficient. We evidently have too few carriers. Our munitions reserves are depleted. And, as ludicrous as it may sound, for years our military personnel have had to scramble to find spare parts.

In the early nineties, after the collapse of the Soviet Union, the U.S. was viewed as the only remaining “superpower.” Our global economic and military dominance was unquestioned.

That time was, in the words of respected scholars and strategists, the Unipolar Moment. There was no doubt that the U.S. could act on its own interests in any situation—whether military action or political persuasion were necessary.

We have squandered that moment and missed many opportunities to capitalize on our success. In fact, out of complacency and misplaced perceptions of the post-Cold War world, our defense capacity today is insufficient to match the threats to our national interests.

Many years of self-indulgence and inattention to our nation’s defense cannot be corrected with a one-time boost. This is a complex and long-term problem. But I’m committed to ensuring that our nation’s defenses are not further weakened or left up with the complacency that has created our current situation.

We must have a strong defense. We must ensure that the men and women in uniform have the right equipment, the best training, and are afforded a quality of life sufficient to keep them in the military. This cannot be done by sitting on our hands and hoping that the world remains calm.

Additions to readiness accounts, ammunition, and missile stocks in the emergency supplemental for Kosovo will help ensure that our fighting forces are not in worse shape than before this engagement. It provides a small, but significant, step forward.

The Defense authorization bill before us takes additional steps in the right direction. I commend Senator WARNER and his diligent staff on the hard work they have done to balance priorities and provide for our men and women in uniform.

Let me briefly outline some major provisions of this bill that I consider important and appropriate to address some of our military’s most pressing needs.

As an additional boost to problems in readiness, this bill authorizes an additional $1.2 billion in operations and maintenance funding.

The bill also includes over $740 million for DoD and Department of Energy programs that provide assistance to Russia and other states of the former Soviet Union. These programs address the most prevalent proliferation threat in our world today.

The $3.4 billion increase in military construction and family housing is an essential element of providing our armed forces with the quality of life they deserve. In addition, pay raises and improved retirement plans demonstrate our commitment to the people who serve in our military.

I do not believe that the increased pay and better retirement address the full spectrum of issues that feed into retention problems. The preliminary findings of a GAO study requested by myself and Senator Stevens indicate that the main problem is not pay, but rather working conditions. Lack of spare parts and deficient maintenance are the most frequent reasons offered for dissatisfaction with their current situation.

These are important findings, because it is something we can address. As more conclusions come to light, we can do a better job in fixing the problems that currently contribute to recruitment and retention. We must pay close attention to these issues. The men and women serving in our military are the sole assurance of a strong, capable U.S. defense capability.

A strong defense must be coupled with a consistent set of foreign policy objectives that strive to reduce or contain security threats. At present, we have neither.

Mr. President, it seems we must focus on shifting the balance back in our favor. This cannot be done ad hoc. Securing U.S. interests requires sustained commitment and well-planned execution. First, we must provide the domestic means for a strong, capable armed forces. Second, we must be calculated and careful in the application of force as a fix to failed diplomacy.

THE NUCLEAR CITIES INITIATIVE

Mr. President, I would like to clarify a provision, section 3136(b), of the National Defense Authorization Bill for Fiscal Year 2000, concerning the Nuclear Cities Initiative (NCI). The Nuclear Cities Initiative is a Department of Energy cooperative effort with Russia to assist Russia in downsizing its nuclear weapons complex. The report accompanying the Defense Bill, Senate Report 106–50, states that Russia has not agreed to close or dismantle weapons-related facilities that the nuclear receiving U.S. technical and financial assistance. As a result, Section 3136 of the Defense Authorization bill contains a provision the would prohibit the obligation or expenditure of funding until the Secretary of Energy certifies to the Congress that Russia has agreed to close some of its facilities engaged in work on weapons of mass destruction.

Because of several past interpretations by the Department of Defense of the wording similar to that in section 3136(b), I believe that the wording of this provision would effectively prevent the implementation of the Nuclear Cities Initiative.

While I share the goal of Senator ROBERTS, to ensure that the Russian weapons complex is downsized, I am concerned that the specific certification is unachievable. Russia has publicly committed to shut down or downsize some of its nuclear weapons complexes, but has refused to confirm that if the certification is achievable, the logistics of the required certification process could delay the program for a very long time.
The Nuclear Cities program is just getting started, but has already made some real progress. To stop the funding in fiscal year 2000, particularly because Russian officials have already announced their intent to close some facilities seems to me to be counterproductive. If funding were suspended, program activities would be halted and the cooperative program itself placed in jeopardy. Given the shared concerns that Senator ROBERTS and I have with respect to prevention of the spread of nuclear weapons technology and information, I would like to ask my esteemed colleague whether that is the intent behind this provision in the bill.

Mr. ROBERTS. I thank the Senator. The NCI was intended to be a joint program with the Russian government. At one point the Russians said that they would provide $30 million to the program. Due to the current economic crisis in Russia, any Russian assistance to the NCI program will be in the form of in-kind contributions, such as labor and buildings. The NCI has the potential to provide economic benefits and create opportunities for Russian officials. In the short term, this will require the creation of alternate industries and new employment for as many as 50,000 employees and contractors who are under tremendous financial burdens and might be tempted to offer their nuclear expertise to rogue governments and others who are all too willing to pay top dollar for that information. Overall, it is my belief that the requirement for nonproliferation goals of the NCI effort. It is important to ensure that the Russian government to do more to support the Nuclear Cities Initiative continues to move forward.

Mr. KERRY. Mr. President, I too wish to thank the Senator from Kansas for clarifying his intentions with regard to the language in this bill as it relates to funding for the Department of Energy's Nuclear Cities Initiative.

There is no more important national security issue facing America today than preventing the proliferation of weapons of mass destruction. Through the Nuclear Cities Initiative, the United States and Russia are working together to downsize Russia's nuclear weapons complex and prevent the dispersal of the scientific and technical legacy that remains in Russia today. In the short term, this will require the creation of alternate industries and new employment for as many as 50,000 employees and contractors who are under tremendous financial burdens and might be tempted to offer their nuclear expertise to rogue governments and others who are all too willing to pay top dollar for that information. Overall, it is my belief that the requirement for nonproliferation goals of the NCI effort. It is important to ensure that the Russian government to do more to support the Nuclear Cities Initiative continues to move forward.

Mr. BINGAMAN. I thank the Senator from New Mexico for his strong support for S. 1059, the National Defense Authorization Bill for Fiscal Year 2000. As Chairman of the Strategic Subcommittee, I want to briefly summarize the Strategic Subcommittee portion of the Armed Services Committee markup and the philosophy that it is based on. In the past, the Strategic Subcommittee has reviewed the adequacy of programs and policies in five key areas: (1) ballistic and cruise missile defense; (2) national security space programs; (3) strategic nuclear delivery systems; (4) military intelligence; and (5) Department of Energy activities regarding the nuclear weapons stockpile, nuclear waste cleanup, and other defense activities.

This year, the subcommittee's review included two field hearings—one at the Lawrence Livermore National Laboratory on DOE weapons programs, and one at U.S. Space Command in Colorado Springs on U.S. national security space programs. In addition, the subcommittee visited the U.S. Army Space and Missile Defense Command in Huntsville Alabama, Barksdale Air Force Base in Louisiana, the Cape Canaveral High Energy Laser Test Facility in California, Beale Air Force Base in California, and a variety of military facilities in the Denver and Colorado Springs area. These visits greatly enhanced my understanding of the issues under the subcommittee's jurisdiction and significantly influenced the bill before us today.

The Strategic Subcommittee recommended funding increases for critical programs under the subcommittee's jurisdiction by approximately $850 million, including an increase of $500 million for Ballistic Missile Defense programs, $220 million for national security space programs, $10 million for...
strategic forces, and $50 million for military intelligence.

The Strategic Subcommittee also supported the full amount requested by the Department of Energy with the exception of the Formerly Utilized Sites Remedial Action Program. Let me highlight the key funding and legislative issues.

In the area of missile defense the Strategic Subcommittee included the following funding: An increase of $120 million to accelerate the Navy Upper Tier program and provide for continued development of advanced radar concepts. An increase of $212 million to fix the Patriot PAC-3 funding shortfall so the program can begin production during fiscal year 2000. An increase of $60 million to begin production of the Patriot Anti-Cruise missile program, which will be an upgraded seeker for older Patriot missiles.

In the area of space programs and technologies, the Strategic Subcommittee included the following funding: An increase of $92 million, which the Armed Services requested, to fully fund the revised Space Based Infrared System (High) program. An increase of $111 million for advanced space technology, including funds for space control technology, micro-satellite technology, and space maneuver vehicle development.

In the area of strategic nuclear delivery systems, the Strategic Subcommittee included the following funding: An increase of $40 million for the Minuteman III Guidance Replacement Program to put the program on a more efficient production schedule. An increase of $52.4 million for bomber upgrades based on the Air Force’s unfunded priorities list, including funding for the YF-22 Link-16 program and B-52 radar upgrades.

In the area of military intelligence programs the Strategic Subcommittee included a number of funding increases, including an increase of $25 million for U-2 cockpit and defensive system upgrades. I would note that the Strategic Subcommittee toured the U-2 base at Beale Air Force base and witnessed first hand the serious deficiencies associated with the U-2.

In the area of DOD legislative provisions the Strategic Subcommittee included the following: A provision addressing DOD’s proposed TMD Upper Tier strategy, which reverses DOD’s decision to compete Navy Upper Tier and THAAD. A provision establishing a commission to assess U.S. national security space organization and management, which is modeled after the Rumsfeld Commission. A provision limiting the Retirement of strategic nuclear delivery systems, which extends last year’s law on this matter, but also allows the Navy to retire 4 older Trident submarines while modernizing the remaining fleet to carry the D-5 missile. A provision regarding the Airborne Laser program, which requires a number of tests, certifications, and acquisition strategy modifications before the program can move into successive phases of its development. A provision regarding the Space Based Laser program, which requires near-term focus on an Integrated Flight Experiment.

In the Department of Energy section of the markup, the Strategic Subcommittee provided the full amount of the Administration’s request with the exception of the Formerly Utilized Sites Remedial Action Program. I took great pains to examine the budget request and eliminate those funding items that do not support organizational mission requirements. In the weapons program, my goal was to ensure DOE has a well planned and funded strategic uranium enrichment program that is capable of remanufacturing and certifying every warhead in the enduring U.S. nuclear stockpile. My goal in the cleanup program was to maintain the pace of clean-up at DOE facilities and continue to press for earlier deployment of innovative technologies to lower out-year costs.

The Strategic Subcommittee included the following recommendations regarding DOE funding: An increase of $55 million for the four traditional weapons production plants. An increase of $15 million for the tritium production program. A reduction of $30.0 million to the Advanced Strategic Computing Initiative. An increase of $35 million to support security and counter-intelligence activities. An increase of $17 million to increase security investigations in support of security clearances at DOE.

In the area of DOE legislative provisions the Strategic Subcommittee included the following: A substantial package of legislation dealing with security and counter-intelligence at DOE. A provision regarding tritium production, which would require DOE to implement the Secretary’s tritium production decision.

Mr. President, in closing let me reiterate my strong support for S. 1059. This is a good bill that deserves strong bipartisan support.

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Mr. WARNER. I concur with my distinguished colleague from Michigan.

Mr. LIEBERMAN. Mr. President, I rise to discuss several provisions within the FY2000 Defense Authorization Act. These provisions can be found in Title II, Subtitle D, Sections 231–239 within the FY2000 Defense Authorization Act. The provisions are intended to stimulate intense technical innovation in our military research and development (R&D) enterprise and hence lay the foundation for revolutionary changes in future warfare concepts. Before giving an extended introduction to these defense innovation provisions, I would like to thank Senator ROBERTS and Senator BINGAMAN and the staff who have worked on this subtitle—particularly Pamela Farrell, Peter Levine, John Jennings, Frederick Downey, Merrilea Mayo, and William Bonvillian—for their hard and thoughtful work on this legislation.

The technical superiority of our military is something we have come to take for granted, yet it is founded in a R&D system that has seen little change since the cold war era. These defense innovation provisions attempt to reposition our R&D system so that it can keep up with the pace of technological change in the very different world we are in today.

