## 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 441, 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.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. LEVIN, 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 be agreed to en bloc and that 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 PRESIDING OFFICER. 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. . ENHANCEMENT OF PENTAGON RENOVATION ACTIVITIES.**

The Secretary of Defense in conjunction with the Pentagon Renovation Program is authorized to design and construct secure secretarial office and support facilities and security-related changes to the METRO entrance at the Pentagon Reservation. 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 as emergency appropriations to the Department of Defense for fiscal year 2000 for military personnel, as appropriated in section 2012 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 be comparable to the benefits authorized under section 1076a of this title for plans established under that section and shall include diagnostic services, preventative services, endodontics and other basic restorative services, surgical services, and emergency services.''.

AMENDMENT NO. 413

Mr. ALLARD. Mr. President, this Amendment will give 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 retiree dental program is limited to an annual cleaning, filings, 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 crowns, 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 retires. Thank you for the time.

AMENDMENT NO. 414

(Purpose: To provide $6,000,000 (in PE 604604F) 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 instrumentation 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 involved; over water scoring of 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. The 3–Data 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 abroad through Quick Reaction Tasking that may require a multiple object tracking device to evaluate engagement profiles. This requirement is documented through 46th Test Wing strategic planning 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 which cannot 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 capabilities and limitations of multiple smart weapons and their delivery systems during their develpoment.

AMENDMENT NO. 415

(Purpose: To amend a per purchase dollar limitation of funding assistance for procurement of equipment for the National Guard for drug interdiction and counter-drug activities so as to apply the limitation to each item of equipment procured)

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

**SEC. 349. MODIFICATION OF LIMITATION ON FUNDING ASSISTANCE FOR PROCUREMENT OF EQUIPMENT FOR THE NATIONAL GUARD FOR DRUG INTERDICTION AND COUNTER—DRUG ACTIVITIES.**

Section 112(a)(3) of title 32, United States Code, is amended by striking ''per purchase order'' in the second sentence and inserting ''per item''.

AMENDMENT NO. 416

(Purpose: To require the Secretary of the Army to review the incidence of violations of State and local motor vehicle laws and to submit a report on the review to Congress)

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

**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 associated 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 after the date of the enactment of this Act.

REPEAL DUAL COMPENSATION LIMITATIONS

Mr. CRAPO. Mr. President, my amendment is co-sponsored by the Senate Majority Leader, Senator LOTT. On February 23, 1999, the Senate voted 87 to 11 in favor of this same amendment during consideration of S. 4.

My amendment will repeal the current statute that reduces retirement pay for regular officers of a uniformed service who chose to work for the federal government.

The uniformed services include the Army, Navy, Air Force, Marine Corps, Coast Guard, Public Health Service and the National Oceanographic and Atmospheric Agency.

If a retired officer from the uniform services comes to work for the Senate, his or her retirement pay is reduced by about 50 percent, after the first $8,000, to offset for payments from the Senate.

The retired officer can request a waiver but the executive, legislative and judicial branches of government handle the waiver process differently on a case by case basis.

The current dual compensation limitation is also discriminatory in that regular officers are covered but reservists or enlisted personnel are not covered by the limitation.

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. 418

(Purpose: To establish as a policy of the United States that the United States will seek to establish a multinational 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 as appropriate—

(A) seek the establishment of a multinational economic embargo against such country; and

(B) seek the seizure of its foreign financial assets.

(b) REPORTS.—Not later than 20 days, or earlier than 14 days, after the first day of the engagement 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 of linking geographically separated, high-fidelity simulators to provide a mission rehearsal capability for Air Force units, and any units of any of the other Armed Forces as may be necessary, to train together from their home stations.

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

(A) an independent study of all requirements, technologies, and acquisition strategies essential to the formulation 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 48, 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 48, 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.

(c) CONSIDERATION.—As a consideration for the conveyances under this section, the City shall make the city hall complex available for use by the Minnesota National Guard for public meetings, and the County shall make the maintenance facility available for use by the Minnesota National Guard, as detailed in agreements entered into between the City, County, and the Commanding General of the Minnesota National Guard. Use of the city hall complex and maintenance facility by the Minnesota National Guard shall be without cost to the Minnesota National Guard.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the real property.

(e) ADDITIONAL TERMS AND CONDITIONS.—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. 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 REQUIRED.—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, of 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. Authority to make transfers under this subsection is in addition to the transfer authority provided in section 1001.

AMENDMENT NO. 425

(Purpose: To set aside funds for the procurementof 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(2), $500,000 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 alternative authority for acquisition and improvement of military housing)

On page 440, 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)(1)—

(A) by striking ''persons in private sector'' and inserting ''an eligible entity''; and

(B) by striking ''such persons'' and inserting ''the eligible entity''; and

(2) in subsection (b)(1)—

(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 ''nongovernmental entities'' and inserting ''an eligible entity'';

(2) in subsection (c)—

(A) by striking ''a nongovernmental entity'' both places it appears and inserting ''an eligible entity''; and

(B) by striking ''the entity'' each place it appears and inserting ''the eligible entity'';

(3) in subsection (d), by striking ''nongovernmental'' and inserting ''eligible''; and

(4) in subsection (e), by striking ''a nongovernmental entity'' and inserting ''an eligible entity''.

(e) RENTAL GUARANTEES.—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''.

(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''.

(h) CLERICAL AMENDMENTS.—(1) The heading of section 2875 of such title is amended to read as follows:

**''§ 2875. Investments''.**

(2) The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the item relating to section 2875 and inserting the following new item:

''2875. Investments.''.

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 1209 of title 10, United States Code, is amended by adding at the end the following:

**''§ 12322. Active duty for health care**

''A member of a uniformed service described in paragraph (1)(B) or (2)(B) of section 1074a(a) of this title may be ordered to active duty, and a member of a uniformed service described in paragraph (1)(A) or (2)(A) of such section may be continued on active duty, for a period of more than 30 days while the member is being treated for (or recovering from) an injury, illness, or disease incurred or aggravated in the line of duty as described in such paragraph.''.

(2) The table of sections at the beginning of such chapter 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 to read as follows:

''(e)(1) A member of a uniformed service on active duty for health care or recuperation reasons, as described in paragraph (2), is entitled to medical and dental care on the same basis and to the same extent as members covered by section 1074(a) of this title while the member remains on active duty.

''(2) Paragraph (1) applies to a member described in paragraph (1) or (2) of subsection (a) who, while being treated for (or recovering from) an injury, illness, or disease incurred or aggravated in the line of duty, is continued on active duty pursuant to a modification or extension of orders, or is ordered to active duty, so as to result in active duty for a period of more than 30 days.''.

(c) 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 servicemen 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 crewmembers. 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 cargo 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(f) 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 contractor or subcontractor 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 or subcontractor, 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 without submission of certified cost or pricing data.

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

(b) WAIVER.—Such section is further amended by adding at the end the following:

''(5)(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; and

''(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 under extraordinary circumstances when necessary to meet the needs of the agency. A determination to waive the applicability of cost accounting standards under this subparagraph shall be set forth in writing and 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.

''(E) 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.''.

(c) CONSTRUCTION REGARDING CERTAIN NOT-FOR-PROFIT ENTITIES.—The 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 to—

(1) any educational institution or federally funded research and development center that is associated with an educational institution in accordance with Office of Management and Budget Circular A–21, as in effect on January 1, 1999; 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 ORDER CONTRACTS.**

(a) GUIDANCE IN THE FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 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 in accordance with sections 2304a through 2304d of title 10, United States Code, and sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k).

(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 multi-agency contracts entered in accordance with the provisions of law referred to in that subsection.

(2) Specific guidance on steps that agencies should take in entering and administering 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 2304c(b) of title 10, United States Code, and section 303J(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(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 2304c(c) of title 10, United States Code, and section 303J(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253j(c)) for a statement of work in each task order or delivery order issued that clearly specifies all tasks to be performed or property to be delivery under the order.

(c) GSA FEDERAL SUPPLY SCHEDULES PROGRAM.—The Administrator for Federal Procurement Policy shall consult with the Administrator of General Services to assess the effectiveness of the multiple awards schedule program of the General Services Administration referred to in section 309(b)(3) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(b)(3)) that is administered as the Federal Supply Schedules program. The assessment shall include examination of the following:

(1) The administration of the program by the Administrator of General Services.

(2) The ordering and program practices followed by Federal customer agencies in using schedules established under the program.

(d) GAO REPORT.—Not later than one year after the date on which the regulations required by subsection (a) are published in the

Federal Register, the Comptroller General shall submit to Congress an evaluation of executive agency compliance with the regulations, together with any recommendations that the Comptroller General considers appropriate.

**SEC. 809. CLARIFICATION OF DEFINITION OF COMMERCIAL ITEMS WITH RESPECT TO ASSOCIATED SERVICES.**

Section 4(12) (E) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(E)) is amended to read as follows:

''(E) Installation services, maintenance services, repair services, training services, and other services if—

''(i) the services are procured for support of an item referred to in subparagraph (A), (B), (C), or (D), regardless of whether such services are provided by the same source or at the same time as the item; and

''(ii) the source of the services provides similar services contemporaneously to the general public under terms and conditions similar to those offered to the Federal Government.''.

**SEC. 810. USE OF SPECIAL SIMPLIFIED PROCEDURES FOR PURCHASES OF COMMERCIAL ITEMS IN EXCESS OF THE SIMPLIFIED ACQUISITION THRESHOLD.**

(a) EXTENSION OF AUTHORITY.—Section 4202(e) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 110 Stat. 654; 10 U.S.C. 2304 note) is amended by striking ''three years after the date on which such amendments take effect pursuant to section 4401(b)'' and inserting ''January 1, 2002''.

(b) GAO REPORT.—Not later than March 1, 2001, the Comptroller General shall submit to Congress an evaluation of the test program authorized by section 4204 of the Clinger-Cohen Act of 1996, together with any recommendations that the Comptroller General considers appropriate regarding the test program or the use of special simplified procedures for purchases of commercial items in excess of the simplified acquisition threshold.

**SEC. 811. EXTENSION OF INTERIM REPORTING RULE FOR CERTAIN PROCUREMENTS LESS THAN $100,000.**

Section 31(e) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(e)) is amended by striking ''October 1, 1999'' and inserting ''October 1, 2004''.

Mr. THOMPSON. Mr. President, I offer this amendment on behalf of myself as chairman of the Governmental Affairs Committee and Senator LIEBERMAN, the Committee's ranking minority member, and Senators WARNER and LEVIN, the chairman and ranking minority member of the Armed Services Committee. Senator LIEBERMAN and I thank the Armed Services chairman and ranking member for their cooperation and assistance in preparing this amendment which will benefit not only the procurement process within the Department of Defense, but other agencies across the Federal government as well.

The amendment which we offer today began as a request from the Administration and others to include additional procurement-related reforms to those enacted over the past several years and those already included in S. 1059. Our amendment includes five provisions, as follows: (1) Streamlined Applicability of Cost Accounting Standards; (2) Task Order and Delivery Order Contracts; (3) Clarification to the Definition of Commercial Items; (4) Two-year Extension of Commercial Items Test Program; and (5) Extension of Interim Reporting Rule on Contracts with Small Business. I ask unanimous consent that a joint statement of sponsors explaining the amendment be placed in the RECORD immediately following my statement. This statement represents the consensus view of the sponsors as to the meaning and intent of the amendment.

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

JOINT STATEMENT OF SPONSORS

1. STREAMLINED APPLICABILITY OF COST ACCOUNTING STANDARDS

In recent years, Congress has enacted two major acquisition reform statutes—the Federal Acquisition Streamlining Act of 1994 (FASA) and the Clinger-Cohen Act of 1996. These statutes changed the trend in government contracting toward simplifying the government's acquisition process and eliminating many government-unique requirements. The goal of these changes in the government's purchasing processes has been to modify or eliminate unnecessary and burdensome legislative mandates, increase the use of commercial items to meet government needs, and give more discretion to contracting agencies in making their procurement decisions.

Since the early 1900's, the Federal government has required certain unique accounting standards or criteria designed to protect it from the risk of overpaying for goods and services by directing the manner or degree to which Federal contractors apportion costs to their contracts with the government. The Cost Accounting Standards (CAS standards) are a set of 19 accounting principles developed and maintained by the Cost Accounting Standards (CAS) Board, a body created by Congress to develop uniform and consistent standards. The CAS standards require 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 others in the public and private sectors continue to identify the CAS standards as a continuing barrier to the integration of commercial items into the government marketplace. Advocates of relaxing the CAS standards argue that they require companies to create unique accounting systems to do business with the government in cost-type contracts. They believe that the added cost of developing the required accounting systems has discouraged some commercial companies from doing business with the government and led others to set up separate assembly lines for government products, substantially increasing costs to the government.

This provision carefully balances the government's need for greater access to commercial items, particularly those of nontraditional suppliers, with the need for a strong set of CAS standards to protect the taxpayers from overpayments to contractors. The provision would modify the CAS standards to streamline their applicability, while maintaining the applicability of the standards to the vast majority of contract dollars that are currently covered. In particular, the provision would raise the threshold for coverage under the CAS standards from $25 million to $50 million; exempt contractors from coverage if they do not have a contract in excess of $5 million; and exclude coverage based on firm, fixed price contracts awarded on the basis of adequate price competition without the submission of certified cost or pricing data.

The provision also would provide for waivers of the CAS standards by Federal 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 administering contracts. The sponsors note that waivers would be available for contracts in excess of $10 million only in ''exceptional circumstances.'' The ''exceptional circumstances'' 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 would not be able to obtain the 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 optimum prices and quality on individual task orders or delivery orders. FASA requires orders under multiple-award contracts to contain a clear description of the services or supplies ordered and—except under specified circumstances—requires that each of the multiple vendors be provided a fair opportunity to be considered for specific orders.

Concerns have been raised that the simplicity of these multiple-award contracts has brought with it the potential for abuse. The General Accounting Office and the Department of Defense Inspector General have reported that agencies have routinely failed to comply with the basic requirements of FASA, including the requirement to provide vendors a fair opportunity to be considered for specific orders. While performance guidance was established by the Office of Federal Procurement Policy (OFPP) in 1996, the regulations implementing FASA do not establish any specific procedures for awarding orders or any specific safeguards to ensure compliance with competition requirements.

This provision would require that the Federal Acquisition Regulation provide the necessary guidance on the appropriate use of task and delivery order contracts as authorized by FASA. It also would require that the Administrator of OFPP work with the Administrator of the General Services Administration (GSA) to review the ordering procedures and practices of the Federal Supply Schedule program administered by GSA. This review should include an assessment as to whether the GSA program should be modified to provide consistency with the regulations for task order and delivery order contracts required by this provision.

3. CLARIFICATION TO THE DEFINITION OF COMMERCIAL ITEMS

FASA included a broad new definition of ''commercial items,'' designed to give the Federal government greater access to previously unavailable advanced commercial products and technologies. However, the FASA definition of commercial items included only a limited definition of commercial services. Under FASA, commercial items include services purchased to support a commercial product as a commercial service. This language has been interpreted by some to mean that these ancillary services must be procured at the same time or from

the same vendor as the commercial item the service is intended to support.

This provision would clarify that services ancillary to a commercial item, such as installation, maintenance, repair, training, and other support services, would be considered a commercial service regardless of whether the service is provided by the same vendor or at the same time as the item if the service is provided contemporaneously to the general public under similar terms and conditions.

4. TWO-YEAR EXTENSION OF COMMERCIAL ITEMS TEST PROGRAM

Section 4202 of the Clinger-Cohen Act of 1996 provided the authority for Federal agencies to use special simplified procedures to purchases for amounts greater than $100,000 but not greater than $5 million if the agency reasonably expects that the offers will include only commercial items. The purpose of this test program was to give agencies additional procedural discretion and flexibility so that purchases of commercial items in this dollar range could be solicited, offered, evaluated, and awarded in a simplified manner that maximizes efficiency and economy and minimizes paperwork burden and administration costs for both government and industry. Authority to use this test program expires on January 1, 2000.

The Administration has reported that, due to delays in implementing the test program, the data available from the test program is insufficient to assess the effectiveness of the test, and additional data is required to determine whether this authority should be made permanent. This provision would extend the authority to January 1, 2002.

The provision also requires the Comptroller General to report to Congress on the impact of the provision. The sponsors note that the shortened notice period authorized under the test program may have a different impact on competition, depending on the complexity of the commercial items to be procured. For this reason, the sponsors expect the Comptroller General's report to address the extent to which the test authority has been used, the types of commercial items procured under the test program, and the impact of the test program on competition for agency contracts and on the small business share of such contracts. The Comptroller General's report also should assess the extent to which the test program has streamlined the procurement process.

5. EXTENSION OF INTERIM REPORTING RULE ON CONTRACTS WITH SMALL BUSINESS

Section 31(f) of the OFPP Act, as amended by FASA, requires detailed reporting of contract activity between $25,000 and $100,000 in the Federal Procurement Data System (FPDS). This requirement gives the government the ability to track the impact of acquisition reform on the share of contracts in this dollar range that are awarded to small businesses, small disadvantaged businesses and woman-owned small businesses. It also enables the government to track progress and compliance on a variety of Federal procurement programs, such as Small Business Competitiveness Demonstration Program, the Small Disadvantaged Business Reform Program, the HUDBZone Small Business Program, and the IRS Offset Program.

Under FASA, this provision is scheduled to expire on October 1, 1999, so that after that date agencies would only be required to report summary data for procurements below $100,000. Because the implementation of acquisition reform measures is ongoing and information on the impact of those measures on small business is important both to Congress and the executive branch, this provision would extend the current reporting requirement until October 1, 2004, as requested by the Administration.

AMENDMENT NO. 429

(Purpose: To authorize an additional $21,700,000 for research, development, test, and evaluation for the Army for the Force XXI Battle Command, Brigade and Below (FBCB2) (PE0203759A), and to offset the additional amount by decreasing by $21,700,000 the authorization for other procurement for the Army for the Maneuver Control System (MCS)

On page 17, line 1, strike ''$3,669,070,000'' and insert ''$3,647,370,000''.

On page 29, line 10, strike, $4,671,194,000'' and insert ''$4,692,894,000''.

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AMENDMENT NO. 430

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

On page 321, line 18, strike out ''and''.

On page 321, 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 contract, 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 systems results in posting of payments to appropriation accounts consistent with section 1301 of title 31, United States Code.

On page 322, line 4, insert before the semicolon the following: ''that, at a minimum, uses double-entry bookkeeping and complies with the United States Government Standard General Ledger at the transaction level as required under section 803(a) of the Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note)''.

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

(5) An internal controls checklist which, consistent with the authority in sections 3511 and 3512 of title 31, United States Code, the Comptroller General shall prescribe as the standards for use throughout the Department of Defense, together with a statement of the Department of Defense policy on use of the checklist throughout the department.

On page 323, line 14, before the period insert ''or the certified date of receipt of the items''.

On page 324, between the matter following line 20 and the matter on line 21, insert the following:

(c) STUDY AND REPORT ON DEPARTMENT OF DEFENSE ELECTRONIC FUND 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 subjected 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), (C); and

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

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

(3) 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 terminal, 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—

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

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

''(d)(1) The Under Secretary is responsible for ensuring that the financial statements of the Department of Defense are in a condition to receive an unqualified audit opinion and that such an opinion is obtained for the statements.

''(2) 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 inserting ''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.

(b) 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 credited 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) Rebates and refunds based on prompt payment on credit card accounts are properly recorded in the books of account.

(F) Records of a credit card transaction (including records on associated contracts, reports, accounts, and invoices) are retained in accordance with standard Federal Government policies on the disposition of records.

(c) REMITTANCE ADDRESSES.—The Under Secretary of Defense (Comptroller) shall prescribe regulations setting forth controls on alteration of remittance addresses. The regulations shall ensure that—

(1) a remittance address for a disbursement that is provided by an officer or employee of the Department of Defense authorizing or requesting the disbursement is not altered by any officer or employee of the department authorized to prepare the disbursement; and

(2) a remittance address for a disbursement is altered only if the alteration is—

(A) requested by the person to whom the disbursement is authorized to be remitted; and

(B) made by an officer or employee authorized to do so who is not an officer or employee referred to in paragraph (1).

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 extra 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 conclusions—independently.

The Armed Services Committee has cranked 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 14th 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 in a meaningful way.

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 get the job done.

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 me with my DOD financial management reform initiative.

I 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 horse and buggy—one behind the other. They need to move together.

AMENDMENT NO. 431

(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. 432

(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. 433

(Purpose: To extend certain temporary authorities to provide benefits for Department of Defense employees in connection with defense workforce reductions and restructuring)

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 5595(i)(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(e) of such title is amended by striking ''September 30, 2001'' and inserting ''September 30, 2003''.

(c) CONTINUATION OF FEHBP ELIGIBILITY.—Section 8905a(d)(4)(B) of such title is amended by striking clauses (i) and (ii) and inserting the following:

''(i) October 1, 2003; or

''(ii) February 1, 2004, if specific notice of such separation was given to such individual before October 1, 2003.''.

EXIT SURVEY

Ms. LANDRIEU. Mr. President, I thank our chairman, Senator WARNER, and the ranking member, Senator LEVIN, for agreeing to this very important amendment. As a new member of the Senate Armed Services Committee, I was a little taken aback by the way the Committee launched into major legislation at the very start of this session. I am glad that we did. From the very start of the year, it was clear that we had a very real problem in retention that threatened to reach crisis proportions. Furthermore, this crisis was looming just when our country most needed every talented soldier, sailor, and airman that we could keep in the service.

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 operations tempo first, or health care? The evidence is all anecdotal. We have a strong sense of the universe of problems, but no qualitfiable 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 scientifcally 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 the Defense Authorization bill, 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 as 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 concerns. The future 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. 434

(Purpose: To require the Secretary of Defense to carry out an exit survey on military service for members of the Armed Forces separating from the Armed Forces)

In title V, at the end of subtitle F, add the following:

**SEC. 582. EXIT SURVEY FOR SEPARATING MEMBERS.**

(a) REQUIREMENT.—The Secretary of Defense shall develop and carry out a survey on attitudes toward military service to be completed by members of the Armed Forces who voluntarily separate from the Armed Forces or transfer from a regular component to a reserve component during the period beginning on January 1, 2000, and ending on June 30, 2000, or such later date as the Secretary determines necessary in order to obtain enough survey responses to provide a sufficient basis for meaningful analysis of survey results. Completion of the survey shall be required of such personnel as part of outprocessing activities. The Secretary of each military department shall suspend exit surveys and interviews of that department during the period described in the first sentence.

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

(1) Reasons for leaving 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 determines appropriate to the survey concerning reasons for choosing to separate from the Armed Forces.

(c) REPORT.—Not later than February 1, 2001, the Secretary shall submit to Congress a report containing the results of the surveys. The report shall include an analysis of the reasons why military personnel voluntarily separate from the Armed Forces and the post-separation plans of those personnel. The Secretary shall utilize the report's findings in crafting future responses to declining retention and recruitment.

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. 3175. 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—

(1) anticipates that such amount will not be obligated for payment of award fees in the fiscal year in which such amount is authorized to be appropriated; and

(2) determines the use will not result in a deferral of the payment of the award fees for more than 12 months.

(b) REPORT ON USE OF AUTHORITY.—Not later than 30 days after each exercise of the authority in subsection (a), the Secretary shall submit to the congressional defense committees a report the exercise of the authority.

AMENDMENT NO. 436

(Purpose: To authorize the awarding of the Medal of Honor to Alfred Rascon for valor during the Vietnam conflict)

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

**SEC. . AUTHORITY FOR AWARD OF MEDAL OF HONOR TO ALFRED RASCON FOR VALOR DURING THE VIETNAM CONFLICT.**

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of total 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Army, the President may award the Medal of Honor under

section 3741 of that title to Alfred Rascon, of Laurel, Maryland, for the acts of valor described in subsection (b).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Alfred Rascon on March 16, 1966, as an Army medic, serving in the grade of Specialist Four in the Republic of Vietnam with the Reconnaissance Platoon, Headquarters Company, 1st Battalion, 503rd Infantry, 173rd Airborne Brigade (Separate), during a combat operation known as Silver City.

Mr. ABRAHAM. Mr. President, I rise today to offer this amendment to authorize the awarding of the Medal of Honor to Alfred Rascon, Mr. Rascon, a Mexican-born immigrant, represents the finest tradition of service to this country. This award, after these many years, will correct an oversight and provide Mr. Rascon with the recognition he has earned. I would like to acknowledge the hard work of Representative LANE EVANS, who I am working with on this issue and who has worked to help correct the oversight that prevented the awarding of the Medal of Honor to Mr. Rascon.

To best understand the courage exhibited by Mr. Rascon, I would like to quote an excerpt from the study ''The Military Contributions of Immigrants'' published by Empower America, the American Immigration Law Foundation, the Congressional Medal of Honor Society, Heroes and Heritage, the Japanese American Veterans Association, and Veterans of Foreign Wars of the U.S. The study describes in detail Mr. Rascon's actions on March 16, 1966:

Alfred Rascon was born in Chihuahau, Mexico and immigrated to the United States with his parents in the 1950s. He served two tours in Vietnam, one as a medic, and was known as ''Doc.'' When Rascon volunteered for the service he was not a citizen but still a lawful permanent resident. He was 17 years old but tricked his mother into signing his papers so he could enlist.

On March 16, 1966, bullets flew and grenades exploded, and Rascon's platoon found itself in a maelstrom of North Vietnamese firepower. When an American machine gunner went down and someone called for a medic, Rascon, 20 at the time, ignored his orders to remain under cover and rushed down the trail amid a hail of enemy gunfire and grenades. To better protect the wounded soldier, Rascon placed his body between the enemy machine gun fire and the soldier. Rascon turned. He was shot in the hip. Although wounded, he managed to drag the soldier off the trail. Rascon soon discovered the man he was dragging was dead.

Specialist 4th Class Larry Gibson crawled forward looking for ammunition. The other machine gunner was already dead and Gibson had no ammunition with which to defend the platoon. Rascon grabbed the dead soldier's ammo and gave it to Gibson. Then, amid relentless enemy fire and grenades, Rascon hobbled back up the trail, snared the dead soldier's machine gun and, most importantly, 400 rounds of additional ammunition.

The pace quickened and the grenades dropped. One ripped open Rascon's face. It didn't stop him. He saw another grenade drop five feet from a wounded Neil Haffy. He tackled Haffy and absorbed the grenade blast himself, saving Haffy's life.

Though severely wounded, Rascon crawled back among the other wounded and gave them aid. A few minutes later, Rascon saw Sergeant Ray Compton being hit by gunfire. As Rascon moved toward him, another hand grenade dropped. Instead of seeking cover Rascon dove on top of the wounded sergeant and again absorbed the blow. That time the explosion smashed through Rascon's helmet and ripped into his scalp. He saved Compton's life.

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

Today, Rascon, now 50, lives in Howard County, Maryland. The soldiers who witnessed Rascon's deeds that day recommended him in writing for a Medal of Honor. Years later, these soldiers were shocked to discover that he had not received one. The men continue to this day to seek full recognition and the awarding of the Medal of Honor for Alfred Rascon.

Perhaps the best description of Alfred Rascon's actions came 30 years later from fellow platoon member Larry Gibson: I was a 19-year-old gunner with a recon section. We were under intense and accurate enemy fire that had pinned down the point squad, making it almost impossible to move without being killed. Unhesitatingly, Doc [as he was called] went forward to aid the wounded and dying. I was one of the wounded. Doc took the brunt of several enemy grenades, shielding the wounded with his body . . . In these few words I cannot fully describe the events of that day. The acts of unselfish heroism Doc performed while saving the many wounded, though severely wounded himself, speak for themselves. This country needs genuine heroes. Doc Rascon is one of those.''

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

Mr. President, the approach of Memorial Day is a proper occasion for us to reflect on what it means to live in a nation that can attract young men and women who were not even born here to volunteer and, if necessary, die for their adopted country. It is an occasion to reflect on what it means to live in a nation where to this day the children of immigrants volunteer and serve.

Today, over 60,000 active military personnel are immigrants to his country. This desire to serve is consistent with our history. More than 20 percent of the recipients of our highest military award, the Congressional Medal of Honor, have been immigrants. Indeed America remains free because in no small part she has been blessed with many American heroes willing to give their lives in her defense.

During his last year in office, Ronald Reagan traveled out to a high school in Suitland, MD. Surrounded by students he was asked about America and what it means to be an American. President Reagan looked out at the young people and responded:

I got a letter from a man the other day, and I'll share it with you. The man said you can go to live in Japan, but you cannot become Japanese—or Germany, or France—and he named all the others. But he said anyone from any corner of the world can come to America and become an American.

We owe a debt to all those people, wherever they or their parents were born, who have kept our Nation free and safe in a dangerous world. And we owe a continuing debt of gratitude to those today who serve, guarding our country, our homes and our freedom. Like all good things, freedom must be won again and again. I hope all of us will remember those, immigrants and native born, who have won freedom for us in the past, and stand ready to win freedom for us again, if they must. May we never forget our debt to the brave who have fallen and the brave who stand ready to fight.

I believe the awarding of the Medal of Honor to Alfred Rascon is richly deserved. This award will demonstrate America's appreciation of Alfred Rascon's valor in combat and recognize his extraordinary service to this country. Mr. President, I yield the floor.

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. . 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 of such object to a foreign country 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 2536(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 military installation in the United States;

(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 like this 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 a 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. Russel 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, according to military accounts and soldiers' statements. The quiet ended abruptly when a 23 year old U.S. sentry named Adolph Gamlin walked past the local police chief. In one swift move, the Filipino grabbed the slightly built Iowan's rifle and smashed the butt across [Gamlin's] head. As PFC Gamlin crumpled, the bells of Balangiga began to peal.
>
> With the signal, hundreds of Filipino fighters swarmed out of the surrounding forest, armed with clubs, picks and machete-like bolo knives. Others poured out of the church; they had arrived the night before, disguised as women mourners and carrying coffins filled with bolos. A sergeant was beheaded in the mess tent 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 out a window. Besieged infantrymen defended themselves with kitchen forks, mess kits and baseball bats. Others threw rocks and cans of beans.
>
> Though he was 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 died of their wounds; only 20 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 from 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 canon with them back to Wyoming as memorials to the fallen soldiers.

The bells and canon have been displayed in front of the base flagpole on the central parade grounds since that time. The canon 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 reported 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 Justice Department, prepared a legal memorandum outlining its opinion of who actually controls the disposition of the bells.

In response, the Wyoming congressional delegation wrote a letter to President Clinton 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 derailed by the introduction of S. 1903 last year. In addition, despite 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 line of duty in order to send part of it back to the country in which they were killed. Amazed, that is, until I recall this President's fondness 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 bells represent 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 veterans memorial or any portion 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)

In title X, 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 with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased

(by a supplemental appropriation) or decreased (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 portion 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 upgrades, modifications, or system redesign to 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 4202(e) of the Clinger-Cohen Act (10 U.S.C. 2304 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. 632(p)(3)).

