

SENATE—Tuesday, June 8, 1999

(Legislative day of Monday, June 7, 1999)

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

PRAYER

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

*For the Lord God is a sun and shield;
The Lord will be of grace and glory;
No good thing will He withhold
From those who walk upright.*

Holy Father, Source of strength, Author of the absolutes of morality, and the One to whom we are accountable, we renew our commitment to walk uprightly. We want to stand tall with steady eyes focused on Your irrevocable mandates for character and behavior. Our deepest desire is to walk with You, dear God, at Your pace, in Your timing, and toward Your goals. Help us not to run ahead of You or to lag behind. Only then can we hear what You have to say for each situation and relationship. May this be a sublime day of serenity because we have placed our hands in Your strong and guiding hand.

We join our hearts in sympathy for Mrs. Joe Biden as she grieves the death of her father, Donald Jacobs. Comfort her with Your presence and hope. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING
MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. VOINOVICH. Mr. President, today the Senate will resume consideration of the defense appropriations bill with a vote ordered on the pending Grassley amendment to occur at 9:45 a.m. As a reminder, first-degree amendments to the bill must be offered by 2:30 p.m. today. Therefore, additional amendments and votes are expected throughout today's session, with the expectation of finishing the bill this evening. Cloture was filed on the motion to proceed to the Y2K legislation yesterday. Thus, a cloture vote will take place on Wednesday.

I thank my colleagues for their attention.

Mr. President, I note the absence of a quorum.

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

The legislative assistant proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

DEPARTMENT OF DEFENSE
APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1122, which the clerk will report.

The legislative assistant read as follows:

A bill (S. 1122) making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes.

Pending:

Stevens (for Grassley) amendment No. 540 to reduce to \$500,000 the threshold amount for the applicability of the requirement for advance matching of Department of Defense disbursements to particular obligations.

AMENDMENT NO. 540

The PRESIDING OFFICER. Under the previous order, there will now be 15 minutes of debate relative to the Grassley amendment No. 540 with a vote to follow thereon.

Mr. GRASSLEY. Mr. President, do I control that 15 minutes?

The PRESIDING OFFICER. The Senator controls the time.

Mr. GRASSLEY. I will not use all of that time for my amendment.

First of all, as to the amendment that is pending, authored by the Senator from Iowa, I thank the Senator from Alaska for offering my amendment yesterday, and I thank the Senator from Alaska for asking for a rollcall vote on my amendment, although this amendment has been offered 5 previous years and adopted 5 previous years without a rollcall. So, personally, I do not think it is necessary to have a rollcall vote. But if the chairman of the committee and the ranking member of the committee want such a rollcall vote, that is OK with me. So I will take then just a few minutes to speak about my amendment on matching disbursements with obligations.

The American taxpayers would take for granted, they would expect, the nurturing of their tax dollars to be so well done at the Federal level that Congress would not have to pass a special amendment which would say that the Department of Defense cannot pay out \$1 of taxpayers' money without being able to match it with an invoice and contract that specified what goods

or services they were buying. I hope in most of Government that is the case, but it has not been so with the Defense Department. In fact, I have been speaking for years on the subject of the tens of billions of dollars that have actually been spent, and at the time of payment, the department failed to match the particular service or goods that are being paid for with their corresponding contract.

I have had the support of the chairman of the Appropriations Committee in setting in place policies that would gradually reduce the amount of money that could be paid out without an invoice and contract to match. This policy has been incorporated in the last five appropriations bills—fiscal years 1995, 1996, 1997, 1998, and 1999. We are now working on the fiscal year 2000 appropriations bill. It is my understanding that the committee supports the amendment again this year.

Under current law, the matching threshold is set at \$1 million effective this month. This means that the Department of Defense disbursing officials must match each payment of \$1 million or more with a corresponding obligation or contract before the payment is made. My pending amendment would continue the process of ratcheting down the threshold began 5 years ago. It would lower the threshold then from the \$1 million in present law to \$500,000. Reports of the General Accounting Office and inspectors general consistently show that this policy is helping to reduce DOD's unmatched disbursement problems. As I understand it, the DOD has lowered the threshold to zero in most disbursing centers.

I thank the Department of Defense for having adopted a policy that every taxpayer would assume is a principle of good Government management, and that is that they would not pay out one penny without being able to show what they ordered and received for that penny. That has become a policy at some of the disbursing centers but not at all the centers. So we want to see the threshold lowered to zero at all locations because we think it is just sound business management that not one penny of the taxpayers' dollars should be paid out if there is not an invoice and contract for what has been bought and received, either goods or services, for that amount of money.

So we are not quite at zero all over the country with all of the centers. Some Department of Defense disbursing centers still have problems.

This amendment will help keep the pressure on and hopefully in time will help the Department of Defense eliminate in the future all unmatched disbursements, so that the Senator from Iowa will never have to come to the Senate floor again and say we have these billions of dollars that the Pentagon paid out and they have never been able to show exactly what they ordered and received.