It is my belief that the explosive advances in technology may provide the basis for not just a “revolution in military affairs,” but a complete paradigm shift. With advanced communication and information systems, it may become possible to fight a war without concentrating forces, making force organizations impossible to kill. With advances in robotics and miniaturization, it may become possible to fight a ground war with far fewer people. With advances in nuclear power, hydrolysis, and hydrogen storage, it may be possible to create virtually unlimited sources of on-site power. These opportunities are complemented by numerous challenges, also brought forth by technology: urban warfare, space warfare, electronic information warfare, chemical, nuclear, and biological warfare, and warfare relying on underground storage centers and facilities. As the variety of opportunities and
threats continues to climb, and as increasing numbers of nations emerge into the high-tech arena, I believe the military arms race of the past will be replaced by a military technology race. Instead of simply accumulating ever greater numbers of conventional armaments against a well-established foe, as we did in the Cold War era, we will have to concentrate on producing fewer, but ever more rapidly evolving, and ever more specialized weapons systems to counter specific asymmetric threats.

To meet these new challenges, we need to transform our R&D enterprise from its antiquated Cold War structure to a fast-moving, well-integrated R&D machine that can seize the leading edge of technological innovation. For this reason, Senator ROBERTS, Senator BINGAMAN and I have inserted provisions within Title II, Subtitle D of the FY2000 Defense Authorization Act whose purpose is to stimulate a much greater and faster degree of technical innovation within the military.

The defense innovation provisions address three goals—establishing a new vision for military R&D, changing the structure of the military R&D enterprise, and correcting the driving forces for R&D in our current system. For the first task, establishing a new vision, Section 231 of the FY2000 Defense Authorization Act requires DoD to determine how dangerous adversarial threats we will likely face two to three decades from now, and what technologies will be needed on our part to prevail against those threats. Given that it takes 20-30 years to translate basic science to fielded application, our R&D vision needs to be founded on a set of required operational capabilities that is equally distant in time, and far beyond the 5 year vision of our current Program Objective Memorandums (POM’s). We need not strive for perfect clarity in this exercise; however, we should be able to create an open conceptual architecture which successfully frames the many potential future opportunities and threats. Once the far future threats and hence far future operational capabilities are outlined, Section 231 asks DoD to give Congress a roadmap of future systems hardware and technologies our services will have to deploy within two to three decades to assure US military dominance in that time frame. From the first road map, we are requesting DoD derive a second road map—the R&D path that DoD, in cooperation with the private sector, can follow to implement the work done by our new defense technologies and systems. To add depth and perspective to the results, I encourage the Secretary of Defense to utilize an independent review panel of outside experts in these exercises, to supplement the work done by in-house personnel. The broader our vision, the more likely it is to be inclusive of whatever surprises the actual future may bring.

A second goal of the defense innovation provisions, Subtitle D, is to lay the groundwork for an organizational structure for R&D. Unless we fix the innovation structure, we will be unable to deliver to DoD the rapid technological advances it will need to secure and maintain world dominance. To meet the challenges of the upcoming decades, the Defense Science Board has recommended that at least one third of the technologies pursued by DoD be ones that offer 5 to 10 fold improvements in military capabilities, technologies that was founded on Cold War realities, will require large organizational change to enable it to pursue revolutionary, rather than evolutionary, technology goals. The segregated and insulated components of the military R&D enterprise will need to be seamlessly interwoven, and the system as a whole will need to be much more flexible in its interactions with the outside world. We can learn from the success of the commercial sector, which takes advantage of technological advances developed in the private sector's research laboratories and peers to develop technologies at a breathtaking pace.

The defense innovation provisions ask DoD to formulate a modern blueprint for the structure, of not only its laboratories, but of the extended set of policies, institutions, and organizations which together make up its entire innovation system. As noted earlier, the Defense Science Board has called for the military R&D system to increase its focus on revolutionary new technologies. The overarching goal of the new structural plan requested by Section 233 is to deliver the conceptual architecture for an innovation system that is capable of routinely providing such revolutionary improvements. Section 239 requests an analysis by the Defense Science Board of overlaps and gaps within the current system. Section 233 asks the Under Secretary of Defense for Acquisition to develop a plan for the private sector, one which ensures that joint technologies, developed in other government laboratories, and technologies developed in the private sector can readily flow into and across the military R&D labs and the broader innovation structure as a whole. Section 233 emphasizes the need to develop better processes for identifying private sector technologies of military value, and military technologies of commercial value. Once identified, there also need to be efficient processes in place for transfer of those technologies, so that the military may reap the respective military and economic gains. Also in Section 233, the Under Secretary is requested to deliver a solution to the major structural gap which currently exists between the R&D pipeline and the acquisition pipeline. Development of the best technologies in the world will not help our future military posture if those technologies are never adopted, or even seen, by the acquisition arms of our services. Finally, to better manage the technological threads within the military’s decision making process, Section 233 in the FY2000 Defense Authorization Act requests a DoD plan for modifying the bureaucratic private sector. It is significant that the hiring race to private sector, and the corresponding lack of performance-based compensation, which is causing the labs to rapidly hemorrhage talent to the more competitive and less bureaucratic private sector. To address these issues, a defense innovation provision within the FY2000 Defense Authorization Act—specifically, Section 237—repeals several of the labs’ restrictive personnel regulations. The intent of this Section is to drastically reduce hiring times and eliminate artificial salary constraints to the point where defense laboratories can hire new talent in a time frame and at a salary level that is similar to that offered by the private and university sectors. Currently, it frequently takes close to competitive: the military R&D labs take several months to over a year to extend an offer, with the result that the laboratories, over and over again, lose the hiring race to private sector interests which can hire top-notch talent in one or two weeks. As noted by the Defense Science Board report, the salaries which can be offered by the laboratories are also about 50 percent lower (for higher grade new hires), compared to the salaries those same new hires could obtain in the private sector. It is significant that the hiring time problem, as well as the high grade caps problem, were universally cited by laboratory managers as the key obstacles in upgrading their laboratory talent.

In addition to improving the quality of the laboratories’ effort by attracting and retaining highly qualified personnel, the defense innovation provisions ask the Secretary of Defense to improve the quality of work itself by developing a system of modern business performance metrics which can be implemented within and across all military laboratories (Section 239(b)).
Such metrics can help ensure that the best work and the best talent are identified, so that they may be rewarded, nurtured, and used accordingly. However, a word of caution, the ultimate impact of science and technology innovation is very hard to measure, especially in the early stages. Overly mechanical assessments and incentives do much more harm than good. Nevertheless, advanced technology companies have been making great strides in better assessing (and assisting) their innovation efforts, and DoD is encouraged to work with industry R&D leaders in implementing this section. Examples of metrics which may be useful for DoD labs include measurement of lab quality through formal annual peer reviews of its divisions, measurement of technical relevance through required customer approval of R&D projects, and measurement of organizational relevance through annual board meetings of senior military with the heads of the R&D laboratories. The first two metrics can help laboratories and bring attention to promising work in its earliest stages, while the last two can help bridge the gap between later stage innovation and new products.

The need for structural reform within the laboratories is a pressing one. The above-mentioned reforms are intended to be jump started with a pilot program, found in Section 236 of the Defense Authorization Provisions. This pilot program may address any of the issues mentioned above but is particularly focused on the problem of attracting and retaining the best possible talent for the laboratories. To be more competitive with working conditions in the commercial sector, this pilot program must improve the evaluation of R&D projects both before and after they are undertaken, and measurement of organizational relevance through annual board meetings of senior military with the heads of the R&D laboratories. The first two metrics can help laboratories and bring attention to promising work in its earliest stages, while the last two can help bridge the gap between later stage innovation and new products.

To attract the best possible outside talent for collaborations with the laboratories, Section 236 also encourages expansion of exchange programs at both the personal and institutional level. Programs for exchanges within DoD, with the private sector, and with academic institutions are all encouraged. Examples of such programs include the sponsorship of talented students through college or graduate school, access to necessary support and resources, and倬ments to the laboratories, expansion of the federated laboratory concept, increased exchanges between the defense laboratories and the war colleges, training programs, and extension of IPA authority to hire commercial R&D professionals. The Defense Science Board recommends that the laboratories emulate DARPA in its mix of temporary and permanent workers in order to be able to quickly bring in relevant talent when needs shift. Section 236(a)(2) creates this option and can be used in conjunction with other provisions in Subtitle D.

A new structure and a new vision are all well and good, but if there is no motivation for the new structure to produce change, the new vision is nothing, nothing is gained. Consequently, the third goal of the defense innovation provisions is to correct current forces which tend to drive DoD away from technical innovation. Three of these driving forces are described below.

The first "counter-innovation" driving force is the lack of a well-defined customer within the military for far future military technologies. Ideally, this customer would be at the Joint Chiefs level, so that broadly sweeping technological ideas and novel technologies can be rapidly incorporated into our existing military structure, doctrine, and systems. Unfortunately, there is little connection at present between that level and the service laboratories. Section 239(b) should be used to improve this situation. Furthermore, as part of the legislation’s mandated study on improving the structure of our R&D system (Section 233), we also request the Under Secretary of Defense to address the issue of a suitable internal customer for truly long range R&D. For maximum impact and credibility, this customer—whether it be a person, position, or organization—should be a bona fide paying customer who has responsibility not just for the long range technology itself, but for the unconventional military options such technology provides.

The lack of an internal customer for long range R&D can be driving force pulling the military away from technical innovation. The second is the vacuum-like force created by the absence of an intimate connection between the R&D customers and producers within the later stages of R&D. Specifically, there is an insufficient connection between the program managers who sponsor product development and the R&D workforce performing later stage R&D. In contrast, the industrial experience has shown that if the customer, researchers, and designers share in all product development decisions from the very initial stages of concept design, the degree of innovation is much higher, the product acceptance rate is much higher, and, ultimately, the pace of technological change is dramatically accelerated. Section 233(b)(5) directs the Under Secretary of Defense to identify how new technologies can be rapidly transitioned from late stage R&D to product development and prepare an appropriate plan for doing so. One issue within this larger problem is this need to create a DoD customer—DoD researcher—DoD designer interaction that is early enough and robust enough to ensure that maturing innovations are drawn into a military system on a time scale similar to that experienced in the commercial sector. This subject should be addressed in the Under Secretary’s plan under Section 233(b)(5).

The third force which drives the military away from technological innovation is the lack of a customer outside the military for innovative military technologies. Were such a customer present, it might partially make up for the lack of the other two drivers in terms of motivating innovation. Currently, the most important external customer for military R&D is the industrial half of the military-industrial complex. However, the structure of our procurement regulations give virtually no rewards to incentivize companies no matter how difficult the technical path or how many risks are undertaken in the process of producing a military system. Therefore, the continued production of legacy systems is guaranteed to be profitable, while gambling with innovative new systems is not. Essentially, our procurement regulations are a direct disincentive to innovation, giving the defense industry a strong vested interest in adhering to incremental change. The resulting lobbying by industry, aimed squarely at preserving the “state-of-yesterday’s art,” then significantly slows the rate at which the military can innovate. Accordingly, one of the defense innovation provisions in Title II of the FY2000 Defense Authorization Act, calls for DoD to change its profit margins for acquisitions in order to alter the innovation incentives for industry. Given substantially higher profit levels for the development of innovative systems, than for the continued production of legacy systems, industry could become much more receptive to the idea of cultivating innovation in fielded hardware. Substantive, consistent economic rewards are critical to incentivizing companies to take the necessary and serious technological risks required to produce the innovations DoD must have.

In closing, I thank my colleagues Senators ROBERTS and BINGAMAN for joining me in developing a set of stimulating and thought-provoking defense innovation provisions within Subtitle D, Title II of the FY2000 Defense Authorization bill. These provisions should launch us towards a new vision, a new structure, and a new set of driving forces for military R&D. In the past 48 years, DoD has funded the pre-award research of 58 percent of this
country’s Nobel laureates in Chemistry, and 43 percent of this country’s Nobel laureates in Physics. This is a phenomenal base on which to build. However, the Cold War structure and rationale for our R&D enterprise needs to be shed so that leading edge technology can emerge. The time to do this is now, because, in many senses, the future is already here. The military systems of 2020 and 2030 will be founded on the science of the year 2000.

Mr. KOHL. Mr. President, I come to the floor today to draw the Senate’s attention to the CBO cost estimate on the Defense Authorization bill. In the Budget Resolution Congress agreed that the national defense account would have $288 billion in Budget authority and $276 in outlays for fiscal year 2000.

The CBO estimates that the Defense Authorization bill as it currently stands in the Senate, would exceed the outlay level by almost $7 billion. The Budget Committees of the House and Senate have told CBO to reduce their scores by $10 billion in order that the bill fit under the caps. While this changes the scoring number, it does not change the fact that the bill still authorizes the Department of Defense to spend $284 billion next year, $7 billion over the caps.