AMENDMENT NO. 441

(Purpose: To authorize the Secretary of Defense to provide assistance to civil authorities in responding 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 responding 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 the use of any 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 for which assistance is provided under subsection (a), the Department of Defense shall be reimbursed out of 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).

(h) 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 of Defense that was in effect before the date of enactment of this Act.

(i) 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 1403 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 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.

AMENDMENT NO. 396

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 this nation in a variety of ways.

CAP members represent a cross-section of America and include pilots, emergency medical technicians, and teachers who use their professional skills to provide emergency services, youth programs, and aerospace education. Its more than 60,000 senior and cadet members are located in small towns and large cities across this country. Day in and day out, its aircrews fly search and rescue, disaster relief, counter-drug and Air Force operational support missions while teachers and others run a youth program for thousands of cadets and support aerospace education programs in hundreds of schools.

CAP began its service to the nation under very unusual circumstances. As World War II approached, civilian pilots began to look for ways to help with the expected war effort. They organized together as an air arm of the Office of Civil Defense and, in the first months of the war, they were quick to respond as ships were torpedoed within sight of land. During a period when we lacked the Army and Navy aircraft needed to patrol thousands of square miles off our coasts looking for German submarines, the CAP was there.

Flying their own aircraft, sometimes using automobile inner tubes for life preservers, CAP pilots did what the military could not, find enemy submarines in the Atlantic and Gulf of Mexico. They spotted so many submarines, in fact, that they finally convinced the military that they should be armed. At first they simply carried the bombs on their laps and dropped them out the door of the aircraft, later they improvised homemade bomb aiming sights and put bomb racks under their Beech, Fairchild, Sikorsky, and Stinson aircraft. It was over a year and a half before the military could accomplish this mission without CAP's help.

By July of 1943, CAP pilots had flown over 24 million miles on anti-submarine combat missions and had spotted and reported the location of 173 submarines to the military. CAP itself attacked 57 of those submarines and sank or damaged two. Hundreds of survivors from sunk ships and military

aircraft crashes (at sea) were rescued as part of CAP's anti-submarine patrol efforts. Twenty-six CAP volunteer lives and 90 aircraft were lost on these civilian-flown combat missions.

CAP's World War II service also set the foundation for its modern day service to America. During the war, CAP became a part of the Army Air Force and flew hundreds of thousands of hours nationwide on border patrol, search and rescue, forest fire watch, target-towing, courier flights, and military training exercises. It began its cadet program to help the military recruit young Americans and to teach them about aviation. These were invaluable missions that contributed greatly to the war effort. Many of the same missions and the tradition of service established then, continues today.

Today, CAP again flies support missions off the coast of America in support of another kind of war, the war against drugs. Since 1985, CAP has flown hundreds of thousands of hours in support of the U.S. Customs, U.S. Drug Enforcement Agency, and other federal and local law enforcement agencies. CAP aircrews fly reconnaissance, communications relay, and transport missions which take place over water along the 12-mile territorial limit, along the nation's borders, and in most of the 50 states.

The cost to the taxpayer is very little as CAP aircraft are flown by volunteer aircrews for about $55 a hour. Aircrew members donate their time, often using their own personal leave from work to fly these missions. They provide essential support to the government, which would cost the taxpayer, even if the government had the pilots and aircraft to use, up to $2,000 an hour. In 1998 alone, Civil Air Patrol flew 41,721 hours in support of counterdrug efforts.

CAP also flies and conducts more traditional missions. While it is the official auxiliary of the Air Force, it also performs numerous emergency services missions, youth programs and aerospace education programs in support of states and local communities across this nation. It's pilots routinely fly about 85 percent of all the search and rescue hours flown in the United States. Whether searching for a lost child in a state park or looking for downed military aviator, Civil Air Patrol is there. In 1998, Civil Air Patrol conducted 3,155 search and rescue missions and saved 116 lives. CAP also supports local communities and states during time of disaster. In 1998, during a period lasting weeks, hundreds of CAP members in drought-stricken Florida and Texas flew emergency fire watch while others maintained airborne communications relay stations, around the clock, supporting fire fighters on the ground. As recently as three weeks ago, when the Oklahoma tornadoes killed 45, CAP aerial and ground units quickly joined with community and state disaster relief efforts. Other emergency and humanitarian missions include flood surveillance, tornado and hurricane reconnaissance, blood collection and distribution flights, and the emergency airlift of medical material.

Over 26,000 young people participate in CAP's growing cadet program where they not only have opportunities to fly, but they too learn discipline, leadership and public service skills. Not only are many of these cadets model citizens but they help their communities and states during times of emergency. Indeed, during CAP's emergency operations cadets operate many of its radios and make up the bulk of its ground rescue units. The cadet program also includes local unit activities, physical fitness, leadership laboratories, aerospace education, and moral leadership. A wide range of annual special cadet activities include nationwide flight encampments where cadets each summer, working with adult flight instructors, learn how to fly powered aircraft and gliders. In 1998, 180 young men and women learned how to fly at these encampments. CAP also conducts nearly 200 aerospace education workshops that reach over 5,000 educators annually and routinely provides Air Force ROTC and CAP cadets in a series of orientation flights—over 17,500 in 1998—to introduce them to modern aviation.

It is impossible to adequately capture the essence of the Civil Air Patrol in just a few short words, however, I hope it is clear that the CAP is a unique organization that touches 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 as well as thousands of 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 with little or no fan fare. Its volunteers deserve our thanks and appreciation.

AIR FORCE PROPOSAL

I rise in support of the Allard amendment to ensure civilian leadership of the Civil Air Patrol and to require studies of proposals to improve its operations.

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

I am joining with Senator ALLARD and a long, bipartisan list of cosponsors 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 themselves in control of the CAP Board 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—in control of CAP and replace a lot of the civilian staff with Air Force uniformed staff. This represents a major change to the CAP. It represents a higher financial cost to the taxpayer. It also represents placing a civilian volunteer nonprofit organization under the control of the Air Force.

Strangely, the Armed Services Committee has adopted the Air Force proposal. I say strangely, because the Committee adopted the language with very little review or discussion. There has been no hearings on the Air Force proposal.

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 to support 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 location. Let's look at a few more facts.

First, no CAP member used federal dollars to pay for the cruise. None. That's right, the volunteer members of CAP all pay their own way out of their own pockets. It is true that some CAP headquarters staff attended that meeting and were reimbursed for the cost.

This has long been the normal practice for staff—who are paid federal employees, not members—to get reimbursed. This is the normal federal practice as far as travel expenses relating to work. The Air Force had no criticism of the staff attendance, but said that staff members received unauthorized reimbursement.

But here is the key point: the reimbursement was approved by the Air Force before the event. The Air Force has about thirty Air Force staff overseeing operations and financial matters at headquarters, at the CAP headquarters in Alabama. 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, Jay Bobich about 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 Air Force safety officer. 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 down-side 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 about placing a 2-star general instead of the current civilian director. This alone is a $60,000 difference that the taxpayers would have to bear.

Rather than simply take the Air Force proposal, we should require the DOD Inspector General to do a study of the allegations. I have already started the GAO on a study. We should also require an Inspector General study. This way, we in Congress, can make an informed decision that considers all possible alternatives.

I must pose a question to my colleagues. Why would anyone make a lasting decision to make major changes to an important organization using unilateral input—in this case from the Air Force? Right or wrong, would it not be better to have an unbiased and factual determination, and then make a judgment based on the facts?

Our amendment simply requires that we take some time to look at the Air Force proposal on CAP, examine other potentially better proposals, and have the IG and GAO make recommendations. Let's not rush to a hasty judgment without the facts.

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 present the commander of the Congressional Civil Air Patrol Squadron. I go out and fly missions. I fly with the Civil Air Patrol quite regularly. So I just wanted to lay it out that I am very much involved with the Civil Air Patrol and have been involved most of the time I have been in the Senate.

It is 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 cadets around 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 military could not—they found the enemy submarines in the Atlantic and Gulf of Mexico. They spotted so many submarines. In fact, they finally convinced the military they should be armed. At first they actually carried bombs on their laps in the plane. They would see a submarine, and they would throw them out the window on top of the submarine, on top of the German U-boat. By July of 1943, CAP pilots had flown over 24 million miles on antisubmarine combat missions. They had spotted and reported the location of 173 submarines to the military and the CAP itself attacked 57 of those submarines and sank 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 was 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, bring in the Air Force, 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, and talk to one another. 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 into it.

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—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 some of the Civil Air Patrol headquarters 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 or 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 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 it 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.

So 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 the 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 down 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 104 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.

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 don't disagree with many of the things the Senator from Iowa is saying. The only thing I disagree with is, we have 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 we don't do something 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 all of this truly 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 of CAP took a giant 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 coverage will air 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 but one battle, not the entire 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's concerns about the 60 Minutes bad press possibility becomes a reality. CAP will not be portrayed in a positive light at all.

How sad 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 downed aircraft 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 move forward.

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 have an inspector general study, and then we have some hearings and get the facts laid out.

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 PRESIDING OFFICER. 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 that 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 that. I think we can 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 colleague 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'' has had more publicity out of this than 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 aye. 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 morning 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 colleague 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 5 minutes?

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, he said 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 Virginia.

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 Massachusetts, and 8 minutes under the control of Senator BROWNBACK.

Then we will proceed to a record vote on the Kennedy amendment.

Mr. KENNEDY. If the Senator wanted to modify 10 minutes on our side, that is fine. Senator LAUTENBERG indicated he only wanted 5 minutes, so that would be fine.

Mr. LEVIN. Is that modification agreeable?

Mr. WARNER. I withhold the request momentarily, because I am just now informed that Senator FEINGOLD is ready, in which case we would stack the votes to make it convenient, if we can determine the time the Senator from Wisconsin desires.

Mr. FEINGOLD. I have two amendments. It is perfectly acceptable to have the votes stacked after they are presented. The only issue is the time agreement.

Mr. WARNER. The Senator desires a record vote on both amendments?

Mr. FEINGOLD. I do. In terms of time on my side for the presentation, 30 minutes.

Mr. LEVIN. Could the Senator identify which amendment that is?

Mr. FEINGOLD. The first amendment is the so-called cost cap amendment which I ask for a total of 30 minutes on my side; the other is the amendment having to do with contract specifications, and we only need 15 minutes on my side.

Mr. WARNER. Could the Senator possibly reduce 30 minutes to 20 minutes?

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.

So that concludes those two amendments.

I think the Senator from Massachusetts is agreeable now. The Senator has 10 minutes equally divided and the Senator from New Jersey——

Mr. KENNEDY. Ten minutes on our side. There is no opposition to this.

Mr. WARNER. We will reserve 5, in the event someone is in opposition.

We have three amendments: two from the Senator from Wisconsin, one from the Senator from Massachusetts. Has the Senator decided who goes first?

Mr. KENNEDY. I appreciate going first because we will be very brief.

Mr. WARNER. Preceding these amendments, we want to accommodate the Senator from Minnesota for just 5 minutes. Is that agreeable?

Mr. KENNEDY. Yes.

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 Virginia; 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 about an hour's time. We will add no amendments in order to any of the three amendments that we just recited.

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:

[From the New York Times, May 27, 1999]

HAVE WE FORGOTTEN THE PATH TO PEACE?

(By Jimmy Carter)

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, even more destructive 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 northeast 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 inclined to sidestep the time-tested 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 in whichever forum it can best influence, provide the dominant military force, present an ultimatum to recalcitrant parties and then take punitive action against the entire nation to force compliance.

The often tragic result of this final decision is that already oppressed citizens suffer, while the oppressor may feel free of further consequences if he perpetrates even worse crimes. Through control of the news media, he is often made to seem heroic by defending his homeland against foreign aggression and shifting blame for economic or political woes away from himself.

Our general purposes are admirable: to enhance peace, freedom, democracy, human rights and economic progress. But this flawed approach is now causing unwarranted suffering and strengthening unsavory regimes in several countries, including Sudan, Cuba, Iraq and—the most troubling example—Serbia.

There, the international community has admirable goals of protecting the rights of Kosovars and ending the brutal policies of Slobodan Milosevic. But the decision to attack the entire nation has been counterproductive, and our destruction of civilian life has now become senseless and excessively brutal. There is little indication of success after more than 25,000 sorties and 14,000 missiles and bombs, 4,000 of which were not precision guided.

The expected few days of aerial attacks have now lengthened into months, while more than a million Kosovars have been forced from their homes, many never to return even under the best of circumstances. As the American-led force has expanded targets to inhabited areas and resorted to the use of anti-personnel cluster bombs, the result has been damage to hospitals, offices and residences of a half-dozen ambassadors, and the killing of hundreds of innocent civilians and an untold number of conscripted troops.

Instead of focusing on Serbian military forces, missiles and bombs are now concentrating on the destruction of bridges, railways, roads, electric power, and fuel and fresh water supplies. Serbian citizens report that they are living like cavemen, and their torment increases daily. Realizing that we must save face but cannot change what has already been done, NATO leaders now have three basic choices: to continue bombing ever more targets until Yugoslavia (include Kosovo and Montenegro) 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.

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 50,000 troops on the Kosovo border confirms that the use of ground troops will be necessary to assure the return of expelled Albanians to their homes.

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

Short-circuiting the long-established principles of patient negotiation leads to war, not peace.

Bypassing the Security Council weakens the United Nations and often alienates permanent members who may be helpful in influencing warring parties.

The exclusion of nongovernmental organizations from peacemaking precludes vital ''second track'' opportunities for resolving disputes.

Ignoring serious conflicts in Africa and other underdeveloped regions deprives these people of justice and equal rights.

Even the most severe military or economic punishment of oppressed citizens is unlikely to force their oppressors to yield to American demands.

The United States' insistence on the use of cluster bombs, designed to kill or maim humans, is condemned almost universally and brings discredit on our nation (as does our refusal to support a ban on land mines).

Even for the world's only superpower, the ends don't always justify the means.

Mr. WELLSTONE. Mr. President, I will read the relevant section:

Our general purposes are admirable: to enhance peace, freedom, democracy, human rights and economic progress. But this flawed approach is now causing unwarranted suffering and strengthening unsavory regimes in several countries, including Sudan, Cuba, Iraq and—the most troubling example—Serbia.

There, the international community has admirable goals of protecting the rights of Kosovars and ending the brutal policies of Slobodan Milosevic. But the decision to attack the entire nation has been counterproductive, and our destruction of civilian life has now become senseless and excessively brutal. There is little indication of success and more than 25,000 sorties and 14,000 missiles and bombs, 4,000 of which were not precision guided.

The expected few days of aerial attacks have now lengthened into months, while more than a million Kosovars have been forced from their homes, many never to return even under the best of circumstances. As the American-led force has expanded targets to inhabited areas and resorted to the use of anti-personnel cluster bombs, the result has been damage to hospitals, offices and residences of a half-dozen ambassadors, and the killing of hundreds of innocent civilians and an untold number of conscripted troops.

Instead of focusing on Serbian military forces, missiles and bombs are now concentrating on the destruction of bridges, railways, roads, electric power, and fuel and fresh water supplies. Serbian citizens report that they are living like cavemen, and their torment increases daily. Realizing that we must save face but cannot change what has already been done, NATO leaders now have three basic choices: to continue bombing ever more targets until Yugoslavia (including Kosovo and Montenegro) 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.

The reason I read from this piece today is to build on what I said last night in the debate. Today there is a report in the Washington Post that we are going to be going after telephone systems, communications, in Yugoslavia, as well as bombing electrical grids. This ends up targeting the people there.

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.

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 undercutting our own moral authority by targeting the civilian infrastructure. I think we are making a terrible mistake by doing so. I come to the floor of the Senate to speak out against this and to make it clear that this goes far beyond what we said was our original goal of these airstrikes and our military action—which was to degrade the military capacity of Milosevic.

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.

This 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.

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

DAV SAVE VA HEALTH CARE RALLIES, 1999 MEMORIAL DAY WEEKEND

(As of 5/26/99)

*Alabama*

DAV National Service Office: 334–213–3365

Birmingham—2 pm, Sunday, 5/30/99
Montgomery—2 pm, Sunday, 5/30/99
Tuscaloosa—2 pm, Sunday, 5/30/99
Tuskegee—2 pm, Sunday, 5/30/99

*Arizona*

DAV National Service Office: 602–640–4655

Phoenix—10 am, Sunday, 5/30/99
Prescott—10 am, Sunday, 5/30/99
Tucson—10 am, Sunday, 5/30/99

*Arkansas*

DAV National Service Office: 501–370–3838

Little Rock—3 pm, Sunday, 5/30/99

*California*

W. Los Angeles DAV National Service Office: 310–235–2539

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: 510–834–2921

Fresno—10 am, Friday, 5/28/99
Palo Alto—10 am, Sunday, 5/30/99
San Francisco—1 pm, Friday, 5/28/99

*Colorado*

DAV National Service Office: 303–914–5570

Denver—8 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: 302–633–5324

Wilmington—1 pm, Sunday, 5/30/99

*District of Columbia*

National Service Office: 202–691–3060

Washington, DC.—12:30 pm, Sunday, 5/30/99

*Florida*

National Service Office: 727–319–7444

Bay Pines—2 pm, Sunday, 5/30/99
Gainesville—2 pm, Sunday, 5/30/99
Miami—2 pm, Sunday, 5/30/99
Tampa—2 pm, Sunday, 5/30/99
West Palm Beach—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: 808–566–1610

Honolulu @ VARO—1 pm, Friday, 5/28/99

*Idaho*

DAV National Service Office: 208–334–1956

Boise—1 pm, Sunday, 5/30/99

*Illinois*

DAV National Service Office: 312–353–3960

Chicago (Lakeside)—2 pm, Sunday, 5/30/99
Danville—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
Iowa City—12 pm, Sunday, 5/30/99
Knoxville—12 pm, Sunday, 5/30/99

*Kansas*

DAV National Service Office: 316–688–6722

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: 313–964–6595

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—1:30 pm, Sunday, 5/30/99

*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*

Albany 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: 212–807–3157
New York City—1 pm, Sunday, 5/30/99
Syracuse DAV National Service Office: 315–423–5541
Syracuse—2 pm, Sunday, 5/30/99
Canandaigua—1 pm, Sunday, 5/30/99

*North Carolina*

DAV National Service Office: 336–631–5481
Asheville—10 am, Saturday, 5/29/99
Fayetteville—10 am, Friday, 5/28/99

*North Dakota*

DAV National Service Office: 701–237–2631
Fargo—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
Cincinnati DAV National Service Office: 513–684–2676
Cincinnati—2 pm, Sunday, 5/30/99

*Oklahoma*

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

*Oregon*

DAV National Service Office: 503–326–2620
Portland—1 pm, Sunday, 5/30/99

*Pennsylvania*

Philadelphia DAV National Service Office: 215–381–3065
Philadelphia—1 pm, Sunday, 5/30/99
Altoona—1 pm, Sunday, 5/30/99
Coatesville—1 pm, Sunday, 5/30/99
Lebanon—1 pm, Sunday, 5/30/99
Pittsburgh DAV National Service Office: 412–395–6787
Pittsburgh—1 pm, Sunday, 5/30/99
Erie—3 pm, Sunday, 5/30/99
Butler—1 pm, Sunday, 5/30/99

*Puerto Rico*

DAV National Service Office: 787–766–5112
San Juan—10 am, Friday, 5/28/99

*Rhode Island*

DAV National Service Office: 401–528–4415
Providence—1 pm, Sunday, 5/30/99

*South Carolina*

DAV National Service Office: 803–255–4238
Charleston—1 pm, Sunday, 5/30/99
Columbia—1 pm, Sunday, 5/30/99

*South Dakota*

DAV National Service Office: 605–333–6896
Fort Meade—2 pm, Sunday, 5/30/99
Sioux Falls—2 pm, Sunday, 5/30/99

*Tennessee*

DAV National Service Office: 605–736–5735
(VISN director has said no to any rallies on hospital grounds)
Memphis—2 pm, Sunday, 5/30/99
Mountain Home—10 am, Sunday, 5/30/99
Nashville—1 pm, Sunday, 5/30/99

*Texas*

San Antonio DAV National Service Office: 210–949–3259
Kerrville—11 am, Saturday, 5/29/99
Waco DAV National Service Office: 254–299–9932
Amarillo—1:30 pm, Sunday, 5/30/99
Big Spring—1 pm, Sunday, 5/30/99
Waco—1:30 pm, Sunday, 5/30/99
Dallas DAV National Service Office: 214–857–1119
Dallas—1 pm, Sunday, 5/30/99
Houston DAV National Service Office: 713–794–3665
Houston—10 am, Sunday, 5/30/99
Marlin—11 am, Sunday, 5/30/99
San Antonio—3 pm, Sunday, 5/30/99

*Utah*

DAV National Service Office: 801–524–5941
Salt Lake City—5 pm, Friday, 5/28/99

*Vermont*

DAV National Service Office: 802–296–5167
White River Junction—12:30 pm, Sunday, 5/30/99

*Virginia*

Roanoke DAV National Service Office: 540–857–2373
Hampton—2 pm, Sunday, 5/30/99
Richmond—2 pm, Sunday, 5/30/99
Salem—2 pm, Sunday, 5/30/99
Norfolk DAV National Service Office: 757–423–7100
Newport News—12 pm, Sunday, 5/30/99

*Washington*

DAV National Service Office: 206–220–6225
Seattle—10 am, Sunday, 5/30/99
Spokane—10 am, Sunday, 5/30/99
Walla Walla—10 am, Sunday, 5/30/99

*West Virginia*

DAV National Service Office: 304–529–5465
Beckley—3 pm, Sunday, 5/30/99
Clarksburg—2 pm, Sunday, 5/30/99
Huntington—2 pm, Sunday, 5/30/99
Martinsburg—2 pm, Sunday, 5/30/99

*Wisconsin*

DAV National Service Office: 414–382–5225
Madison—10 am, Sunday, 5/30/99
Milwaukee—10 am, Sunday, 5/30/99
Tomah—10 am, Sunday, 5/30/99

*Wyoming*

DAV National Service Office (Denver): 303–914–5570
Cheyenne—12 pm, Sunday, 5/30/99
Sheridan—1 pm, Monday, 5/31/99

Mr. WELLSTONE. Let me urge colleagues during this recess to attend these sessions with the veterans community. This is an important voice. They have many important concerns to raise with us. I hope the Democrat and Republican Senators will make sure they meet with veterans as we move forward in this whole budget debate and appropriations. Right now the message is that the veterans should not expect timely care, the veterans can do with less health care, the veterans are not a top priority. We have to change that.

The veterans are organizing and the veterans are going to put the pressure on us and I hope we will respond.

I thank my colleagues for their graciousness and yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Massachusetts is recognized.

AMENDMENT NO. 442

(Purpose: To express the sense of Congress regarding the continuation of sanctions against Libya)

Mr. KENNEDY. Mr. President, I send an amendment for myself and the Senator from New Jersey and others 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 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 442.

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. ____. 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 intelligence agents, Abd al-Baset Ali al-Megrahi and Al-Amin Khalifah Fhimah, 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 Resolutions 748 and 883 because Libyan leader Colonel Muammar Qadhafi refused to transfer the suspects to either the United States or the United Kingdom 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 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 prohibition on supplying arms, airplane parts, and certain oil equipment to Libya, and a blocking of Libyan Government funds in other countries.

(6) Colonel Muammar Qadhafi for many years refused to extradite the suspects to either the United States or the United Kingdom and had 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 Qadhafi 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.

(8) The United Nations Security Council endorsed the United States-United Kingdom proposal on August 27, 1998 in United Nations Security Council Resolution 1192.

(9) The United States, consistent with United Nations Security Council resolutions, called on Libya to ensure the production of 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 Qadhafi 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 accused in the Lockerbie bombing) set forth in 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 and ending support for terrorism; and payment of appropriate compensation) necessary to lift the United Nations Security Council sanctions.

(13) The United Nations 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 Qadhafi ''continued publicly and privately to support Palestinian terrorist groups, including the PIJ 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 use of the United States veto at 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 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, Britain and the United States indicted 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 for policies 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. Am I correct?

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 amendments. If 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 was established. 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 $8,840,795,000.

(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 economic inflation occurring since September 30, 1999.

(B) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after 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, common sense 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 $8.8 billion would procure the airframe, contractor furnished equipment, and engines. My 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 use of the money. My amendment just holds them to the amount that they say they need.

I would like to discuss the spectacular medicocrity 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 E/F 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—a 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.

This strategy has been roundly criticized. It has been criticized by the Congressional Budget Office, the General Accounting Office, members of the congressional Armed Services Committees, the Cato Institute, and defense experts such as President Reagan's Assistant Secretary of Defense, Lawrence Korb.

The Navy's Super Hornet is just the crown jewel in this misguided tactical aviation acquisition strategy.

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 discuss 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 amounts to an 8-percent improvement over the Hornet, and this is not particularly impressive.

Adding to the range shortcoming is the wing-drop problem. When the Super Hornet is in air-to-air combat, when it most needs to maintain its precise ability to position itself, the plane can lose wing lift, a problem beyond the pilot's control that essentially causes the plane to roll out of position.

We have been wrestling with the wing problem for a couple of years now, and it still is not resolved. Potential fixes for the wing-drop problem will decrease range, but since we do not know which solution the Navy will employ, the actual decrease is not yet known.

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 does not 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.

A second 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 put forth is growth space, or space availability to accommodate new systems. When the Navy

was pitching the Super Hornet to Congress, they said the Hornet just did not provide enough space 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 a few feet in the Hornet. 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 weapons than the Hornet, so 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 expectation.

Flight tests have revealed additional wing stations that allow for increased payload may cause noise and vibration that could damage missiles. 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 excessive 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 interdiction mission. GAO also reports that the pylon load problems could negatively affect bringback.

What all this technical talk is about, simply stated, is that the pillars supporting the Super Hornet program are crumbling. But don't take my word for it. Just look at the troubling evidence amassed by the GAO which makes the best case yet against the Super Hornet program.

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 performance 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 troubling 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 with us. 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 a multiyear procurement contract.

This is despite the fact that the Navy has identified 29 major unresolved deficiencies in the aircraft. The Program Risk Advisory Board, which is made up of Navy and contractor personnel, states that there is a medium risk—a medium risk—that the operational test and evaluation might find the Super Hornet is not operationally effective and/or suitable, even if all performance requirements are met. In other words, even if they fix all the problems plaguing the plane, the Super Hornet still might not cut the mustard. How can we sign off on a 5-year $9 billion contract before an aircraft is certified operationally effective?

I am very puzzled by that. Instead of signing off on this leap of faith, I suggest the Navy complete OPEVAL and then reassess the prudence of a multiyear procurement contract. The Super Hornet's OPEVAL will allow the Navy and its contractor to stress the aircraft as it would be stressed in the fleet. A multiyear procurement decision prior to OPEVAL defeats the purpose of the test.

It is not unreasonable to ask that all deficiency corrections be incorporated into the aircraft design and successfully tested prior to a 5-year, $9 billion procurement commitment. Not only is it not 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 straightforward 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, I wrote four 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 ''addresses 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 of the Navy 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 longstanding 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 rise in strongest opposition 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 problem programs 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 under 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 prejudices, 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.'' This report answers all of 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.—RADM Nathman.

Mr. BOND. Admiral Nathman says:

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 flexibility, and 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 the 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 hope thereafter to have the two following votes at 10 minutes each. I will not propound 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 UC 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 Missouris mixed up. On the No. 1 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. Mr. President, 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.

The senior Senator from Missouri is recognized for an additional 2 minutes.

Mr. BOND. Let me reiterate that the F/A–18 program is under budget and ahead of schedule. Why don't we just ask the men and women who have flown them? Admiral Johnson, Chief of Naval Operations, came before us. He represents, and is responsible for, the men and women who fly these aircraft. 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 E/F is the best thing we have for the Navy, and they want them. 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 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 tabled.

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. When it does 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 defend our interests and to protect the most important resource we have in our 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 fight. 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 fight.

The PRESIDING OFFICER. The Senator has used his 5 minutes.

The Senator from Pennsylvania.

Mr. LAUTENBERG. What was the order?

The PRESIDING OFFICER. Under the order, the Senator from Pennsylvania has 3 minutes, 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 fixed price contract. Putting a cost cap on the fixed price times the number doesn't really have any impact.

What we are going to pay for this is already in law. What his amendment did, which I objected to, was that it did not allow any increase in money for what is called technology insertion. What does that mean? Well, if we come up with a better radar system in the next few years while we are procuring these F/A–18E/Fs, and if we want to put a new radar system in, which would cost more money, under the Feingold amendment we can't do that.

The Senator from Wisconsin talked about how we have an obligation to our naval aviators, to make sure they 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 undercut the military 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 $8.8 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 was essentially 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 additional space. It simply is 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 areas 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.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 5 minutes.

AMENDMENT NO. 442

Mr. LAUTENBERG. Mr. President, it was on December 21, 1988, over 10 years ago, that Pan Am flight 103 was blown out of the sky over Lockerbie, Scotland killing 270 people, including 189 American citizens. Two Libyan intelligence agents have been indicted for planting the bomb in this deliberate terrorist attack.

Over the past decade, I have watched with respect and admiration as the victims' families have courageously pieced together their shattered lives. While these families have tried to move on, the agony of losing their loved ones will never disappear. Neither they nor we as a nation will find closure until those responsible for the bombing are prosecuted and Libya rejects terrorism in word and in deed.

I therefore rise today to join with my friend and colleague from Massachusetts in offering an amendment expressing the sense of Congress that sanctions against Libya should not be lifted.

Last month, Senator KENNEDY and other colleagues joined me in writing to Secretary of State Madeleine Albright to support her decision to keep U.S. sanctions in place at the U.N. until Libya demonstrates it has rejected terrorism.

We also called for the United States to pursue an investigation to identify all those responsible for the Pan Am 103 bombing, including those who ordered, organized, and financed this terrible crime. Libya and other terrorist nations must know that the U.S. will not allow criminal acts against its citizens to go unpunished. We will use all available means to ensure justice prevails.

Mr. President, I ask unanimous consent to have the text of the letter that we sent to the Secretary of State printed in the RECORD.

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

U.S. SENATE,
*Washington, DC, April 27, 1999.*

Hon. MADELEINE K. ALBRIGHT,
*Secretary of State, Department of State, Washington, DC.*

DEAR SECRETARY ALBRIGHT: We commend you and Ambassador Burleigh for the diplomacy which has brought Abd al-Baset Ali al-Megrahi and Al-Amin Khalifah Fhimah to the Netherlands to stand trial before a Scottish court for the bombing of Pan Am flight 103.

