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over the world. I have also been very moved by how honestly and frankly and straightforwardly they have answered every question I have ever put to any of them. In a very real sense today, the work the Congress did and the support that I and our administration gave to this legislation is purely and simply the product of what our men and women in uniform, from the highest rank to the lowest, told us needed to be done for them and for America.

So again I say, this is a day for celebration and thanksgiving, and more than anyone else, I feel that deep gratitude to you.

Thank you very much.

NOTE: The President spoke at 4:15 p.m. on the River Terrace at the Pentagon. In his remarks, he referred to Senior M.Sgt. Robert E. Hall, Sergeant Major of the Army. S. 1059, approved October 5, was assigned Public Law No. 106–65.

Statement on Signing the National Defense Authorization Act for Fiscal Year 2000

October 5, 1999

Today I have signed into law S. 1059, the "National Defense Authorization Act for Fiscal Year 2000." This Act authorizes FY 2000 appropriations for military activities of the Department of Defense, military construction, and defense activities of the Department of Energy. Although I have serious reservations about some portions of this Act, I believe S. 1059 provides for a strong national defense, maintains our military readiness, and supports our deep commitment to a better quality of life for our military personnel and their families.

The more we ask of our Armed Forces, the greater our obligation to give them the support, training, and equipment they need. We have a responsibility to give them the tools to take on new missions while maintaining their readiness to defend our country and defeat any adversary; to make sure they can deploy away from home, knowing their families have the quality of life they deserve; to attract talented young Americans to serve; and to make certain their service is not only rewarding, but well rewarded—from recruitment to retirement.

This Act helps us meet that responsibility. It endorses my comprehensive program of improvements to military pay and retirement benefits, which add up to the largest increase in military compensation in a generation. The Act increases bonuses for enlistment and reenlistment, providing incentives needed to recruit and retain skilled and motivated personnel and to maintain readiness.

The Act also helps make good on my pledge to keep our Armed Forces the best equipped fighting force on earth. It carries forward our modernization program by funding the F–22 stealth fighter, the V–22 Osprey, the Comanche helicopter, advanced destroyers, submarines and amphibious ships, and a new generation of precision munitions. I commend the Congress for recognizing the need to improve the way we dispose of property at closing military bases. In April of this year, I requested the authority to transfer former military base property to communities at no cost if they use the property for job-generating economic development. This new policy of no-cost Economic Development Conveyances will allow us to speed the transfer of such property to local communities and minimize the time that the property lies fallow. In this way, we can give an economic jump start to affected communities and help to stimulate the investments necessary to attract new job-creating businesses.

I am pleased with the Act's support for missile defense capabilities. The Act authorizes important funding for both theater and national missile defense. I am particularly pleased that the Act authorizes full funding for the Medium Extended Air Defense System cooperative program with Germany and Italy, authorizes funding for national missile defense military construction planning and design, and helps fix cost growth problems in the Patriot Advance Capability-3 and Navy Area Defense programs. The Act's requirement to develop Theater High Altitude Area Defense and Navy Theater Wide systems concurrently is being taken into account in the Department's review of its acquisition strategy for these upper-tier programs.

Although I believe most provisions of the Act—especially the quality of life enhancements—are beneficial and support a strong

national defense, I have strong reservations about a number of provisions of S. 1059.

The most troubling features of the Act involve the reorganization of the nuclear defense functions within the Department of Energy. The original reorganization plan adopted by the Senate reflected a constructive effort to strengthen the effectiveness and security of the activities of the Department of Energy's nuclear weapons laboratories. Unfortunately, the success of this effort is jeopardized by changes that emerged from the conference, which altered the final product, making it weaker in enhancing national security. Particularly objectionable are features of the legislative charter of the new National Nuclear Security Administration (NNSA) that purport to isolate personnel and contractors of the NNSA from outside direction, and limit the Secretary's ability to employ his authorities to direct—both personally and through subordinates of his own choosing—the activities and personnel of the NNSA. Unaddressed, these deficiencies of the Act would impair effective health and safety oversight and program direction of the Department's nuclear defense complex.