If there is not enough money for Defense in the Budget Resolution, then members should not have supported it back in March. If there was enough in March, nothing has changed, and it should be enough now. The Congress recently passed supplemental Appropriations bill that include $11 billion for funding the Kosovo operation, almost $5 billion over the President’s request, so there should be plenty of money for our operation in Europe. Now, if members grudgingly supported the Resolution because of the assurances of the Budget Committee Chairman that he would “fix the outlay problem” I ask them to show me the fix. It looks as thought the Budget Committee did nothing but allow Defense spending to exceed the budget caps without letting any other program do the same.

Congress should own up to the fact that the Budget caps are being exceeded. They are being quietly raised by the increase in a scoring gimmick. Members should take notice that the way to get more money for your appropriations priorities is to petition the Budget Committee for an “outlay fix.”

There is going to be a train wreck at the end of this year, and we all know it. There is going to be a train wreck, and it will happen because no one is driving the train, we are all just nervously looking out the window admiring the scenery and trying not to think of our impending doom. In May, the American people will eventually figure out how much we are going to spend next year. The increases in Defense spending will no doubt be joined by a tremendous amount of last minute spending at the end of the year. The American people will look at what Congress told them we would spend at the beginning of the year, and what we will eventually agree to at the close of the year and they will be very surprised at the difference. I hope they hold us accountable.

It is worth noting that we do not have to be in this situation. Congress could take action to cut unnecessary spending in the defense account. This could be done without letting any other program suffer. It does not change the fact that the bill will ultimately exceed the caps without letting any other program suffer. It does not change the fact that the bill will ultimately exceed the caps.

Another two rounds of base closures for example, while increasing outlays in the short run, would yield savings of almost $5 billion over ten years according to the Congressional Budget Office. I co-sponsored Senator MCCAIN’S legislation on this matter, and I co-sponsored the McCain-Levin amendment, which would only authorize one additional round. I was disappointed the Senate refused to support this worthy alternative. The military has come to the Senate time and again pleading with us to not allow the Department of Defense to reduce their discretionary budget, and free up resources for other needs around the country.

Mr. ASHCROFT. Mr. President, I rise today to speak for a few moments about the F–15 Eagle, the finest fighter plane in the world. The F–15 arguably has been the most successful fighter in the history of U.S. aviation warfare. Tasked primarily in the Air Force, the F–15 is in danger of losing this aircraft. The Administration is well aware of the performance record of the F–15, but in not taking the steps necessary to save the line.

The Senator from Wisconsin, Senator FEINGOLD, and I had a debate this morning on congressional oversight of the Department of Defense. I agreed with the Senator from Wisconsin that Congress has oversight responsibilities for the Pentagon, but disagreed with abdicating that responsibility to GAO.

In the case of the F/A–18E/F, Congress has exercised its oversight responsibilities. Three of the four oversight committees already have approved the multiyear contract for the F/E, and the House appropriators are expected to next month.

But Congress does have a responsibility to address deficiencies in judgment within the Defense Department when it sees them. The Senator from Wisconsin and General Richard Hawley, Commander of the Air Force’s Combat Command, stated just this month that “... the F–15 is the most stressed fighter in Air Combat Command’s inventory right now in terms of its use in engagements and the operational tempo of the aircrews.”

Given the nature of the threats we face today, which require the strike, range, and versatility of the F–15, it is easy to see why this fighter is the most stressed in the Air Force. The loss of the F–15 will harm national security and harm my home state of Missouri.

Seven thousand highly skilled aerospace workers will lose their jobs if the F–15 line closes. Those workers and their knowledge is a national security asset that must not be lost.

On almost every front, the arguments are compelling for maintaining this national security asset. There is plenty of work for the F–15 to do. Purchasing more planes would preserve the production capability of this critical national security asset. Finally, Congress wants spending. Our instinct is to give our brave men and women whatever they need and then some to get the job done.
to encourage budgetary discipline in other tactical fighter programs. Purchasing more F-15s would encourage budgetary discipline in the F-22 program. I and many of the members from the Missouri and Illinois delegations have written to the President requesting a meeting regarding the F-15. We have not received a reply. We have asked the President that he take the steps necessary to keep the F-15 line open. Unfortunately, the Clinton administration has blocked efforts to do so.

The F-15 program was initiated with a Request for Proposal in December 1968. The first model, the F-15A, entered operational service in 1976. The F-15A was a single mission, air superiority fighter with a maximum gross weight of 56,000 pounds. The F-15 entered the world stage as the dominant air superiority fighter in 1976, and the evolution of the program demonstrates just how much this great fighter has grown over the years. Twelve years and subsequent models of the F-15 were developed, the latest model, the F-15E, was delivered to the Air Force in 1988. The F-15E's gross weight was 45 percent greater than the A model. Engineers increased fuel capacity over 50 percent to 34,000 pounds, giving the aircraft record range. Payload was enhanced and the dominant air-to-air platform was given critical air-to-ground capabilities. Avionics, engine, and weapons technology were also upgraded.

The F-15 is arguably the most versatile and effective fighter in the history of the U.S. Air Force. The F-15 has never lost in air-to-air combat. It has the best air-to-air kill ratio of any fighter in the history of U.S. aviation warfare: 96.5 to 0. That was certainly the case in Desert Storm, where F-15s destroyed 35 of the 37 fixed-wing aircraft Iraq lost in air combat. The F-15E maintained a 95.5 percent average mission capable rate, the highest of any fighter in the war. The F-15's stellar performance also has been on display in Kosovo. General Johnny Jumper, Commander of U.S. Air Forces Europe, has lauded the performance of the F-15 as the workhorse of the operation.

In addition, the F-15 has the best safety record of any Air Force fighter: 2.2% losses per 100,000 flying hours. With a record like that—the best safety record, the most successful air-to-air combat record, the most versatile aircraft in the Air Force inventory—it is not difficult to see why the plane is in such demand.

One of the major concerns about the F-15 is the cost of the airplane. When you compare a $50 million F-15 to an F-22 that costs over $100 million, the F-15 doesn’t look so bad. But, even against the cheaper F-16, the cost differential is not as great as it appears.

The greater capabilities of the F-15 over the F-16 negate much of the cost differential. RAND completed a study for the Air Force entitled “Measuring Effects of Payload and Radius Differences of Fighter Aircraft.” Let me mention several of the major conclusions of the report which were made in light of the nature of future conflicts.

First, increasing the use of inertially/GPS-guided weapons could exploit the inherent payload carriage advantage of the F-15E. Second, most regional conflict scenarios involve long distances from bases to targets, favoring aircraft having greater combat radius. Third, as the fighter force structure contracts, higher quality systems can help maintain force capability.

Each of those conclusions point to the desirability of the F-15. A major conclusion of the report was that “over a wide spectrum of cases, our analysis suggests that an equal cost but smaller force of F-15s is a more cost effective carrier of weapons to the target area than an alternative larger force of F-22s. Air superiority in the future, the employment characteristics of future precision weapons, the size of many potential regional conflict theaters, and the reality of expected force structure contractions seem consistent with the capabilities offered by large payload, long radius vehicles such as the F-15E.”

Another reason to maintain the production capability of the F-15 is uncertainty over the future of the F-22 and Joint Strike Fighter. These fighter programs may have additional developmental difficulties. The F-22 is not expected to be in operational service until 2005. The Joint Strike Fighter will not be in service until 2010 or later, these are the best case scenarios.

Since its inception, the F-22 program has been restructured three times, with a 50 percent reduction in the number of planes to be procured. The F-22 is up against budget-cutting efforts out of Washington and political capital in Congress. Additional, significant increases in cost could jeopardize the program, which still has five years to go to Initial Operational Capability.

Because the Air Force has had to reduce the number of F-22s it will buy, it will need to rely more on the F-15. Colonel Frederick Richardson, chief of F-22 requirements at Air Combat Command, states: “From a pure numbers standpoint, we’re clearly not going to be able to replace the F-15 with F-22s on a one-to-one basis, which means we’ll have to assume some more risks and probably keep the F-15 around for a longer time.” But if the F-15 line is shut down, there won’t be the production capabilities to fill the gap.

To conclude, Mr. President, the F-15 is the best fighter in the world. Its unique capabilities have made it the most heavily tasked aircraft in the force today, according to General Hawley, Commander of the Air Force’s Combat Command.

The RAND study concludes that the F-15E is the kind of airplane we need to meet the security threats of the future. From a pure numbers standpoint, we’re clearly not going to be able to replace the F-15 with F-22s on a one-to-one basis, which means we’ll have to assume some more risks and probably keep the F-15 around for a longer time.” But if the F-15 line is shut down, there won’t be the production capabilities to fill the gap.

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year, we not only sought out and listened to our nation’s top military leaders as they outlined the problems facing our armed forces in this biennium. We addressed the most critical of those problems, including falling recruitment and retention in critical skill areas; aging equipment that costs more to keep operational, yet delivers less in terms of reliability; a need for more support services for a force with a high percentage of married personnel.

So I am pleased and proud that we reversed the 14 years of declining defense dollars and added the money to welfare programs fixed the underlying welfare problem in America. Adding money was necessary, but it won’t be enough. How we spend the money we spend is as important as how much money we spend. We will have to be sure that the budget lines we have included here are working to have a positive effect on those critical problems we must solve.

This will be more difficult than it has been in the past. We are now in an era of fundamental change for our security and our military. The collapse of the Soviet Union in 1991 and the unprecedented explosion in technology are now redefining what it is we are asking our military to do, the threats that it must overcome to do what we ask of it, and the capabilities that our military will bring to bear to successfully accomplish its mission. This body has been in the forefront of demanding rigorous assessments about our needs and our potential, in the Army at a time when the Force Structure Review Act of 1996, the Secretary of Defense to complete a comprehensive assessment of the defense strategy, force structure, force modernization plans, infrastructure, and other elements of the defense policies and programs are going to determine and expressing the defense strategy of the United States and establishing a revised program. This assessment, completed by the Secretary of Defense in 1997, declared that our future force will be different in character than our current force, and placed great emphasis on the need to prepare now for an uncertain future by exploiting the revolution in technology and transforming the force toward that envisioned in Joint Vision 2000. The independent National Defense Panel report published in December 1997 concluded “the Department of Defense should accord the highest priority to executing a transformation strategy for the U.S. military starting now.” These assessments, and others that have come to our attention, have reinforced the wisdom of Congress in passing in 1986, over the Pentagon’s strenuous objections, the Goldwater-Nichols act and have provided us here with a compelling argument that the future security environment requires new capabilities. In last year’s defense authorization bill we sent a strong signal to the Pentagon that we must begin to build the future warfighter whilst relying on acquiring a provision strongly supporting Joint Experimentation to objectively examine our future needs and how we can best fulfill them.

This year, once again, Congress is stepping up to the responsibility to ensure our future security. By establishing this year the Emerging Threats and Capabilities Subcommittee, Senator Warner addressed the growing consensus that transformation of our military to deal with the uncertain future we face is one of our most important objectives and that promoting innovation is among our greatest challenges. Under the leadership of the subcommittee chairman, Senator Roberts and the Ranking Member Senator Bingham, we focused on the critical threats facing our nation and the emerging capabilities to deal with these threats. I would like to highlight what I think are important legislative provisions that this subcommittee placed in this bill that further both transformation and innovation. An ongoing initiative of transformation supported by this bill is joint experimentation. The committee recognized the program’s progress in developing joint service warfighting requirements, doctrinal improvements, and in promoting the values and benefits of joint operations for future wars and contingency operations. We need to continue to identify and assess interdependent areas of effort that will be key in transforming the conduct of future U.S. military operations, and expanding projected joint experimentation activities this year will be a strong base for future efforts. To this end the committee does not want to build on its previous support for Joint Experimentation by adding $10 million to accelerate the establishment of the organization responsible for joint experimentation, and to accelerate the conduct of the initial joint experiments. The committee also modified the reporting requirements of the commander responsible for joint experimentation to send a strong signal that we expect him to make important and difficult recommendations about future requirements for forces, organizations, and doctrine and that we expect the Secretary of Defense fully inform us about what action he takes as a result of these recommendations. The bill also includes very important provisions to stimulate a greater degree of technical innovation faster within the military. It is my belief that the advance in technology provide the basis for not just a “revolution in military affairs,” but ultimately a complete paradigm shift. The opportunities provided by technology give us the promise of achieving an order of magnitude increase in military capability over that which we have today. The U.S. military of 2020 and 2030 will be based on the science we begin to develop in the year 2000. But to take advantage of this promise and defend ourselves against its use against us by future adversaries, we need to transform our R&D enterprise from its antiquated cold war structure to a fast-moving, better-integrated structure and a process that can seize the leading edge of technowarfare. The Defense Innovation provisions in this bill establish a new vision for military R&D that is based more on how we want to fight in the future, and begin to change the structure of the military R&D enterprise to achieve that objective through better integration and less inefficiency.