The families of the victims of this heinous terrorist act have waited too long—more than a decade—for the first suspects to be

brought to justice. We must ensure that they are prosecuted effectively. We hope the families and their representatives will also have access to the trial, if possible through a video link to the United States.

United Nations sanctions on Libya have already been suspended. The United States should not consent to permanently lifting the sanctions before the trial is concluded to ensure continued Libyan cooperation. We agree with your decision to keep U.S. sanctions in place until it can be demonstrated that Libya has renounced terrorism in word and in deed.

Our shared commitment to justice for the victims' families cannot end with this trial. We would appreciate your assurances that no line of inquiry has been excluded. The United States must pursue the investigation to identify all those responsible for ordering, financing, and organizing as well as carrying out this terrible crime, wherever they may be. Our national interest demands that we demonstrate that terrorists who attack our citizens will be tracked down and will find no quarter.

We stand ready to support your efforts to punish terrorists as well as those who support and encourage such unlawful and uncivilized conduct.

Sincerely,

Edward M. Kennedy; Barbara A. Mikulski; Daniel Patrick Moynihan; Robert G. Torricelli; Charles Schumer; Dianne Feinstein; Frank R. Lautenberg; Gordon Smith; Arlen Specter; Sam Brownback; Paul D. Wellstone; Paul S. Sarbanes.

Mr. LAUTENBERG. Mr. President, the amendment Senator KENNEDY and I offer sends a message to Tripoli that the United States will do everything in its power to ensure continuing sanctions against Libya until it complies with international demands and renounces terrorism as state policy.

Since the 1988 bombing, three United Nations Security Council resolutions—Numbers 731, 748 and 883—have demanded that Libya cease all support for terrorism, turn over the bombing suspects, cooperate with the investigation 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 authorities to stand trial at a specially-constituted court in the Netherlands. We have seen no indication that the Libyans intend to fulfill the other requirements.

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 report, members of the Security Council may well introduce a resolution to lift sanctions against Libya, which until now have only been suspended.

Mr. President, Libya must not be allowed to gain relief from sanctions through half-measures. This Amendment therefore calls on President Clinton to use all diplomatic means necessary, including the use of the U.S. veto, to prevent sanctions from being lifted until Tripoli fulfills all the conditions set out in the resolutions.

I would urge my colleagues to join us in support of this amendment, to speak with one voice to say that sanctions against Libya should not be lifted until and unless Libya forever renounces terrorism and fulfills the other conditions set out in U.N. resolutions.

As Americans, we must take action to ensure such horrors never happen again. We must punish the guilty and continue to exert pressure until Libya resolves to become an accepted member of the world community. This amendment is one step in the right direction to make sure that happens.

I thank the Chair and yield the floor.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak for up to 3 minutes on the Kennedy amendment.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Kansas has 5 minutes.

Mr. BROWNBACK. I thank the Chair.

Mr. President, 189 Americans were killed in the bombing of Pan Am 103. Their families have known no peace for more than a decade. While it is true that Libya has labored under mild United Nations sanctions for much of that time, it is also true that the perpetrators of this hideous act of terrorism have lived a life of freedom with their families.

For reasons best known to himself, Colonel Qadhafi has decided to turn over the two suspects in the Pan Am 103 bombing to a Scottish court constituted in The Hague. In return, the U.N. sanctions against Libya have been suspended.

This measure, a sense of the Congress, highlights some of the inadequacies of the current arrangement. For example, Libya has only fulfilled one of four requirements set forth in the relevant Security Council resolutions. 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 victims' families.

I have little confidence that no matter what the outcome of this trial, Qadhafi 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 Security Council, to preclude the lifting of sanctions on Libya until all conditions 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 KENNEDY for his many efforts of the Pan Am 103 victims and families.

I yield the floor.

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

AMENDMENT NO. 444

(Purpose: To ensure compliance with contract specifications prior to multi-year contracting and entry into full-rate production under the F/A–18E/F aircraft program)

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 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 that the F/A–18E/F aircraft has successfully completed initial operational test and evaluation;

(2) the Secretary of the Navy—

(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 in the operational requirements document for the F/A–18E/F program, as submitted on April 1, 1997; and

(B) certifies those results of operational test and evaluation; and

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

The PRESIDING OFFICER. The Senator 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 program will perform up to specifications. Here is the problem. Fifty-six percent of the planes the Navy intends to buy will be the lower performing two-seat F models. My amendment 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 Requirements 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–18E/F Super Hornet aircraft program. Over the past three years, I've delved into the program's flaws in agonizing detail. Earlier, I was on the floor to offer an amendment that institutes a cost cap on the E/F program. At the time, I took this body through a wide-ranging review of facts and figures from the Pentagon's Director of Operational 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 the F/A–18E/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 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, and increased 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 testified 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 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 purchasing plan for the Super Hornet. Again, Mr. President, the Navy's statements on performing 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 outweight 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, a majority of 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 propounded 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 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 Pennsylvania.

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 with production, 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 all of that will have to be done. After that, again, according to normal procurement, he would send that recommendation on to the Defense Acquisition Board, which would review all of the tests to determine whether it was successful and make the decision to go ahead and procure the aircraft.

Under our bill, we put in an additional step. We say that after the director of operational test and evaluation reviews 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 area 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 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, and 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 had me out to St. Louis. I went through and reviewed extensively, spending 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 that represents the majority—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 make their certification. 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 household in America would use 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. Six minutes 50 seconds.

Mr. LEVIN. I ask that they yield 2 minutes to the Senator from Michigan.

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

Mr. LEVIN. Mr. President, I will vote against both of these amendments, although they are well intended.

The first amendment has the problem that it would not accommodate changes in specifications in order to allow new technologies to be inserted which cost more than the specified technology in the cost cap.

That may be a lot of verbiage, but it is important. I have been very active in cost caps. I proposed a cost cap, for instance, for the new CVN–77. I supported the cost cap that we previously wrote in to the F–22, and supported it very strongly. But, in both of those instances, the cost caps allowed for the new technology possibility. If new technologies come along which are not in the specifications, we should want them to be considered. We should not make it difficult or impossible for new technologies to be considered. We should want them, if that would make the plane more effective, providing the Secretary certifies to us—or notifies us, more accurately—that there is a change. That is not a loophole. That is something which is desirable, it seems to me. I emphasize the cost cap—for instance in the CVN–77, which I wrote—contained the exception that if there is a new technology which the Secretary of the Navy certifies to us is desirable, that then would be an exception to the cost cap.

On the current amendment——

The PRESIDING OFFICER. The 2 minutes of the Senator has expired.

Mr. LEVIN. Will the Senator yield 1 more minute?

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——

The PRESIDING OFFICER. The Senator's minute has expired.

Mr. LEVIN. Will the Senator yield an additional 30 seconds?

Mr. SANTORUM. I yield 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:

> 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, I think 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 has 3 minutes remaining.

Mr. SANTORUM. I yield the Senator from Missouri 2½ minutes.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, the F–18 is underbudget 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.

The Senator from Wisconsin says these two different planes in the F–18 package, the single-seater and the two-seater, must meet the same flight characteristics. That does not make sense. When you put an extra seat in an airplane it changes the characteristics, but it also changes the fighting capacity of the airplane. You can do with 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 fighter-fliers, those 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 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 lose.

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, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes and 23 seconds.

Mr. FEINGOLD. Mr. President, first with regard to the second amendment, the one before us now having to do with the question of performance parameters, there have been some concerns raised by the Senators from Virginia and Michigan about reference to the role of the GAO in this amendment.

At this time I ask unanimous consent that portion of the amendment be deleted to address their concerns.

The PRESIDING OFFICER. Is there objection?

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

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. We have to determine from other Senators——

Mr. FEINGOLD. I am sorry, I can't hear the Senator.

Mr. WARNER. I am simply trying to protect other Senators. At the moment, there is an objection.

The PRESIDING OFFICER. Objection is heard. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I will provide the Senate with a copy of the amendment as I would modify it and simply delete the section relating to the Comptroller General.

Mr. LEVIN. If the Senator will yield?

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. As I understand the objection, it is perhaps a temporary one. Is that the understanding of the Senator from Wisconsin? My understanding of what the Senator from Virginia said is that in order to protect the rights of other Senators, he would object at this time. 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. 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 only other objection was raised by the Senator from Missouri who made much of the fact that of course there is a difference between the E and F plane.

The problem is that originally the Navy and the contractor sold this plane on the assumption that only 18 percent of the planes would be the ''F'' version. The reality now is that 56 percent of the planes are going to be the lower-performing ''F'' version. That is why it is essential that we have this certification, at least by the Navy, that in fact a majority of the planes will meet the performance parameters.

So I am very interested to see if the Senators here who have raised this concern will allow me to meet their concerns so we can pass this commonsense amendment which, as the Senator from Michigan indicated, without that flaw would be a worthwhile amendment.

With regard to the other amendment, the cost containment amendment, let me just make a couple of points in response to the Senator from Michigan. I do want to say he has been a tremendous advocate for appropriate cost containment and careful evaluation of military programs throughout his career.

First of all, regarding our cap that we propose, which of course is a figure the Navy proposed in the first place, that $8.8 billion is only for over a 4-year period. It is not a permanent cap. Second, if there is a need for new technologies, as has been posited by the Senator from Michigan, if something comes up that absolutely has to be done—we are here. We are not going anywhere. If something dramatic happens that requires additional technology, we are in a position to respond to that. In fact, the amendment I have proposed allows a number of flexibilities. It is not an absolute $8.8 billion cap.

It allows cost increases and decreases for inflation. It allows changes for compliance in Federal, State, and local law, and it also contemplates the possibility of quantity changes in the number of planes within the scope of the multiyear contract, which we all know can dramatically affect the cost of a plane.

There is substantial flexibility built into this amendment, and if there is a need for the new technology, we are here and able to respond to that. Otherwise, all we are doing, as I indicated earlier, by including this language for new technology, we are essentially gutting our own amendment. We are removing the cost cap provision in our amendment.

How many people would do that? If you are buying a car, if a car manufacturer says: Well, we reserve the right, if we come up with a new thing to put on this car, to charge you a couple more thousand bucks after we cut the contract, after we cut the deal. I do not think we should be doing business that way. We have built flexibility into this amendment.

Again, I indicate that all this is is the Navy's own figure of $8.8 billion. We did a similar cost cap on the same plane previously.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. ALLARD). Who yields time? The Senator from Virginia.

Mr. WARNER. Mr. President, I am hopeful this matter can be resolved in a matter of minutes. In the interim, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, 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.

PRIVILEGE OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that Eden Murrie in Senator LIEBERMAN's office and Dana Krupa in Senator BINGAMAN's office be granted the privilege of the floor for the remainder of this bill.

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

Who yields time on the amendment?

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

The PRESIDING OFFICER. Time remaining is 25 seconds.

Mr. WARNER. 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.

Mr. FEINGOLD. I thank the Senator.

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. 444 is the second Feingold amendment.

Mr. WARNER. Mr. President, we are still on track to start our series of two votes now at approximately 11:50. To keep Senators advised, the ranking member and I are rapidly clearing amendments. I know of only a few remaining amendments that will require rollcall votes. I am anxious to complete the bill, as are all Senators. I see now that possibility taking place perhaps early to mid-afternoon. We will be addressing the Senate on that after the two votes.

The PRESIDING OFFICER. Under the previous order, the two votes have been ordered at 11:50 with 2 minutes evenly divided before each vote.

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.

VOTE ON AMENDMENT NO. 442

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

NOT VOTING—2

| | |
|---|---|
| McCain | Specter |

The amendment (No. 442) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER (Mr. ROBERTS). Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 443

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided on the Feingold amendment.

Who yields time?

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, this amendment is a straightforward, commonsense measure that establishes accountability in the Super Hornet program. It holds the Navy to the $8.8 billion over the next 5 years to procure the Super Hornet. My amendment simply sets a cost cap at that level and holds them to that amount.

Again, this amendment holds the Navy to the $8.8 billion, its own figure. It doesn't terminate the funding, it doesn't hold the money up, it doesn't even restrict the use of the money, it just holds them to the amount they say they need. I hope the body will use common sense in procuring this aircraft.

The 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 and to the taxpayers to make sure we provide a modernized plane that does what it is supposed to do within the parameters the Navy has set forth itself.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, the F/A–18E/F is a fixed-price contract. It is a fixed-price contract for the extent of the contract. What the Senator from Wisconsin does is put a price cap on a fixed-price contract. Fine. I am willing to accept that. But what he did not include in his amendment was a provision for technology insertion. In other words, if we come up with a new radar system that can improve the quality of the aircraft, under his amendment we could not buy that improvement and put it on the aircraft. I was willing to accept his amendment, if he would allow for that technical improvement insertion provision. But he refused to do so.

So, unfortunately, while I think the amendment is somewhat meaningless because it is a fixed price contract, I have to oppose the amendment, and would ask, for the sake of our naval aviators to make sure they have the best equipment to fly, that my colleagues join in supporting the motion to table.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 443. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. REID. I announce that the Senator from New Jersey (Mr. LAUTENBERG) is necessarily absent.

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

[Rollcall Vote No. 153 Leg.]

YEAS—87

| | | |
|---|---|---|
| Abraham | Cleland | Gorton |
| Akaka | Cochran | Graham |
| Allard | Collins | Gramm |
| Ashcroft | Conrad | Grams |
| Baucus | Coverdell | Grassley |
| Bayh | Craig | Gregg |
| Bennett | Crapo | Hagel |
| Biden | Daschle | Hatch |
| Bingaman | DeWine | Helms |
| Bond | Dodd | Hollings |
| Breaux | Domenici | Hutchinson |
| Brownback | Dorgan | Hutchison |
| Bryan | Durbin | Inhofe |
| Bunning | Edwards | Inouye |
| Burns | Enzi | Kennedy |
| Byrd | Feinstein | Kerrey |
| Campbell | Fitzgerald | Kerry |
| Chafee | Frist | Kyl |

| | | |
|---|---|---|
| Landrieu | Murkowski | Shelby |
| Leahy | Murray | Smith (NH) |
| Levin | Nickles | Smith (OR) |
| Lieberman | Reed | Snowe |
| Lincoln | Robb | Stevens |
| Lott | Roberts | Thomas |
| Lugar | Rockefeller | Thompson |
| Mack | Roth | Thurmond |
| McCain | Santorum | Torricelli |
| McConnell | Sarbanes | Voinovich |
| Mikulski | Sessions | Warner |

NAYS—11

| | | |
|---|---|---|
| Boxer | Johnson | Schumer |
| Feingold | Kohl | Wellstone |
| Harkin | Moynihan | Wyden |
| Jeffords | Reid | |

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.

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 text of the amendment (No. 394), as modified, is printed in today's RECORD under ''Amendments Submitted.'')

The PRESIDING OFFICER. Without objection, the amendment is modified.

Mr. LEVIN. 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, even before 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.

Mr. WARNER. Mr. President, the amendment has been cleared on both sides. I urge the Senate to adopt this amendment.

THE PRESIDING OFFICER. 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 cosponsor.

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 that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Now, it is the request of the manager 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 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 Mississippi [Mr. COCHRAN] proposes an amendment numbered 445.

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

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

The amendment is as follows:

In title X, at the end of subtitle 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. 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.

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 stands 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.

These 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 was chairman of the Armed Services Committee, John Tower of Texas, served aboard the LCS 112. He was chief bosun's mate during World War II on that ship. Also, former Secretary of the Navy William Middendorf served as an officer abroad 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 122, 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 abroad LCS 31. Here is what else he said in his letter:

. . . 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 fought suicide 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 and ambition 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.

Funds 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 go 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:

CHIEF OF NAVAL OPERATIONS,
*May 26, 1999.*

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 to the United States. 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. COCHRAN. Mr. President, for the information of Senators, I want to read just one sentence from this letter:

This ship would make an excellent public memorial in honor of those who served in ships like her during World War II.

Adm. JAY JOHNSON,
*Chief of Naval Operations.*

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 basis?

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 rather than 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 needed 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 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 Carriers, 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 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 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 who served as Chairman 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 needs to honor 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 help 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 propound 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. First, 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 2:20 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 Senator from Arizona and 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. SHELBY, and that 15 minutes will be shared between

Mr. SHELBY and Mr. KERREY, the ranking member of the Intelligence Committee.

I propose that to the Chair.

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

Mr. WARNER. That being in order, we will now proceed with the 30 minutes.

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.

AMENDMENT NO. 446

Mr. KYL. At this time I send an amendment to the desk on behalf of myself, Senator DOMENICI, Senator MURKOWSKI, Senator SHELBY, Senator HUTCHINSON, and Senator HELMS.

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. WARNER. My understanding is that the Senator from Virginia propounded a UC to give the three Senators Senator KYL just designated 30 minutes in which to lay down an amendment, and at the end of the 30 minutes the amendment be laid aside. There is no restriction whatsoever on the remainder of the time with respect to further consideration of the amendment, I say to my distinguished colleague.

Mr. REID. I appreciate the Senator yielding.

Mr. KYL. Thank you.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. DOMENICI, Mr. MURKOWSKI, Mr. SHELBY, Mr. HUTCHINSON, and Mr. HELMS, proposes an amendment numbered 446.

Mr. KYL. 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:

Strike Section 3158 and insert the following:

**"SEC. 3158(A). ORGANIZATION OF DEPARTMENT OF ENERGY COUNTERINTELLIGENCE, INTELLIGENCE, AND NUCLEAR SECURITY PROGRAMS AND ACTIVITIES.**

''(1) OFFICE OF COUNTERINTELLIGENCE.—Title II of the Department of Energy Organization Act (42 U.S.C. 7131 et seq.) is amended by adding at the end the following:

'''OFFICE OF COUNTERINTELLIGENCE

'''SEC. 213. (a) There is within the Department an Office of Counterintelligence.

'''(b)(1) The head of the Office shall be the Director of the Office of Counterintelligence.

'''(2) The Secretary shall, with the concurrence of the Director of the Federal Bureau of Investigation, designate the head of the office from among senior executive service employees of the Federal Bureau of Investigation who have expertise in matters relating to counterintelligence.

'''(3) The Director of the Federal Bureau of Investigation may detail, on a reimbursable basis, any employee of the Bureau to the Department for service as Director of the Office. The service of an employee within the Bureau as Director of the Office shall not result in any loss of status, right, or privilege by the employee within the Bureau.

'''(4) The Director of the Office of Counterintelligence shall report directly to the Secretary.

'''(c)(1) The Director of the Office of Counterintelligence shall develop and ensure the implementation of security and counterintelligence programs and activities at Department facilities in order to reduce the threat of disclosure or loss of classified and other sensitive information at such facilities.

'''(2) The Director of the Office of Counterintelligence shall be responsible for the administration of the personnel assurance programs of the Department.

'''(3) The Director of the Office of Counterintelligence shall inform the Secretary, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation on a regular basis, and upon specific request by any such official, regarding the status and effectiveness of the security and counterintelligence programs and activities at Department facilities.

'''(4) The Director of the Office of Counterintelligence shall report immediately to the President of the United States, the Senate and the House of Representatives any actual or potential significant threat to, or loss of, national security information.

'''(5) The Director of the Office of Counterintelligence shall not be required to obtain the approval of any officer or employee of the Department of Energy for the preparation or delivery to Congress of any report required by this section; nor shall any officer or employee of the Department of Energy or any other Federal agency or department delay, deny, obstruct or otherwise interfere with the preparation of or delivery to Congress of any report required by this section.

'''(d)(1) Not later than March 1 each year, the Director of the Office of Counterintelligence shall submit to the Secretary, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation and to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committee on Commerce of the House of Representatives, and the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, a report on the status and effectiveness of the security and counterintelligence programs and activities at Department facilities during the preceding year.

'''(2) Each report shall include for the year covered by the report the following:

'''(A) A description of the status and effectiveness of the security and counterintelligence programs and activities at Department facilities.

'''(B) The adequacy of the Department of Energy's procedures and policies for protecting national security information, making such recommendations to Congress as may be appropriate.

'''(C) Whether each Department of Energy national laboratory is in full compliance with all Departmental security requirements, and if not what measures are being taken to bring such laboratory into compliance.

'''(D) A description of any violation of law or other requirement relating to intelligence, counterintelligence, or security at such facilities, including—

'''(i) the number of violations that were investigated; and

'''(ii) the number of violations that remain unresolved.

'''(E) A description of the number of foreign visitors to Department facilities, including the locations of the visits of such visitors.

'''(3) Each report submitted under this subsection to the committees referred to in paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

'''(e) Every officer or employee of the Department of Energy, every officer or employee of a Department of Energy national laboratory, and every officer or employee of a Department of Energy contractor, who has reason to believe that there is an actual or potential significant threat to, or loss of, national security information shall immediately report such information to the Director of the Office of Counterintelligence.

'''(f) Thirty days prior to the report required by subsection d(2)(C), the Director of each Department of Energy national laboratory shall certify in writing to the Director of the Office of Counterintelligence whether that laboratory is in full compliance with all Departmental national security information protection requirements. If the laboratory is not in full compliance, the Director of the laboratory shall report on why it is not in compliance, what measures are being taken to bring it into compliance, and when it will be in compliance.

'''(g) Within 180 days of the date of enactment of this Act, the Secretary of Energy shall report to the Senate and the House of Representatives on the adequacy of the Department of Energy's procedures and policies for protecting national security information, including national security information at the Department's laboratories, making such recommendations to Congress as may be appropriate.

'''OFFICE OF INTELLIGENCE

'''SEC. 214. (a) There is within the Department an Office of Intelligence.

'''(b)(1) The head of the Office shall be the Director of the Office of Intelligence.

'''(2) The Director of the Office shall be a senior executive service employee of the Department.

'''(3) The Director of the Office of Intelligence shall report directly to the Secretary.

'''(c) The Director of the Office of Intelligence 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.

'''NUCLEAR SECURITY ADMINISTRATION

'''SEC. 215. (a) There shall be within the Department an agency to be known as the Nuclear Security Administration, to be headed by an Administrator, who shall report directly to, and shall be accountable directly to, the Secretary. The Secretary may not delegate to any Department official the duty to supervise the Administrator.

'''(b)(1) The Assistant Secretary assigned the functions under section 203(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, (C) the distribution of business among personnel and among administrative units of the Administration, and (D) the procurement of services of experts and consultants in accordance with section 3109 of title 5, United States Code. The Secretary shall provide to the Administrator such support and facilities as the Administrator determines is needed to carry out the functions of the Administration.

''(c)(1) The personnel of the Administration, in carrying out any function assigned to the Administrator, shall be responsible to, and subject to the supervision and direction of, the Administrator, and shall not be responsible to, or subject to the supervision or direction of, any officer, employee, or agent of any other part of the Department of Energy.

''(2) For purposes of this subsection, the term ''personnel of the Administration'' means each officer or employee within the Department of Energy, and each officer or employee of any contractor of the Department, whose—

''(A) responsibilities include carrying out a function assigned to the Administrator; or

''(B) employment is funded under the Weapons Activities budget function of the Department.

''(d) The Secretary shall assign to the Administrator direct authority over, and responsibility for, the nuclear weapons production facilities and the national laboratories. The functions assigned to the Administrator with respect to the nuclear weapons production facilities and the national laboratories shall include, but not be limited to, authority over, and responsibility for, the following:

''(1) Strategic management.

''(2) Policy development and guidance.

''(3) Budget formulation and guidance.

''(4) Resource requirements determination and allocation.

''(5) Program direction.

''(6) Safeguard and security operations.

''(7) Emergency management.

''(8) Integrated safety management.

''(9) Environment, safety, and health operations.

''(10) Administration of contracts to manage and operate the nuclear weapons production facilities and the national laboratories.

''(11) Oversight.

''(12) Relationships within the Department of Energy and with other Federal agencies, the Congress, State, tribal, and local governments, and the public.

''(13) Each of the functions described in subsection (f).

''(e) The head of each nuclear weapons production facility and of each national laboratory shall report directly to, and be accountable directly to, the Administrator.

''(f) The Administrator may delegate functions assigned under subsection (d) only within the headquarters office of the Administrator, 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 activities at a nuclear weapons production facility or a national laboratory:

''(1) Operational activities.

''(2) Program execution.

''(3) Personnel.

''(4) Contracting and procurement.

''(5) Facility operations oversight.

''(6) Integration of production and research and development activities.

''(7) Interaction with other Federal agencies, State, tribal, and local governments, and the public.

''(g) The head of a specified operations office, in carrying out any function delegated under subsection (f) to that head of that specified operations office, shall report directly to, and be accountable directly to, the Administrator.

''(h) In each annual authorization and appropriations request under this Act, the Secretary shall identify the portion thereof intended for the support of the Administration and include a statement by the Administrator showing (1) the amount requested by the Administrator in the budgetary presentation to the Secretary and the Office of Management and Budget, and (2) an assessment of the budgetary needs of the Administration. Whenever the Administrator submits to the Secretary, the President, or the Office of Management and Budget any legislative recommendation or testimony, or comments on legislation prepared for submission to the Congress, the Administrator shall concurrently transmit a copy thereof to the appropriate committees of the Congress.

''(i) As used in this section:

''(1) The term 'nuclear weapons production facility' means any of the following facilities:

''(A) The Kansas City Plant, Kansas City, Missouri.

''(B) The Pantex Plant, Amarillo, Texas.

''(C) The Y–12 Plant, Oak Ridge, Tennessee.

''(D) The tritium operations facilities at the Savannah River Site, Aiken, South Carolina.

''(E) The Nevada Test Site, Nevada.

''(2) The term ''national laboratory'' means any of the following laboratories:

''(A) The Los Alamos National Laboratory, Los Alamos, New Mexico.

''(B) The Lawrence Livermore National Laboratory, Livermore, California.

''(C) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

''(3) The term ''specified operations office'' means any of the following operations offices of the Department of Energy:

''(A) Albuquerque Operations Office, Albuquerque, New Mexico.

''(B) Oak Ridge Operations Office, Oak Ridge, Tennessee.

''(C) Oakland Operations Office, Oakland, California.

''(D) Nevada Operations Office, Nevada Test Site, Las Vegas, Nevada.

''(E) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.'.

''(b) IN GENERAL.—Section 203 of such Act (42 U.S.C. 7133) is amended by adding at the end of the following new subsection:

''(c) The Assistant Secretary assigned the functions under section (a)(5) shall be a person who, by reason of professional background and experience, is specially qualified—

''(1) to manage a program designed to ensure the safety and reliability of the nuclear weapons stockpile;

''(2) to manage the nuclear weapons production facilities and the national laboratories;

''(3) protect national security information; and

''(4) to carry out the other functions of the Administrator of the Nuclear Security Administration.'.

''(c) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 212 the following items:

''213. Office of Counterintelligence.

''214. Office of Intelligence.

''215. Nuclear Security Administration'.''

Mr. KYL. Mr. President, I express my gratitude to Senator GRAHAM for permitting us to take this next half hour to at least lay this down to begin setting 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. I am 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 importance 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, enables 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. 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 for us to begin 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 chairman of the Energy Committee, is someone who has jurisdiction and who has held hearings and who has a great deal to offer with respect to the organization 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.

It will be important that each of these key chairmen has an opportunity to discuss this bill. But I especially thank Senator DOMENICI for his efforts in doing literally hundreds of hours of research on the best possible approach to secure our National Laboratories.

That is what this amendment is all about. This amendment is, actually, the second step we will have taken in this defense authorization bill to begin to rebuild the security of our National Laboratories.

In the Armed Services Committee, a provision that deals with this subject was included in the bill. We have incorporated that part of their bill into this amendment. In addition to that, the Secretary of Energy, Secretary Richardson, has some ideas about his organization. The centerpiece of his ideas we have also incorporated into this amendment.

What we are trying to do here is to get the best ideas that everybody has to offer, and thereby ensure that when we finally finish this legislative session, and finish discussing this with the administration, we will have the best possible approach to security at our National Laboratories.

The essence of this amendment is to establish, in the Department of Energy, a new Office of Counterintelligence which would be headed by a senior executive from the FBI. I will 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, you do not 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. One of the 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 of the United States.

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 expect us 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 am sure by the time 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 process 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 have somebody with laser-like focus, full responsibility over those programs in the Department of Energy, responsible for nothing else, and nobody else in the Department responsible for these 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 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 these 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 who chose another route in terms 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 fronts to extract as many secrets 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 that we are not going to do anything to hurt their science base and their professionalism and their capacity to stay on the cutting edge for us and our children and our future.

The Laboratories, under this proposal, will retain their multiple-use approach. They can do work beyond and outside of what they do for the nuclear deterrent part of this bill.

I am very disturbed when I hear that the President of the United States is against this, that he may have even made a few phone calls. I figured those are coming because his trusted friend, the Secretary, who is also my friend, Bill Richardson, wants to make all of the changes in the Department part of an administrative change.

Let me say loud and clear, as good as he is, as hard as he is trying, as much autonomy as the President gives him, the Secretary of Energy cannot fix this problem without congressional help. That is what we are trying to do here today. We are trying to fix something so our nuclear deterrent will have a better chance of remaining the best in the world and as free as humanly possible from espionage and spying.

Frankly, before the afternoon is finished, I will read excerpts from three reports in the past 5 years just crying out to fix it.

We piled together various functions and put them in the Energy Department. We created a bunch of rules within the Department that do not distinguish between the management of nuclear deterrent affairs and the management of such things as refrigerator efficiency research. They are all in the same boat, all subject to the same management team, hundreds of functions that have nothing to do with nuclear deterrence. Yet security was left in a position where the right hand didn't know what the left hand was doing.

And if you look at how it is structured, you can probably figure out that there is some justification for it being in such a state of chaos. There is not enough focus on the seriousness of the issue. Even when signs and signals came forth, there have been people within the Department of Energy who didn't do their job right. There have been people at the Laboratories who didn't do it right. There have been people at the FBI who clearly messed up, and there have been people in the White House who surely didn't rise up strongly enough and say something must be done now.

Essentially, what we are doing in this bill is to carve out within the Department of Energy—carve out kind of an agency, for lack of a better word. It is going to be called the Security Administration, or Security Administrator, and an Assistant Secretary will run it and be responsible to the Secretary and in total charge. That one individual will be in total charge of the nuclear deterrent effort, as defined in this bill.

There will be an extra reporting system that Senator MURKOWSKI asked us to put in with reference to security breaches being transmitted to the President of the United States and to the Congress, as soon as they are known, by this Assistant Secretary who is totally in charge of this new administration within the Department of Energy. They will have their rules and regulations, and they will conduct the affairs singularly and purposefully to make sure our nuclear deterrent is handled correctly and that the security 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, who, 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 something 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 has signed onto 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 asking that we take this 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, but 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 adopted 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 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 will 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. MURKOWSKI. Mr. President, I thank the senior Senator from New Mexico. I rise to join with Senators KYL, 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 Cox committee report and the Senate's investigation of Chinese espionage at the Labs highlighted, in a sense, a dysfunctional Department of Energy. Even though 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 recognize 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 the 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.