If the threshold specified in this amendment is unworkable, then I have asked the chairman to adjust the dollar level in conference, but I hope it is so obvious that we will be able to tell the taxpayers of this country that we know what they are buying; that at least for the next year we should keep the pressure on for the still fantastically high level of \$500,000 that could be paid out under certain circumstances without the invoice and contract immediately available.

I do not want to stand before the Senate and be embarrassed by saying that we can somehow justify even a \$500,000 check being written without knowing what goods and services were, in fact, ordered and received and being paid for.

I thank the chairman of the committee, Senator STEVENS, and I thank the ranking minority member, Senator INOUE, for their continuing support of this amendment. Every year for the last 5 years I have offered this amendment, and every year for the last 5 years they have put the amendment in the bill, kept it there and protected it in conference. This effort, particularly with their respected leadership in the area of defense, is very positive toward the Department of Defense changing their attitude about unmatched disbursements and leading us to a point where we are reducing the amount of unmatched disbursements.

I thank the chairman and ranking member for their unwavering support, and I hope all my colleagues will support this simple but important amendment. I yield the floor.

I have time left over, and if the Senator from Alaska wants some of my time, he can have it.

Mr. STEVENS. Mr. President, I will take a couple of minutes.

I was pleased to offer this amendment for my good friend from Iowa, Senator GRASSLEY. Senator GRASSLEY's determined effort to improve the Department of Defense financial accounting standards, by demanding that funds disbursed are matched by funds obligated—simply meaning that they balance their checkbook and they let us know so the taxpayers will know what the checks have been written for—his efforts has already yielded results in lowering the Department's unmatched disbursements.

To those who may be unfamiliar with this problem, as of the fiscal year 1998, according to the Department's own in-

spector general, the Department reported a substantial problem with disbursements. That means that funds were reported having been disbursed to the Treasury but not processed, or, in other cases, the Department's employees could not match a disbursement to an obligated item.

There is a conflict here. We are trying to make certain those who provide services to the Department of Defense are promptly paid. On the other hand, there is a requirement for the taxpayers that we know what they have paid and what we have bought with the funds, as the Senator said.

The Appropriations Committee is pleased to work with Senator GRASSLEY and the Department of Defense to ensure the Department makes steady progress in reducing these problem disbursements. I do support the amendment of the Senator from Iowa, and I believe all Senators seek to improve the Department's control over the appropriation of taxpayers' funds to the Department of Defense.

What time will the vote take place, Mr. President?

The PRESIDING OFFICER. The Senator from Alaska has 6 minutes remaining.

Mr. STEVENS. I remind Senators that first-degree amendments to this bill must be offered by 2:30 p.m. Additional amendments and votes are expected through today's session. My colleague and I are working on a package of amendments which we will submit as soon as this time has expired and this amendment has been voted upon. At least we will discuss this package. It is my hope we will be able to finish this bill today. I am going to work to achieve that goal.

Does the Senator from Hawaii wish to make any comments on this amendment?

Mr. INOUE. No.

Mr. STEVENS. How much time remains?

Mr. GRASSLEY. I yield back my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. STEVENS. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, what time is the vote scheduled to take place?

The PRESIDING OFFICER. At 9:45.

Mr. STEVENS. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 540. 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 Idaho (Mr. CRAPO), the Senator from Arizona (Mr. MCCAIN),

and the Senator from Minnesota (Mr. GRAMS) are necessarily absent.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD), the Senator from New York (Mr. MOYNIHAN), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I also announce that the Senator from Delaware (Mr. BIDEN) is absent due to a death in the family.

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

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

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—93

Abraham	Feingold	Lott
Akaka	Feinstein	Lugar
Allard	Fitzgerald	Mack
Ashcroft	Frist	McConnell
Baucus	Gorton	Mikulski
Bayh	Graham	Murkowski
Bennett	Gramm	Murray
Bingaman	Grassley	Nickles
Bond	Gregg	Reed
Boxer	Hagel	Reid
Breaux	Harkin	Robb
Brownback	Hatch	Roberts
Bryan	Helms	Rockefeller
Bunning	Hollings	Roth
Burns	Hutchinson	Santorum
Byrd	Hutchison	Sarbanes
Campbell	Inhofe	Schumer
Chafee	Inouye	Sessions
Cleland	Jeffords	Shelby
Cochran	Johnson	Smith (NH)
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Coverdell	Kerry	Specter
Craig	Kohl	Stevens
Daschle	Kyl	Thomas
DeWine	Landrieu	Thompson
Domenici	Lautenberg	Thurmond
Dorgan	Leahy	Voivovich
Durbin	Levin	Warner
Edwards	Lieberman	Wellstone
Enzi	Lincoln	Wyden

NOT VOTING—7

Biden	Grams	Torricelli
Crapo	McCain	
Dodd	Moynihan	

The amendment (No. 540) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

AMENDMENT NO. 541

(Purpose: To substitute for section 8106 (relating to operational support aircraft) a requirement for a report)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. HARKIN, and Mr. WYDEN, proposes an amendment numbered 541.