To help establish a new vision, the provisions require the Secretary of Defense to determine the most dangerous adversarial threats we will likely face two to three decades from now and the technologies that will be on our part to prevail against those threats, and merge the strategic and technological decision-making processes. To help lay the groundwork for a new organizational structure for R&D, the Department of Defense was asked to develop a plan which ensures the crossflow of technologies into and across R&D labs, and close the gap between the R&D pipeline and the acquisition pipeline, to ensure the customer is satisfied in the process. Our R&D structure needs to be revamped now so that leading edge technowarfare can emerge.

Along the same lines as innovation, this bill has provisions that ensure we continue to step up to our responsibility to oversee the transformation of our military to the future force that will protect our security in the 21st century. We need a permanent requirement that the Secretary of Defense conduct a Quadrennial Defense Review at the beginning of each new administration to determine and express the defense strategy of our nation, and establish a revised defense plan for the next 10 to 20 years. Complementing the QDR will be a National Defense Panel that would conduct an assessment of the defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense strategy es established under the previous quadrennial defense review. Based on our previous experiences with the QDR and NDP, and the debate they raised, it is obvious that any one time assessment is not going to provide all the answers we need. Periodic assessments as prescribed by this legislation will continue to provide Congress with a compelling forecast of the future security
environment and the military challenges we will face.

The need for renewed emphasis on innovation and transformation has never been more apparent to me than after my time this year as the Ranking Member on the Army Subcommittee. That committee, under the excellent leadership of Senator RICK SANTORUM, examined many modernization issues affecting the Army and the Air Force. Some of the findings were disturbing, and reinforce the fact that despite the widespread and growing consensus that transformation is essential to our military, our budgets continue to look much as they have for a decade, focused on today’s force at the expense of tomorrow’s. We will look to discuss some of the disturbing findings, and some of the important provisions we included in the bill to begin to address these concerns.

We found that some responsible voices are concerned that the United States Army is facing a condition of deteriorating strategic relevance. The Army force structure is essentially still a cold war force structure built around very heavy weapons systems. The Army modernization program is based on incremental improvements to this force and is largely unfunded due to hard choices made in the past. This has resulted in inefficient programs and extended program timelines. Consequently we have a force that looks essentially the same today as it did yesterday, and that doesn’t have enough money to maintain an increasingly expensive current force and invest in the Army After Next which is the future.

Kosovo is an example of the future. Kosovo is an example of the future struggle for stability and security that we are solving with large concentrations of at-risk children and severe shortages of qualified teaching candidates.

In closing, I express my appreciation for the provisions I have mentioned is paramount. The need for renewed emphasis on innovation and transformation has never been more apparent to me than after my time this year as the Ranking Member on the Army Subcommittee. That committee, under the excellent leadership of Senator RICK SANTORUM, examined many modernization issues affecting the Army and the Air Force. Some of the findings were disturbing, and reinforce the fact that despite the widespread and growing consensus that transformation is essential to our military, our budgets continue to look much as they have for a decade, focused on today’s force at the expense of tomorrow’s. We will look to discuss some of the disturbing findings, and some of the important provisions we included in the bill to begin to address these concerns.

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of the weapon systems necessary to maintain our military superiority well into the 21st Century. This bill compensates for the most valuable elements of our service men and women, plus lays the groundwork for a sensible and executable programs for our military. I urge all of my colleagues to support this legislation and send an unequivocal message of support to our troops and their families.

Mr. CONRAD. Mr. President, I rise in support of the bill before us.

In this bill the Armed Service Committee has done a good job of reconciling important yet competing needs for defense funding under daunting fiscal constraints. This bill will be an important contribution to our efforts to strengthen our already first-class military, and enhance important benefits for our men and our men’s families.

I am especially pleased that this legislation includes my amendments concerning Russia’s tactical nuclear stockpile, National Missile Defense, and Air Force cruise missiles. I would like to offer to the distinguished Chairman and Ranking Member my most sincere thanks for working with me on these important amendments, as I would for the assurances they offered regarding the Navy’s BQM-74 in a colloquy with Senator DORGAN, Senator BINGAMAN, and myself.

Before reviewing several of the bill’s provisions, I would like to reflect for a moment on the context in which the Senate is considering this year’s defense authorization bill.

Mr. President, I have had the honor and privilege of serving the people of North Dakota and the nation in the United States Senate for 13 years. However, my first time during tenure that the Senate has taken up a defense authorization bill while our forces are engaged in hostilities. I know I am not alone in being especially mindful of the fact that the provisions we approve here today will have a significant impact on our brave men and women in uniform as they do their jobs in Balkans and over Iraq. I am pleased that several sections of this bill address concerns and needs that have been identified during Operation Desert Storm and the current air campaign against Yugoslavia.

Now, Mr. President, I would like to highlight several particularly good provisions of this bill, for which Chairman WARNER and Senator LEVIN should be congratulated.

First, this measure wisely provides full funding for vital missile defense programs. National Missile Defense that is affordable, makes sense in the context of our arms control agreements, and utilizing proven technology has always had my support, and it is encouraging to see that it has been fully funded for fiscal year 2000. After damaging cuts in recent years, the revolutionary Airborne Laser program has also been fully supported this year by the Committees.

Chairman WARNER and Senator LEVIN must also be praised for including many of the provisions passed earlier this year by the Senate as part of S. 4, the Soldier’s Sailor’s, Airmen’s, and Marine’s Bill of Rights. Several of the most beneficial include a base COLA of 48 percent for all personnel, coupled with reform of the pay tables. Servicemembers will also now be able to participate in a Thrift Savings Plan.

Third, the bill recommends significant funding boosts for vital strategic forces. The Minuteman III Guidance Replacement Program will be kept on schedule with a $40 million hike, and $41.4 million has been wisely added for B-52 upgrades identified as top unfunded priorities as far back.

Additionally, the Committee has also supported important housing improvement projects at Minot and Grand Forks Air Force Bases in North Dakota, and acted to accelerate construction of a $9 million apron extension at Grand Forks.

Finally, I am pleased that the Strategic Forces Subcommittee has recommended a reduction in the minimum START I Trident submarine force level that must be maintained until START II is ratified by the Russian Duma. The Commander in Chief of the U.S. Strategic Command has assured me that we can meet our deterrence needs with 14 Trident boats, and that retirement of four submarines will not adversely affect our nation’s security.

All of these provisions are steps in the right direction, but there are a number of matters in this bill of great concern.

First, the Committee yet again did not provide adequate funding for the B-52H bomber force. Today, part of the fleet is deployed to keep an eye on Saddam, and 15 B-52s are participating in Operation Allied Force. The B-52 is the backbone of the long range bomber force, and it is my hope that the Committee will review its decision not to fund the entire force during conference.

As I have said many times before, no airborne platform can deliver a greater quantity or quality of nuclear and conventional munitions at a lower cost without refueling at as little cost to taxpayers than today’s thoroughly modernized, battle-tested B-52. I applaud Senator STEVENS and Senator INOUYE—the distinguishing leadership of the Defense Appropriations Subcommittee—for acting to fund all 94 B-52s in the fiscal year 2000 defense appropriations bill.

Additionally, the bill unnecessarily increases spending on the Space Based Laser by $35 million. One day we will likely see the ABM system from space. But that time is not now, when ground-based NMD will soon be available.

Today, the SBL is unaffordable, a clear violation of the ABM Treaty, and simply not feasible. I hope the extra funding is reallocated in conference.

Despite these flaws, this is a good bill. But it is a better bill in light of the addition of the amendments I offered today. Briefly, I would like to summarize each in turn.

First, the 1999 Conrad Russian tactical nuclear weapons amendment responds to Russia’s extremely disturbing announcement last month that it will not reduce its massive tactical nuclear stockpile, but rather will retain and redeploy many of these ill-secured thermonuclear weapons.

My amendment includes a Sense of the Senate calling on the President to urge the Russians to match U.S. tactical nuclear cuts. Additionally, my amendment requires regular reports on Russia’s tactical arsenal, which could be larger than ours if not for the ABM Treaty.

Second, the Administration has been fully supported this year by the Armed Services Committee for supporting this amendment, as I do for accepting my amendment concerning NMD. As a result of this measure, the Secretary of Defense will be required to study the advantages of a two-site NMD system, as opposed to a single site, as is now being considered by the Administration.

Although we may be able to defend all 50 states from a single site, there may be advantages from a two-site system related to defensive coverage, system security, and economies of scale. My amendment will make sure these are fully explored. Two sites are also not incompatible with arms control. In fact, the ABM Treaty as originally drafted included two sites, and it may be appropriate to go back to such an idea.

The third amendment I offered here today responds to growing concern on the part of our military commanders about the rapidly diminishing supply of conventional air launched cruise missiles, or CALCMs.

Simply put, the CALCM has performed brilliantly in Operation Allied Force. Its range of more than 1,500 miles, ability to carry a 3,000 pound warhead, and dead-on accuracy are unmatched by any other air-delivered cruise missile in the world. It represents a capability we will continue to need, long after the 60s or so left in the inventory, and the 320 now being converted from nuclear missions, have been expended.

My amendment will require the Secretary of the AF to report Congress on how the Air Force plans to meet the long-range, large warhead, high accuracy cruise missile requirement once the CALCMs are expended.

In particular, three options will be reviewed: restarting the CALCM line,
developing and acquiring a new variety of cruise missile with the same or better performance characteristics, and upgrade that the bill before us is a good one, and deserves the support of every Senator.

No bill is perfect in every respect, but I am confident that this defense authorization bill will strengthen our armed forces and require studies that will enhance our national security. At a time when we are at war in the Balkans, ready for another on the Korean Peninsula, and continue an open-ended air campaign against Iraq, we owe our brave men and women in uniform no less.

Mr. FEINGOLD. Mr. President, I voice my strong opposition to the fiscal year 2000 Department of Defense Authorization Act. It is with disgust and sorrow that we are forced to bear witness to a defense bill that fails, once again, to understand the 21st century reality of national defense. So we set the foundation for our national defense in the new millennium to serve the needs of the Cold War era.

Mr. President, this bill exemplifies the Pentagon's utter failure to adapt its priorities to the post-Cold War era. It promotes a pervasive Pentagon mind set that sacrifices the interests of our men and women in uniform to the assumption that bigger and more expensive weapons systems are always better. And even then, the prohibitive cost of the new weapons systems necessary means the United States is forced to replace, on a one- to-one basis, old weapons for replacement. No matter how much money we throw at this problem, we won't find a solution. Short of a true shift in the paradigm at the heart of our national defense strategy, this problem will continue unabated.

Mr. President, I start with a perennial culprit of misguided defense strategy; that is the continued spending of billions of dollars on wasteful and unnecessary programs. But this year, it's been taken a step further.

For the past year, Mr. President, we've heard the call to address our military's readiness crisis from virtually all quarters. We were told that foremost among the readiness shortcomings were operations and maintenance as well as pay and allowances accounts. This $288.8 billion dollar bill would have us increase O&M by all of $1.1 billion, with $1.8 billion for a pay raise and a retirement benefit change. That works out to about 1 percent. I'm sure that our men and women in uniform are not impressed.

Mr. President, even the pay raise and retirement change is fraught with uncertainty and was addressed in a less than proper manner. In February, this body passed the Soldiers', Sailors', Airmen-and Marines' stand with our Rights Act, which did so without benefit of hearings, prior to the budget resolution, and prior to the issuance of three reports on whether such changes would improve recruitment and retention in our armed services problem in a new century.

Then, this month, we paid for the entire $1.8 billion price tag for the pay raise and benefit reform in the emergency supplemental bill. Yet we still await reports from the General Accounting Office, the Congressional Budget Office, and the Department of Defense on the efficacy of that action. Earlier this year, GAO offered preliminary data on a study showing that money has been overstated as a factor affecting decisions to stay in or leave the military.

Instead, GAO found that issues like a lack of spare parts; concerns with the health care system; increased deployments; and dissatisfaction with military leadership are as much, if not more, pay issues. These are the same concerns that I have heard from the men and women out on the front lines.

Mr. President, there's no question that certain services have a recruiting and retention problem. For a variety of reasons, officers and enlisted members are leaving the Army, Navy, and Air Force, and these services are having problems bringing enough new people on board. Serious questions remain unresolved about the cause of this problem, or its best solution, yet we will authorize and appropriate the entire $1.8 billion in an extraordinary and inappropriate manner. This is a quick fix that fails to address the recruitment and retention problems comprehensively and thoughtfully.

I agree that many service members need a raise. These men and women have chosen to represent our country. They deserve to be paid adequately.