Further, this would 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 the Department of Energy or 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 often agreed 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 May 19:

> It's all the same people and I think they'll continue to fall 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 weapon warheads 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 struck 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 Laboratories. Security of our 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 finding, I believe now is the time for Congress to demand accountability from those who allowed this to happen. We should not allow the administration to simply promise change with reforms that in previous efforts have been tried but have failed.

One would not respond to, say, a burglary by saying that the robber is irrelevant. Our Nation has been robbed. Years of research and hundreds of billions of taxpayer dollars are lost to the Chinese. Who is responsible?

What should be done is that the Attorney General should testify in public and tell the American people why the Department of Justice denied requests for access to computer and wiretaps.

FBI Director Freeh should testify in public as to why the FISA warrant was inadequate. Director Freeh should also explain 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 public is entitled to his testimony. 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 Fuerth, 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.

Regarding 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 on April 19, 1995. My committee heard testimony from 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 warrant to search.

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 Labortary'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 expressed consent to such 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 CSSO. Users may not use their unclassified ICN 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 when it is not 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 reviewing, marking, 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 configuration 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, 1995.

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 447.

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.

(The text of the amendment is printed in today's RECORD under ''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 programs.

The discussion we just had for the past 30 minutes I think underscores the necessity of the amendment I am offering. I am afraid we are about to be put into a position in which there is a rush to action. It is almost analogous to the metaphor of firing before you aim.

We have in the defense bill, as an example, a very comprehensive commission on safeguarding security and counterintelligence at the Department of Energy facilities. That begins on page 540 of the committee bill. Among other things, it states that the commission will determine the adequacy of those activities to ensure the security of sensitive information, processes, and activities under 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 their importance to the Nation deserves. I also am concerned that there is a highly partisan atmosphere being developed.

In today's Roll Call magazine there is an article which quotes one congressional staffer as saying,

We're going to milk this [the Chinese espionage issue] for all it's worth.

Mr. President, I ask unanimous consent to have printed in the RECORD immediately after my remarks a copy of that article.

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

(See Exhibit 1.)

Mr. GRAHAM. Mr. President, as members of the Congress, we need to accept our responsibility and accept the importance of counterintelligence to our national security. The country cannot afford a partisan debate. We cannot afford a piecemeal solution to what is a complex set of issues. Yet with the amendments that are being offered in both Houses, that is exactly what we are getting.

My amendment represents an attempt to transform a potentially destructive partisan debate into a nonpartisan, objective, dispassionate, and comprehensive review of current counterintelligence policies—not just at the Department of Energy, but across the government—a review that is long overdue.

Such a review 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 know-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 indepth look across the government and at the new areas of security vulnerability.

I have a report from the General Accounting Office issued to the Congress on May 20, 1999. This was an analysis of the vulnerability of the NASA, the National Aeronautics and Space Administration, about the vulnerability of its system to security penetration. I will read a paragraph titled ''Results in Brief.''

We successfully penetrated several mission-critical systems, including one responsible for calculating detailed positioning data for Earth orbiting spacecraft and another that processes and distributes the scientific data received from these spacecraft. Having obtained access to these systems, we could have disrupted NASA's ongoing command and control operations and stolen, modified, or destroyed systems software and data.

That is just another example of our national vulnerability.

Who should assess this threat? I believe that the commission that should be established by this amendment would appropriately represent the interests of the American people through the administration and the legislative branches and would necessarily include persons with strategic vision and specific counterintelligence experience. I have used as the model for the establishment of this commission, a commission which was established by the Congress in 1994 under the leadership of Senator WARNER, a commission which became known as the Aspin-Brown Commission, to look at our intelligence community.

Like that commission, this would have 17 members. The President would appoint 9, the leadership of the Senate and the House—majority and minority—would appoint a total of 8 commissioners.

The commission would be charged with assessing the current counterintelligence threat and the adequacy of resources being applied to that threat. Commissioners would also examine current personnel levels and training oversight—both executive and legislative—coordination among government agencies, the laws now on the books and their adequacy, the adequacy of current investigative techniques and, last but not least, attempt to determine whether vigorous counterintelligence capability can coexist with important work carried out by our National Laboratories and other important technological institutions.

It is important that we keep counterintelligence problems and possible solutions in some perspective. There is no doubt that counterintelligence deficiencies of 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.

Those 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 Department of 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 a commission of the type 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 complicated issue, 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 our current analysis and rush our deliberations, that we are likely to end up asking the wrong questions and coming up with the wrong answer. America will be disserved by this pattern of action and the Congress will be the culprit.

EXHIBIT 1

[From Roll Call, May 27, 1999]

COX REPORT SPARKS WAVE OF GOP INITIATIVES

(By John Bresnahan)

This week's release of the report on Chinese espionage by the select House committee chaired by Rep. Christopher Cox (R-Calif.) has triggered a wave of legislative initiatives.

Senate Republicans are pounding on senior administration officials, including Attorney General Janet Reno, for their perceived failure to address some of the most serious allegations dealing with the scandal, including the Justice Department's refusal to go along with an FBI wiretap of a scientist suspected of transferring sensitive nuclear data to the Chinese government.

Reno is scheduled to appear today before the senate Judiciary Committee in closed session to talk about her role in the denial of the wiretap request.

Wen Ho Lee, a Taiwanese-born scientist, was fired recently from his job at the Los Alamos National Laboratory in New Mexico due to his alleged involvement with Chinese intelligence officials.

Lee first came under scrutiny in 1996 after U.S. intelligence officials learned the Chinese government may have acquired data on an advanced U.S. nuclear weapons systems. The following year, the Justice Department declined to seek a warrant to conduct electronic surveillance on him, with officials arguing that they did not have sufficient evidence to approve such a step.

Senate Majority Leader Trent Lott (R-Miss.) now believes Reno personally denied the FBI request for electronic surveillance on Lee, a reversal of his earlier position that he did not think she was directly involved in the controversy.

''It looks to me like the line goes directly to her,'' said Lott. ''Clearly, it's indefensible in my mind these two [search] requests were turned down.''

Lott, though, backed away from any suggestion that Reno should step down from her post.

''I have not called for [her] resignation,'' noted the Majority Leader.

Sen. Richard Shelby (R-Ala.), the chairman of the Select Committee on Intelligence, has already called on Reno to resign.

Reno could also face tough questioning from Sen. Robert Torricelli (D–N.J.), who has been highly critical of Reno's behavior, during her Thursday appearance.

''I believe President Clinton needs to make an assessment whether Janet Reno is properly administering the department and whether she has any culpability for this failure to find probable cause to issue this warrant,'' Torricelli said this week.

National Security Adviser Sandy Berger has also come under fire from GOP Congressional leaders for his role in the scandal.

Senate Republicans plan a broad legislative offensive on China, possibly including new restrictions on the ability of the Chinese officials to travel within the United States during visits here, although they are promising to move slowly on the issue. Republicans are using the recommendations included in an earlier Intelligence Committee report, as well as the Cox report, as the basis for the legislation, said GOP staffers.

But Lott is still hedging on whether to set up a special Senate investigative committee to look into Chinese espionage, despite calls from some Senate Republicans to do just that.

Sen. Bob Smith (R-N.H.) introduced a bill this week calling for a special committee, while Sens. Tim Hutchinson (R-Ark.) and Arlen Specter (R-Pa.) support the idea, according to GOP sources.

The GOP staffers say senior Republicans, including several committee chairmen, are opposed to the idea, believing that Clinton and the Democrats may use the panel as an opportunity to attack Republicans for conducting a witch hunt for Chinese spies.

''This idea is not dead,'' said a senior Senate GOP staffer. ''It's going back and forth. It's still percolating.''

Lott has inaugurated weekly meetings of his China task force, which includes Shelby, Armed Services Chairman John Warner (R-Va.), Foreign Relations Chairman Jesse Helms (R-N.C.), Governmental Affairs Chairman Fred Thompson (R-Tenn.), Energy and Natural Resources Chairman Frank Murkowski (R-Alaska), as well as GOP Sens. Specter, Thad Cochran (Miss.), Pete Domenici (N.M.), Jon Kyl (Ariz.), Tim Hutchinson (Ark.) and Craig Thomas (Wyo.).

That group is giving Lott weekly updates on China, although the Mississippi Republican also wants to get the most political mileage he can out of the Cox report.

''We're going to milk this for all its worth,'' said one Senate GOP staffer. ''What we do next is still being considered.''

Senate Minority Leader Tom Daschle (D-S.D.) has been echoing the White House line that past administrations, including those of former Presidents Ronald Reagan and George Bush, were guilty of lax oversight of Chinese intelligence activities within the United States.

Daschle cited an 1988 internal Energy Department study that found ''a significant amount of important technology may have been lost to potential adversaries through visits'' that took place in the early 1980s.

Mr. WARNER. Mr. President, I ask that amendments sent prior to the passage of the bill—that the chairman and ranking minority member be recognized to offer a managers' package of amendments, notwithstanding the previous consent agreement with respect to the 2:30 p.m. deadline today.

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

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I rise unfortunately to speak in opposition to the amendment offered by the Senator from Florida, Senator GRAHAM. Let me say, first of all, I think the intent of this bipartisan commission is right on target; that is, that we take care not to rush to judgment, and in our rush to judgment——

Mr. WARNER. Mr. President, could I ask the Senator to yield for one administrative announcement? I ask all Senators and their staff to pay attention to a hotline call, which will come very shortly, to clarify the earlier unanimous consent agreement regarding filing of first-degree amendments. That includes the need for the offices to resubmit certain amendments that may have otherwise been informally sent over to the floor staff. So a complete submission is necessary as indicated on the hotline. I thank the Senator.

Mr. KERREY. Mr. President, the Senator from Florida has identified a very serious potential problem, which is that we have now, in the aftermath of the report that was produced and made public by Congressman COX and Congressman DICKS, a great deal of interest in doing something, to take some action to look like we are solving the problem.

What I understand the Senator from Florida to be saying is we should take a collective deep breath, and I quite agree with him. Because I think not only is it possible, it is likely, if we are not careful, we will, in our actions, do things that will make the country less safe, not more safe and secure.

Perhaps the most important thing to be saying about the Cox and the Dicks report is that there is a lot less there than meets the eye. By that, I don't mean to say I am critical of the report, although there are three or four conclusions they reach with which I do not agree, that I do not think are supported by the classified report they have filed. I see in the Cox-Dicks report—and in fact in their own evaluation they say: This was not a comprehensive study; there were a lot of things we were not able to check out.

I believe that is essentially what the Senator from Florida is saying. There is still a lot that neither the Cox-Dicks committee, the Temporary Special Committee, nor the House and the Senate Select Committees on Intelligence, have examined. Indeed, one of the people we asked to do an evaluation of the damage, Admiral Jeremiah, has said in the report he gave to 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 our committee to do something similar to what we 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 the agencies of 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 that is not 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 has been devoted to 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 espionage 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 society on the basis of their ethnicity. 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 7½ 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 KERREY 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 those 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 actually 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 with the vice chairman, Senator KERREY, 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 Labs, 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 is recognized to offer amendments from the other side.

Mrs. HUTCHISON. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. Does 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 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 our 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 NOS. 376, 386, 387, 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 strike section 1041, relating to a limitation on retirement or dismantlement of strategic nuclear delivery systems)

On page 357, strike line 13 and all that follows through page 358, line 4.

AMENDMENT NO. 386

(Purpose: To provide for a one-year delay in the demolition of certain naval radio transmitting facility (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. ___. ONE-YEAR DELAY IN DEMOLITION OF RADIO TRANSMITTING FACILITY TOWERS AT NAVAL STATION, ANNAPOLIS, MARYLAND, TO FACILITATE TRANSFER OF TOWERS.**

(a) ONE-YEAR DELAY.—Notwithstanding any other provision of law, the Secretary of the Navy may not obligate or expend any funds for the demolition of the naval radio transmitting facility (NRTF) 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 facility towers described in this subsection are the three southeastern most naval radio transmitting facility towers located at Naval Station, Annapolis, Maryland, that are scheduled for demolition as of the date of the enactment of this Act.

(c) TRANSFER OF TOWERS.—The Secretary shall transfer to the State of Maryland, or to Anne Arundel County, Maryland, all right, title, and interest of the United States in and to the towers described in subsection (b) if the State of Maryland or Anne Arundel County Maryland, as the case may be, agrees to accept such right, title, and interest from the United States during the one-year period referred to in subsection (a).

AMENDMENT NO. 387

(Purpose: To modify land conveyance authority relating to the former Naval Training Center, Bainbridge, Cecil County, Maryland)

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

**SEC. 2844. MODIFICATION OF LAND CONVEYANCE AUTHORITY, FORMER NAVAL TRAINING CENTER, BAINBRIDGE, CECIL COUNTY, MARYLAND.**

Section 1 of Public Law 99–596 (100 Stat. 3349) 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):

''(b) CONSIDERATION.—(1) In the event of the transfer of the 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 historic buildings on 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 special 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. 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 1996 (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 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. 1786(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 of 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 RESOURCING 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 organizations 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.

(3) The Air Force Personnel Center.

(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 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 the 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 a plan for eliminating the backlog.

(d) REPLACEMENT DECORATION DEFINED.—For the purposes of this section, the term ''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. 403

(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. 10__ 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 personnel, 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 NOS. 448 THROUGH 457

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 SARBANES, 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. 1061. 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 of 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 RKMF983014))

On page 416, in the table following line 13, insert after the item relating to Nellis Air Force Base, Nevada, the following new item:

| | |
|---|---|
| Nellis Air Force Base ..... | $11,600,000 |

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 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. 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 1996 (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 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. 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. . 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 a unit 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, and the information relating to human rights violations that necessitates the waiver.

AMENDMENT NO. 452

(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 considerations of defensive coverage, redundancy and survivability, and economies of scale.

AMENDMENT NO. 453

(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) 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) 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 regarding Russia's tactical nuclear weapons.

AMENDMENT NO. 454

(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, 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. 455

(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, BAYONNE, 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 City's municipal fire department for the tenants, including 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 the Federal Property and Administrative Services Act of 1949, convey without consideration to the Bayonne Local Redevelopment Authority, Bayonne, New Jersey, and to the City of Bayonne, New Jersey, jointly, all right, title, and interest of the United States in and to the firefighting equipment 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:

(1) Pierce Dash 2000 Gpm Pumper, manufactured September 1995, Pierce Job #E–9378, VIN#4PICt02D9SA000653.

(2) Pierce Arrow 100-foot Tower Ladder, manufactured February 1994, Pierce Job #E–8032, VIN#PICA0262RA000245.

(3) Pierce, manufactured 1993, Pierce Job #E–7509, VIN#1FDRYR82AONVA36015.

(4) Ford E–350, manufactured 1992, Plate #G3112693, VIN#1FDKE3OM6NHB37026.

(5) Ford E–302, manufactured 1990, Plate #G3112452, VIN#1FDKE3OM9MHA35749.

(6) Bauer Compressor, Bauer–UN 12–E#5000psi, manufactured November 1989.

(d) OTHER COSTS.—The conveyance and delivery of the property shall be at no cost to the United States.

(e) OTHER CONDITIONS.—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. 456

(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. 2832. 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 Council 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 Neck in 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 recreational 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. 457

(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 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 scheduled 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 repose 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 placeholder 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)

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] for Mr. BINGAMAN, 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 the following:

''TITLE XXIX—RENEWAL OF MILITARY LAND WITHDRAWALS.

**''SEC. 2901. FINDINGS.**

''The Congress finds that—

''(1) Public Law 99–606 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 Fort Greely in Alaska, collectively comprising over 4 million acres of public land;

''(2) 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;

''(3) in addition to their use for military purposes, these ranges contain significant natural and cultural resources, and provide important wildlife habitat;

''(4) 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;

''(5) 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

''(6) 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 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.''.

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. . ARMY RESERVE RELOCATION FROM FORT DOUGLAS, UTAH.**

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 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. 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 for deaths 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 disposing 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 disposing of evidence.

(b) DEADELINE 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 operation and maintenance for fiscal year 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 disposing of evidence described in subsection (a).

(d) AMOUNT OF PAYMENT.—The amount of the payment under this section in 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 may not 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).

(g) [Placeholder for Thurmond language].

The PRESIDING OFFICER. The amendment will be set aside.

Mr. WARNER. Mr. President, I just wish to thank all Senators. We are receiving cooperation with regard to the unanimous consent request and making progress.

I think the Senator from Alabama will seek recognition shortly to make a presentation to the Senate regarding an amendment that he has. I say to the Senator, with his indulgence, we may have to interrupt from time to time to send amendments to the desk.

If you will forbear for a moment.

Mr. LEVIN. If the Senator would yield to me for that purpose.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 462

Mr. LEVIN. I send an additional amendment to the desk on behalf of Senator LINCOLN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mrs. LINCOLN, proposes an amendment numbered 462.

The amendment is as follows:

Amend the tables in section 2301 to include $7.8 Million for C130 squadron operations/AMU facility at the Little Rock Air Force Base in Little Rock, Arkansas. Further amend Section 2304 to so include the adjustments.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 463

(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)

Mr. WARNER. I send to the desk an amendment on behalf of Mr. SMITH of New Hampshire.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] for Mr. SMITH of New Hampshire, proposes an amendment numbered 463.

The amendment is as follows:

On page 429, line 5, strike out ''$172,472,000'' and insert in lieu thereof ''$168,340,000''

On page 411, in the table below, insert after item related Mississippi Naval Construction Battalion Center, Gulfport following new item:

New Hampshire NSY Portsmouth $3,850,000.

On page 412, in the table line Total strike out ''$744,140,000'' and insert ''$747,990,000.''

On page 414, line 6, strike out ''$2,078,015,000'' and insert in lieu thereof ''$2,081,865,000''.

On page 414, line 9, strike out ''$673,960,000'' and insert in lieu thereof ''$677,810,000''.

On page 414, line 18, strike out ''$66,299,000'' and insert in lieu thereof ''$66,581,000''.

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 clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. HELMS, proposes an amendment numbered 464.

The amendment is as follows:

Insert at the appropriate place in the bill:

**SEC. . DISPOSITION OF WEAPONS-GRADE MATERIAL.**

(a) REPORT ON REDUCTION OF THE STOCKPILE.—Not later than 120 days after signing an agreement between the United States and Russia for the disposition of excess weapons plutonium, the Secretary of Energy, with the concurrence of the Secretary of Defense, shall submit a report to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and to the Speaker of the House of Representatives—

(1) detailing plans for United States implementation of such agreement;

(2) identifying the number of United States warhead ''pits'' of each type deemed ''excess'' for the purpose of dismantlement or disposition; and

(3) describing any implications this may have for the Stockpile Stewardship and Management Program.

The PRESIDING OFFICER. The Helms amendment will be set aside.

AMENDMENT NO. 465

(Purpose: To increase the grade established for the chiefs of reserve components and the additional general officers assigned to the National Guard Bureau and to exclude those officers from a limitation on number of general and flag officers)

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 clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SESSIONS, proposes an amendment numbered 465.

The amendment is as follows:

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

**SEC. 522. CHIEFS OF RESERVE COMPONENTS AND THE ADDITIONAL GENERAL OFFICERS AT THE NATIONAL GUARD BUREAU.**

(a) GRADE OF CHIEF OF ARMY RESERVE.—Section 3038(c) of title 10, United States Code, is amended by striking ''major general'' and inserting ''lieutenant general''.

(b) GRADE OF CHIEF OF NAVAL RESERVE.—Section 5143(c)(2) of such title is amended by striking ''rear admiral (lower half)'' and inserting ''rear admiral''.

(c) GRADE OF COMMANDER, MARINE FORCES RESERVE.—Section 5144(c)(2) of such title is amended by striking ''brigadier general'' and inserting ''major general''.

(d) GRADE OF CHIEF OF AIR FORCE RESERVE.—Section 8038(c) of such title is amended by striking ''major general'' and inserting ''lieutenant general''.

(e) THE ADDITIONAL GENERAL OFFICERS FOR THE NATIONAL GUARD BUREAU.—Subparagraphs (A) and (B) of section 10506(a)(1) of such title are each amended by striking ''major general'' and inserting ''lieutenant general''.

(f) EXCLUSION FROM LIMITATION ON GENERAL AND FLAG OFFICERS.—Section 526(d) of such title is amended to read as follows:

''(d) EXCLUSION OF CERTAIN RESERVE COMPONENT OFFICERS.—The limitations of this section do not apply to the following reserve component general or flag officers:

''(1) An officer on active duty for training.

''(2) An officer on active duty under a call or order specifying a period of less than 180 days.

''(3) The Chief of Army Reserve, the Chief of Naval Reserve, the Chief of Air Force Reserve, the Commander, Marine Forces Reserve, and the additional general officers assigned to the National Guard Bureau under section 10506(a)(1) of this title.''.

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

The PRESIDING OFFICER. The Sessions amendment will be set aside.

AMENDMENT NO. 466

(Purpose: To authorize, with an offset, an additional $59,200,000 for drug interdiction and counterdrug activities of the Department of Defense)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from Ohio, Mr. DEWINE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. Warner], for Mr. DEWINE, for himself and Mr. COVERDELL, proposes an amendment numbered 466.

The amendment is as follows:

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 AMOUNTS.—Of the amounts authorized to be appropriated by section 301(a)(20), as increased by subsection (a) of this section, funds shall be available in the following amounts for the following purposes:

(1) $6,000,000 shall be available for Operation Caper Focus.

(2) $17,500,000 shall be available for a Relocatable Over the Horizon (ROTHR) 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.

(c) OFFSET.—Of the amounts authorized to be appropriated by this Act, the total amount available for _____.

The PRESIDING OFFICER. The DeWine amendment will be set aside.

AMENDMENT NO. 467

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from Ohio, Mr. VOINOVICH.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. VOINOVICH, proposes an amendment numbered 467.

The amendment is as follows:

At the appropriate place, insert the following new section:

**SEC. . ORDNANCE MITIGATION STUDY.**

(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. 468

(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 Senator from Arizona, Mr. MCCAIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, proposes an amendment numbered 468.

The amendment is as follows:

In section 2902, strike subsection (a).

In section 2902, redesignate subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

In section 2903(c), strike paragraphs (4) and (7).

In section 2903(c), redesignate paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

In section 2904(a)(1)(A), strike ''(except those lands within a unit of the National Wildlife Refuge System)''.

In section 2904(a)(1), strike subparagraph (B).

In section 2904, strike subsection (g).

Strike section 2905.

Strike section 2906.

Redesignate sections 2907 through 2914 as sections 2905 through 2912, respectively.

In section 2907(h), as so redesignated, strike ''section 2902(c) or 2902(d)'' and insert ''section 2902(b) or 2902(c)''.

In section 2908(b), as so redesignated, strike ''section 2909(g)'' and insert ''section 2907(g)''.

In section 2910, as so redesignated, strike '', except that hunting,'' and all that follows and insert a period.

In section 2911(a)(1), as so redesignated, strike ''subsections (b), (c), and (d)'' and insert ''subsections (a), (b), and (c)''.

In section 2911(a)(2), as so redesignated, strike '', except that lands'' and all that follows and insert a period.

At the end, add the following:

**SEC. 2912. SENSE OF SENATE REGARDING WITHDRAWALS OF CERTAIN LANDS IN ARIZONA.**

It is the sense of the Senate that—

(1) it is vital to the national interest that the withdrawal of the lands withdrawn by section 1(c) of the Military Lands Withdrawal Act of 1986 (Public Law 99–606), relating to Barry M. Goldwater Air Force Range and the Cabeza 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 the Senator from North Carolina, 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 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)''.

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 included in the unanimous consent request automatically. It has to be resubmitted. We are being very careful and very fair about that.

Now, Mr. President, on behalf of the Senator from Missouri, Mr. BOND, 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], for Mr. BOND, for himself and Mr. KERRY, proposes an amendment numbered 470.

The amendment is as follows:

On page 281, at the end of line 13, add the following: ''However, the commercial services so designated by the Secretary shall not be treated under the pilot program as being commercial items for purposes of the special simplified procedures included in the Federal Acquisition Regulation pursuant to the section 2304(g)(1)(B) of title 10, United States Code, section 303(g)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(B)), and section 31(a)(2) of the Office of Federal Procurement Policy Act (41 U.S.C. 427(a)(2)).''.

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. 632(p)(3)).

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. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from Arizona, Mr. MCCAIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, 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 Services regions in accordance with section 2415 of such title.

The PRESIDING OFFICER. The McCain amendment will be set aside.

AMENDMENT NO. 472

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

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Senator HATCH of Utah.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. HATCH, proposes an amendment numbered 472.

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.

(3) An institution seeking a transfer under paragraph (1) shall submit to the Administrator an application for the transfer. The application shall include such information as the Administrator shall specify.

(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 that base closure law; and

(3) is available for disposal as of the date of the enactment of this Act.

(d) DEFINTIIONS.—In this section:

(1) The term ''base closure laws'' means the following:

(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(2) The term ''tax-supported 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. 484(k)(1)(A)).

The PRESIDING OFFICER. The Hatch amendment will be set aside.

AMENDMENT NO. 473

(Purpose: To express the sense of the Senate that members of the Armed Forces who receive special pay should receive the same tax treatment as members serving in combat zones)

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senator EDWARDS.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read 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 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 read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. GRAMM, for himself, Mr. ASHCROFT, Mr. COVERDELL, Mr. LOTT, and Mrs. HUTCHISON, 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 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 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.—Congress hereby—

(1) designates November 9, 1999, as ''Victory in the Cold War Day''; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

(c) COLD WAR VICTORY MEDAL.—Chapter 57 of Title 10, United States Code, is amended by adding at the end the following:

**''§ 1133. Cold War medal: award; issue**

''(a) There is hereby authorized an award of an appropriate 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 individuals to United States victory in the Cold War.''

''(b) DESIGN.—The Joint Chiefs of Staff shall, under regulations prescribed by the President, design for purposes of this section a decoration called the 'Reagan–Truman Victory in the Cold War Medal'. The decoration shall be of appropriate design, with ribbons and appurtenances.

''(c) 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.''.

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1133. Cold War medal: award; issue.''.

(d) PARTICIPATION OF ARMED FORCES IN CELEBRATION OF ANNIVERSARY OF END OF COLD WAR.—(1) Subject to paragraphs (2) and (3), amounts authorized to be appropriated by section 301(1) shall be available for the purpose of covering the costs of the Armed Forces in participating in a celebration of the 10th anniversary of the end of the Cold War to be held in Washington, District of Columbia, on November 9, 1999.

(2) The total amount of funds available under paragraph (1) for the purpose set forth in that paragraph may not exceed $15,000,000.

(3)(A) The Secretary of Defense may accept contributions from the private sector for the purpose of reducing the costs of the Armed Forces described in paragraph (1).

(B) The amount of funds available under paragraph (1) for the purpose set forth in that paragraph shall be reduced by an amount equal to the amount of contributions accepted by the Secretary under subparagraph (A).

(e) COMMISSION ON VICTORY IN THE COLD WAR.—(1) There is hereby established a commission to be known as the ''Commission on Victory in the Cold War'' (in this subsection to be referred to as the ''Commission'').

(2) The Commission shall be composed of seven individuals, as follows:

(A) Three shall be appointed by the President, in consultation with the Minority Leader of the Senate and the Minority Leader of the House of Representatives.

(B) Two shall be appointed by the Majority Leader of the Senate.

(C) Two shall be appointed by the Speaker of the House of Representatives.

(3) The Commission shall have as its duty the review and approval of the expenditure of funds by the Armed Forces under subsection (d) prior to the participation of the Armed Forces in the celebration referred to in paragraph (1) of that subsection, whether such funds are derived from funds of the United States or from amounts contributed by the private sector under paragraph (3)(A) of that subsection.

(4) In addition to the duties provided for under paragraph (3), the Commission shall also have the authority to design and award medals and decorations to current and former public officials and other individuals whose efforts were vital to United States victory in the Cold War.

The PRESIDING OFFICER. The Gramm amendment will be set aside.

AMENDMENT NO. 475

(Purpose: To require a report on military-to-military contacts between the United States and the People's Republic of China and the United States)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Mr. SMITH of New Hampshire.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SMITH of New Hampshire, proposes an amendment numbered 475.

The amendment is as follows:

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

**SEC. 1032. REPORT ON MILITARY-TO-MILITARY CONTACTS WITH 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 grade 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 (2), 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.

(5) 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.

(6) 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.

(7) Any official documentation, such as memoranda for the record, after-action reports, and 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.

(8) 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.

(9) The report shall be submitted no later than March 31, 2000 and shall be unclassified but may contain a classified annex.

The PRESIDING OFFICER. The amendment will be set aside.

AMENDMENT NO. 476

(Purpose: To improve implementation of the Federal Activities Inventory Reform Act)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. THOMAS.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THOMAS, proposes an amendment numbered 476.

The amendment is as follows:

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

**SEC. . IMPLEMENTATION OF THE FEDERAL ACTIVITIES INVENTORY REFORM ACT.**

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 Thomas amendment will be set aside.

AMENDMENT NO. 477

(Purpose: To require the President to submit to Congress a proposal to prioritize and begin disengaging from non-critical overseas missions involving U.S. combat forces)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Senator HUTCHISON.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mrs. HUTCHISON, proposes an amendment numbered 477.

The amendment is as follows:

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

SEC. . (a): Congress makes the following findings:

(1) It is the National Security Strategy of the United States to ''deter and defeat large-scale, cross-border aggression in two distant theaters in overlapping time frames;''

(2) The deterrence of Iraq and Iran in Southwest Asia and the deterrence of North Korea in Northeast Asia represent two such potential large-scale, cross-border theater requirements;

(3) The United States has 120,000 troops permanently assigned to those theaters;

(4) The United States has an additional 70,000 forces assigned to non-NATO/non-Pacific threat foreign countries;

(5) The United States has more than 6,000 troops in Bosnia-Herzegovina on indefinite assignment;

(6) The United States has diverted permanent assigned resources from other theaters to support operations in the Balkans;

(7) The United States provides military forces to seven active United Nations peacekeeping operations, including some missions that have continued for decades;

(8) Between 1986 and 1998, the number of American military deployments per year has nearly tripled at the same time the Department of Defense budget has been reduced in real terms by 38 percent;

(9) The Army has 10 active-duty divisions today, down from 18 in 1991, while on an average day in FY98, 28,000 U.S. Army soldiers were deployed to more than 70 countries for over 300 separate missions;

(10) Active Air Force fighter wings have gone from 22 to 13 since 1991, while 70 percent of air sorties in Operation Allied Force over the Balkans are U.S.-flown and the Air Force continues to enforce northern and southern no-fly zones in Iraq. In response, the Air Force has initiated a ''stop loss'' program to block normal retirements and separations.