Other provisions of S. 1059 have been faulted by the Attorneys General of over 40 States as placing in question the established duty of the Department of Energy's nuclear defense complex to comply with the procedural and substantive requirements of environmental laws. Moreover, the Act removes from the Secretary his direct authority over certain extremely sensitive classified programs specified in the Atomic Energy Act, and establishes in the NNSA separate support functions—such as contracting, personnel, public affairs, and legal—that are redundant with those now within the Department. This redundancy even extends to the counterintelligence office reporting directly to the Secretary that was established in accordance with my Presidential Decision Directive 61, and which was designed to be the single authoritative source of counterintelligence guidance throughout the Department. The Act establishes a companion counterintelligence entity within the NNSA, compounding simple redundancy with the blurring of lines of authority that can too readily result because the NNSA is largely immunized from outside direction within the Department.

Experience teaches that these are not abstract deficiencies. As the Hoover Commission concluded half a century ago, the accountability of a Cabinet Department head is not complete without the legal authority to meet the legal responsibilities for which that person is accountable. The Act's provisions summarized above skew that authority. These provisions blur the clear and unambiguous lines of authority intended by Presidential Decision Directive 61, and impair the Secretary of Energy's ability to assure compliance at all levels within the Department of Energy with instructions he may receive in meeting his national defense responsibilities under the Atomic Energy Act.

The responsibilities placed by S. 1059 in the National Nuclear Security Administration potentially are of the most significant breadth, and the extent of the Secretary of Energy's authority with respect to those responsibilities is placed in doubt by various provisions of the Act. Therefore, by this Statement I direct and state the following:

1. Until further notice, the Secretary of Energy shall perform all duties and functions of the Under Secretary for Nuclear Security.

2. The Secretary is instructed to guide and direct all personnel of the National Nuclear Security Administration by using his authority, to the extent permissible by law, to assign any Departmental officer or employee to a concurrent office within the NNSA.

3. The Secretary is further directed to carry out the foregoing instructions in a manner that assures the Act is not asserted as having altered the environmental compliance requirements, both procedural and substantive, previously imposed by Federal law on all the Department's activities.

4. In carrying out these instructions, the Secretary shall, to the extent permissible under law, mitigate the risks to clear chain of command presented by the Act's establishment of other redundant functions by the NNSA. He shall also carry out these instructions to enable research entities, other than those of the Department's nuclear defense complex that fund research by the weapons laboratories, to continue to govern conduct of the research they have commissioned.

5. I direct the Director of the Office of Personnel Management to work expeditiously with the Secretary of Energy to facilitate any administrative actions that may be necessary to enable the Secretary to carry out the instructions in this Statement.

The expansive national security responsibilities now apparently contemplated by the Act for the new Under Secretary for Nuclear Security make selection of a nominee an especially weighty judgment. Legislative action by the Congress to remedy the deficiencies described above and to harmonize the Secretary of Energy's authorities with those of the new Under Secretary that will be in charge of the NNSA will help identify an appropriately qualified nominee. The actions directed in this Statement shall remain in force, to continue until further notice.

I am concerned with the tone and language of a number of provisions of S. 1059 relating to China, which could be detrimental to our interests.

China is undergoing a profoundly important but uncertain process of change, and I believe we must work for the best possible outcome, even as we prepare for any outcome. The Act's provision requiring annual reports on Chinese military power, similar to those previously produced on Soviet military power, assumes an outcome that is far from foreordained—that China is bent on becoming a military threat to the United States. I believe we should not make it more likely that China will choose this path by acting as if the decision has already been made. The provision establishing the Center for Study of Chinese Military Affairs is troubling for the same reason. The Secretary of Defense will ensure that the Center is held to the highest standards of scholarship and impartiality and that it explores a wide range of perspectives on the Chinese military.

Our long-term strategy must be to encourage China to grow into a more prosperous and open society; to integrate China into the institutions that promote global norms on proliferation, trade, the environment, and human rights; to cooperate where we agree, even as we defend our interests and values with realism and candor where we do not. We cannot do that simply by confronting China or seeking to contain it. We can only do that if we maintain a policy of principled, purposeful engagement with China's government and China's people.

I intend to implement the China provisions of the bill in a manner consistent with this policy, including, where appropriate, combining several of the reporting requirements.

Further, I am disappointed that S. 1059 contains damaging restrictions on our threat reduction programs in the former Soviet Union. Since 1992, these programs have helped to deactivate almost 5,000 nuclear warheads in the former Soviet Union; eliminate nuclear weapons from Ukraine, Belarus, and Kazakhstan; strengthen the security of nuclear weapons and materials at over 100 sites in the region; tighten export controls and detect illicit trafficking; engage over 30,000 former weapons scientists in civilian research; and purchase hundreds of tons of highly enriched uranium from dismantled Russian weapons.