Meanwhile, in this bill, Mr. President, programs that didn't even warrant DoD's request will receive $3.3 billion. Additionally, weapons procurement is up $2.9 billion beyond DoD's request. Missile defense programs, that proves to be more expensive, is up $509 million. These and other provisions raise the question, just how important do the Pentagon think our men and women in uniform are?

Mr. President, the bill authorizes 2.9 billion dollars for the Navy's F/A–18E/F Super Hornet program. It also authorizes the Navy to enter into a five-year $9 billion multi-year procurement contract for the Super Hornet. It's no secret that I have numerous concerns about the Navy's Super Hornet program. The Senate has been troubled by the manner in which the Pentagon and the Navy have moved the Super Hornet forward. And my concerns are not addressed in the least by this bill. In fact, this bill makes them worse.

The Super Hornet program hasn't even begun its Operational Test and Evaluation, yet we're ready to authorize a five-year, $9 billion procurement contract. The program has 29 unresolved, major deficiencies, yet we're ready to authorize a five-year, $9 billion procurement contract. The program still falls significantly to improve on the existing F/A–18C aircraft, yet we're poised to blindly authorize a five-year, $9 billion procurement contract.

Mr. President, the logic is baffling.

The current Hornet program has been proven reliable and cost-effective. Why do we want to replace the Hornet with a bloated, cost-prohibitive aircraft that offers marginal benefits over a reliable fighter?

Mr. President, this bill has some remarkable budgetary issues. Essentially, we can't pay for what this bill authorizes, and runs over budget caps. The bill meets the fiscal year 2000 Budget Resolution target for budget authority, but current estimates state that the bill exceeds the outlay target in the Budget Resolution by $2 to $3 billion. Even by Washington standards, that is real money.

Mr. President, one concern goes to the heart of the entire debate on our national defense. The underlying question is this: Why should the Pentagon receive billions of dollars more in funding when it has failed utterly to manage its budget?

In a 1998 audit of the Department of Defense, GAO, the official auditors for the U.S. Congress, could not match more than $22 billion in DoD expenditures with obligations; it could not find over $9 billion in inventory; and it documented millions in overpayments to contractors. GAO concluded that "no part of DoD has been able to pass the test of an independent audit." Throwing good money after bad without accountability is not the answer.

Instead, Mr. President, we will sharply increase defense spending. The fiscal year 1999 DoD authorization bill assumed a budget of $250.6 billion. Since that time, the Congress has added $17 billion in emergency spending for defense. That spending boost is not offset and takes money directly from the Social Security Trust Fund.

Mr. President, we have done a tremendous job of eliminating our budget deficit. We're staring a huge budget surplus in the face, but we can't seem to find the money to add to the Pentagon budget. To spend it before we address Social Security and Medicare is irresponsible, Mr. President.

Mr. President, a large part of that success has been due to the willingness of both the Congress and the President to do more with less, to trim excessive spending wherever possible and maintain important services with fewer resources. We have begun to succeed in
many areas of government—education, health care, veterans’ care, welfare benefits, environmental programs—but not in defense spending, where we continue to build destroyers the Navy does not ask for and continue to build bombers the Air Force does not want. This bill continues this sad tradition.

Mr. KENNEDY. Mr. President, I support the National Defense Authorization bill for fiscal year 2000. This past year has demonstrated once again how important it is for the nation to maintain a well-prepared military. There is no doubt that the Nation’s armed forces are more active today than they were during cold war. Our servicemen and women are currently conducting combat operations in Kosovo and Iraq. They are serving as peacekeepers in Bosnia and relief in Central America. All of this is taking place in addition to the day-to-day routine operations and exercises in which the military participates throughout the year in this country and in many other parts of the globe.

The Nation is also calling on its National Guard and Reserve units at an increased rate. This past year, Guard and Reserve units from Massachusetts were deployed in support of operation Northern Watch in Iraq, Hurricane Mitch relief in Central America, and most recently Operation Allied Force in the Balkans. Our country is proud of their service and grateful for the sacrifices that they, their families and their civilian employers are making for all of us.

Our armed forces continue to do all that is asked of them. This year, many of us in Congress have been concerned about the fact that the budget cuts are adversely affecting families of service personnel and equipment. We have no doubt about the dedication and skills of our .14 million men and women in the Army, Navy, Air Force and Marine Corps who make our military the most capable fighting force in the world today. But there are increasing questions about whether they are receiving the full support they need to do their job well.

This bill addresses many of the current concerns about declining readiness, insufficient equipment, and inadequate recruitment and retention. It provides greater support for our military forces, while maintaining a realistic balance between readiness to take care of immediate needs, and the investments needed to develop and procure the best systems for the future.

The cornerstone of the Nation’s military preeminence rests on many factors, but the most critical is its people. Without men and women willing to volunteer for military duty, the Nation would not be able to respond to crises around the globe as it does today. We need to have cutting-edge weapon systems, but we also need dedicated service members to operate these systems. It is imperative for us to provide effective and professional service in their families.

Today’s force is truly an all volunteer force. Its ranks contain well-educated professionals who have chosen to serve their country in the armed forces. We must treat them as professionals or we will lose them.

The bill provides a fully-funded and well-deserved 4.8% pay raise for military personnel, as well as expanded authority to offer additional pay and other incentives to critical military specialties. The bill also improves retirements benefits for those who are serving by addressing concerns with the current system and allowing servicemen and women to participate in a Thrift Savings Plan.

The bill also recognizes the very successful Troops-to-Teachers Program. Troops-to-Teachers was established by Congress in 1993 and has enabled over 3,000 service men and women to go into the teaching profession. These teachers have filled positions in high-need schools in 48 states. The bill shifts the responsibility for this program to the Department of Education in order to see that it is coordinated as effectively as possible with our overall education reform initiatives.

Well over half of today’s military is married. In many cases both parent are employed. The military also contains many single mothers and fathers. Each of these constituencies has unique characteristic and need that must be recognized so that we can encourage continued service and careers in the Nation’s armed forces.

The bill contains a provision which I strongly support to authorize the Secretary of Defense to extend the current Thrift Savings Plan. This plan is an important savings program for military personnel and their families. The bill also establishes a similar savings plan for those who currently lack access to a savings plan, such as reservists, Guard members and veterans. This bill also authorizes the extension of Thrift Savings Plan coverage to eligible family members. This is an opportunity for the Nation to support our service members and their families.

The Nation’s service men and women operate in a demanding and stressful environment that is being exacerbated by the increased operations of the last decade. One unfortunate result has been an increase in domestic violence involving military families. We have a responsibility to these families to help them cope more effectively with this problem. An important provision in this year’s bill require the Secretary of Defense to appoint a military-civilian task force to review domestic violence in the military. In addition, the bill takes other steps to guarantee that the Services are more sensitive to this problem and take steps to prevent it.

The bill also includes strong language to address modernization requirements that have been deferred for too long. As the ranking member on the Seapower Subcommittee, I am pleased that this bill takes needed steps to ensure that the Nation’s naval forces have the vessels and equipment they need to sustain naval operations throughout the world.

The bill authorizes the extension of the DDG-51 destroyer procurement for fiscal year 2002 and 2003 and increases multiyear procurement from 12 to 18 ships. The bill also authorizes the Navy to enter into a 5-year multiyear procurement contract for the F/A-18E/F Super Hornet. In addition, it increases the budget request for the Marine Corps’ MV-22 Osprey tilt-rotor aircraft from 10 to 12. These are all strong steps in strengthening the readiness of the Nation’s Navy-Marine Corps team.

Last year, the Defense authorization bill called for a 2 percent annual increase in military spending on science and technology from 2000 to 2008. Unfortunately, the Department’s proposed Fiscal Year 2000 budget reduced spending on science and technology programs. The Air Force allocated for $95 million in cuts in science and technology funding. Such a decline would be detrimental to national defense, particularly when the battlefield environment is becoming more and more reliant on technology. Fortunately, under the leadership of the Chairman of the Emerging Threats and Capabilities Committee, Senator Roberts, this bill restores $70 million in Air Force Science and Technology funding, to ensure that sufficient scientists and engineers are available to conduct research to address the Defense Department’s technology needs for the future.

One of the most important technology fields is in the area of cyber-security. The growing frequency and sophistication of attacks on the Department of Defense’s computer systems are cause for concern, and they highlight the need for improved protection of the Nation’s critical defense networks. This bill includes a substantial increase in research and development on defenses against cyber attacks. This increase will greatly improve the Department’s focus on this emerging threat.

Existing threats from the cold war are also addressed in this legislation. The efforts to provide financial assistance to the former Soviet Union for nonproliferation programs such as the Nunn-Lugar Comprehensive Threat Reduction programs are essential for our national security. I commend the administration’s plans to continue funding these valuable initiatives and the committee’s support for them.

One of the greatest threats to our national security is the danger of terrorism, particularly using weapons of mass destruction. We must do all we can to prevent our enemies from acquiring these devastating weapons and from being able to conduct successful terrorist attacks on the Nation. Significant progress has been made toward
strengthening the Nation’s response to such attacks, but more must be done. This bill strengthens counter-terrorism activities and increases support for the National Guard teams that are part of this important effort.

I commend my colleagues on the committee for their leadership in dealing with the many challenges facing us on national defense. This measure is important to our national security in the years ahead and I urge the Senate to approve it.

Mr. REID. Mr. President, I thank my colleagues for their hard work over the last few days on this very important bill. The events in Kosovo underscore the importance of the work that we are doing here.

I think that we have worked to put together a good bill. It doesn’t satisfy everyone, I myself have some concerns about some parts of it, but overall I think that it is a good bill.

I want to make a brief statement clarifying the substance of one of the amendments in the manager’s package that was passed today.

I want to make it clear that the amendment relating to the authorization of $4,500,000 for the procurement and development of a hot gas decontamination facility, is directed to the development of such a facility at Hawthorne Army Depot in Hawthorne, Nevada. That reflects the prior agreement of the managers. The text of the amendment does not specify the location of the facility, and I want to make it clear in the record of the proceedings associated with this bill where that facility is to be located and how that money is intended by this Congress to be appropriated and spent.

Mr. THURMOND. Mr. President, I rise to enter into a colloquy with the distinguished Senator from Virginia. I under- stand that that is not his intention.

Some concerns have been raised whether the amendment is intended to have an adverse impact on cellular, PCS, and other wireless systems that millions of Americans rely upon. I ask the Chairman whether I am correct in my understanding that that is not his intended effort.

Mr. WARNER. Mr. President, the gentleman from South Carolina is correct in his assessment.

Mr. ROBB. Mr. President, the amendment I have offered today is about accepting responsibility. On February 3, 1998, United States Marine Corps EA–6B Prowler, suffered a ski gondola cable near Cavalese, Italy, plummeting twenty people nearly 400 feet to their deaths. We later learned, to our great disappointment, that the pilot and the navigator during consideration of the circumstances leading to the accident.

This amendment, cosponsored by Senators SOWE, BINGHAM, LEAHY and KERRY, upholds the honor of the United States Marine Corps and our military both here and abroad, permits the United States to accept responsibility for this tragic accident, and sends an unambiguous message that we will not tolerate efforts to cover-up our mistakes.

The Congress has already authorized payment to rebuild the gondola we destroyed. We have not yet authorized payment to help rebuild the lives of the families we destroyed. This amendment allows the Secretary of Defense to compensate the victims’ families both for the accident and the effort to hide evidence of the accident.

A similar amendment was passed by the Senate during consideration of the Emergency Supplemental. The amendment passed unanimously, but was dropped during Conference consideration. I urge the Senate to adopt the amendment to help the families of the victims to begin healing.

Mr. THURMOND. Mr. President, I am in opposition to the amendment offered by the Senator from Virginia. I understand his desire to settle claims resulting from the accident involving a Marine Corps aircraft, which resulted in the unfortunate deaths of civilians in Italy. I note, Mr. President, that this case is covered by the Status of Forces Agreement or SOFA, which provides a mechanism for the settlement of claims. The Robb amendment would provide additional compensation, above and beyond that which might be provided by a SOFA settlement.

While, I have sympathy for the families of the victims of this tragedy, I must bring to the attention of my colleagues another tragic occurrence which took the lives of nine American servicemen. I spoke in some detail on this matter last month, when I introduced Senate Resolution 83. Let me summarize the facts of this accident.

On September 13, 1997, a German Luftwaffe Tupelov TU–154M collided with a U.S. Air Force C–141 Starlifter off the coast of Namibia, Africa. As a result of that mid-air collision nine American servicemen were killed. Accident investigations conducted by the United States and Germany both assigned responsibility for the collision and deaths to the German, crew, who not only filed an inaccurate flight plan, but were flying at the wrong altitude.