(11) The United States Navy has been reduced in size to 339 ships, its lowest level since 1938, necessitating the redeployment of the only overseas homeported aircraft carrier from the Western Pacific to the Mediterranean to support Operation Allied Force;

(12) In 1998 just 10 percent of eligible carrier naval aviators—27 out of 261—accepted continuation bonuses and remained in service;

(13) In 1998 48 percent of Air Force pilots eligible for continuation opted to leave the service.

(14) The Army could fall 6,000 below Congressionally authorized troop strength by the end of 1999.

(b) Sense of Congress:

(1) It is the sense of Congress that—

(A) The readiness of U.S. military forces to execute the National Security Strategy of the United States is being eroded from a combination of declining defense budgets and expanded missions;

(B) There may be missions to which the United States is contributing Armed Forces from which the United States can begin disengaging.

(c) Report Requirement.

(1) Not later than March 1, 2000, the President shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives, and to the Committees on Appropriations in both Houses, a report prioritizing the ongoing global missions to which the United States is contributing troops. The President shall include in the report a feasibility analysis of how the United States can:

(1) shift resources from low priority missions in support of higher priority missions;

(2) consolidate or reduce U.S. troop commitments worldwide;

(3) end low priority missions.

The PRESIDING OFFICER. The Hutchison amendment will be laid aside.

AMENDMENT NO. 478

(Purpose: Relating to chemical demilitarization activities)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. WYDEN and Mr. SMITH of Oregon.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SMITH of Oregon, for himself, and Mr. WYDEN, proposes an amendment numbered 478.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

The PRESIDING OFFICER. The Wyden-Smith amendment will be set aside.

AMENDMENT NO. 479

(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)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. THURMOND.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, proposes an amendment numbered 479.

The amendment is as follows:

At the appropriate place insert the following:

**SEC. ___. SENSE OF SENATE REGARDING SETTLEMENT OF CLAIMS OF AMERICAN SERVICEMENS' FAMILIES REGARDING DEATHS RESULTING FROM THE ACCIDENT OFF THE COAST OF NAMIBIA ON SEPTEMBER 13, 1997.**

(a) FINDINGS.—The Senate makes the following findings:

(1) On September 13, 1997, a German Luftwaffe Tupelov 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. Bryant, 32, loadmaster, Providence, Rhode Island; Staff Sergeant Gary A. Bucknam, 25, flight engineer, Oakland, Maine; Captain Gregory M. Cindrich, 28, pilot, Byrans Road, Maryland; Airman 1st Class Justin R. Drager, 19, loadmaster, Colorado Springs, Colorado; Staff Sergeant Robert K. Evans, 31, flight engineer, Garrison, Kentucky; Captain Jason S. Ramsey, 27, pilot, South Boston, Virginia; Staff Sergeant Scott N. 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 states unequivocally 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 Tupelov 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 Tupelov 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 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 Tupelov 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.

The PRESIDING OFFICER. The Thurmond amendment will be set aside.

AMENDMENT NO. 480

(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)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. DOMENICI.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DOMENICI, proposes an amendment numbered 480.

The amendment is as follows:

On page 429, line 5, strike out ''$172,472,000'' and insert in lieu thereof ''$168,340,000.''

On page 411, in the table below, insert after item related Mississippi Naval Construction Battalion Center, Gulfport following new item:

New Hampshire NSY Portsmouth $3,850,000.

On page 412, in the table line Total strike out ''$744,140,000'' and insert ''$747,990,000.''

On page 414, line 6, strike out ''$2,078,015,000'' and insert in lieu thereof ''$2,081,865,000''.

On page 414, line 9, strike out ''$673,960,000'' and insert in lieu thereof ''$677,810,000''.

On page 414, line 18, strike out ''$66,299,000'' and insert in lieu thereof ''$66,581,000''.

The PRESIDING OFFICER. The Domenici amendment will be set aside.

Mr. WARNER. Mr. President, I believe we have all the amendments in under the prescribed time agreement.

Two colleagues have been waiting patiently to speak, and there is a third. We will allocate the time that each Senator desires. Could the Senators from Texas and Alabama indicate who will go first and how much time each will take?

Mrs. HUTCHISON. I would be happy with 5 minutes, and I would be happy for the Senator from Alabama to go first.

Mr. WARNER. How much time for the Senator from Alabama?

Mr. SESSIONS. Five.

Mr. WARNER. I understand 20 minutes is needed by our colleague from New Mexico.

Mr. REID. Mr. President, what are we dividing time up on?

Mr. LEVIN. We are sequencing speeches.

Mr. REID. I am not going to agree to anything. I have been waiting to speak on the Kyl-Domenici amendment, and I was here early this morning.

Mr. WARNER. I will withdraw the request. I was asked to enter that. Could my two colleagues complete their remarks and then we will go to the distinguished minority whip?

Mr. REID. Yes.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

AMENDMENT NO. 465

Mr. SESSIONS. Mr. President, today the valiant men and women of our Armed Forces are in their third month of deployment for Operation Allied Force in Yugoslavia and Kosovo. However, in these final months of this Century, when you say Armed Forces, you are not referring merely to our Active Duty forces. In nearly every situation concerning our Nation's defense forces, when you speak of Armed Forces you also must include the Reserve Components. As Secretary Cohen and General Shelton have asserted, the Armed Forces cannot undertake any significant deployment without the citizen-soldiers of the Reserves and the National Guard, together we call them the Reserve Components. For example, 2,937 reservists are currently deployed world-wide on operational deployments; 1,000 reservists have supported Operation Uphold Democracy in Haiti; 12,000 reservists have deployed to Bosnia; annually 20,000 reservists deploy to world-wide training sites. When we look at these figures in light of the major missions the reserves have been involved in since Desert Storm to Operation Southern Watch , for instance, reserve participation has gone up for some elements from a Desert Storm high of 33% to a high of 51% of the overall force deployed in later operations. To bring this point even closer to home, the President just called up two weeks ago 33,100 reservists for duties in support of the air operations over Kosovo and Serbia.

So, for those of us who find it imperative to provide our Armed Forces with the resources that they need to carry out our Nation's increasingly diverse military responsibilities, this means providing all of our components, Active, Reserve, and National Guard with the leadership structure that they need.

Mr. President, it would be my wish to tell you today that we could count on the leadership of the Department of Defense to provide all of the components of our Armed Forces with the resources they need, be it equipment, personnel, or training. Unfortunately, while the leadership means well, and I am sure is trying to do the right thing for each component, in a number of areas at the end of the day the Active Components are doing far better from a resourcing standpoint than are the Reserve Components. This is because when the services sit down at the table to allocate resources the cards are stacked, I am afraid, heavily in favor the active component missions and requirements.

How this happens can be attributed to the inequity of the rank those officers who make the resource decisions at the senior levels. It is at these levels that the Active Duty forces have an overwhelming advantage rank and in the power of the advocates who design the missions, provide and train the manpower, and who get establish the requirements for equipment and resources, as well as installations from which they project combat power.

In the 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 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 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. Now, 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 is considered exceptional everywhere 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, or 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 over a million 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, they are not 24-hour-a-day troops. 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 57 brigadier generals and 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 Air Force providing 49 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 other eight major Air Force commands, seven are commanded 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 aircrews serve over 125 days a year on average; 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 a 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 intra-theater air logistics, 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 and provides 20 percent 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 Service Support.

What are the implications for the Reserve Components?

Well, when reserve commanders, by virtue of their ranks, are outgunned so to speak by active counterparts, it means that the men and women in the Reserve Components, which are deploying with 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 TROOPS regardless of component receive the training they need before they deploy. I am concerned you see because I was an Army reservist for 13 years and understand what it means to be on the short end of things they need like professional development training or speciality training.

Admittedly, in some cases there are valid reasons for these disparities. In other cases there are not. What is clearly needed is a level playing field to ensure that the limited defense resources, whether equipment, personnel, or training slots, are fairly distributed.

Because the nation has come to depend to such 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 equally with three- and four-star generals is unrealistic. To not compete for funds on an equal basis is to guarantee the component is under-capitalized for the mission it is asked to perform.

The need for three star ranks for the Reserve and Guard chiefs has been understood for years. In 1989, a study by General William Richardson recommended elevation of the Chief, Army Reserve to (four-star) general. In 1992 the Hay Group, which reviewed all Reserve Component general and flag officer billets, specifically recommended elevation of the Chiefs of the Army, Navy and Air Force Reserves and the Directors of the Army and Air Force National Guard to three-star rank. In 1992, an independent commission chaired by General John Foss, USA (Ret) recommended elevation of the CAR to lieutenant general. The 1997 Defense Authorization Act directed the Secretary of Defense report to Congress not later than six months after enactment the recommended grades for the Reserve and Guard chiefs. It is now May 1999 and we have yet to see the report called for in the 1997 statute. So, you can see my point. We have waited patiently for DoD to send us a report upon which to make a full evaluation on general officer positions and it hasn't arrived. More deliberation and delay is sought. I say NO. It is time to take action—NOW.

This is why I am offering this command equity amendment to the National Defense Authorization Act for Fiscal Year 2000.

My amendment will make the positions of the Chiefs of the Army, Navy, Air Force, and Marine Corps Reserve and the Directors of the Army and Air National Guard carry the three-star ranks. Each of them absolutely must have it to ensure success and proper resources given the realities of today. Incumbents will be promoted and their successors will be promoted to three-star ranks upon confirmation by this body.

A valid argument can be made that the Army and Air Force already have all the three-star generals (45 and 37 respectively) that they need and while the active army, for instance, has reduced its overall general officers from a 407 in 1991 to 307 in 1999 to correspond with changes in force structure and missions, the reserves conversely need these grade increases to correspond with increases in assigned world-wide missions, contingency deployments and need for greater share of resources.

Accordingly, my command equity amendment, while creating a few more three star positions, does not exacerbate that situation by increasing the overall numbers of senior officers in the Army or Air Force. This over abundance of high grade officers is not the case for the Navy and the Marines, who are not now flush with senior grade billets; therefore, my amendment does provide new billets that the Navy and Marines really would need.

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 11–84 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. I am including National Guard 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 Naval Reserve, the Air Force Reserve and the Marine Reserve—their officers sit there with just two stars. 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 primarily with the United States Army Reserve, but the numbers are similar regarding the Navy, Air Force, and the National Guard units. The Chief of the Army Reserve is now a two-star general. In the course of his duties, he is required to evaluate 57 brigadier generals. That is one star, and there are 42 major generals with two stars just like himself. That is a responsibility he has,

whereas in the Active Army a four-star general is only required to evaluate 31 brigadier generals, one star, and ten major generals, two stars.

This shows you what a four-star has responsibility for and what the Chief of Army Reserve has. In the Active Army, a three-star general is responsible for evaluating an average of just seven brigadier generals and two major generals, but he has a higher rank than the Chief of the Army Reserve who has to rate 57 brigadiers and 42 major generals.

It strikes me that we have gone a little bit too far in containing the rank available for the important position of Chief of Army Reserve.

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 a mere $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 4,300 civilian personnel; whereas a field Active Army four-star commands an average of only 48,000 troops plus civilians.

So you can begin to see the situation we are facing. I do not believe it reflects a 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. I ask unanimous consent for 2 minutes to speak in support of the amendment.

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

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 devised 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 very often to forgo their vacations—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 as I have visited with our troops—whether it is in Saudi Arabia or Kuwait, 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. That represents two such potentially 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, nonspecific-threat foreign 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 to execute 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 and to say 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 work with the President to determine 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 (Mr. FITZGERALD). 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 numbered 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 reporting of the directors' honest judgment 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 President tells them to 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 amendment comes 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 he 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 WARNER:

> 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 health oversight and 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, the security mission cuts across the entire Department, not just defense programs facilities. We need a structure that gives this important function proper visibility and focus and provides the means to hold the appropriate line manager responsible.

The Secretary of Energy is a person who served in the Congress of the United States for about 16 years, who served as the Ambassador to the United Nations, who has been involved in some of the most responsible and sensitive negotiations in the last 10 years that have taken place in this country, traveling all over the world, working to free hostages, and doing other things upon the recommendation and under the auspices of the President.

We are told that this bill, in effect, is going nowhere if this amendment is in there.

Why? This isn't the way to legislate. The legislative process is an orderly process, or should be an orderly process. If there is a bill that is to be heard, there should be hearings held on that bill, especially one as sensitive as this that deals with the nuclear stockpile of the United States. We have had no hearings. There are multiple committees that have jurisdiction. We know that the Energy and Natural Resources Committee has jurisdiction. We know the Armed Services Committee has jurisdiction.

The Cox-Dicks report—which was a bipartisan report and we should treat it as such—said the problems with the laboratories as far as the espionage problems go back at least three administrations. Secretary Richardson has reported this past week that 85 percent of the report's recommendations are already adopted or in the process of being adopted and, in fact, the report was one that most everyone agrees did a good job. Congressman COX and Congressman DICKS did a good job.

I don't think it is appropriate that we go charging forth for political reasons to attempt to embarrass the administration or to embarrass Secretary Richardson. This deals with the most sensitive military resources we have—management of nuclear weapons. To change how that takes place, while keeping them safe and reliable, in an amendment being discussed in the few hours prior to a congressional recess, is not the way to go, especially when there have been no congressional hearings. This committee deserves to take a look at calling witnesses.

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 Department structure and management since the Department's creation in 1977. This amendment fundamentally overturns 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 long-term damage to 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 the last 3 years to be the ranking member of the Energy and Water Subcommittee that appropriates money for these laboratories—I have found the people that 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.

Today, 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.

This amendment, No. 446, will result in the Department of Energy's defense-related laboratories losing their multipurpose 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 consideration and review by these Secretaries. They looked at the management deficiencies they encountered during their tenures. There were hearings held in the Congress before the rightful committees, and decisions were made as 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 Committee on 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 go forward.

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 is being held up, not because 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 made 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. The current Under Secretary of Energy is Dr. Ernest Moniz, who, if not the top nuclear physicist in the country is one of the top nuclear physicists in the whole country. This man is the former chairman of the Massachusetts Institute of Technology's physics department—the most prestigious, famous institution of science in this country, especially their physics department.

Under this amendment, Secretary Moniz would be forbidden by law from helping Secretary Richardson, whose office is 40 feet away, manage and direct this program. He could not exercise any role in the management of the Department's nuclear weapons research and development. Is this a crazy result? The answer is, obviously, yes, it is a crazy result.

The safety and reliability of our nuclear stockpile is absolutely critical to our national security and to the U.S. policy and strategy for international peace and nonproliferation. My friend from New Mexico, the junior Senator from New Mexico, is going to talk about why this amendment substantively is so bad. I want to talk more about procedurally why it is so bad. I have tried to lay that out. It is procedurally bad because we should not be here today talking about this as we are now. There should be a bill introduced, referral to committee or committees and a committee hearing or hearings with people coming forward to talk about this issue.

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 highways in this country. This deals 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 openness 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 most important 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 devastation these nuclear devices would cause, not to the area where the devices were detonated, but what happened with the winds blowing radioactive fallout into southern Utah, creating the highest rates of cancer anyplace 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 this orange ball, 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 without returning to nuclear testing. We have not proven that the stockpile 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 in the future 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 changes in the way that 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 by 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 establish better 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 think we will if 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 of dollars to make 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 remedy the problems in the weapons labs with 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 framework.

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 he assumed his 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 deficiencies.

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 relation 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 solution of critical defense and nondefense problems as well.

We think of the Laboratories as only working with nuclear weapons. But the genome research was 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 defense benefits 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 placing the management 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 not enough 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 he has 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 by the Senator 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 Presidential Decision 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 have no 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 authors 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 done administratively, but clearly there can be a good argument made that we should put this in statute. I have no problem with that. Again, the underlying bill which we are considering has in it the establishment of the Office of Intelligence. 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 organizational structure 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 in 1977.

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.

In 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 or 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 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.

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

THE SECRETARY OF ENERGY,
*Washington, DC, May 27, 1999.*

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 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 in 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 in order to 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 materials at its sites—Rocky Flats, Hanford, and Savannah River. Under this proposal, if the security function were exclusively located in Defense Programs, it would undermine my ability to hold my top line manager for the clean-up sites accountable.

In short, the security mission cuts across the entire department, not just Defense Programs facilities. We need a structure that gives this important function proper visibility and focus 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. 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. Everyone has 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 subdepartments. We have defense programs. We have environmental management, energy efficiency, nuclear nonproliferation, fossil energy and science.

With regard to each of those, the Secretary has established—and 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.

That individual, the director of counterintelligence, under the administrative procedure now in place, and 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 various of the committees up here that he will have a person who is responsible to him and who has authority by virtue of his position to demand certain actions on the issue of counterintelligence in each of our National Laboratories. That is as it should be. That is putting accountability into the counterintelligence system. It is a good step forward. That is a step in the right direction.

A second crosscutting responsibility is the security czar on security policy. A third is this independent Safety and Security Oversight Office that Secretary Richardson has established.

So at the present time there are those three entities that report directly to the Secretary of Energy on these issues related to security.

These are the reforms that Secretary Richardson has been trying to put into place. These are the reforms that are called for under Presidential Decision Directive-61, and then additional administrative steps that have been taken by this Secretary of Energy. I believe the system is structured in a way that makes some sense.

Let me now show the stovepipe organizational 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 that the ''Nuclear Security Administration.'' You put that in the so-called stovepipe. You say there will be 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 duty to supervise 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 responsibility 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 going 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 it is very easy to 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 that. Those who set up the nuclear weapons program in this country decided early on that it should be in a civilian agency, it should not be in a Department of Defense agency; and, clearly, the closer we move toward making this defense-specific, defense-only, I think we would be making a mistake.

Creating the stovepipe, in my view, does threaten the long-term vitality of our laboratories. I believe it threatens the long-term ability to attract people we need to these laboratories, to keep them world-class, cutting-edge scientific institutions.

I may be overdramatizing, but my own view is that we have seen the stovepipe model in action. Two years ago, I went to the Soviet Union and visited Chelyabinsk-70, also referred to as Shnezinsk. Shnezinsk is one of the nuclear cities, one of the secret cities. When you go there, you see how stovepipe organizations function. There is nobody there doing any research on solar energy. There is nobody there worrying about environmental problems that might be a result of research or work going on at that facility. There is nobody there interacting with much of anyone.

That is one of the big problems. That is why we have the nuclear cities initiative in this bill that we are trying to get going, to help these laboratories in Russia break out of the stovepipe and begin to interact with other elements in the society, with other scientists, and begin to apply their talents to other activities.

So I am sure this is well intentioned. I am sure this proposal is well intentioned, and I would like very much to have some hearings and bring in some experts to tell us what they think of this and allow the administration to give us their point of view. I think that is an appropriate course for us to follow. But my initial reaction, after reading it here for the last hour and a half, or 2 hours that I have had this, is that it does not do what the sponsors intend. It does not solve the problem of Chinese espionage. It does create or result in many other unintended consequences that will be long-term adverse to our nuclear weapons program.

Mr. President, I have great problems about it. I have a series of questions I was going to raise about it. I see my colleague from New Mexico wishing to speak. Maybe he would like to speak and I could ask him a few questions about this.

I yield the floor.

Mr. DOMENICI. Mr. President, how much time has been used on the other side of the aisle with reference to this amendment?

The PRESIDING OFFICER. There is no time limit on this amendment.

Mr. DOMENICI. I understand that, but did somebody keep time?

The PRESIDING OFFICER. We will check the records.

Mr. DOMENICI. There is no need to do that. Let me say to Senator BINGAMAN, first of all, I believe that over the past 15 years—certainly within 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 concept. 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 go back years—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, which is what I call 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 about the ability to manage that Department, 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 most dramatic change in 22 years since 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.

Secretary 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 laboratories, including those in my State, ''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 run around and call them ''my 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 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 address 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 that if there is concern it 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 these 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 without the bill 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——

> 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 REID, who has today spoken about 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, February 27, 1997. Still reports are saying ''fix it, fix it.''

At the bottom of page ES–1, ''These practices''—after describing practices within this Department of Energy as it pertains to nuclear weaponry—''are constipating 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 and decentralized 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.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. 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. GORTON). 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–88, W–87, W–78, W–76, W–70, 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 pubic, 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, Saudi 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.

This fiasco of security did not happen by accident. There was a concerted effort on behalf of the Chinese government to obtain 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 competently 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 design 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 experts. 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.

AMENDMENT NO. 418

Ms. SNOWE. Mr. President, Members of the Senate, last night the Senate did pass an amendment I drafted establishing a policy that would require the President to establish a multinational embargo against adversary nations once our Armed Forces have become engaged in hostilities. I thank the chairman 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 Yugoslavian 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 started the air campaign 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.

By 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 disappoint 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 barring the oil and software imports.

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 armored 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 the 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, 1991. Five days later, on August 6, 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 President Clinton's mistake, the alliance's 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 standing policy, should 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 assurances of victory and averts 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 force an aggressor into 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 and can 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.

The legislative assistant proceeded to 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 clerk 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.

(The 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. 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 Senator REED be recognized to talk about the bill 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.

PRIVILEGE OF THE FLOOR

Mr. REED. Mr. President, as a preliminary matter, I ask unanimous consent that Herb Cupo, a fellow in Senator ROBB's office, and that Sheila Jazayeri 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 LEVIN 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 increasingly 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. All of these operations 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 addition, 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 numerous 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 the person 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 a beacon of hope as 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 nonproliferation provisions in this legislation.

The Cooperative Threat Reduction program is absolutely essential to our national security. We authorize $475 million, an increase of $35 million.

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. 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 agree that the United States needs to maintain a robust deterrent force, although I argue that this can be best accomplished at the START II level. Mandating that the United States maintain a START I level is another example of how we sometimes overmanage and hobble the Department of Defense. I think we can, and should have, adopted the amendment of the Senator from Nebraska, Senator KERREY. It would have been a valuable contribution to this overall legislation.

We also are fortunate 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 those four 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 commander 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.

Until we 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 in the field. 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 the issue, 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 will be our impact 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.

I note the absence of quorum.

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 handled properly will involve 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 Senators KYL, 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 after consultation with 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, at 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, MURKOWSKI, 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 MURKOWSKI, 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 and file them, 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.

So once 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 have amendments that 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 bulk of the amendments remaining 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.

AMENDMENT NO. 446

The PRESIDING OFFICER. Who yields time on the pending Kyl amendment? The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I believe I have 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Mr. President, I would greatly appreciate it if you notify me when I have used up 8 minutes.

The PRESIDING OFFICER. The Senator will be notified.

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 that the Secretary of Energy is going to fix this. The truth of the matter is, the Secretary of Energy is lobbying very hard against this, even calling the President about it. I think it is because the Secretary wants to fix it himself.

As good a friend as I am of his, and as complimentary as I am about his work, the truth of the matter is he cannot fix what is wrong with the Department of Energy as it pertains to nuclear weapons development and maintenance.

Second, he cannot correct the lack of accountability among those various elements of the Department that are charged with security transgression activities. It is impossible under the current structure of the Department.

Some have said this is being done too quickly with not enough notice. One of my fellow Senators was saying the Chinese did not give us very much notice when they set about to steal our secrets. We already know the right hand doesn't know what the left hand is doing. We already know about that. It is not going to get better until we decide to change things dramatically and raise, within the Department, the concern about the tremendous value of nuclear secrets and nuclear weapons development information. It cannot any longer be dealt with in the same way we deal with all the other things in the Department of Energy. There are hundreds of energy issues in that Department that take up the same time of the same people, the same regulators who are supposed to be concerned about nuclear weapons. That must stop. Sooner or later something like we proposed here is going to take shape.

I hear some have said it is the status quo. It is the opposite of the status quo. I understand our Secretary has said it is the status quo. It is the very opposite of it. I understand some have said it gives the nuclear part of this, the nuclear weapons people, total control where they are not responsible to anyone. That is not true. The Secretary is still in charge. The truth of the matter is, if we made them a little less responsible for all the goings on in this monster department, we would all be better off. So in that regard, we will take some credit for that.

There are others who suggest this has not previously been thought of in this way. I want to read from a 1990 report of the Defense Committee in the House.

> We concur with the recommendation of the Clark task force group to ''strengthen DOD's management attention to national security responsibilities.'' These steps should include raising the stature of nuclear weapons programs management within DOE, for example by establishing a separate organizational entity and administration with a clearly enunciated budget, reporting directly to the Secretary.

That is precisely what we have done.

I want to close tonight by saying this issue will be revisited. We can say to the Secretary and the Democratic whip, and those on that side who would not let us vote—who did not bother to try to amend this, just decided they would threaten a filibuster and be prepared to do it—that they have not seen the last day of this approach. Because it is imperative, if our country is going to do justice to the future and be fair with our children and their children, we cannot continue down the path we have been on with reference to nuclear weapons and nuclear weapons design and development. We must do better.

If you were to design a system calculated to give the most important and most effective part of the Department the least attention, that is what you would do. You would do it like we are doing it.

Or if you were to decide that the most important function for our future should be treated along with other functions that are rather irrelevant to our future, you would design this Department and you would be here fighting this amendment because you would have that situation that I just described right on top of the most important function of the Department of Energy.

So, with a lot of care and attention, I worked on this. I will continue to work on it. I know a lot about it, but I do not assume that I know more than other people. We ought to all work on it. But I suggest to the President and to Secretary Richardson, they better get with suggesting to Congress some real ways that we can be involved in stopping what has been going on in the Department of Energy on both fronts, the sabotage and the stealing of secrets, which we will never correct unless we change the structure, making the nuclear weapons system the most important function of the Department of Energy, bar none, second to none, at the highest elevation, not fettered or burdened by all these other functions of the Department.

If you can imagine that the bureaucracy within that Department worries about—I said a couple times on the floor—refrigerators and their ability to be more energy efficient, and those who worry about that are the same group of people who worry about the same kind of things as pertains to nuclear energy. They do not belong in the same league. They should be separated.

Our suggestion, for accountability and more direct reporting, more opportunity for committees in Congress and the President himself to know when security violations are occurring and are serious, must at some point be adopted.

Frankly, none of this is said with any idea that my good colleague, Senator BINGAMAN, is anything but totally concerned about this issue. He has different views than I tonight, but clearly I do not in any way claim that he has anything but the highest motives in his lack of support for the amendment on which I have worked.

Neither do I think the distinguished minority whip in his remarks should have said about this amendment that it will put the national security at risk and that it will put our nuclear weapons and development of them at risk. He should retract that statement and take it out of there. If anything, any management team would say it would improve the situation.

I yield the floor and reserve my 2 minutes.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I do not know if the other proponents of the 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 is the program that 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 is the language that was used—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 totally averse 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, and I share a sense of urgency 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 our proposed reorganization. That is the kind of responsible, deliberate action that our constituents expect of us. That is what the Secretary of Energy has a right to expect. That is what the President expects. I hope that is the course we follow.

I will briefly respond to the point my colleague, Senator DOMENICI, made about a 1990 report by the Clark task force. I am not personally familiar with that report, but I point out to my colleagues that in 1990 the Secretary of Energy was Admiral Watkins. That was not a Democratic administration; that was a Republican administration. Admiral Watkins was a very, very qualified individual to be our Secretary of Energy. His credentials for line management and command and control and maintaining military security cannot be questioned.

Admiral Watkins, of course, evidently did not think the recommendations from that Clark task force alluded to should be followed up and implemented, and did not do that. There have been a lot of capable people in the Department of Energy, some in the position of Secretary, who have spent substantial time looking at this problem. They have made some improvements. Perhaps more are needed, and I certainly will embrace additional improvements if that is the case.

I do, once again, make the point I made earlier today, and that is that we do not want to do something that has not been thoroughly discussed, has not been thoroughly analyzed, and which can have very, very adverse consequences, unintended adverse consequences, on the strength of our National Laboratories, on our ability to retain, to maintain, and to recruit the top scientists and engineers in this country to work on these programs and to work in these laboratories.

Mr. President, I yield the floor and reserve the remainder of my time to see if other of my colleagues wish to speak on this issue as well.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I am really appalled at the state of affairs on the floor. Earlier today, I asked that an order for a quorum call be rescinded in order to discuss further the Kyl amendment which Senator DOMENICI, Senator KYL, and I have participated in developing. 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 derailed the amendment. The administration seems to be more concerned about how the bureaucracy within 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 we know of. It has gone back a decade. Why, for the life of me, do we delay now? I don't know.

The pending Kyl amendment would have provided some assurances to the Congress and the American people that this will not happen again. This amendment was about accountability—accountability by the Department of Energy, accountability by the Department of Energy laboratories, accountability by the Secretary of Energy, accountability by the President—because 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 unworkable. Well, I have news for you. Unworkable? It is already unworkable. That bureaucracy is so unworkable, 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 Curtis 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 just 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 national secrets; but not now, as a result objections from the minority and the administration.

The pending amendment would require the Department of Energy to fully inform the President and the Congress about any threat to or loss of national security information; but not now, as a result of the objections of the minority and the administration.

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 objections of the minority and the administration.

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 by 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. Who yields time?

Mr. KYL. Mr. President, might I inquire, was the time on the Republican side equally divided, 10 minutes each, among Senators MURKOWSKI, DOMENICI, and myself?

The PRESIDING OFFICER. The Senator is correct.

Mr. KYL. In that event, I suggest that Senator MURKOWSKI yield the remainder of his time to Senator HUTCHINSON—he has comments to make—unless Senator MURKOWSKI has further comments.

Mr. MURKOWSKI. I will need another 30 seconds to a minute at the end. You have 10 minutes.

Mr. KYL. Mr. President, let me yield 2 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 minutes.

Mr. HUTCHINSON. I thank Senator KYL and Senator MURKOWSKI for their efforts in this area.

I, along with every Member of this body, received the three volumes of the Cox report. I share the absolute shock at the indescribable breach of our national security at our labs. I think it is inexcusable that we would leave for the Memorial Day recess without taking even this step.

Senator KYL has presented to us—and I am glad to cosponsor the amendment—an amendment that makes eminent good sense. It calls for the head of DOE counterintelligence to report immediately to the President and the Congress on any actual or potential significant loss or threatened loss of national security information. That is an indisputable need. It is clear in 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 kind of step Senator 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.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN addressed the Chair.

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. The Senator from Michigan has 15 minutes.

Mr. BINGAMAN. 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—the best—we could come up with in the Armed Services Committee to deal with this problem of security and put in place more safeguards.

We start on page 540, establishing a Commission on Safeguards, Security, and Counterintelligence at Department of Energy Facilities. We go on; that commission is established. We move on to increase the background investigations of certain personnel at the Department of Energy facilities. We move on to requiring a plan for polygraph examinations of certain personnel at the 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 are proposing are 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. We provide for investigation and remediation of alleged reprisals 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 already had 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 notebook containing 37 of these management directives that Secretary Watkins issued. They are all related to the organization 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. If some of 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 problem.