The amendment is as follows:

Strike section 8106, and insert the following:

SEC. 8106. Not later than March 1, 2000, the Secretary of Defense shall submit to Congress a report on the inventory and status of operational support aircraft, Commander-in-Chief support aircraft, and command support aircraft of the Department of Defense. The report shall include a detailed discussion of the requirements for such aircraft, the foreseeable future requirements for such aircraft, the cost of leasing such aircraft, commercial alternatives to use of such aircraft, the cost of maintaining the aircraft, the capability and appropriateness of the aircraft to fulfill mission requirements, and the relevancy of the missions of the aircraft to warfighting requirements.

Mrs. BOXER. Mr. President, I ask unanimous consent that my amendment be laid aside for further debate.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be laid aside.

Mr. BURNS. Mr. President, 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. 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.

AMENDMENTS NOS. 542, 543, 544, AND 545, EN BLOC

Mr. STEVENS. Mr. President, I would like to send to the desk a series of amendments which provide adjustments in the bill brought about by a review made by the Congressional Budget Office and the Office of Management and Budget. These amendments allocate funds in a different manner under the bill.

The first change is an increase in funds for the Army Test Range Facilities Program.

The second readjusts one account in the Navy, and moves \$51.84 million into the Joint War Fighting Experimental Program, and leaves it under the control of Vice Chairman of the Joint Chiefs reporting to the defense committees of the House and the Senate.

The third will appropriate funds to meet the authorization bill's provision of funds to assist the Red Cross in providing Armed Forces emergency services.

The fourth is to deal with the addition of \$10 million from cockpit modifications to the U2.

I send them to the desk, and I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes amendments numbered 542, 543, 544, and 545, en bloc.

The amendments (Nos. 542, 543, 544, and 545), en bloc, are as follows:

AMENDMENT NO. 542

(Purpose: To provide funds for Research, Development, Test and Evaluation, Army)

In the appropriate place in the bill, insert the following new section:

"SEC. . In addition to any funds appropriated elsewhere in Title IV of this Act under the heading "Research, Development, Test and Evaluation, Army", \$9,000,000 is hereby appropriated only for the Army Test Ranges and Facilities program element."

AMENDMENT NO. 543

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

"SEC. . Notwithstanding any other provision in this Act, the total amount appropriated in this Act for Title IV under the heading "Research, Development, Test, and Evaluation, Navy", is hereby reduced by \$26,840,000 and the total amount appropriated in this Act for Title IV under the heading "Research, Development, Test, and Evaluation, Defense-Wide", is hereby increased by \$51,840,000 to reflect the transfer of the Joint Warfighting Experimentation Program: *Provided*, That none of the funds provided for the Joint Warfighting Experimentation Program may be obligated until the Vice Chairman of the Joint Chiefs of Staff reports to the Congressional defense committees on the role and participation of all unified and specified commands in the JWEP."

AMENDMENT NO. 544

(Purpose: To provide funding for the American Red Cross Armed Forces Emergency Services program)

In the appropriate place in the bill, insert the following new section:

"SEC. . In addition to the amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense, \$23,000,000, to remain available until September 30, 2000 is hereby appropriated to the Department of Defense: *Provided*, that the Secretary of Defense shall make a grant in the amount of \$23,000,000 to the American Red Cross for Armed Forces Emergency Services."

AMENDMENT NO. 545

At the appropriate place in the bill insert the following:

"SEC. . In addition to the funds available in Title III, \$10,000,000 is hereby appropriated for U-2 cockpit modifications."

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I have had the opportunity to study these four amendments. They are authorized by the authorizing committee. I am in full support of them.

Mr. STEVENS. Mr. President, I urge adoption of the amendments en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 542, 543, 544, and 545), en bloc, were agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, we are working on a managers' package. We have several amendments that we be-

lieve the Senate should include in such a package. I urge Members who have identified amendments they intend to offer to consult with my friend from Hawaii, myself, and our staffs to see if we can't enlarge this package and take care of a series of items that are really not controversial during the time that we have a vehicle.

As I have stated before, all amendments to this bill in the first degree must be introduced by 2:30 this afternoon.

We stand ready to work with any Member on an amendment. This would be a good time for anyone who has an amendment that is controversial to come and offer it. So far, no one has volunteered to undertake that task. But pending a Member wishing to offer an amendment, 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. 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.

UNANIMOUS-CONSENT AGREEMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate receives from the House of Representatives the companion bill to S. 1122, the Senate immediately proceed to the consideration thereof; that all after the enacting clause be stricken and the text of S. 1122, as passed, be inserted in lieu thereof; that the House bill, as amended, be read for the third time and passed; that the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate; and that the foregoing occur without any intervening action or debate.

I further ask unanimous consent that S. 1122 not be engrossed and that it remain at the desk pending receipt of the House companion bill, and that upon passage of the House bill, as amended, the passage of S. 1122 be vitiated and the bill be indefinitely postponed.

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

RECESS

Mr. STEVENS. Mr. President, we are working on the managers' package, and to do this, we have to be off the floor. Therefore, I ask unanimous consent that the Senate stand in recess until 11:30 a.m. We hope Members will come and talk to us about this managers' package in the event they want amendments in it.

There being no objection, at 10:42 a.m., the Senate recessed until 11:32 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ENZI).