The families of the nine victims, having endured tremendous suffering and significant financial losses, are seeking compensation from the German government. Sadly, the German government has not been fully cooperative. Because these claims do not fall under the Status of Forces Agreement, the families were instructed to file their claims with Germany and wait for Germany to make quick and generous compensation to the families of the U.S. servicemen. In addition, it prohibits payment to the families of any German national killed in the gondola accident caused by the United States Marine Corps aircraft until the German government has made comparable restitution to the families of the U.S. air crew killed in September 1997. My Resolution will not block payment to the families of any victim who is not a German national.

Mr. President, I addressed my concerns on this matter to the Secretary of Defense. I requested that he give this matter his attention and I have a Sense of the Senate Resolution calling upon the German government to make quick and generous compensation to the families of the U.S. service- men. In addition, I have invited the German Ambassador to meet with me and family members of those killed in the air collision. To date, the Ambassador has not accepted my invitation.

Mr. President, the Robb amendment is unnecessary at this time. The claims of family members of those killed in the ski gondola accident should first go through the SOFA process. In the meantime, the German government should quickly and fairly settle the claims of Americans killed as a result of the negligence of the German air crew. I reiterate that the American claims do not fall under SOFA.

My amendment expresses a Sense of the Senate that the Government of Germany should promptly settle with the families of members of the United States Air Force killed in a collision between a United States C–141 Starlifter aircraft and a German Luftwaffe Tupelov TU–154M, which collided off the coast of Namibia on September 12, 1997. My amendment also states the Sense of the Senate that the United States should not make any payment.
to citizens of Germany as settlement of such citizens claims for deaths arising from the violence involving the United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy, until a comparable settlement is reached between the German Government and the American service members' families.

Mr. DOMENICI. Mr. President, I rise today to discuss three interrelated aspects of our country's security at the brink of the new millennium. There has already been discussion of NATO in this new world. We have also intermittently discussed the war in the region of Kosovo.

It's important to reflect on NATO's mission under changed circumstances. It is critical to address the U.S. role as part of NATO. At the same time, we must talk about global cooperation and defense capabilities.

In April we celebrated NATO's 50th Anniversary. Despite the circumstances, we had good reason to celebrate. It marks the end of World War II and II, U.S. decision makers sought to construct European structures for integration, peace, and security. U.S. policy focused on two tracks: the Marshall Plan for economic reconstruction and NATO for transatlantic security cooperation.

The creation of the North Atlantic Treaty Organization in 1949 acknowledged what we failed to admit after World War I. Europe was and is a precarious continent. Twice in the first fifty years of this century America fought against tyrannical and malevolent forces in Europe.

It is important to remember that NATO did not begin as a response to the Warsaw Pact. This primary objective was a de facto result of Stalinist expansion into Central Europe.

Fifty years later NATO remains the strategic link between the Old World and the New. NATO achieved its Cold War mission and even now, in a changed era and very different world, NATO is a vital element of transatlantic cooperation and security.

We must, however, be conscious and careful in applying the lessons of the past to current circumstances. None of what I've just talked about should be interpreted as an argument for current NATO action in the region of Yugoslavia, Albania, Macedonia, and Montenegro.

The Administration repeatedly suggested that violence in the Balkans ignited the First World War. This is true. A member of the Black Hand, A Serbian nationalist group, assassinated Archduke Franz Ferdinand. Serbia, at that time was a small nation fighting for independence within a crumbling Austrian-Hungarian Empire.

Due to Russia's alliance with Serbia and Germany's open-ended military pact with Austria, both Germany and Russia mobilized immediately. Other than a few neutral countries—Norway, Sweden, Italy, Switzerland, and Spain—any other bloc was locked in polarized blocs that set the Triple Alliance against the Triple Entente.

Such polarized blocs do not exist today. Serbia's aggression against Kosovar Albanians can and has created regional instability. But this would not lead to World War Three. This is not 1914. Only one alliance dominates Europe—NATO. NATO can be used as a force for peace. Acting without regard to security perceptions outside of NATO, however, can lead us down a very different and dangerous path.

Our current actions disregarded others' views of their own security. Our actions in Kosovo may yet unravel any gains we made on a path toward reductions and cooperative security alliances since the Soviet Union collapsed.

Furthermore, NATO's response in Kosovo has accelerated and exacerbated regional instability. We've managed the conflict, while not achieving any of our military objectives. Of course, any rational person could see that an air campaign from 20,000 feet would not prevent executions, rapes, and purges on the ground. This is especially true given the five months of time we gave President Milosevic time to plan, prepare, and position his forces.

One relevant aspect of today's world that the Administration failed to mention in their arguments for involvement in this campaign is the impact this would have on U.S.-Russian relations. We have a tendency to believe that Russia is so weak and needs our money so bad that we can disregard their views or interests.

I ask you to consider two key facts: as Russia's conventional military declines, reliance on their nuclear arsenal increases; global stability cannot be achieved without cooperation between the U.S. and Russia.

The reciprocal unilateral withdrawal of thousands of tactical nuclear warheads between the U.S. and Russia may also be reversed. Russia has recently announced its intent to redeploy components of its tactical nuclear arsenal. We would be as naive to ignore arms reduction and steps toward increased transparency to addressing tactical weapons. These gains are steadily unraveling.

The Administration never suggested that NATO strikes against Serbs may lead to a worst-case scenario over the next five years in Russian politics. Russia faces Parliamentary elections this year and a Presidential election next year.

According to one of the most pro-American Duma members, the U.S. Administration picked the best route to influence the upcoming elections in favor of Communist and ultra-nationalist parties. In Russia, 90 percent of the public support the Serbs and are against NATO.

This will have profoundly negative impact on the relationship between Russia and the U.S. for a long time. The U.S. was supposedly not fighting for either side. We were trying to be the honest broker; at least in the beginning. Now, our actions have created enemies. These enemies have historical ties to Russia. Russia's economy is in tatters, but Russia still controls the only means to obliterate the United States.

We feel we're in the right, because we are fighting a tyrant, one capable of great evil. I don't disagree with the objectives sought, but I do believe that the Administration should have taken into account the possible political consequences of our actions on Russia's political future, as well as our future relationship with Russia.

There are those who suggest that NATO must be victorious in the Kosovo conflict. Victory in Kosovo is short-term if we do not sort out the broader consequences of a victory dictated on NATO's terms.

Russia is edging closer to China, and India. Our blatant disregard of other's security needs and perceptions may culminate in a Eurasian bloc aligned against us—against NATO. And elections campaigns in Russia will begin very soon.

As European leaders converged to celebrate NATO's 50th birthday, they spent much time debating and deliberating on NATO's future. NATO's present reflects poor policy decisions and an ineffective military approach.

Mr. President, I'd also like to take this opportunity to discuss the grievous situation of our military today. Recent actions in Kosovo underscore the self-inflicted damage we have done to our national security in the years since the Cold War.

I was one of many Senators during the 1980s who supported seeing our nation's defenses bolstered in order to bring the Soviet Union to its knees. We defeated them—not through hot war—but by demonstrating the unparalleled power of American democracy and free market dominance over a command economy.

The collapse of the Soviet state was inevitable, but it would have taken a lot longer without the catalyst of our rapid defense buildup. This charge greatly accelerated the breakdown in the Soviet Union's economy. Their political and economic institutions unraveled in light of America's clear superiority.

In 1991, after years of focus on a strong defense, when the Iraqis occupied Kuwait, U.S. forces were able to demonstrate their dominance. The U.S. military liberated Kuwait in a short, decisive campaign. The Gulf war was
ground and air war. It was a full blown offensive.

And at no time during the Gulf war did anyone even so much as hint that U.S. forces were spread too thin. There were no reports of not being able to thwart an attack from North Korea due to our commitment in the Gulf. Never did we hear of depleted munitions stores, shortages in spare parts for our equipment, or waning missile supplies.

Eight years later, the cracks in our defense capabilities emerged after less than 60 days of an air campaign in the Kosovo region. In less than forty days of what have been limited air strikes, respected officials reported that U.S. defenses are spread too thin. If North Korea or Saddam wanted to capitalize on our distraction in the Balkans, we currently would not have the means to defend our interests.

We’ve been forced to divert resources from other regions in the world to meet NATO’s needs in the Balkans. Our transport capabilities are insufficient. We evidently have too few carriers. Our munitions reserves are depleted. And, as ludicrous as it may sound, for years our military personnel have had to scrimp to find spare parts.

In the early nineties, after the collapse of the Soviet Union, the U.S. was viewed as the only remaining “Superpower.” Our global economic and military dominance was unquestioned. That time was, in the words of respected scholars and strategists, the Unipolar Moment. There was no doubt that the U.S. could defend its interests in any situation—whether military action or political persuasion were necessary.

We have squandered that moment and missed many opportunities to capitalize on our success. In fact, out of complacency and misplaced perceptions of the post-Cold War world, our defense capacity today is insufficient to match the threats to our national interests.

Many years of self-indulgence and inattention to our nation’s defense cannot be corrected with a one-time boost. This is a complex and long-term problem. But I’m committed to ensuring that our nation’s defenses are not further eroded. I’m fed up with the complacency that has created our current situation.

We must have a strong defense. We must ensure that the men and women in uniform have the right equipment, the best training, and are afforded a quality of life sufficient to keep them in the military. This cannot be done by setting on our hands and hoping that the world remains calm.

Additions to readiness accounts, ammunition, and missile stocks in the eminently feasible form that will help ensure that our fighting forces are not in worse shape than before this engagement. It provides a small, but significant, step forward.

The Defense Authorization bill before us takes additional steps in the right direction. I commend Senator Warner and his staff who have worked hard to ensure that they’ve done to balance priorities and provide for our men and women in uniform.

Let me briefly outline some major provisions of this bill that I consider important and appropriate to address the most prevalent proliferation threat in the world today. As an additional boost to problems in readiness, this bill authorizes an additional $1.2 billion in operations and maintenance funding.

The bill also includes over $740 million for DoD and Department of Energy (DoE) programs that provide assistance to Russia and other states of the former Soviet Union. These programs address the most prevalent proliferation threat in the world today. This $3.4 billion increase in military construction and family housing is an essential element of providing our armed forces with the quality of life they deserve. In addition, pay raises and improved retirement plans demonstrate our commitment to the people who serve in our military.

I do not believe that increased pay and better retirement address the full spectrum of issues that feed into retention problems. The preliminary findings of a GAO study requested by myself and Senator STEVENS indicate that the main problem is not pay, but rather working conditions. Lack of spare parts and deficient manning were the most frequent reasons offered for dissatisfaction with their current situation.

These are important findings, because it’s something we can address. As much as we’d like to light a match and do a better job in fixing the problems that currently contribute to recruitment and retention. We must pay close attention to these issues. The men and women serving in our military are the sole assurance of a strong, capable U.S. defense capability.

A strong defense must be coupled with a consistent set of foreign policy objectives that strive to reduce or contain security threats. At present, we have neither. Mr. President, it seems we must focus on shifting the balance back in our favor. This cannot be done ad hoc. Securing U.S. interests requires sustained commitment and well-planned execution. First, we must provide the domestic means for strong, capable armed forces. Second, we must be calculated and careful in the application of force as a fix to failed diplomacy.

Mr. DODD. Mr. President, I rise to state my views on the Fiscal Year 2000 Defense Authorization bill. First, I congratulate the Chairman, Senator WARNER, and the Ranking Member, Senator LEVIN, for their work on this bill. Together they helped move this bill through the Senate in record time. The broad support for this bill provides a promising beginning to Senator WARNER’s tenure as Chairman of the committee, and it is a tribute to Senator LEVIN’s ability to work with members from both parties on matters of national defense.

This bill provides an increase in defense spending that will maintain this nation’s superpower status as we enter the 21st Century. As always, this defense bill relies heavily on the Provisions Statement. In procurement and modernization, Blackhawk helicopters, Comanche helicopters, the F-22 program, the Joint Strike Fighter program, Joint STARS aircraft, and submarine programs were all funded at or above the President’s request. For our military personnel, this bill authorizes much deserved pay and pension increases. Other important programs that this bill funds include: military construction, cooperative threat reduction, and ballistic missile defense.

I commend the Senate Armed Services Committee for increasing the number of H-60 helicopters requested in this bill from 21 to 33. The Committee added nine UH-60L Blackhawk helicopters for a total of 15 that will begin to fill the Guard’s requirement for 90 Blackhawks. I feel strongly that it is important to fill this requirement, especially as we continue to call up our Guard and Reserve forces to serve in the Balkans. Those forces deserve to have the most modern equipment that this country can provide. The Committee also added three CH-60 helicopters, the Navy version of the Blackhawk. The CH-60 will replace several models of the Navy’s helicopter fleet and will perform all the missions for which those models were responsible.