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 are 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 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 nuclear 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, whistle-blower 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 supplemented by the full Senate 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, which was thoughtfully placed in this bill by the Armed Services Committee, and a denigration of the amendment of the majority leader, which we adopted here this morning on this floor.

We should not characterize these kinds of efforts and diminish these kinds of efforts by sort of saying we are not doing anything before we are going home on recess. We are doing an awful lot, and there is more to be done. But we ought to do it 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 the hole. That is a way of precipitously trying to do something and 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.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

LOTT AMENDMENT SUMMARY

First, this amendment would require the President to notify the Congress whenever an investigation is undertaken 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 and effectiveness of the DOD program for monitoring so-called ''satellite launch campaigns'' in China and elsewhere.

Third, this amendment would enhance the Intelligence Community's role in the export license review process, and would require a report by the DCI on efforts of foreign governments to acquire sensitive U.S. technology and technical information.

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 nonproliferation and 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 elimination of legal or 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 State 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, versus the OPM.

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, 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 way to proceed. 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 we know will help 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 this 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 technique called the ''red herring.''

If you can't meet 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, there are 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 that we have security provisions 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 very proud of what is in the bill—not having sponsored them, having opposed some of them, but now contend that we have solved the problems, 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 get this figured 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 amazing 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.

We 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 a vote on it, and can't wait 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.

The PRESIDING OFFICER. The Senator from Virginia.

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 debate.

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. 447

Mr. GRAHAM. Mr. President, I ask unanimous consent that when the Senate considers H.R. 1555 I be recognized to offer an amendment relative to counterintelligence, and I further ask consent that if this agreement is agreed to that amendment 447 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 shortly send a 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 remains on our side?

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 with my colleague from Nevada here.

But let me just make a few comments at least, and then return the remainder of the time over to him for any comments he has.

I think that trying to characterize this problem which exists in our Department of Energy and in our National Laboratories as this ''administration's problem'' rather than all of our problem is just a rewriting of history.

I have a list that, once I have completed my statement, I will offer or ask unanimous consent to add to the RECORD. It is called ''Security Concerns at America's Nuclear Facilities,'' excerpts from GAO Reports, 1980 through 1993.

When you go through this and look at just the titles of these reports, you see that the problems we are debating—the problems of adequate safeguards for nuclear secrets, and for these facilities—have been with us a long time—long before I ever came to the Senate.

From a GAO report, March of 1980: Adequate safeguards to prevent the theft or diversion of weapons usable material from commercial nuclear fuel reprocessing plants have not yet been deployed.

May, 1986: DOE has insufficient control over nuclear technology exports.

March of 1987: DOE reinvestigation of employees has not been timely.

August of 1987: Department of Energy needs tighter controls over reprocessing information.

December of 1987: DOE needs a more accurate and efficient security clearance program.

June of 1989: Better controls needed over weapons-related information and technology.

These are the titles of GAO reports. These are all GAO reports that were issued in the 1980s before this administration ever came to town, before this administration was ever heard of.

To try to say this is a problem that this administration created and that now, this afternoon, we have to get this problem solved because otherwise we would be in derogation of our duty, I think is just clearly wrong.

There are significant improvements in security and safeguards of secure information and classified information in this bill and there are additional safeguards put in place in the Lott amendment which we all agree to.

I was at the Armed Services Committee markup. I can say without qualification that the Democrats did not object to the provisions that were offered and that are now included in this bill. I believe that we Democrats—and I was one of them in that committee markup—substantially improved the provisions which wound up in the final bill. I think we worked with the majority, we tried very hard to be constructive and to come up with proposals that were workable and that were effective in improving security. I think we have done that.

I look forward to going through the very same process on this question of reorganization of the Department of Energy. We should consider the provisions in this amendment which relate to reorganization of the Department of Energy and we should do so with hearings. We can have them as soon as the week after next. I am happy to stay next week and have 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.

It is highly improper, in my view, to try to legislate something here without allowing the Secretary of Energy 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.

We should 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 Senate 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 would be offered 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.

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 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 applaud 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 excellent cooperation.

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.

AMENDMENTS NOS. 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 read 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)

On page 273, line 20, strike ''a period;'' and insert '''', except that this clause does not apply in a case in which the Secretary of Defense determines in writing that unusual circumstances justify reimbursement using a separate contract.';''.

AMENDMENT NO. 483

(Purpose: To provide for the consolidation of Air Force Research Laboratory facilities at the Rome Research Site, Rome, New York)

On page 417, in the table preceding line 1, strike ''$12,800,000'' in the amount column of the item relating to Rome Laboratory, New York, and insert ''$25,800,000''.

On page 420, between lines 17 and 18, insert the following:

**SEC. 2305. CONSOLIDATION OF AIR FORCE RESEARCH LABORATORY FACILITIES AT ROME RESEARCH SITE, ROME, NEW YORK.**

The Secretary of the Air Force may accept contributions from the State of New York in addition to amounts authorized in section 2304(a)(1) for the project authorized by section 2301(a) for Rome Laboratory, New York, for purposes of carrying out military construction relating to the consolidation of Air Force Research Laboratory facilities at the Rome Research Site, Rome, New York.

AMENDMENT NO. 484

(Purpose: To provide for the repair and conveyance of the Red Butte Dam and Reservoir, Salt Lake City, Utah, to the Central Utah Water Conservancy District)

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

**SEC. 2832. REPAIR AND CONVEYANCE OF RED BUTTE DAM AND RESERVOIR, SALT LAKE CITY, UTAH.**

(a) CONVEYANCE REQUIRED.—The Secretary of the Army may convey, without consideration, to the Central Utah Water Conservancy District, Utah (in this section referred to as the ''District''), all right, title, and interest of the United States in and to the real property, including the dam, spillway, and any other improvements thereon, comprising the Red Butte Dam and Reservoir, Salt Lake City, Utah. The Secretary shall make the conveyance without regard to the department or agency of the Federal Government having jurisdiction over Red Butte Dam and Reservoir.

(b) PROVISION OF FUNDS.—Not later than 60 days after the date of the enactment of this Act, the Secretary may make funds available to the District for purposes of the improvement of Red Butte Dam and Reservoir to meet the standards applicable to the dam and reservoir under the laws of the State of Utah.

(c) USE OF FUNDS.—The District shall use funds made available to the District under subsection (b) solely for purposes of improving Red Butte Dam and Reservoir to meet the standards referred to in that subsection.

(d) RESPONSIBILITY FOR MAINTENANCE AND OPERATION.—Upon the conveyance of Red Butte Dam and Reservoir under subsection (a), the District shall assume all responsibility for the operation and maintenance of Red Butte Dam and Reservoir for fish, wildlife, and flood control purposes in accordance with the repayment contract or other applicable agreement between the District and the Bureau of Reclamation with respect to Red Butte Dam and Reservoir.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the District.

(f) 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. 485

(Purpose: To provide $3,000,000 (in PE 62234N) for the Navy for basic research on advanced composite materials processing (specifically, resin transfer molding, vacuum-assisted resin transfer molding, and co-infusion resin transfer molding), and to provide an offset)

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

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

AMENDMENT NO. 486

(Purpose: To add $3,000,000 (in PE 65326A) for the Army Digital Information Technology Testbed)

On page 29, line 10, increase the amount by $3,000,000.

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

Mr. ROBERTS. Mr. President, housed at Fort Leavenworth's Center for Army Lessons Learned (CALL), the Digital Information Technology Test Bed (DITT) established the pilot test bed and core capabilities for the Army's University After Next (UAN) and the Joint and Army Virtual Research Library (VRL). In May 1997, the Office of Secretary of Defense designated the DITT as the DoD functional prototype to conduct concept exploration, operational prototyping, and full requirements definition for multimedia research libraries (multimedia national and tactical imagery) in support of technology-assisted learning, intelligence analysis, C2, and operational decision making. DITT systems can further support warfighting capabilities by fielding innovative systems and methods to store, retrieve, declassify, and destroy DoD-held data. In FY 1999, Congress authorized and appropriate $3.5 million for the DITT program. However, continued funding is needed in FY 2000 and I ask colleagues' support for adding $3 million to the Army FY 2000 budget specifically for the DITT program.

AMENDMENT NO. 487

At the end of Title 8 insert:

**SEC. [SC099.447]. CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.**

EXTENSION OF 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. 659. 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 the following new section:

**''§ 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) SOURCE OF 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 but for which a rating of total is assigned 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 retainer pay, emergency officers' retirement pay, and naval pension.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1413. Special compensation for certain severely disabled uniformed services retirees.''.

(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. No benefit may be paid to any person by reason of that section for any period before that date.

Mr. MCCAIN. Mr. President, I am pleased that the Senate has adopted my amendment to S. 1059, 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, which 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 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 retires' 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 hard to disagree 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 limitations on 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 special compensation for severely disabled retired veterans, who deserve our ongoing support and gratitude.

AMENDMENT NO. 489

(Purpose: To direct the Secretary of Defense to eliminate the backlog in satisfying requests of 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 RESOURCING 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 organizations 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.

(3) The Air Force Personnel Center.

(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 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 the 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 a plan for eliminating the backlog.

(d) REPLACEMENT DECORATION DEFINED.—For the purposes of this section, the term ''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.

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AMENDMENT NO. 490

(Purpose: To clarify the relationship between the pilot program for commercial services and existing law on the transportation of supplies by sea)

On page 283, line 18, strike ''(h)'' and insert the following:

(h) RELATIONSHIP TO PREFERENCE ON 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.

(i)

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 805 of S. 1059. Section 805 creates 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, this pilot program could potentially be used to permit waivers of 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 $800 million per year. This would dwarf 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 the provision 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 shall, in consultation with the Secretary of Veterans Affairs, 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.

(2) The Secretary of Defense shall transmit to Congress the report submitted under paragraph (1), together with any comments on the report that the Secretary considers appropriate.

(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 benefits reached high volume. Billboards appeared around the city of Albuquerque that the Albuquerque regional office of the Veterans Administration was the ''worst VA office in the country.'' I was very concerned about those 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 31 percent of the total. Nationwide, only about 22 percent fall into that category.

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 problems and programs. 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 any additional findings 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 a healthy 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 developed and fielded. 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 advanced 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. 493

(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 or disadvantages of a two-site deployment 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. 494

(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. 3179. COMPTROLLER GENERAL REPORT ON CLOSURE OF ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.**

(a) REPORT.—Not later than December 31, 2000, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report assessing the progress in 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 or Congress to ensure that the site would be closed by 2006.

AMENDMENT NO. 495

(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 reform, REDUX repeal, a thrift savings plan, and improvements to the current GI Bill. These GI Bill improvements included an increase in GI Bill benefits from $528 to $600 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. I, 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 engaged in war 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 replenishment, 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.

AMENDMENT NO. 496

(Purpose: To amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older)

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

**SEC. 659. COMPUTATION OF SURVIVOR BENEFITS.**

(a) INCREASED BASIC ANNUITY.—(1) Subsection (a)(1)(B)(i) of section 1451 of title 10, United States Code, is amended by striking ''35 percent of the base amount.'' and inserting ''the product of the base amount and the percent applicable for the month. The percent applicable for a month is 35 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000, 40 percent for months beginning after such date and before October 2004, and 45 percent for months beginning after September 2004.''.

(2) Subsection (a)(2)(B)(i)(I) of such section is amended by striking ''35 percent'' and inserting ''the percent specified under subsection (a)(1)(B)(i) as being applicable for the month''.

(3) Subsection (c)(1)(B)(i) of such section is amended—

(A) by striking ''35 percent'' and inserting ''the applicable percent''; and

(B) by adding at the end the following: ''The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for the month.''.

(4) The heading for subsection (d)(2)(A) of such section is amended to read as follows: ''COMPUTATION OF ANNUITY.—''.

(b) ADJUSTED SUPPLEMENTAL ANNUITY.—Section 1457(b) of title 10, United States Code, is amended—

(1) by striking ''5, 10, 15, or 20 percent'' and inserting ''the applicable percent''; and

(2) by inserting after the first sentence the following: ''The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000, 15 percent for months beginning after that date and before October 2004, and 10 percent for months beginning after September 2004.''.

(c) RECOMPUTATION OF ANNUITIES.—(1) Effective on the first day of each month referred to in paragraph (2)—

(A) each annuity under section 1450 of title 10, United States Code, that commenced before that month, is computed under a provision of section 1451 of that title amended by subsection (a), and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that provision, as so amended, had been used for the initial computation of the annuity; and

(B) each supplemental survivor annuity under section 1457 of such title that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(2) The requirements for recomputation of annuities under paragraph (1) apply with respect to the following months:

(A) The first month that begins after the date of the enactment of this Act.

(B) October 2004.

(d) RECOMPUTATION OF RETIRED PAY REDUCTIONS FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—The Secretary of Defense shall take such actions as are necessitated 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 1460 of title 10, United States Code, are adjusted to achieve the objectives set forth in subsection (b) of that section.

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

Mr. President, my amendment is the text of S. 763 as introduced on April 12. It would increase the minimum Survivor Benefit Plan basic annuity 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 over the age 62 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 of the Survivors Social Security benefit 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 retired pay for the life of the survivor. It is not hard to imagine the shock and financial disadvantage these men and women who so loyally served the Nation in troubled spots throughout the world undergo when they learn of the annuity reduction.

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 expected long-term program costs versus the intended 60 percent. Contrast this with the federal civilian SBP, which has a 42 percent subsidy for those personnel under the Federal Employees 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, 2 years ago, with the significant support from the Members of the Senate Armed Services Committee, I was successful in gaining approval from the Congress in enacting the Survivor Benefit Plan benefits for the so-called Forgotten Widows. This is the second step toward correcting the Survivors Benefit Plan and providing the surviving spouses of our military personnel earned 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 Secretary of the Navy Notice 1650, dated February 17, 1969) to a member of the Navy and Marine Corps for participation in ground or surface combat during any period after December 6, 1941, and before March 1, 1961 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the member has 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 campaign and combat decorations 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 those who have not yet been recognized are not forgotten. We believe it is only appropriate that we honor those who were willing to sacrifice their lives for this country.

AMENDMENT NO. 498

(Purpose: To authorize Coast Guard participation in DOD education programs, and for other purposes)

At the appropriate place, insert the following:

**SEC. . COAST GUARD EDUCATION FUNDING.**

Section 2006 of title 10, United States Code, is amended—

(1) by striking ''Department of Defense education liabilities'' in subsection (a) and inserting ''armed forces education liabilities'';

(2) by striking paragraph (1) of subsection (b) and inserting the following:

''(1) The term 'armed forces educational liabilities' means liabilities of the armed forces for benefits under chapter 30 of title 38 and for Department of Defense benefits under chapter 1606 of this title.'';

(3) by inserting ''Department of Defense'' after ''future'' in subsection (b)(2)(C);

(4) by striking ''106'' in subsection (b)(2)(C) and inserting ''1606'';

(5) by inserting ''and the Secretary of the Department in which the Coast Guard is operating'' after ''Defense'' in subsection (c)(1);

(6) by striking ''Department of Defense'' in subsection (d) and inserting ''armed forces'';

(7) by inserting ''the Secretary of the Department in which the Coast Guard is operating'' in subsection (d) after ''Secretary of Defense.'';

(8) by inserting ''and the Department in which the Coast Guard is operating'' after ''Department of Defense'' in subsection (f)(5);

(9) by inserting ''and the Secretary of the Department in which the Coast Guard is operating'' in paragraphs (1) and (2) of subsection (g) after ''The Secretary of Defense''; and

(10) by striking ''of a military department'' in subsection (g)(3) and inserting ''concerned.''.

**SEC. . TECHNICAL AMENDMENT TO PROHIBITION ON RELEASE OF CONTRACTOR PROPOSALS UNDER THE FREEDOM OF INFORMATION ACT.**

TITLE 10 AMENDMENT.—Section 2305(g) of title 10, United States Code, is amended in paragraph (1) by striking ''the Department of Defense'' and inserting ''an agency named in section 2303 of this title.''

AMENDMENT 499

(Purpose: To designate the officials to administer the defense reform initiative enterprise pilot program for military manpower and personnel information)

In title V, at the end of subtitle F, add the following:

**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 pilot program for military manpower and personnel information established under section 8147 of the Department of Defense Appropriations Act, 1999 (Public Law 105–262; 112 Stat. 2341; 10 U.S.C. 113 note).

(b) ACTION OFFICIALS.—In carrying out the pilot program, the Secretary of the Navy shall act through the head of the Systems Executive Office 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.

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 about training and experience that they need to make deployment 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 experience and training that needed for particular missions. This is 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.

These 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 Armed Service 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 program has also required a degree of innovation and flexibility. I believe that the unique structure adopted for the DIHMRS project 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 Systems Executive Office 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 for managing our soldiers, sailors and airmen better. I believe that DIHMRS will make an invaluable contribution to that effort. I thank the mangers for accepting this amendment, and I look forward to working with the Navy to make this project a real success.

AMENDMENT NO. 500

(Purpose: To authorize a demonstration program on open enrollment in managed care plans of the former uniformed services treatment facilities)

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

**SEC. 705. OPEN ENROLLMENT DEMONSTRATION PROGRAM.**

Section 724 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended by adding at the end the following:

''(g) OPEN ENROLLMENT DEMONSTRATION PROGRAM.—(1) The Secretary of Defense shall conduct a demonstration program under which covered beneficiaries shall be permitted to enroll at any time in a managed care plan offered by a designated provider consistent with the enrollment requirements for the TRICARE Prime option under the TRICARE program but without regard to the limitation in subsection (b). Any demonstration program under this subsection shall cover designated providers selected by the Department of Defense and the service areas of the designated providers.

''(2) Any demonstration program carried out under this section shall commence on October 1, 1999, and end on September 30, 2001.

''(3) Not later than March 15, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on any demonstration program carried out under this subsection. The report shall include, at a minimum, an evaluation of the benefits of the open enrollment opportunity to covered beneficiaries and a recommendation concerning whether to authorize open enrollments in the managed care plans of designated providers permanently.''.

Ms. SNOWE. Mr. President, access to quality health care concerns many of our military men and women, both active and retired. My amendment would allow the Department of Defense to start a pilot project allowing continuous open enrollment in managed health care plans form military retirees at 2 sites selected by the Defense Department.

The term ''continuous enrollment'' means the opportunity for military beneficiaries to join the Prime option in TRICARE at any time. Currently, military retirees and their beneficiaries wishing to enroll in the Uniformed Services Family Health Plan (USFHP) may only do so during an annual 30-day long, open session.

This arrangement inconsistent with the enrollment rules under TRICARE Prime option. These same beneficiaries can join TRICARE Prime on a continuous basis, but are *restricted* from joining the USFHP to joint once a year for a 30-day period.

Coupled with the many changes in TriCare, including new enrollment fees and higher copayments, many military beneficiaries are confused and unsure if the HMO option in TriCare, either Prime through the managed care support contractor of the USFHP, is the right choice for them and their families. Thus, as I have been informed by physicians from my own state, many beneficiaries and their families have decided not to join either program.

What this restriction means in practical terms for retirees is that they are not able to take advantage of health are providers that may practice in close proximity to their residences, but instead travel significant distances to a military treatment facility. In locations where there are no TriCare Prime network providers, the retirees are aced with limited choices and higher costs.

The Department of Defense has indicate that this open enrollment would be too costly; however, there is limited data to support their contention that this provision will generate a significant influx of new enrollees in the program. DOD's key concerns are based on two factors; the possible increase in cost due to the number of enrollees, and the risk adjustment in the Medicare program scheduled to take effect January 1, 2000. However, based on a review of the actual enrollment data the number of people enrolled in the USFHP program has actually declined from 29,256 in October 1997 to 26,950 in March 1999.

This trend represents a *decline* of 7.6% over eighteen months and an annual rate of decline of 5.0%.

As of June 1, six of seven designated providers which operate the USFHP will have completed ''open season'' enrollment. The preliminary results show a net increase of 3,754 individuals enrolled in the USFHP. Of this number, approximately 18% or 676, were 65 and older. This is a much lower percentage—18% compared to 28%—than the 65 and older enrollees were as a percentage of enrollment before the current open season started.

This amendment would authorize the Department of Defense to demonstrate the continuous open enrollment program at a minimum of two sites for a two year period. During the second year of the demonstration period, DOD would submit a report to Congress evaluation the benefits of the program and a recommendation concerning

whether the authorize open enrollments in the managed care plans on a permanent basis.

This proposal is supported by numerous organizations such as the National Military Family Association and the National Military and Veterans Alliance. The national Military and Veterans Alliance includes organizations such as: The Retired Officers Association, Non-Commissioned Officers Association, Naval Reserve Association, National Association of Uniformed Services, the Reserve Enlisted Association and the Korean War Veterans Association.

In testimony before the Personnel Subcommittee earlier this year, representatives from many of these organizations have emphasized that access to quality health care is one of their primary concerns.

Finally, I believe that this amendment is a measured step, but one that leads us toward a fair and good faith effort to address the inconsistency in providing our retirees access to health care on an equal basis with TriCare Prime.

AMENDMENT NO. 501

(Purpose: To require a report on the D–5 missile program)

On page 28, below line 21, add the following:

**SEC. 143. D–5 MISSILE PROGRAM.**

(a) REPORT.—Not later than October 31, 1999, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the D–5 missile program.

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

(1) An inventory management plan for the D–5 missile program covering the life of the program, including—

(A) the location of D–5 missiles during the fueling of submarines;

(B) rotation of inventory; and

(C) expected attrition rate due to flight testing, loss, damage, or termination of service life.

(2) The cost of

(A) terminating procurement of D–5 missiles for each fiscal year prior to the current plan.

(3) An assessment of the capability of the Navy of meeting strategic requirements with a total procurement of less than 425 D–5 missiles, including an assessment of the consequences of—

(A) loading Trident submarines with less than 24 D–5 missiles; and

(B) reducing the flight test rate for D–5 missiles; and

(4) An assessment of the optimal commencement date for the development and deployment of replacement systems for the current land-based and sea-based missile forces.

The Secretary's plan for maintaining D–5 missiles and Trident Submarines under START II and proposed START III, and whether requirements for such missiles and submarines would be reduced under such treaties.

AMENDMENT NO. 502

(Purpose: To provide $10,000,000 (in Budget Activity 1: Operating Forces) for Navy Operations and Maintenance Funding for Operational Meteorology and 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.—The Secretary of each military department shall give due consideration to according 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, the 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 LAUTENBERG. The purpose of this amendment is to encourage the Secretaries of each military 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 military doctrine and develop a deeper understanding for the American military culture. As new member nations of NATO, it is important that the officers of these countries become fully integrated as quickly as possible. The professional friendships and the mutual understanding which results from attendance at these courses is invaluable for both American officers and for foreign military officers.

I recently led a Congressional delegation 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, Pennsylvania. As a direct result of the professional 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 one example among many of how the United States and the NATO Alliance has reaped an enormous benefit by providing the opportunity for foreign officer attendance at our military schools.

Attendance at our service academies on a priority basis will also provide an outstanding opportunity for future officers from our new NATO allies to foster long-term relationships with future U.S. military leaders. Historically, the relationships fostered 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 military and civilian leaders, including many heads of state.

It is my expectation that this legislation will encourage the Secretaries of our military departments to give the officers and cadets from Poland, Hungary and the Czech Republic, our new NATO allies, a priority for attendance at our professional military schools and academies.

AMENDMENT NO. 504

(Purpose: To enhance the technology of health care quality surveillance and accountability)

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 section to ensure that the Department of Defense addresses issues of medical quality surveillance and implements solutions for those issues in a timely 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 Department of Defense Center for Medical Informatics to carry out a program to support 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 resource 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 accelerate the efforts of the Department of Defense to automate, capture, and exchange controlled clinical data and present providers with clinical guidance using a personal information carrier, clinical lexicon, or digital patient record.

(d) ENHANCEMENT THROUGH DoD-DVA MEDICAL INFORMATICS COUNCIL.—(1) The Secretary of Defense shall establish a Medical

Informatics Council consisting of the following:

(A) The Assistant Secretary of Defense for Health Affairs

(B) The Director of the TRICARE Management 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) Representatives of the Department of Veterans Affairs, whom the Secretary of Veterans Affairs shall designate.

(G) Representatives of the Department of Health and Human Services, whom the Secretary of Health and Human Services shall designate.

(H) Any additional members that the Secretary of Defense may appoint to represent health care insurers and managed care organizations, academic health institutions, health care providers (including representatives of physicians and representatives of hospitals), and accreditors of health care plans and organizations.

(2) The primary mission of the Medical Informatics Council shall be to coordinate the development, deployment, and maintenance of health care informatics systems that allow for the collection, exchange, and processing of health care quality information for the Department of Defense in coordination with other departments and agencies of the Federal Government and with the private sector. Specific areas of responsibility shall include:

(A) Evaluation of the ability of the medical informatics systems at the Department of Defense and Veterans Affairs to monitor, evaluate, and improve the quality of care provided to beneficiaries.

(B) Coordination of key components of medical informatics systems including digital patient records both within the federal government, and between the federal government and the private sector.

(C) Coordination of the development of operational capabilities for executive information systems and clinical decision support systems within the Departments of Defense and Veterans Affairs.

(D) Standardization of processes used to collect, evaluate, and disseminate health care quality information.

(E) Refinement of methodologies by which the quality of health care provided within the Departments of Defense and Veterans Administration is evaluated.

(F) Protecting the confidentiality of personal health information.

(3) The Council shall submit to Congress an annual report on the activities of the Council and on the coordination of development, deployment, and maintenance of health care informatics systems within the Federal Government and between the Federal Government and the private sector.

(4) The Assistant Secretary of Defense for Health Affairs shall consult with the Council on the issues described in paragraph (2).

(5) A member of the Council is not, by reason of service on the Council, an officer or employee of the United States.

(6) No compensation shall be paid to members of the Council for service on the Council. In the case of a member of the Council 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 Government.

(7) The Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Council.

(e) ANNUAL REPORT.—The Assistant Secretary of Defense for Health Affairs shall submit to Congress each year a report on the quality of health care furnished under the health care programs of the Department of Defense. The report shall cover the most recent fiscal year ending before the date of the report and shall contain a discussion of the quality of the health care measured on the basis of each statistical and customer satisfaction factor that the Assistant Secretary determines appropriate, including, at a minimum, the following:

(1) Health outcomes.

(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.

(f) AUTHORIZATION 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.

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AMENDMENT NO. 505

(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. GUARANTEE OF RESIDENCY.**

Article VII of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. 700 et seq.) is amended by adding at he end the following:

''SEC. 704. (a) For purposes of voting for an office of the United States or of a State, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

''(1) be deemed to have lost a residence or domicile in that State;

''(2) be deemed to have acquired a residence or domicile in any other State; or

''(3) be deemed to have become resident in or a resident of any other State.

''(b) In this section, the term 'State' includes a territory or possession of the United States, a political subdivision of a State, territory, or possession, and the District of Columbia.''.

**SEC. 3. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.**

(a) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff–1) is amended—

(1) by inserting ''(a) ELECTIONS FOR FEDERAL OFFICES.—'' before ''Each State shall—''; and

(2) by adding at the end the following:

''(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

''(1) permit absent uniformed services voters to sue absentee registration procedures and to vote by absentee ballot in general, special, primary, and run-off elections for State and local offices; and

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

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking out ''FOR FEDERAL OFFICE''.

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AMENDMENT NO. 506

(Purpose: To express the sense of Congress regarding United States-Russian cooperation in commercial space launch services)

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

**SEC. ___. SENSE OF CONGRESS REGARDING UNITED STATES-RUSSIAN COOPERATION IN COMMERCIAL SPACE LAUNCH SERVICES.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should agree to increase the quantitative limitations applicable to commercial space launch services provided by Russian space launch service providers if the Government of the Russian Federation demonstrates a sustained commitment to seek out and prevent the illegal transfer from Russia to Iran or any other country of any prohibited ballistic missile equipment or any technology necessary for the acquisition or development by the recipient country of any ballistic missile;

(2) the United States should demand full and complete cooperation from the Government of the Russian Federation on preventing the illegal transfer from Russia to Iran or 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; and

(3) the United States should take every appropriate measure necessary to encourage the Government of the Russian Federation to seek out and prevent the illegal transfer from Russia to Iran or 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.

(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.

(2) QUANTITATIVE 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.

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 service.

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 to Iran can provide the basis for an increase in the current quota limit on commercial space launches. Lifting the launch quota is an important incentive for Russia to cooperate with the U.S. on this issue.

This amendment also demands continued Russian cooperation on non-proliferation, and calls on the United

States to take every appropriate measure to encourage the Russian government to seek out and prevent the illegal transfer of fissile material or missile equipment or any other technology necessary for the acquisition or development of nuclear weapons or ballistic missiles.

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 by rogue operators.

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 then-Premier Chernomyrdin 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 engine 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 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 one 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 some of Russia'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 technology 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, Polyus Research Institute, and Baltic State Technical University cited earlier, plus the Grafit Research Institute, Tikhomirov Institute, the MOSO Company, the Komintern plant (Novosibirsk), Europalace 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 internal 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 NIKIET, 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 provides Russia with approximately $100 million in hard currency—a good incentive to cooperate.

This amendment also states, however, that the United States must continue to demand full and complete 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 proliferation. As a central element 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 on 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 accounting for past problems. It may create a credible 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 NIKIET, 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 NIKIET, beginning with the nuclear reactor safety projects that have been suspended.

The work plans I have described could represent a path forward if the Russian government acts effectively and quickly. I am by no means ready to suggest that we have resolved either the missile or the nuclear proliferation problem. However, we now have 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 my 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:

Of 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.

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AMENDMENT NO. 508

(Purpose: To require the Department of Defense and the Department of Veterans Affairs to carry out joint telemedicine and telepharmacy demonstration projects)

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

**SEC. 717. JOINT TELEMEDICINE AND TELEPHARMACY DEMONSTRATION PROJECTS BY THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—The Secretary of Defense and Secretary of Veterans Affairs shall carry out joint demonstration projects for purposes of evaluating the feasibility and practicability of providing health care services and pharmacy services by means of telecommunications.

(b) SERVICES TO BE PROVIDED.—The services provided under the demonstration projects shall include the following:

(1) Radiology and imaging services.

(2) Diagnostic services.

(3) Referral services.

(4) Clinical pharmacy services.

(5) Any other health care services or pharmacy services designated by the Secretaries.

(C) SELECTION OF LOCATIONS.—(1) The Secretaries shall carry out the demonstration projects at not more than five locations selected by the Secretaries from locations in which are located both a uniformed services treatment facility and a Department of Veterans Affairs medical center that are affiliated with academic institutions having a demonstrated expertise in the provision of health care services or pharmacy services by means of telecommunications.