Restrictions on the Cooperative Threat Reduction program and new certification requirements on the Nuclear Cities Initiative threaten to slow the pace of Russian disarmament, which is contrary to our national interests. I urge that future appropriations for the Nuclear Cities Initiative not be conditioned on this certification. I also urge the Congress to reverse its current ban on chemical weapons destruction assistance to Russia.

In order to avoid any confusion among our allies or elsewhere regarding the new NATO Strategic Concept, I feel compelled to make clear that the document is a political, not a legal, document. As such, the Strategic Concept does not create any new commitment or obligation within my understanding of section 1221(a) of the Act, and therefore, will not be submitted to the Senate for advice and consent.

I am concerned about section 1232, which contains a funding limitation with respect to continuous deployment of United States Armed Forces in Haiti pursuant to Operation Uphold Democracy. I have decided to terminate the continuous deployment of forces in Haiti, and I intend to keep the Congress informed with respect to any future deployments to Haiti; however, I will interpret this provision consistent with my constitutional

responsibilities as President and Commander in Chief.

A number of other provisions of this bill raise serious constitutional concerns. Because the President is the Commander in Chief and the Chief Executive under the Constitution, the Congress may not interfere with the President's duty to protect classified and other sensitive national security information or his responsibility to control the disclosure of such information by subordinate officials of the executive branch (sections 1042, 3150, and 3164). Furthermore, because the Constitution vests the conduct of foreign affairs in the President, the Congress may not direct that the President initiate discussions or negotiations with foreign governments (section 1407 and 1408). Nor may the Congress unduly restrict the President's constitutional appointment authority by limiting the President's selection to individuals recommended by a subordinate officer (section 557). To the extent that these provisions conflict with my constitutional responsibilities in these areas, I will construe them where possible to avoid such conflicts, and where it is impossible to do so, I will treat them as advisory. I hereby direct all executive branch officials to do likewise.

Finally, S. 1059 provides for participation in the Thrift Savings Plan by full-time members of the uniformed services and reservists, but subject to my proposing and the Congress' passage of separate legislation to pay for the costs of their participation. I shall consider this proposal when determining my Fiscal Year 2001 Budget.

Notwithstanding the concerns noted above, I believe that the National Defense Authorization Act for Fiscal Year 2000, as a whole, will enhance our national security and help us achieve our military and related defense objectives. By providing the necessary support for our forces, it will ensure continued U.S. global leadership well into the 21st century.

William J. Clinton

The White House,
October 5, 1999.

NOTE: S. 1059, approved October 5, was assigned Public Law No. 106–65.

Statement on Senate Action on the Nomination of Ronnie L. White To Be United States District Judge for the Eastern District of Missouri

October 5, 1999

Today the Senate defeated the nomination of Ronnie White for the Federal District Court in Missouri. This vote was a disgraceful act of partisan politics by the Republican majority and creates real doubt on the ability of the Senate to fairly perform its constitutional duty to advise and consent. By voting down the first African-American judge to serve on the Missouri Supreme Court, the Republicans have deprived both the judiciary and the people of Missouri of an excellent, fair, and impartial Federal judge.

Judge White was a casualty of a judicial confirmation process that has lost any pretense of fairness. There was never any doubt about Judge White's ability to apply the law impartially. To defeat the candidacy of Judge White, the Republican majority maligned and distorted White's death penalty record, falsely creating a pretext for his defeat. While serving on the Missouri State Supreme Court, Judge White affirmed the imposition of the death penalty in almost 70 percent of the cases that came before him. Moreover, in 10 of the 18 reported instances in which Judge White voted to not impose the death penalty, he did so with an unanimous court.

The disappointing action of the Senate today provides strong evidence for those who believe that the Senate treats minority and women judicial nominees unequally. This is a sad day for the cause of equal justice.

Letter to Congressional Leaders Transmitting the Report on Implementation of the Partnership For Peace

October 5, 1999

Dear Mr. Chairman:

In accordance with section 514(a) of Public Law 103–236, I am submitting to you this report on implementation of the Partnership for Peace (PFP).

As noted in last year's report to the Congress, PFP has been a critical tool in helping