The committee gave a vote of confidence to the Comanche helicopter program by adding over $56 million in research and development funding to the Administration’s request. Likewise, it supported the purchase of a fifteenth Joint STARS aircraft. Those aircraft are performing magnificently in the Balkans, and I feel that this nation should continue to build these aircraft until the Air Force has the 19 aircraft it needs.

The guided missile submarine concept received a boost by this committee in the form of $13 million in needed research and development funding. The concept proposes converting Trident submarines to guided missile submarines which would be capable of launching more tomahawk missiles than any ship afloat today. As important as the funding authorization was the provision the committee included in the bill to reduce the lower threshold of our Trident submarine force. That action will allow the Navy to reduce the number of Trident submarines from 18 to 14, an adjustment to
the fleet that the Chief of Naval Operations has requested. By including the provision, the committee surmounted an obstacle to implementing the submarine concept and saved taxpayers billions of dollars which would have gone towards upgrading Trident missiles.

This bill authorizes important increases in military pay and pensions that this nation’s servicemen and servicewomen deserve. I note that this bill not only calls for more pay and higher pensions, but it also identifies how this nation will pay for those important increases. Furthermore, through the regular hearings with Defense Department officials over the last few months, the Department has had ample opportunity to air its views with respect to provisions of this bill that address pay and pensions. I am proud to support these provisions.

As for the prospect of additional military base closures, a minority of the Senate once again sought to mandate another Base Realignment and Closure round in 2001. I opposed that amendment for a few reasons. Even after a Defense Department report and a General Accounting Office report, there is no clear accounting of how much this nation saves from base closure rounds. Furthermore, the long-term environmental clean-up costs are virtually impossible to estimate. I think that before we put communities across the country through the wrenching experience of another base closure round, we must better understand the costs and benefits of another round. Finally, I want to remind my colleagues that some of the bases ordered to be closed under previous rounds have yet to be closed. Of those that have been closed, some have not yet been turned over to the surrounding communities. I would like to know the full impact of the previous rounds, and I will not put communities in my state at risk by rushing into another round without being absolutely certain that this nation is ready.

The Senate wisely voted to table an amendment offered by Senator Specter which would have sent a dangerous signal to Slobodan Milosevic that the United States is not committed to ending his horrific campaign of genocide. As we debate these issues, we must be mindful of the United States role as a world leader and the degree to which our NATO allies look to us for guidance. The Specter amendment would have precluded the President and our military from effectively responding to urgent military requirements and putting an end to Slobodan Milosevic’s murderous campaign as expeditiously as possible. It would also have precluded the United States from working from an important potential avenue to bringing a lasting peace to the Balkans.

In closing, I again commend the managers of this bill for their efforts. This legislation is a fitting tribute to our soldiers, sailors, airmen and marines who protect this Nation’s freedom and liberty. It comes at an appropriate time—just before Memorial Day when we will honor the sacrifices that the members of our armed forces have made.

Mr. McCAIN. Mr. President, as my colleagues in the Senate know, I make a point of going through spending bills very carefully and compiling lists of programs added at the request of individual members that were not included in the Defense Department’s budget request. I should state at the outset that I believe Chairman WARNER and Senator LEVIN, the ranking member, should be commended for their efforts at producing a bill that addresses a number of urgent military problems. As American pilots continue to fly missions over Yugoslavia and Iraq while maintaining commitments in virtually every part of the globe, the care and maintenance of the armed forces cannot be taken for granted. There is a real question whether some have not stockpiled these things out of some psychological need to accumulate grenade launchers as a substitute for balls of string. What on earth does someone launchers instead of using as decoys. How do we justify continuing to allocate significant amounts of money for a program that the Corps does not even include on its unfunded priority list?

Every single year we add funding—this year, $15 million—for the NULKA anti-ship missile defense system. An Israeli destroyer during the Six Day War, a British destroyer during the Falklands, and the USS Stark incident are all testimony to the threat of anti-ship missiles. Only one U.S. ship has been so targeted since World War II, however, and under rather unique circumstances at that, so we are in no position to understand why we spend so much more every year for decoys.

I have been critical in the past about earmarking funds for the National Automotive Center, an old member-created entity that has taken on a life of its own. The bill includes $6.5 million for development of a Smart Truck, with half of the money earmarked for the National Automotive Center. Presumably, this will be a really smart truck, on the road as much as it is taking us over $6 million. I hope it will be able to change its own oil.

The Administration’s military construction request was a true exercise in
Byzantine budgeting. Incrementally funding the entire military construction program was not something that better suited the committee’s rejection of that proposal. I must concede, however, that some committee’s decision to add $923 million in projects not requested by the services. A new $3.6 million C-17 simulator building at Jackson Airport; a new $9.5 million Combined 130J simulator building at Keesler Air Force Base; a new $6 million visiting officers’ quarters at Niagara Falls; $17 million to replace family housing at the Marine Corps Air Station at Yuma; and an addition of $10 million for a new education center and library at Ellsworth are just a few of the items added to the budget by members for parochial reasons.

Let me note at this juncture that many of these projects may very well be meritonerous upon further review. For example, I know there is a dire need for new family housing at the Marine base in Yuma, Arizona. But is that need greater than exists at some other bases? The method by which that project was added does not allow for the kind of comparative analysis that should be an integral part of the process by which these budgets are drafted.

Of particular interest is the $241 million for ammunition demilitarization facilities, none of which was requested by the military. I recognize the legitimate need to expeditiously dismantle aging chemical weapons and deal with the environmental contamination resulting from their construction and storage over many years. My concern lies in the perpetually uncertain environment in which spending bills are prepared. Are each of these facilities necessary, and does each one need to be funded during a fiscal year for which funding was not requested? Chemical demilitarization has been an important priority for the Armed Services Committee, but the case has not been made that these programs had to be funded during a fiscal year for which funding was not requested.

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

**NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000 MEMBER ADDITIONS, INCREASES & EARMARKS**

**Army Procurement**

**Aircraft Procurement, Army**

- LONGBOW ........................................ 45.0
- UH-1 Mods ...................................... 27.5
- ASEQ Mods (ATHRMC) ....................... 8.1
- ASEQ Infrared CM .......................... 6.6
- Missle Procurement, Army (page 27):
  - PATRIOT mods ................................. 60.0
  - Procurement of W&TVC, Army

**Missle Procurement, Army**

- M109A6 155mm Howitzer mods .......... 20.0
- Field Artillery Ammunition Support Vehicle HIP ................................. 20.0
- M88 Improved Recovery Vehicle .......... 72.0
- Heavy Assault Bridge mod ................ 14.0
- MK-19 40mm Grenade Launcher .......... 18.3
- Procurement of Ammunition, Army (page 31):
  - 40mm, all types ........................... 9.0
  - 90mm mortars ................................ 9.0
  - 102mm HE M3949 M/39A .................. 4.0
  - 105mm ARTY DPICM ......................... 10.0

**Wide Area Munitions ...................... 10.0**

**Other Procurement, Army (page 35):**

- High Mobility Multi-Purpose Vehicle ..... 17.0
- Army Data Distribution System ............. 25.9
- SINGCARS Family .................... 70.0
- ACUS med program .................. 50.0
- Standard Integrated CMD Post System ........................................ 9.2
- Lightweight Maintenance Enclosure ........ 3.2
- Combat Training Centers Support .......... 7.0
- Modification of In-Service Equipment .......... 8.1
- Acquisition Stability Reserve Construction Equip ................. 29.6

**Army RDT**

- Basic Research in Counter-Terrorism .......... 15.0
- AAN Materials .................................. 2.5
- Scramjet Technologies .................... 2.0
- Smart Truck ..................................... 6.5
- Medias ............................................ 1.8
- PEPS .............................................. 8.0
- Virtual Retinal Eye Display Technology ........ 5.0
- Future Combat Vehicle Development ........ 10.0
- Digital Situation Mapboard .............. 2.0
- Acoustic Technology Research .......... 4.0
- Radar Power Technology ................ 14.8
- FIREFINDER Accel. TBM Cueing Requirement .... 7.9
- Directed Energy Tested (HELT) ............. 5.0
- HIMARS ............................................. 30.6
- Space Control Technology ................ 41.0
- Navy Procurement

**Aircraft Procurement, Navy**

- UC-35 (3) ..................................... 18.0
- EA-6 Series .................................... 25.0
- H-6 Series ...................................... 15.0
- Common ECM Equipment ..................... 16.0
- Weapons Procurement, Navy (page 64):
  - Drones and Decoys ......................... 10.0
  - Weapons Industrial Facilities .......... 7.7
- Shipbuilding & Conversion, Navy:
  - LPD–17 (1) .................................... 375.0
- Other Procurement, Navy (page 71):
  - WSN–7 Ring Laser Inertial Navigation Gear ................. 15.0
- Items less than $5 million .......... 30.9
- Radar Support AN/BPS–15/16H ............... 8.0
- Integrated Combat System Test Facility .... 5.0
- JEDMICS .......................................... 9.0
- Navy Shore Communications .............. 30.7
- Info Systems Security Program (ISSP) ......... 12.0
- Aviation Life Support ..................... 18.1
- NULKA Anti-Ship Missile Decoy System .... 15.3
- Procurement, Marine Corps (page 83):
  - Comm and Elec. Infrastructure Support ........ 54.5
- 5/4T Truck HMWWV (MYP) (668) ................ 40.0

**Naval RDT**

- Non-Traditional Warfare Initiatives ........ 5.0
- Hyperspectral Research ..................... 3.0
- Heatsheild Research ....................... 2.0
- Free Electron Laser ......................... 10.0
Other Procurement, Air Force

Aircraft Procurement, Air Force

Lidar for Standoff/Detection for HAARP ..................................... 10.0
Tropo-Weather .......................... 2.5
Orbit Transfer Propulsion ........ 3.0
Tactical Missile Propulsion ...... 3.0
Hypersonic Technology Pro-

Advanced Propulsion—Science

Materials—Resin Systems ........ 3.0
Computer Security ................... 1.0
Chem/Bio Defense Programs—

Research Center ............... 3.0
Chem/Bio—CHIRL ................. 9.2
PATRIOT PAC-3—EMD .......... 152.0
Foreign Material Acquisition and Exploitation ..... 40.0
CIS—Information Assurance .... 5.0
Test Bed .......................... 5.0
Joint Mapping Tool Kit ........ 8.0
CIS—Strategic Technology As-

essment ......... 5.0
Maxwell AFB—Off. Transient Stu-

dent Dormitory .......... 10.6
Anniston AD—Ammo Demilitar-

tization Facility .......... 7.0
Redstone Arsenal—Unit Training Equip. Site ............ 8.9
Dannelly Field—Med. Training & Dining Facility ........ 6.0
Fort Wainwright—Ammo Surveillance Facility .......... 2.3
Fort Harrison—MOUT Complex Trng. Facility .... 17.0
Elmendorf AFB—Alter Roadway, Davis Highway .... 9.5
Pine Bluff Arsenal—Ammunition Facility ........... 61.8
Pueblo AD—Ammo. Demilitarization Facility ........ 11.8
West Hartford—AHAM Reserve Center .......... 17.525
Orange ANGS—Air Control Squadron Complex ........ 11.0
 Dover AFB—Visitor’s Quarters .... 12.0
Smyrna—Readiness Center ........ 4.381
Pensacola—Readiness Center ........ 4.628
Fort Stewart—Contingency Logistics Facility ........ 19.0
NAS Atlantas—BEQ-A .......... 5.43
Bellows AFS—Regional Training Institute .......... 12.105
Gwen Field—Fuel Cell & Corrosion Control Hgr .... 2.3
Newport AD—Ammo. Demilitarization Facility .......... 61.2
Fort Wayne—Med. Training & Dining Facility ........ 7.2
Sioux City IAP—Vehicle Mainte-

ance Facility .......... 3.6
Fort Riley—Whole Barracks Renova-

tion .......... 27.0
McMunnell AFB—Improvement Family Housing Area Safety ...... 1.963
Fort Campbell—Vehicle Maintenance Facility .......... 17.0
Blue Grass AD—Ammo. Demilitariza-

tion Facility .......... 11.8
Fort Polk—Organization Mainte-

ance Shop .......... 4.309
Lafayette—Marine Corps Reserve Center .... 3.33
NAS Belle Chase—Ammunition Storage

Area Igglo ............ 1.35
Andrews AFB—Sqm/MSIT Facility .......... 9.9
Aberdeen P.G.—Ammo. Demilitariza-

tion Facility .......... 66.6
Hancom AFB—Acquisition Mat .... 16.0
Fac. Renovation .......... 16.0
Camping—Gravel Road Range Support Facility .... 5.8
Camp Blythe—Region-1 Support Facility ........ 5.8
Maintenance Shop .......... 10.368
Columbus AFB—Add to T-1A Hangar .... 2.6
Keeler AFB—C-135J Simulator Fa-

cility .......... 8.9
Miss. Army Amm. Pl.—Land/Water Ranges ...... 3.3
Camp Shelby—Multi-purpose Range ........ 14.9
Richland Center—C-17 Simulator Building .......... 3.6
Mr. SMITH of Oregon. On behalf of the Senior Senator from Oregon and myself, I wish to engage in a colloquy with the Honorable Chairman and Ranking Member of the Senate Armed Services on the issue of Chemical Demilitarization.