(2) Representatives of a facility and medical center selected under paragraph (1) shall, to the maximum extent practicable, carry out the demonstration project in consultation with representatives of the academic institution or institutions with which affiliated.

(d) PERIOD OF DEMONSTRATION PROJECTS.—The Secretaries shall carry out the demonstration projects during the three-year period beginning on October 1, 1999.

(e) REPORT.—Not later than December 31, 2002, the Secretaries shall jointly submit to Congress a report on the demonstration projects. The report shall include—

(1) a description of each demonstration project; and

(2) an evaluation, based on the demonstration projects, of the feasibility and practicability of providing health care services and pharmacy services, including the provision of such services to field hospitals of the Armed Forces and to Department of Veterans Affairs outpatient health care clinics, by means of telecommunications.

Mr. CLELAND. Mr. President, I am offering an amendment to create a Department of Defense (DoD) and Department of Veterans Affairs (VA) collaborative demonstration research pilot for at least five sites nationwide. These funded projects would create and expand current telemedicine and telepharmacy research efforts. In these times of concern over health care resources, telemedicine and telepharmacy studies are crucial to determining the best use of health care clinicians.

My amendment would authorize $5 million a year for three years for five DoD/VA Telemedicine and Telepharmacy demonstration projects. Under my proposal DoD/VA researchers and clinicians will develop rigorous, outcome-oriented telemedicine and telepharmacy research projects that will benefit military and veteran study participants and potentially future servicemembers and veteran recipients of health care.

Telemedicine is technology's version of the ''doctor's housecall.'' Many recipients of 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 Transition assistance and endorsed by the Congress in the Cleland-Kempthorne Bill, S. 1334, which was made part of the Strom Thurmond National Defense Authorization Act (P. L. 105–261).

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)

On page 254, between lines 3 and 4, insert the following:

**SEC. 676. PARTICIPATION OF ADDITIONAL MEMBERS OF THE ARMED FORCES IN MONTGOMERY GI BILL PROGRAM.**

(a) PARTICIPATION AUTHORIZED.—(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by inserting after section 3018C 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)(i) 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

''(ii) disenrolled from participation in that program before that date; 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 3018(a) of this title as of the date of the enactment of this section;

''(2) is serving on active duty (excluding periods referred to in section 3202(1)(C) of this title in the case of an individual described in paragraph (1)(A)) on the date of the enactment of this section;

''(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 irrevocable 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 shall provide 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 subsection (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 an 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 of the reductions 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 at the time of the payment. Amounts 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) For each individual who is disenrolled from such program, the Secretary shall refund—

''(A) to the individual in the manner provided in section 3223(b) of this title so much of the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account as are not used to reduce the amount of the reduction in the individual's basic pay under subsection (b)(2); and

''(B) to the Secretary of Defense the unused contributions (other than contributions made under section 3222(c) of this title) made by such Secretary to the Account on behalf of such individual.

''(3) Any contribution made by the Secretary of Defense to the Post-Vietnam Era Veterans Education Account pursuant to section 3222(c) of this title on behalf of an individual referred to in paragraph (1) shall remain in such account to make payments of benefits to the individual under section 3015(f) of this title.

''(d)(1) The requirements of sections 3011(a)(3) and 3012(a)(3) of this title shall apply to an individual who makes an election described in subsection (a)(5), except that the completion of service referred to in such section shall be the completion of the period of active duty being served by the individual on the date of the enactment of this section.

''(2) The procedures provided in regulations referred to in subsection (a) shall provide for notice of the requirements of subparagraphs (B), (C), and (D) of section 3011(a)(3) of this title and of subparagraphs (B), (C), and (D) of section 3012(a)(3) of this title. Receipt of such notice shall be acknowledged in writing.''.

(2) The table of sections at the beginning of chapter 30 of that title is amended by inserting after the item relating to section 3018C the following new item:

''3018D. Opportunity to enroll: certain VEAP participants; active duty personnel not previously enrolled.''.

(b) CONFORMING AMENDMENT.—Section 3015(f) of that title is amended by striking ''or 3018C'' and inserting ''3018C, or 3018D''.

(c) SENSE OF CONGRESS.—It is the sense of Congress that any law enacted after the date of the enactment of this Act which includes provisions terminating or reducing the contributions of members of the Armed Forces for basic educational assistance under subchapter II of chapter 30 of title 38, United States Code, should terminate or reduce by an identical amount the contributions of members of the Armed Forces for such assistance under section of section 3018D of that title, as added by subsection (a).

Mr. FRIST. Mr. President, this amendment is meant to assist the men and women serving in our armed forces in attaining an education. This amendment is targeted at a group serving in our military that has been forgotten since the passage of the Montgomery GI Bill.

Before the GI Bill was enacted in 1985, new servicemen were invited to participate in a program called the Veterans' Educational Assistance Program or VEAP. This program offered only a modest return on the service member's investment and, as a consequence, provided little assistance to men and women in the armed services who wanted to pursue additional education. It was and is inferior to the Montgomery GI Bill that every new serviceman is offered today.

My amendment would allow active duty members of the armed services who entered the service after December 31, 1976 and before July 1, 1985 and who are or were otherwise eligible for the Veterans' Educational Assistance Program to participate in the Montgomery GI bill. This group of military professionals largely consists of the mid-career and senior noncommissioned officer ranks of our services—the exact group that new recruits have as mentors and leaders.

If we really believe in the importance of providing our service men and women with the education opportunities afforded by the Montgomery GI bill, it is critical that we offer all service members the opportunity to participate if they choose.

It is important to remember that much of the impetus for the creation of the Montgomery GI Bill was that the Veterans' Educational Assistance Program was not doing the job. It was not providing sufficient assistance for young men and women to go to college. It was expensive for them to participate, and provided 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, Airman, 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 in 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.

4. 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 my colleagues support in this effort. thank you Mr. President.

AMENDMENT NO. 510

(Purpose: To authorize the Secretary of Veterans Affairs to continue payment of monthly educational assistance benefits to veterans enrolled at educational institutions during periods between terms if the interval between such periods does not exceed eight weeks)

On page 254, between lines 3 and 4, insert the following:

**SEC. 676. REVISION OF EDUCATIONAL ASSISTANCE INTERVAL 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 where the educational institution certifies the enrollment of the eligible veteran or eligible person on an individual term basis if (i) the period between such terms does not exceed eight weeks, and (ii) both the term preceding and the term following the period are not shorter in length than the period.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to payments of educational assistance under title 38, United States Code, for months beginning on or after the date of the enactment of this Act.

Mr. DEWINE. 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 4 weeks. This allowance was established to enable enrolled veterans to continue to receive their benefits during the December/January holidays.

The problem with the current time period is that it only covers 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 (PC1) or a craft with a similar hull. The transfer shall be made on a sale, lease, lease/buy, or grant basis under section 516 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.

AMENDMENT NO. 512

(Purpose: to authorize payments in settlement of claims for deaths 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 disposing of evidence)

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 disposing of evidence.

(b) DEADLINE FOR EXERCISE OF AUTHORITY.—The Secretay 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 operation and maintenance for fiscal year 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 disposing of evidence described in subsection (a).

(6) AMOUNT OF PAYMENT.—The amount of the payment under this section in settlement of the claims arising from the death of any person associated 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 may not 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).

(g) RESOLUTION OF OTHER CLAIMS.—No payments under this section or any other provision of law for the settlement of claims arising from the accident described in subsection (a) shall be made to citizens of Germany until the Government of Germany provides a comparable settlement of the claims arising from the death of the United States servicemen caused by the collision between a United States Air Force C–141 Starlifter aircraft and a German Luftwaffe Tupelov TU–154M aircraft off the coast of Namibia, on September 13, 1997.

AMENDMENT NO. 513

(Purpose: To increase the grade established for the chiefs of reserve components and the additional general officers assigned to the National Guard Bureau, and to exclude those officers from a limitation on number of general and flag officers)

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

**SEC. 522. CHIEFS OF RESERVE COMPONENTS AND THE ADDITIONAL GENERAL OFFICERS AT THE NATIONAL GUARD BUREAU.**

(a) GRADE OF CHIEF OF ARMY RESERVE.—Section 3038(c) of title 10, United States Code, is amended by striking ''major general'' and inserting ''lieutenant general''.

(b) GRADE OF CHIEF OF NAVAL RESERVE.—Section 5143(c)(2) of such title is amended by striking ''rear admiral (lower half)'' and inserting ''rear admiral''.

(c) GRADE OF COMMANDER, MARINE FORCES RESERVE.—Section 5144(c)(2) of such title is amended by striking ''brigadier general'' and inserting ''major general''.

(d) GRADE OF CHIEF OF AIR FORCE RESERVE.—Section 8038(c) of such title is amended by striking ''major general'' and inserting ''lieutenant general''.

(e) THE ADDITIONAL GENERAL OFFICERS FOR THE NATIONAL GUARD BUREAU.—Subparagraphs (A) and (B) of section 10506(a)(1) of such title are each amended by striking ''major general'' and inserting ''lieutenant general''.

(f) EXCLUSION FROM LIMITATION ON GENERAL AND FLAG OFFICERS.—Section 526(d) of such title is amended to read as follows:

''(d) EXCLUSION OF CERTAIN RESERVE COMPONENT OFFICERS.—The limitations of this section do not apply to the following reserve component general or flag officers:

''(1) An officer on active duty for training.

''(2) An officer on active duty under a call or order specifying a period of less than 180 days.

''(3) The Chief of Army Reserve, the Chief of Naval Reserve, the Chief of Air Force Reserve, the Commander, Marine Forces Reserve, and the additional general officers assigned to the National Guard Bureau under section 10506(a)(1) of this title.''.

(g) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

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AMENDMENT NO. 514

(Purpose: To express the sense of the Senate that members of the Armed Forces who receive special pay should receive the same tax treatment as members serving in combat zones)

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 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.

Mr. EDWARDS. Mr. President, this amendment expresses the Sense of the Senate that income received by a member of the Armed Forces of the United States while receiving special pay should be tax exempt.

Currently, members of the U.S. Armed Forces who serve in a ''combat zone'' receive special tax exemptions. For example, they do not have to pay excise taxes on phone calls that they make from the combat zone. Nor do they have to pay income taxes on the money earned while in that zone.

My amendment expresses the Sense of the Senate that the tax exemptions should be triggered when the Secretary of Defense designates his employees as eligible for ''special pay'' based on hostile conditions. Members of the Armed Forces receive special pay under Title 37, United States Code, Section 310 when: (a) subject to hostile fire; (b) on duty in which he, or others with him, are in imminent danger of such fire; (c) were killed, injured or wounded by hostile fire or (d) were on duty in a foreign area in which he was subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions.

The original tax exemption for combat pay was put in place during the Korean War. But given the current uses of our Armed Forces, it makes sense to update the provision for soldiers in hostile zones.

And I also believe that making this change in the Tax Code would correct an inequity. I think it is only right that soldiers in the Kosovo engagement are receiving the tax exemptions. But during a recent visit to Fort Bragg, many soldiers and their families commented that the same benefits should have been extended to the soldiers who served in Haiti and in Somalia. I have to say that I agreed with them. Indeed, I will introduce legislation after Memorial Day to implement this Sense of the Senate.

This Sense of the Senate addresses the new realities of the post-cold war world that repeatedly affects the members of our armed forces and their families. As the Senate knows all too well, the end of the cold war brought with it a significant drawdown in the size of our armed forces and a withdrawal from an overseas based force to one based primarily in the United States. Almost concurrently, our national security strategy has lead us into an era of seemingly continuous deployments. In the 40 years between 1950 and 1990, the U.S. Army was deployed 10 times. In the less than 10 years since the fall of the Berlin Wall, the Army has been deployed 33 times. The Navy's responses have doubled in the 90's. The Air Force has seen its deployed forces rise 400 percent while its active duty personnel dropped 33 percent. Some of these deployments are a few months in duration; some are part of a continuous presence—such as our forces in the Sinai. All work hardship on both the members deployed and their families, particularly when there are repeated or back-to-back deployments.

Again, as the Senate well knows these demands are contributing to both recruitment and retention problems. In recognition of these demands and of the likelihood that we will continue to see more of these deployments, this Sense of the Senate recognizes that we need to bring our Tax Code up to date so that it too acknowledges these new realities.

As we approach Memorial Day, I ask the Senate to approve this amendment as a means of acknowledging the sacrifices demanded of our service members and their families.

AMENDMENT NO. 515

(Purpose: To increase the funding for the Formerly Used Defense Sites account)

(1) On page 56, line 16, add ''$40,000,000''.

(2) On page 55, line 15, reduce ''$40,000,000''.

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AMENDMENT NO. 516

(Purpose: To strike the portions of the military lands withdrawals relating to lands located in Arizona)

In section 2902, strike subsection (a).

In section 2902, redesignate subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

In section 2903(c), strike paragraphs (4) and (7).

In section 2903(c), redesignate paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

In section 2904(a)(1)(A), strike ''(except those lands within a unit of the National Wildlife Refuge System)''.

In section 2904(a)(1), strike subparagraph (B).

In section 2904, strike subsection (g).

Strike section 2905.

Strike section 2906.

Redesignate sections 2907 through 2914 as sections 2905 through 2912, respectively.

In section 2907(h), as so redesignated, strike ''section 2902(c) or 2902(d)'' and insert ''section 2902(b) or 2902(c)''.

In section 2908(b), as so redesignated, strike ''section 2909(g)'' and insert ''section 2907(g)''.

In section 2910, as so redesignated, strike '', except that hunting,'' and all that follows and insert a period.

In section 2911(a)(1), as so redesignated, strike ''subsections (b), (c), and (d)'' and insert ''subsections (a), (b), and (c)''.

In section 2911(a)(2), as so redesignated, strike '', except that lands'' and all that follows and insert a period.

At the end, add the following:

**SEC. 2912. SENSE OF SENATE REGARDING WITHDRAWALS OF CERTAIN LANDS IN ARIZONA.**

It is the sense of the Senate that—

(1) it is vital to the national interest that the withdrawal of the lands withdrawn by section 1(c) of the Military Lands Withdrawal Act of 1986 (Public Law 99–606), relating to Barry M. Goldwater Air Force Range and the Cabeza 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.

Mr. CHAFEE. Mr. President, I thank my distinguished colleague from Arizona for sponsoring his amendment relating to the withdrawal of lands from the Cabeza Prieta National Wildlife Refuge. I am happy to cosponsor it, and I look forward to working with him in the future on this issue.

The amendment removes the provision in Title 29 relating to the Goldwater Range, and includes nothing more than a placeholder for subsequent consideration of the withdrawals. It is no more than a means to ensure 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 agreed to work 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. 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 withdrawn 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 was developed have also been raised. 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 public lands management 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 and support the need to maintain the availability of the range for essential military training.

Let me reiterate what I said more fully in my additional 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 ensuring that all viewpoints are heard and respected in crafting the final language of the withdrawal legislation, both because of the importance of the Goldwater Range as a military training facility, and to preserve and protect the unique environmental and cultural resources in this 2.7 million acre area.

The placeholder language in Title 29 of the Committee-reported bill is generally based on Public Law 99–606, which is the law that currently governs the status of these lands and which expires in 2001. However, the language is intentionally silent on many of the difficult issues that must be resolved before this legislation can be enacted. For example, the Committee-approved provision does not specify a length of time for the withdrawal of the Goldwater Range. The provision is deliberately ambiguous, 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 the management of 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 Park.

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 these lands and 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 the 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. President, I hope 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. 517

(Purpose: To increase by $2,000,000 the amount authorized for the Navy for procurement of MJU–52/B air expendable countermeasures and to offset the increase by a decrease by $2,000,000 of the amount authorized for the Army for UH–1 helicopter modifications)

On page 16, line 17, strike ''$1,500,188,000'' and insert ''$1,498,188,000''.

On page 17, line 18, strike ''$540,700,000'' and insert ''$542,700,000''.

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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 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 scheduled 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).

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. 1061. 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, 2000, a report detailing the efforts made by the United States Army Central Identification Laboratory to accomplish the objectives described in paragraph (1).

(b) RESPONSIBILITIES OF THE SECRETARY OF STATE.—The Secretary of State, upon request by the Secretary of the Army, shall work with officials of governments of sovereign nations in the Pacific theater of operations of World War II to overcome any 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.

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 to leave her 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 accidently 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 elderly 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, PA.*

Senator SMITH,
c/o Dino Carluccio.

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–I, #41–30182, 38th Bomb Group, 71st Bomb Squadron. The B–25 had departed Saidor on a shuttle flight to Nadzab on July 1, 1944@0907. There were 9 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 Major Bill Benn was killed in 1957. 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 is 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 never 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 in it 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 received the following commendation 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. 520

(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 368, line 14, strike ''$40,000,000'' and insert ''$85,000,000''.

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:

| | | | |
|---|---|---|---|
| | | | |
| | Naval Base, Pearl Harbor | 133 Units | $30,168,000 |

On page 414, line 6, strike ''$2,078,015,000'' and insert ''$2,072,585,000''.

On page 414, line 9, strike ''$673,960,000'' and insert ''$668,530,000''.

On page 429, line 20, strike ''$179,271,000'' and insert ''$189,639,000''.

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 ''$28,475,000''.

On page 509, line 10, strike ''$892,629,000'' and insert ''$880,629,000''.

On page 509, line 16, strike ''$88,290,000'' and insert ''$100,290,000''.

On page 509, between lines 16 and 17, insert the following:

Project 00–D–____, Transuranic waste treatment, Oak Ridge, Tennessee, $12,000,000.

Project 00–D–400, 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 ''(2)''.

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 to the 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. 1032. REPORT ON MILITARY-TO-MILITARY CONTACTS WITH 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 grade 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 (2), 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.

(5) 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.

(6) 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.

(7) Any official documentation such as memoranda for the record, official reports, and final itineraries, and 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.

(8) 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.

(9) The report shall be submitted no later than March 31, 2000 and shall be unclassified but may contain a classified annex.

AMENDMENT NO. 522

(Purpose: To authorize the Secretary of Defense to transfer to the Attorney General quantities of lethal chemical agents required to support training at the Chemical Defense Training Facility at the Center for Domestic Preparedness, Fort McClellan, Alabama)

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

**SEC. 1061. CHEMICAL AGENTS USED FOR DEFENSIVE TRAINING.**

(a) AUTHORITY TO TRANSFER AGENTS.—(1) The Secretary of Defense may transfer to the Attorney General, in accordance with the Chemical Weapons Convention, quantities of lethal chemical agents required to support training at the Center for Domestic Preparedness in Fort McClellan, Alabama. The quantity of lethal chemical agents transferred under this section may not exceed that required to support training for emergency first-response personnel in addressing the health, safety, and law enforcement concerns associated with potential terrorist incidents that might involve the use of lethal chemical weapons or agents, or other training designated by the Attorney General.

(2) The Secretary of Defense, in coordination with the Attorney General, shall determine the amount of lethal chemical agents that shall be transferred under this section. Such amount shall be transferred from quantities of lethal chemical agents that are produced, acquired, or retained by the Department of Defense.

(3) The Secretary of Defense may not transfer lethal chemical agents under this section until—

(A) the Center referred to in paragraph (1) is transferred from the Department of Defense to the Department of Justice; and

(B) the Secretary determines that the Attorney General is prepared to receive such agents.

(4) 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 Justice or Department of Defense facility in another State.

(5) Quantities of lethal chemical agents transferred under this section shall meet all applicable requirements for transportation, storage, treatment, and disposal of such agents and for any resulting hazardous waste products.

(b) ANNUAL REPORT.—The Secretary of Defense, in consultation with Attorney General, shall report annually to Congress regarding the disposition of lethal chemical agents transferred under this section.

(c) NON-INTERFERENCE WITH TREATY OBLIGATIONS.—Nothing in this section may be construed as interfering with United States treaty obligations under the Chemical Weapons Convention.

(d) CHEMICAL WEAPONS CONVENTION DEFINED.—In this section, the term ''Chemical Weapons Convention'' means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

AMENDMENT NO. 523

**SEC. . ORDNANCE MITIGATION STUDY.**

(a) The Secretary of Defense is directed to undertake a study and is authorized 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 justify 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).

AMENDMENT NO. 524

(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.

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) 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 regarding Russia's tactical nuclear weapons.

AMENDMENT NO. 526

(Purpose: To make technical corrections)

On page 153, 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)''.

AMENDMENT NO. 527

(Purpose: To To authorize $4,000,000 for construction of a control tower at Cannon Air Force Base, New Mexico, and $8,000,000 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:

| | | |
|---|---|---|
| New Mexico | Cannon Air Force Base<br>Cannon Air Force Base | $4,000,000<br>$8,100,000 |

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 the item relating to Holloman Air Force Base, New Mexico.

On page 418, in the table following line 5, strike ''$196,088,000'' in the amount column of the item relating to the total and insert ''$186,248,000''.

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 ''$343,511,000'' and insert ''$333,671,000''.

On page 420, line 17, strike ''$628,133,000'' and insert ''$640,233,000''.

On page 429, 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 placeholder 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.**

''The Congress finds that—

''(1) Public Law 99–606 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 Fort Greely in Alaska, collectively comprising over 4 million acres of public land;

''(2) 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;

''(3) in addition to their use for military purposes, these ranges contain significant natural and cultural resources, and provide important wildlife habitat;

''(4) the future uses of these ranges is important not only for the affected military branches, but also for local residents and other public land users;

''(5) 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

''(5) 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 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 ''$168,340,000''

On page 411, in the table below, insert after item related Mississippi Naval Construction Battalion Center, Gulfport following new item:

New Hampshire NSY Portsmouth $3,850,000

On page 412, in the table line Total strike out ''744,140,000'' and insert ''$747,990,000.''

On page 414, line 6, strike out ''$2,078,015,000'' and insert in lieu thereof ''$2,081,865,000''.

On page 414, line 9, strike out ''$673,960,000'' and insert in lieu thereof ''$677,810,000''.

On page 414, line 18, strike out ''$66,299,000'' and insert in lieu thereof ''$66,581,000''.

AMENDMENT NO. 530

(Purpose: To authorize $11,600,000 for the Air Force for a military construction project at Nellis Air Force Base, Nevada (Project RKMF983014))

On page 416, in the table following line 13, insert after the item relating to Nellis Air Force Base, Nevada, the following new item:

Nellis Air Force Base ..... $11,600,000

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. 531

At the end of Section E of Title XXVIII insert the following:

SEC. . ARMY RESERVE RELOCATION FROM FORT DOUGLAS, UTAH.— Section 2603 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 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 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. Amounts so credited shall be available until expended.

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 AMOUNTS.—Of the amounts authorized to be appropriated by section 301(a)(20), as increased by subsection (a) of this section, funds shall be available in the following amounts for the following purposes:

(1) $6,000,000 shall be available for Operation Caper Focus.

(2) $17,500,000 shall be available for a Relocatable Over the Horizon (ROTHR) 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 heroine flowing 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 counter-drug programs. This amendment is taken from a provision contained in S. 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 these 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 authorization 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 or 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 drug-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. 533

(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. . SENSE OF SENATE REGARDING SETTLEMENT OF CLAIMS OF AMERICAN SERVICEMENS' FAMILIES REGARDING DEATHS RESULTING FROM THE ACCIDENT OFF THE COAST OF NAMIBIA ON SEPTEMBER 13, 1997.**

(a) FINDINGS.—The Senate makes the following findings:

(1) On September 13, 1997, a German Luftwaffe Tupelov 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. Bryant, 32, loadmaster, Providence, Rhode Island; Staff Sergeant Gary A. Bucknam, 25, flight engineer, Oakland, Maine; Captain Gregory M. Cindrich, 28, pilot, Byrans Road, Maryland; Airman 1st Class Justin R. Drager, 19, loadmaster, Colorado Springs, Colorado; Staff Sergeant Robert K. Evans, 31, flight engineer, Garrison, Kentucky; Captain Jason S. Ramsey, 27, pilot, South Boston, Virginia; Staff Sergeant Scott N. 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 states unequivocally 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 Tupelov 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 Tupelov 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 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 Tupelov 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.**

(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 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 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.—Congress hereby—

(1) designates November 9, 1999, as ''Victory in the Cold War Day''; and

(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.

(c) 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**

''(a) AWARD.—There is hereby authorized an award of an appropriate 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.

''(b) 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.

''(c) 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.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1133. Cold War medal: award.''.

(d) PARTICIPATION OF ARMED FORCES IN CELEBRATION OF ANNIVERSARY OF END OF COLD WAR.—(1) Subject to paragraphs (2) and (3), amounts authorized to be appropriated by section 301(1) shall be available for the purpose of covering the costs of the Armed Forces in participating in a celebration of the 10th anniversary of the end of the Cold War to be held in Washington, District of Columbia, on November 9, 1999.

(2) The total amount of funds available under paragraph (1) for the purpose set forth in that paragraph may not exceed $15,000,000.

(3)(A) The Secretary of Defense may accept contributions from the private sector for the purpose of reducing the costs of the Armed Forces described in paragraph (1).

(B) The amount of funds available under paragraph (1) for the purpose set forth in that paragraph shall be reduced by an amount equal to the amount of contributions accepted by the Secretary under subparagraph (A).

(e) COMMISSION ON VICTORY IN THE COLD WAR.—(1) There is hereby established a commission to be known as the ''Commission on Victory in the Cold War'' (in this subsection to be referred to as the ''Commission'').

(2) The Commission shall be composed of twelve individuals, as follows:

(A) Two shall be appointed by the President.

(B) Two shall be appointed by the Minority Leader of the Senate.

(C) Two shall be appointed by the Minority Leader of the House of Representatives.

(D) Three shall be appointed by the Majority Leader of the Senate.

(E) Three shall be appointed by the Speaker of the House of Representatives.

(3) The Commission shall have as its duty the review and approval of the expenditure of funds by the Armed Forces under subsection (d) prior to the participation of the Armed Forces in the celebration referred to in paragraph (1) of that subsection, whether such funds are derived from funds of the United States or from amounts contributed by the private sector under paragraph (3)(A) of that subsection.

(4) In addition to the duties provided for under paragraph (3), the Commission shall also have the authority to design and award medals and decorations to current and former public officials and other individuals whose efforts were vital to United States victory in the Cold War.

(5) The Commission shall be chaired by two individuals as follows:

(A) one selected by and from among those appointed pursuant to subparagraphs (A), (B), and (C) of paragraph (2);

(B) one selected by and from among those appointed pursuant to subparagraphs (D) and (E) of paragraph (2).

Mr. LEVIN. It is my understanding that the creation of a medal under this section is solely at the discretion of the Secretary of Defense.

AMENDMENT NO. 535

(Purpose: To require the implementation of the Department of Defense special supplemental nutrition program

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 1996 (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 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. 1786(b)).''.

AMENDMENT NO. 536

(Purpose: To provide $4,000,000 for testing of airblast and improvised explosives (in PE 63122D), and to offset that amount by reducing the amount provided for sensor and guidance technology (in PE 63762E)

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

**SEC. 216. TESTING OF AIRBLAST AND IMPROVISED EXPLOSIVES.**

Of the amount authorized to be appropriated under section 201(4)—

(1) $4,000,000 is available for testing of airblast and improvised explosives (in PE 63122D); and

(2) the amount provided for sensor and guidance technology (in PE 63762E) is reduced by $4,000,000.

The PRESIDING OFFICER. Is there further debate on the amendments?

Mr. WARNER. I ask unanimous consent that the amendments be agreed to en bloc, the motion to reconsider be laid on the table, and that any statements be printed in the RECORD.

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

The amendments (Nos. 482 through 538) were agreed to.

Mr. WARNER. Mr. President, I ask all remaining amendments at the desk be withdrawn.

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

Mr. WARNER. It is the intention of the managers to move to third reading momentarily.

Mr. LEVIN. We are ready.

Mr. WARNER. In the moment I have here, I just want to acknowledge, again, the tremendous cooperation and the spirit with which my distinguished colleague from Michigan and I—we have worked together for these many years—came together. We were supported by superb staffs; our staff directors, I tell you, they are pretty tough.

At this moment we will withhold that, but the balance of the staffs on both sides have done magnificent work.

Mr. LEVIN. Mr. President, I join my dear friend, the chairman, in that sentiment about our staffs and our colleagues. This is a very complex bill. I think we have done it in record time, but it has taken the cooperation of all of our colleagues, the leadership on both sides, and of course our staff made it possible. We will have more to say about that after final passage. I think we are now waiting for the final highsign from our staff that everything has been cleared.

Mr. WARNER. Mr. President, of course we include Les Brownlee and David Lyles in those accolades.

Mr. KYL. Mr. President, I inquire how much time is remaining?

The PRESIDING OFFICER. There remain 1 minute 42 seconds.

Mr. KYL. The minority has yielded back its time?

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 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 as well as Democrat 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 asked 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 National Laboratories, therefore, 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 wails 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.

AMENDMENT NO. 399

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 bill. 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 reality is that no amount of pressure and follow-through can overcome what 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 people or resources 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 towards this problem a priority. However, it seems like the same old story—our government forgets the

sacrifices servicemen and women have made as soon as they leave military duty. We can do better.

Last year, during the debate over the FY99 Defense Appropriations bill, the Senate passed my amendment urging the DOD to end the backlog of unfulfilled military medal requests. Unfortunately, the Pentagon has not moved to fix the problem. In fact, according to my information, the problem has worsened.

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.

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 solution to the problem.

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 they so 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.

AMENDMENT NO. 394

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 plead 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 to come in the details of what happened, because those who know will not tell. Instead of a swift accounting of what went wrong, I am afraid we can expect the stonewalling and lack of cooperation we received during the campaign finance inquiry.

Yet there are things Congress can do now to improve security at our national labs, and the majority leader's amendment is one of them. The Amendment increases the exchange of information between the Administration and the Congress and requires changes at the Departments of State, Energy, Defense as well as other intelligence agencies. These changes will help strengthen security checks, licensing procedures, and access to classified information. I am hopeful that these provisions will enhance the security and protection of our most vital technological secrets and ensure that if violations do occur, swift and decisive action is taken to correct them.

I urge my colleagues to support this measure.

BQM–74 TARGET DRONE PROCUREMENT

Mr. CONRAD. Mr. President, I ask unanimous consent on behalf of myself, Senator DORGAN, and Senator BINGAMAN to engage the Chairman and Ranking Member of the Armed Services Committee in a colloquy.

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

Mr. CONRAD. I thank the chair. Mr. President, Senator DORGAN, Senator BINGAMAN, and I have come to the Senate floor today to discuss with the Armed Services Committee's able leadership how the Congress might go about ensuring funding for procurement in fiscal year 2000 of the BQM–74, a Navy target drone.

Mr. DORGAN. I understand that the Senator from New Mexico has some expertise on this subject.