Oregon is one of the eight states with chemical weapons stored and awaiting destruction required by the Chemical Weapons Convention.

Our local communities surrounding the Umatilla depot have serious concerns about the pending demilitarization program. These concerns include the safety of the local population and the impact on the local communities of undertaking a huge demilitarization effort to destroy 3700 tons of chemical agent.

This effort will require the influx of nearly one thousand workers to build and operate the destruction facility over a period of eight years. These workers will require the communities to provide facilities, infrastructure and services to accommodate them. These efforts will cost money, and we are concerned that the economic impact of this effort will be a huge drain on the local communities. We are concerned that, while there may be a considerable impact on the local communities, there has not been adequate attention given this issue by the Department of Defense.

I would like to ask the Chairman and Ranking Member of the Committee to agree to work with us to look into this situation so we can better understand the problem, and in so doing, find a solution?

Finally, I mentioned my concerns to the Secretary of Defense. He expressed his willingness to work with us. I would ask that the Chairman and Ranking Member discuss this problem with the Secretary of Defense and consider including language in the Conference Report on the issue of impact. I understand from the Office of the Secretary that the Army will work with us to include some acceptable report language. We want to make it clear that any discussion of impact would be restricted to the Chemical Demilitarization program and account. Again, I thank the honorable Chairman and Ranking Member.

Mr. WARNER. Mr. President, I thank Senators SMITH and WYDEN for raising this issue and bringing it to our attention.

I understand that Senators SMITH and WYDEN have serious concerns about this situation, and that the local communities are worried about the impact that this process may have on them. I would be happy to work with the Senators in looking into this situation and helping to obtain information that will provide us with a fuller understanding of the issues relating to chemical demilitarization.

Mr. WYDEN. I want to thank you on behalf of the people of Oregon for your willingness to work with us on this very important issue. There are indeed serious concerns surrounding chemical demilitarization, but Oregonians are committed to working with the Army and the Chemical Demilitarization Program to meet the obligations under the Chemical Weapons Convention. The future and success of the Chemical Demilitarization program will depend on the cooperation of all involved, and the cooperative solutions that we produce. This is a very challenging program for both the Army and the good people of the depot states. We acknowledge and appreciate all the hard work that has been done, and I very much look forward to the completion of the chemical demilitarization project in Oregon.

Mr. BYRD. Mr. President, the United States is engaged in a dangerous air war against Yugoslavia. More than 30,000 members of the U.S. military have been deployed to the Balkans to prosecute this campaign. While we read the latest news from the front every morning in the comfort of our homes and offices, American men and women in uniform are living the harrowing details day in and day out.

It is fitting that the Senate, in the midst of this conflict, enact without delay the National Authorization Bill. This bill, which includes a significant pay raise for the military as well as a healthy increase in funding intended to improve military readiness—sends a strong signal of support to the men and women of the United States military, and to their families.

I commend Senator WARNER, the new and capable Chairman of the Senate Armed Services Committee, and Senator WYDEN, the able ranking minority member, for their leadership in producing an excellent bill. This legislation bears testament to the skills and willingness of both of these distinguished Senators to craft meaningful policy decisions in the context of bipartisan consensus.

Earlier this week, the Senate Appropriations Committee, of which I am the ranking member, approved a Defense Appropriations Bill for Fiscal Year 2000 that includes a hand-in-glove measure. Last week, Congress sent to the President an emergency supplemental appropriations bill to fund the Kosovo operation. Together, these bills take great strides toward giving our military forces the tools that they need and the support that they deserve to protect the national security of the United States and to execute the military’s many critical missions both at home and overseas.

While the air war over Yugoslavia is on the front pages of the newspapers every day, we must never forget that behind the headlines, scores of other U.S. forces are engaged in difficult, and often dangerous, missions around the globe. From the peacekeeping patrols in Bosnia to the dangerous skies over Iraq to the tense border between North and South Korea, U.S. military personnel face the potential peril of combat every day. Resources have been stretched thin while operating tempo are constantly being accelerated. These are difficult times for the military, and I salute the dedication of the
men and women who serve their nation so diligently. These are the individuals who stake their very lives on the policies that we craft here in the Senate. These are the individuals to whom we must dedicate our best legislative efforts.

Mr. President, this bill delivers the goods. It includes a 4.8 percent pay raise for the military, and it restores full retirement benefits to service members. It adds more than $1.2 billion to the nuts-and-bolts readiness accounts—base operations, infrastructure repairs, training, and ammunition—that are so vitally needed to improve the long-term readiness of the armed forces. It funds the purchase of essential equipment and weapons systems. And, through the efforts of the newly established and forward looking Emerging Capabilities Subcommittee, on which I am pleased to serve, it invests in programs to combat the ever increasing threat to the United States of terrorist attack, information warfare, and chemical and biological weapons.

Mr. President, we cannot put a price on the sacrifices and contributions of our military, but we can make sure that the best fighting forces in the world have the necessary tools of their trade. That is the purpose of this bill. We are sending a message to the troops that we have heard their concerns and we have responded to them. I urge the Senate to move quickly to pass this legislation.

I yield the floor.

Mr. HATCH. Mr. President, when Congress enacted the BRAC legislation, it left little doubt that the local community was intended to be the prime beneficiary of surplus facilities. Agencies that can actually demonstrate a need to determine the best use of the facilities deemed surplus by BRAC. In many cases, it has been determined that local school districts are the best recipient for use of these facilities.

Unfortunately, local school districts and other public education entities today face a barrier in acquiring the surplus facility. This barrier is a highly punitive fee charged for the use of instructional purposes and 30% for storage of teaching related supplies. This district could be charged upwards of $300,000.

Additionally, Mr. President, I find it somewhat ironic that, when the President’s own education agenda calls for another federal program and more federal funding to provide school construction funds, the Clinton administration’s Department of Education has concocted this schedule of fees to charge local school districts who wish to use surplus military property.

I know that in my state of Utah, we have a great need for additional facilities. Property Administrator for the Ogden school district, 22,255 of them—or nearly 5% take classes in portable classrooms. That is unacceptable and the arbitrary requirements that the Department of Education has set for districts to acquire disposed defense facilities are onerous and should be corrected.

I believe every public education entity ought to be eligible for a 100% exception from the payment of costs to acquire the facility when the surplus defense facility is used for instruction or other educational purposes. I understand that the distinguished Chairman of the Armed Services Committee does not have jurisdiction over the Education Department. He does, however, have jurisdiction over the underlying statute that the Department of Education has a role in carrying out.

Mr. WARNER. I agree with my good friend from Utah that BRAC procedures should produce reasonable opportunities for communities to turn facilities into productive use. I believe the Defense Base Closure and Realignment Act of 1990 provision does that, by allowing a cost-free transfer for economic development. I don’t believe anything in the provision’s language precludes an application from the Senator from Utah wishes to accomplish.

Mr. HATCH. Mr. President, when Congress enacted the BRAC legislation, it left little doubt that the local community was intended to be the prime beneficiary of surplus facilities. Agencies that can actually demonstrate a need to determine the best use of the facilities deemed surplus by BRAC.

ED has determined that certain non-instructional uses of these facilities, such as the vaguely defined ‘research’, disqualify the district for a 100 percent exemption from the costs of acquiring the surplus facility. Similarly, ED has determined that certain other uses of these facilities, such as storage, even if directly related to instruction, warrants payment of a fee.

For example, if a school district wants to use 70% of a facility for instructional purposes and 30% for storage of teaching related supplies, this district could be charged upwards of $300,000.

In amending sec. 2905(b)(4), the President would ‘authorize the Secretary of Defense to transfer property to the local redevelopment authority, without consideration, that the LRA’s decisional authority from complying with the requirement that local school districts purchase additional property from the Secretary of Defense to transfer property to the local redevelopment authority, without consideration, if the President determines it to be in the national interest to do so.’ The ‘LRA’s’ decisional authority is that portion of the Ogden-LRA’s decisional authority, without consideration, that the Secretary of Defense to transfer property to the local redevelopment authority, without consideration, that the President has his priorities badly reversed, despite his rhetoric on the importance of education.

At a time when we all seem to agree that we should do everything we can to help our state and local education agencies, we ought to be eliminating the requirement that local school districts jump through hoops just to be able to use surplus property—surplus properties that are so vitally needed to improve the readiness and economic development function gets a fair share of the pie.

I yield the floor.

Mr. HATCH. Mr. President, when Congress enacted the BRAC legislation, it left little doubt that the local community was intended to be the prime beneficiary of surplus facilities. Agencies that can actually demonstrate a need to determine the best use of the facilities deemed surplus by BRAC.

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I yield the floor.

Mr. HATCH. Mr. President, when Congress enacted the BRAC legislation, it left little doubt that the local community was intended to be the prime beneficiary of surplus facilities. Agencies that can actually demonstrate a need to determine the best use of the facilities deemed surplus by BRAC.
because the community has already been hit by an economically devastating base closing.

Mr. WARNER. Mr. President, I ask for the third reading of this historic bill.

The PRESIDING OFFICER. The clerk will conduct a third reading.

The bill (S. 1059) was read the third time.

Mr. WARNER. Mr. President, I urge my colleagues to support this historic piece of legislation. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has been yielded back. The question is, Shall the bill pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Florida (Mr. MACK) and the Senator from Indiana (Mr. LUGAR) are necessarily absent.

Mr. REID. I announce that the Senator from South Carolina (Mr. HOLINGS), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New York (Mr. MOYNIHAN) are necessarily absent.

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

The result was announced—yeas 92, nays 3, as follows:

[Rollcall Vote No. 154 Leg.]

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The bill (S. 1059) as amended, was passed.

Mr. ROBERTS. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of S. 1060 through S. 1062—that is Calendar Order Nos. 115, 116, and 117—that all after the enacting clause be stricken and the appropriate portion of S. 1059, as amended, be inserted in lieu thereof, according to the schedule which I send to the desk; that these bills be advanced to third reading and passed; that the motion to reconsider en bloc be laid upon the table; and that the above actions occur without intervening action or debate.

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

MORNING BUSINESS

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate now proceed to order of morning business with Senators permitted to speak for up to 10 minutes each.

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

COMMEMORATING RETIREMENT OF UTILITY EXECUTIVE

Mr. LOTT. Mr. President, on July 1, 1999, Donald E. Meiners will retire from Entergy Mississippi after 39 years of service. Don started as a salesman in Jackson and culminated as the president and chief executive officer.

Mr. Meiners rose rapidly in the company and quickly became one of its officers. He has worked in marketing, operations and customer services, and within various subsidiaries of the company requiring frequent moves. Entergy recognized his leadership capabilities early, and he excelled at each challenge.

He has also been very involved in the civic aspects of his community. He has taken on different roles from steering various United Way Campaigns to chairing the Chambers of Commerce for Jackson and Vicksburg, to leading MetroJackson’s Housing Partnership and the Newcomen Society of Mississippi. Don has also supported the Executive Women’s International Night, Mississippi Music Festival, International Ballet Competition, Jackson Symphony Orchestra, and the Boys and Girls Club of America. His efforts have ensured that all Mississippians can be exposed to the full richness of the Magnolia State’s culture.

Mr. Meiners has made a personal commitment to education by serving on the boards of the Mississippi State University Foundation, Tougaloo College, Jackson State, and the Mississippi University for Women. Through these post-secondary institutions, he wanted to foster an atmosphere that inspired all Mississippians to reach up and participate in our national prosperity by having essential educational skills. He has also served or is currently serving on the boards of the Trustmark National Bank, Institute for Technology Development and Mississippi Manufacturers Association. Here, his focus has been to promote the right type of job producing capacity in my home state.

As a result of his contributions to Mississippi, Mr. Meiners has been recognized as the Governor’s Volunteer of