Mr. BINGAMAN. I have been pleased to support the BQM–74. This target drone plays an important role in Navy air-to-air and surface warfare training, representing enemy fighters, bombers, and cruise missiles during live-fire training operations. The Chief of Naval Operations has a requirement that at least 240 of these drones be kept in the active inventory. We have maintained this number in the past, and I hope that the Navy will be able to continue to do so.

Mr. CONRAD. I wonder if I could direct a question to my colleague from North Dakota, who also has some familiarity with this program. Senator DORGAN, am I correct to understand that a lack of BQM–74 procurement in fiscal year 2000 could result in the Navy's inventory falling below the CNO's requirement?

Mr. DORGAN. My colleague from North Dakota is entirely correct. I am informed that no production in the coming fiscal year would likely result in a dangerous reduction to the inventory, and could force Navy training operations to be curtailed as early as 2002. This would clearly not be in our nation's interest. I am additionally informed that a gap in production next year could drive up unit cost sharply.

Mr. CONRAD. This is most distressing. I wonder, could the Senator from New Mexico provide some background on the BQM–74's current funding status?

Mr. BINGAMAN. 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. 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—on which I serve—added 430 million for procurement of this target drone. This move followed an authorization by the House Armed Services Committee of $27 million for BQM–74 procurement.

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. 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. DORGAN. Senator LEVIN, might I ask if you concur with the Chairman?

Mr. LEVIN. the issue will certainly have to be addressed in conference. The BQM–74 target drone is important to

peacetime training and readiness. I know that the House Armed Services 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. On behalf of myself, Senator DORGAN, and Senator BINGAMAN, I thank the distinguished Chairman and Ranking Members for their important assurances.

WARTIME EMBARGO

Ms. SNOWE. Mr. President, this amendment imposes a straightforward but neglected requirement on the administration to seek multilateral economic embargoes as well as foreign asset seizures against governments with which the United States engages in armed hostilities.

After one month of conflict in Kosovo, the Pentagon had announced that NATO had destroyed most of Yugoslavia's internal oil refining capacity.

But the Secretary of State then acknowledged that the Serbians continued to fortify their hidden armored forces in the province with imported oil.

And just three weeks ago, the allies first agreed to an American proposal to intercept petroleum exports bound for Serbia on the high seas but then declined to enforce the ban against their own ships!

On May 1st, five 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 comprehensive economic sanctions on Serbia from the beginning of the air campaign in late March. As recently as May 13th, an anonymous U.S. government source told Reuters that the Yugoslavian Army continued to smuggle significant amounts of oil over land and water.

At the end of April, General Wesley Clark, NATO's Supreme Commander, gave the alliance a plan for the interdiction of oil tankers streaming in the Adriatic towards Serbian ports. To justify this proposal, he cited the fact that through approximately 11 shipments, as this chronology shows, the Yugoslavians had imported 450,000 barrels containing 19 million gallons of petroleum vital to their war efforts. One Russian vessel alone deposited more than four million gallons of this amount.

Unfortunately, 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.

Less than four weeks later, with more than 400 planes flying over 400,000 internally displaced Kosovars, Belgrade reached the mid-point of receiving 11 shipments of oil from abroad.

By 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 fuel.

And on May 1st, when the President 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 displaced Kosovars had topped one million and NATO acknowledged the continuation 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 Yugoslav forces consume about four thousand barrels of oil per day. This fact means that if Serbian armored units in Kosovo used only *one-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 starved of 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 14 days, 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 European 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 allied 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 their forgotten 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 trade and hide.

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 millenium. 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. Europe 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 Austian-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. Serbai's 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 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 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 5 months of time we gave President Milosevic 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 were on a path through 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 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.

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 the security needs of others and perceptions may culminate in a Eurasian bloc allied against us—against NATO. And 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 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 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 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 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 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 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. BINGAMAN. 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 at the nuclear complexes 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 or related facilities. Even 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 since 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 NCI. 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 the Russian government with significant economic benefit. According to the Department of Energy, the benefit to the United States is to have the Russian government close or dismantle the nuclear weapons complexes in those ten cities. However, the Russian government has not agreed to close or dismantle weapons-related facilities in these cities in exchange for United States' assistance. In the absence of such a Russian agreement, this initiative could result in great financial benefit for the Russians without any reduction in Russian weapons capability. The provision in question requires that, as a prerequisite for U.S. funding for the Nuclear Cities Initiative, the Russian government agree to close facilities engaged in work on weapons of mass destruction.

I assure the Senator from New Mexico that it is not the intention behind this provision to result in the termination of this program. Rather, it is to secure a commitment from the Russian government to do more to support the nonproliferation goals of the NCI effort. It is important to ensure that the Russians participate in the implementation of this program in an equitable way. I believe that the requirement for an agreement will ensure that the Russians participate equitably through in-kind contributions and through the closure of weapons of mass destruction facilities. I believe the provision contained in this bill will afford benefits to the U.S. national security and will assure that the program is on firm footing in the foreseeable future. I look forward to working with Senator BINGAMAN in overseeing the implementation of the Nuclear Cities Initiative.

Mr. BINGAMAN. I thank the Senator from Kansas for that assurance, and promise to work closely with you and the Department of Energy to see that 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 scientists and technicians 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. Over the long run, it will require sustainable economic development to allow Russia's scientific and technological assets to be put to peaceful, prosperous use. Mr. President, the Nuclear Cities Initiative is an integral part of our ongoing counterproliferation efforts. I join my colleague from New Mexico in pledging to continue to work with the Senator from Kansas and the Department of Energy in support of this program. I yield the floor.

HEALTH CARE CHOICE FOR MILITARY RETIREES

Mr. GORTON. Mr. President, I thank the Chairman, Mr. Warner, for including an amendment that directs a demonstration project for TRICARE Designated Providers to enroll new military beneficiaries on a 12-month continuous basis.

This is a compromise amendment sponsored by Senator SNOWE, which I have agreed to cosponsor. I personally would have preferred a straight-forward amendment that would have permitted beneficiaries the same opportunities to enroll in the Uniformed Services Family Health Plan provided by Designated Providers as is currently available for TRICARE Prime. For the sake of providing fairness to the beneficiaries and affording more health care choices, beneficiaries should be able to enroll at a Designated Provider at anytime during the year. I note that eleven groups representing military retirees recently wrote the Chairman in support of this proposal for open continuous enrollment for the Designated Providers.

My preferred amendment, however, was not acceptable to the Committee. However, I am pleased that a compromise advanced by my colleague from Maine was agreeable, which directs a two-year demonstration of continuous open enrollment for the Designated Providers. I urge the Department of Defense to faithfully carry out this demonstration by including as many of the TRICARE Designated Providers in the demonstration as possible. The agreed-to amendment does not restrict the size of the demonstration. Since the seven Designated Providers run the same Uniformed Services Family Health Program, I believe it makes sense to include all of them in the demonstration.

At a minimum, I urge the Department to include the PacMed Clinics in my state in this demonstration. The PacMed Clinics pioneered managed health care for military beneficiaries and have provided quality care to military families for a generation. Beneficiaries should have the opportunity to enroll at PacMed during any time of the year, just like TRICARE Prime. Accordingly, the demonstration mandated by this amendment should include the PacMed clinics and as many of the other Designated Provider as possible.

Mr. SMITH of New Hampshire. Mr. President, I rise today to express my 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. As 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 Capistrano 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, $110 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 provide 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 Administration requested, to fully fund the revised Space Based Infrared System (High) program. An increase of $111 million for advanced space technology development, including funds for space control technology, microsatellite 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 B–2 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 stockpile life extension program that is capable to 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.

PROPERTY CONVEYANCE AT NIKE BATTER BASE 80 IN EAST HANOVER, NEW JERSEY

Mr. LAUTENBERG. I would like to call up my amendment regarding property conveyance at Nike Battery Base 80 Family Housing Site in East Hanover Township, New Jersey. This provision would convey roughly 14 acres to the Township of East Hanover for the development of low and moderate income housing, senior housing, and parkland. Using this land for these purposes is consistent with the 1994 Base Closure and Community Redevelopment Homeless Assistance Act. The Township needs this land to fulfill its obligation to provide such housing under New Jersey state law. I understand a similar provision exists in the bill reported from the House Armed Service Committee. In the interest of expediting the Senate's consideration of this bill, I am willing to withdraw my amendment contingent upon a commitment from the managers of the bill that they will give the House position full consideration in conference.

Mr. LEVIN. I thank the senior Senator from New Jersey for his willingness to expedite our consideration of this bill. We understand the House has a similar provision. During conference, we will give full consideration to the project as the Senator from New Jersey has recommended.

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 within 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 an 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 techno-warfare. 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 the most 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 clairvoyance 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 roadmap, we are requesting DOD derive a second roadmap—the R&D path that DOD, in cooperation with the private sector, will have to follow to obtain these 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 complement 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 a new 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. However, the current structure, which 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 system 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 temporary alliances between competitors 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 advances. 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 the plan for the future innovation system, one which ensures that joint technologies, 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 merge the strategic and technological threads within the military's decision making process, Section 233 in the FY2000 Defense Authorization Act requests a DoD plan for modifying the ongoing education of its future military leadership (i.e., its uniformed officers) so they may better understand the technological opportunities and threats they face.

The laboratories themselves could and should play a crucial role in our future military. Ideally, the military laboratories are the place where the minds of the brightest scientists meet the demands of the most experienced warfighters. Out of this intense dialogue would then come a clearer understanding of future warfare possibilities, as well as the technological breakthroughs critical to changing the face of warfare as we know it. For various reasons, however, that vision is in danger of becoming lost. One specific problem is DoD's rigid personnel system 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, the two processes are not even 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. As 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 inevitably 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/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 of these metrics can help capture 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 may include such innovations as pay for performance, starting bonuses (e.g., in the form of equipment start-up funds) for attracting key scientists, ability to alter reduction in force (RIF) retention rules to favor high performers, broadbanding of pay grades, simplified employee classification, educational programs which allow employees to receive advanced degrees while still employed, modification of priority placement procedures, and creation of employee participation and reward programs.

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 in exchange for later work commitments 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 sector employees. The Defense Science Board has strongly recommended 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 proceed towards the new vision, 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 strategies which capitalize on 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 is one 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 sub-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 can be drawn into product lines on a time scale similar to that experienced in the commercial sector. This sub-issue 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 identical profit margins to these 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, specifically Section 234, Subtitle D, Title II of the FY 2000 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 develoing 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 techno-warfare 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 score of the outlays 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.

Whether someone agrees with the Budget Resolution or not, these sorts of end runs are destructive to the process by undermining popular confidence in the institution.

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 a Supplemental Appropriations bill that include $11 billion for funding for 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 hiding 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.

I have faith that 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 would reduce the pressure on the discretionary budget, and free up resources for other needs around the country.

Another two rounds of base closures for example, while increasing outlays in the short run, would yield savings of $4 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 give them the authority to close bases through the Commission process in a manner isolated from political pressures. Had we supported base closure rounds when they were initially requested we might not now be pushing so tightly against the budget caps, while straining under draconian cuts in the non-defense accounts.

Senator KERREY has also offered an amendment that could help reduce the need to rely on budget gimmickry without reducing our capacity overseas. He would simply allow the Department of Defense to reduce our nuclear forces below the START I levels

of 6,500 warheads. According to CBO, if we reduce our warheads to the START II level of 3,500 the Department of Defense could save $12.7 billion by 2009. All that savings would come without reducing our conventional capability one iota. While nuclear deterrence is still important, it can be accomplished with many fewer missiles, and at less cost.

My point, Mr. President, is defense spending does not have to be this high. It is only this high because Congress and the Department of Defense are unwilling to make the tough choices to bring the cost of defending our nation and international interests down to a sustainable level. When our troops are deployed overseas, and in harms way, it is hard to critically look at the defense budget for unnecessary or unwise spending. Our instinct is to give our brave men and women whatever they need and then some to get the job done. I would argue, however, that it is even more important now than ever to closely examine our spending priorities. We need to stretch every defense dollar as far as it can go, and to do that we need to look for efficiencies and cut wasteful projects and items that contribute little to our defense.

Careful spending is the way to reduce outlays, not budget gimmicks. Congress needs to be more critical, not more clever.

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. Unfortunately, the United States 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 E/F, 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 loss of the F–15 is just such a case. 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 tasked plane 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 provides a critical fighter to the Air Force. Purchasing more planes would preserve the production capability of this critical national security asset. Finally, Congress wants 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 improved over the years. After 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 33 of the 35 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: 2.42 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-aided 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–15Cs. Looking to 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. Remember, 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 a budget cap and has run out of 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 longer than 23 planned.'' 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. The Air Force is not infallible. The RAND study itself encourages the Air Force to pursue a better mix of fighter aircraft, stating that ''To maintain force capability as its force structure contracts, the Air Force may need to strive for a higher quality mix of forces. The Air Force should be alert to opportunities for maintaining and in some cases enhancing overall force effectiveness despite cuts in force structure'' (From the report ''Measuring Effects of Payload and Radius Differences of Fighter Aircraft).

By purchasing additional F–15Es, not only are we taking appropriate steps to meet our current force needs, we are preserving a critical national security asset for an uncertain future. I reiterate my call on the President to take the necessary steps to keep the F–15 line open.

Mr. LIEBERMAN. Mr. President, I rise in support of the FY 2000 defense authorization bill. As the challenges facing us today demonstrate, the effectiveness of our military, and its readiness to act immediately to protect our national interests, must always be a priority concern for Congress. The $288.8 billion proposed in this bill is a 2 percent real increase over last year's budget and is the first real increase in topline defense funding since FY 1985, the middle of the Reagan administration. After fourteen years of declining, or flat defense spending, we increased authorization for readiness programs by $1.1 billion, we increased authorizations for procurement by $2.9 billion, and we increased authorizations for reasearch and development by $1.5 billion. I firmly believe this bill makes an important statement at a critical time, affirming our commitment to having the best trained, best equipped, and most effective military in the world, both today and tomorrow.

Under the excellent leadership of our colleagues, Senator JOHN WARNER, chairman of the Senate Armed Services Committee, and the ranking Democrat, Senator CARL LEVIN, we stepped up to our responsibility to provide what our soldiers, sailors, and airmen need today, and we took some very important steps to move toward the military that will protect our nation in the next century.

The past 14 years of inadequate defense spending has taken a toll on the readiness of our force today. We simply were not able to keep our training and maintenance at the levels that our role as a superpower demands. The struggle to do so, and the increasing need to use our forces to meet the many challenges of the post cold war world has taken its toll not just on equipment, but on our people in uniform. Simply put, the morale of our forces is suffering. This past year, we not only sought out and listened to our nation's top military leaders as they outlined the problems facing our military, but in this bill we addressed the most critical of those problems, including falling recruitment and retention in critical skill areas; aging equipment that costs more to keep operating at acceptable levels 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 readiness and procurement to fix the most urgent near-term readiness problems. But many of these problems are not simple to address, and simply adding money to budget lines will not fix them any more than adding 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 we are alert to how well the provisions 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. We directed, in the Military 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 with a view toward determining 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 2010. 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 will be different and that 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 fundamentally different military by including 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 BINGAMAN, 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 new 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 joint warfare which 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 approved provisions that built 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 explosive advances 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 techno-warfare. 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 what technologies will be needed 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 is 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 involved in the entire R&D process. Our R&D structure needs to be revamped now so that leading edge techno-warfare 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 program and policies 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 requirement 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 AirLand 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. I would like 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 the Army will surely face; operations that are increasingly urbanized, with growing deployment and access problems, and the need for lighter weight, self-deployable systems becomes compelling. We reviewed the Army's modernization plan to understand the relationship between the current service modernization program and projected land force challenges. The Army's modernization plans do not appear adequately address these issues. So we have required the Army to take a renewed look at its modernization plans generally, and its armor and aviation modernization programs specifically, to address these challenges and to provide us with modernization plans that are complete and that will be fully funded in future budgets. We direct this analysis include the operational capabilities that are necessary for the Army to prevail against the future land force challenges, including asymetrical threats, and the key capabilities and characteristics of of the future Army systems needed to achieve these operational capabilities. We are especially concerned about the ability of the Army to maintain the current fleet of helicopters that is rapidly aging and we have included a provision to require them to provide a complete and funded program that would upgrade, modernize, or retire the entire range of aircraft currently in the fleet, or provide an alternative that is sufficient and affordable. Similarly, the Army's armor modernization plan seems to be inadequate to modernize the current armor force while designing the tank of the future, and leads me to believe that the Army must reassess armor system plans and provide us with the most appropriate path to accelerate the development of the future combat vehicle.

The Air Force has fewer apparent modernization problems than the Army, but I wonder if their modernization plan is on the right track. Our hearings strongly suggest that the Department of Defense needs to answer several questions about our tactical air requirements, not the least of which is the characteristics, mix, and numbers of aircraft best suited for future conflicts. Kosovo is an example of how important the right mix of platforms and weapons really is to success on the battlefields of the future. We are embarked on three new TAC air programs which may report increasing costs coming dangerously close to the cost caps we have established, and in the case of the F–22 we must be alert to the danger that we will delay critical testing in order to not exceed the caps. And in the out years, the combined costs of these programs will consume a very large share of the overall procurement budget. We must make sure that we are not sacrificing other leading-edge capabilities, like unmanned aerial vehicles, information technology, or space technology. The specific aircraft programs will require close scrutiny as will the strategy for their use as we attempt to decide on the right course in future authorization bills.

We must overcome our cold war mentality and further examine and direct our trek into the 21st century. The provisions in this bill concerning innovation and transformation lay the foundation for the required changes in our defense mind set that will become mandatory as we face far different conflicts in the future—and, as we see on CNN everyday, much of that future is already here.

In closing, I express my appreciation to the committee for agreeing to include in the bill a provision to extend and expand the highly successful Troops to Teachers program, which I joined Senators MCCAIN and ROBB in sponsoring.

As my colleagues may know, this program was initially authorized by Congress several years ago to help transition retiring and downsized military personnel into jobs where they could continue their commitment to public service and bring their valuable skills to bear for the benefit of America's students.

To date Troops to Teachers has placed more than 3,000 retired or

downsized service members in public schools in 48 different states, providing participants with assistance in obtaining the proper certification or licensing and matching them up with prospective employers. In return, these new teachers bring to the classroom what educators say our schools need most: mature and disciplined role models, most of them male and many of them minorities, well-trained in math and science and high tech fields, highly motivated, and highly capable of working in challenging environments.

The legislation we introduced earlier in the year, and which the President has endorsed, aims to build on this success by encouraging more military retirees to move into teaching. It would do so by offering those departing troops new incentives to enter the teaching profession, particularly for those who are willing to serve in areas with large concentrations of at-risk children and severe shortages of qualified teaching candidates.

Even with the new incentives we are creating, which we hope will recruit as many as 3,000 new teachers each year, we recognize that Troops to Teachers will still only make a modest dent in solving the national teacher shortage. The Department of Education estimates that America's public schools will need to hire more than two million new teachers over the next decade.

But we are confident that, with an extremely modest investment, we will make a substantial contribution to our common goals of not just filling classroom slots, but doing so in way that raises teaching standards and helping our children realize their potential. I can't think of a better source of teaching candidates than the pool of smart, disciplined and dedicated men and women who retire from the military every year.

What's more, with this bill, we may well galvanize support for a recruitment method that, as Education Secretary Richard Riley has suggested, could serve as a model for bringing many more bright, talented people from different professions to serve in our public schools. This really is an ingenious idea, helping us to harness a unique national resource to meet a pressing national need, and I think we would be well served as country to build on it.

In putting together this bill, once again hard choices had to be made. We closely examined and analyzed the critical defense issues, and we ended up with are effective and affordable defense authorization bill which meets the growing readiness and retention challenges facing our armed forces, and augments our investment in the research, development, and procurement of the weapon systems necessary to maintain our military superiority well into the 21st Century. This bill compensates our most valuable resource, 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 American military personnel, their dependents, retirees, and veterans.

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 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, this is the first time during my 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 Fox and the current air campaign against Yugoslavia.

Now, Mr. President, allow me 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 utilizes 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 Committee.

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 4.8 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 by the Air Force.

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 $9.5 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 the 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 as far 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 distinguish 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 $25 million. One day we will likely do the NMD mission 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 drawbacks, 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 by a factor of eight to one, and is not covered by any arms control treaty. My amendment builds on the bipartisan amendment I authored last year, and supports the related provisions in the bill before us.

I thank the able leadership of 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 60 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 to 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 upgrading planned munitions. The time to start planning on this matter is now, and again I thank Chairman WARNER and Senator LEVIN for working with me on this amendment.

In closing, Mr. President, I would reiterate 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 that we can't replace, on a one-to-one basis, old weapons for newer replacements. 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 shortfalls 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's, and Marines' Bill of Rights. We 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 forces.

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 leaders have at least as much effect on retention, if not more, then 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 problem in a comprehensive and thoughtful manner.

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 paragon of efficiency and effectiveness, is up $509 million. These and other provisions raise the question, just how important does 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 program, but I am also 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 fails 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 remain under the 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 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 contracts. GAO concluded that ''no major 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 handle the temptation to spend it. 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.

I yield the floor.

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 as humanitarian support personnel 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 effects that these increased operations tempo are having on our 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 effectively for our troops and 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 specialities. 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 enhances 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 provide financial assistance for child care services and youth programs for members of the armed services. These expanded provisions will ensure that many more military families have access to adequate child care and worthwhile activities for their children.

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.

This bill also moves on many fronts 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, alone, was slated 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 we 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 chairman of the Armed Services Committee, Senator WARNER, concerning his amendment, No. 439, on radio frequency spectrums.

Mr. WARNER. Mr. President, I am pleased to enter into this colloquy with the distinguished President Pro Tempore and former Chairman of the Armed Services Committee.

Mr. THURMOND. Mr. President, it is important and I support the Chairman's efforts to protect critical DOD systems from harmful interference. 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. THURMOND. Mr. President, I look forward to working with the distinguished Chairman during Conference with the House to ensure the successful use of radio frequency spectrum by the military, appropriate government agencies, and the private sector.

Mr. WARNER. Mr. President, I will be pleased to work with my friend from South Carolina to ensure that this important amendment has its intended affect.

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

AMENDMENT NO. 461

Mr. ROBB. Mr. President, the amendment I have offered today is about accepting responsibility. On February 3, 1998, a United States Marine Corps EA–6B Prowler severed 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 conspired to destroy evidence of the circumstances leading to the accident.

This amendment, cosponsored by Senators SNOWE, BINGAMAN, LEAHY and KERREY, 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 and allow 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 that 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 United States Air Force 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 German adjudication.

The German government has an obligation to these American families who lost loved ones because of negligence and fault of the German Air Force. This is a simple matter of fairness.

To address this matter, I introduced a Sense of the Senate Resolution calling upon the German government 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 raise this issue with the German Ministry of Defense. 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 the 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 aircraft 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 accident 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 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. 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 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'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 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 blocks do not exist today. Serbia's 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 others' views 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've managed to create a humanitarian crisis, 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 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 were on a path through 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.

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. 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 allied against us—against NATO. And 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.

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 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 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 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 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 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'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 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 (DoE) 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 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 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 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 Connecticut—the Provisions State. 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 four Trident submarines into 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 pension issues. 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 cognizant of the fact that our men and women in uniform are risking their lives in the Balkans. They deserve to know that our Nation's leaders, including the Senate, stand firmly behind them. An amendment which limits our Commander-in-Chief's ability to act sends exactly the opposite message. It tells every soldier, sailor and airman and woman that the United States Senate is wavering in our support for their efforts and sacrifices. That is a statement we must never send.

Similarly, we must remember that there are innocent men, women and children, desperately looking to the United States and NATO for relief from Slobodan Milosevic's hateful campaign of genocide. Approval of the ill-advised amendment would have likewise sent a signal to the 1.4 million ethnic-Albanians who have been displaced from their homes that we were wavering at the moment they needed us most.

As I have said time and time again, 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 taking the lead on 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 very serious readiness 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—not if we wish to avoid imperiling our vital national interests.

I would be remiss in my responsibilities, however, were I not to illuminate the large number of programs that were added primarily for parochial reasons. With our military stretched perilously thin after more than a decade of declining budgets and expanding commitments, we can ill afford the business-as-usual practice of adding programs not requested by the military. It is for that reason that the list of unrequested programs that I would like to submit for the record, totaling more than $4 billion, is so troubling.

While I continue to have concerns about the integrity of the process by which the service unfunded priorities lists are produced, I have this year chosen to respect their legitimacy and have excluded from the compilation of unrequested projects I am submitting for the RECORD those items added by members that are reflected on the unfunded priority lists.

To wit, while I have to question the reverse economies of scale achieved on the C–40 program—in effect, why do two aircraft cost more on a unit cost basis than did the one aircraft included in the budget submission—I have not included the second aircraft, added by the committee, on this list because of its inclusion on the Navy's unfunded priority list. Similarly, I have omitted from my list two KC–130J aircraft because they are on the Marine Corps unfunded priority list despite the incredible surplus in C–130 frames already in the U.S. inventory. I will mention these programs no more today.

Let me be very clear, however, that the process by which budgets are put together is seriously flawed and both fiscal responsibility and national security dictate that we strive to improve it. After so many years of going through this exercise, though, I find it difficult to be optimistic.

I am, for instance, bewildered by the continued annual addition to the budget request of $18 million for MK–19 automatic grenade launchers. The repeated addition by Congress of the MK–19 to the defense budget forces to me to wonder whether someone hasn't stockpiled these things out of some psychological need to accumulate grenade launchers as a substitute for balls of string. What on earth does someone think the Marines are doing with its automatic grenade launchers that compels this body to repeatedly add them to the budget? How do we justify continuing to allocate significant amounts of money for a program that the Corps does not even include on its unfunded priorities list?

Every single year we add funding—this year, $15 million—for the NULKA anti-ship missile decoy system. An Israeli destroyer during the Six Day War, a British destroyer during the battle for the Falklands, and the USS Stark incident are all testimony to the threat of anti-ship missiles. That only one U.S. ship has been so targeted since World War II, however, and under rather unique circumstances at that, makes it difficult to understand why we spend so much money every year for decoys.

I have been critical in the past about earmarking funds for the National Automotive Center, an odd 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, inasmuch as it is taking us for over $6 million. I can only 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 somebody's better idea, and I applaud the committee's rejection of that proposal. I must condemn, however, that same 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 $8.9 million C–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 junction that many of these projects may very well be meritorious 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 base? 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 for it 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 added to this bill.

Mr. President, I may make light of some of these programs, but the issue is deadly serious. Our armed forces are stretched perilously thin as global commitments grow and operations like those in Kosovo and the continuing operation in Bosnia continue to take their devastating toll on our ability to remain prepared for the major regional contingencies that are inarguably tied to our vital national interests. Not every program on the list that I am submitting for the RECORD is impractical or worthy of ridicule. But to argue their worth individually and in a vacuum is to miss the point.

I do not include on these lists most programs related to defense against weapons of mass destruction, and generally give classified programs a free ride. The nature of the process, however, is such that a certain amount of skepticism is warranted. It is too much a matter of routine practice that items are added for primarily parochial reasons under headings that sound logical and yet which are low or no priority for the services. As absolutely important as areas like chemical and biological defense are, it is equally important that funds allocated to deal with those threats are not wasted on programs added to the budget solely because a contractor convinced his or her senator that they deserve $2 million to investigate that program's potential when other higher priority programs already exist to fulfill the requirement.

I have respected the unfunded priority lists this year because they provide the only roadmap as to where the services would allocate additional dollars if such funding were made available. It is far from a perfect process, but it is all we have. That there are still over $4 billion in member adds in this bill is testament to the indomitable will of members of this body to force projects into a strained defense budget in defiance of fiscal prudence and operational requirements. That is not intended as a compliment; it is simple acknowledgment that there is still ample room for improvement.

Finally, let me also note for the record my concerns regarding the amendment offered by Senator LOTT to narrow the scope of the Pilot Program for Commercial Services. I believe the amendment will restrict the ability of the Secretary of Defense to explore all options for fair and reasonable procurement of transportation services. This will continue to artificially inflate the Defense Department's transportation cost and will directly impact the findings of the program.

Mr. President, I ask unanimous consent that this list 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 ADD-ONS, INCREASES & EARMARKS*

Army Procurement

| | |
|---|---|
| Aircraft Procurement, Army (page 25): | |
| LONGBOW | $45.0 |
| UH–1 Mods | 72.5 |
| ASE Mods (ATIRCM) | 8.1 |
| ASE Infrared CM | 6.6 |
| Missile Procurement, Army (page 27): | |
| PATRIOT mods | 60.0 |
| Procurement of W&TCV, Army (page 29): | |
| M109A6 155mm Howitzer mods | 20.0 |
| Field Artillery Ammunition Support Vehicle PIP | 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 | 8.0 |
| 60mm mortar, all types | 9.0 |
| 102mm HE M934 w/mo fuse | 4.0 |
| 105mm ARTY DPICM | 10.0 |
| Wide Area Munitions | 10.0 |
| Arms Initiative | 14.0 |
| Other Procurement, Army (page 35): | |
| High Mobility Multi-Purpose Vehicle | 17.0 |
| Army Data Distribution System | 25.9 |
| SINGCARS Family | 70.0 |
| ACUS mod 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 |
| Medteams | 1.8 |
| PEPS | 8.0 |
| Virtual Retinal Eye Display Technology | 5.0 |
| Future Combat Vehicle Development | 10.0 |
| Digital Situation Mapboard | 2.0 |
| Accoustic Technology Research | 4.0 |
| Radar Power Technology | 4.0 |
| OICW | 14.8 |
| FIREFINDER Accel. TBM Cueing Requirement | 7.9 |
| Directed Energy Testbed (HELTF) | 5.0 |
| HIMARS | 30.6 |
| Space Control Technology | 41.0 |

Navy Procurement

| | |
|---|---|
| Aircraft Procurement, Navy (page 61): | |
| UC–35 (3) | 18.0 |
| EA–6 Series | 25.0 |
| H–1 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 ECDIS–N | 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 HMMWV (MYP) (668) | 40.0 |

Navy RDT

| | |
|---|---|
| Non-Traditional Warfare Initiatives | 5.0 |
| Hyperspectral Research | 3.0 |
| Heatshield Research | 2.0 |
| Free Electron Laser | 10.0 |
| Waveform Generator | 3.0 |

| | |
|---|---|
| Power Node Control Centers | 3.0 |
| Composite Helicopter Hangar | 5.0 |
| Virtual Testbed for Advanced Electrical Systems | 5.0 |
| BURRO | 5.0 |
| Advanced Lightweight Grenade Launcher | 1.0 |
| Vehicle Tech Demo | 0.5 |
| Ocean Modeling for Mine and Submarine Warfare | 9.0 |
| Low Observable Stack | 5.0 |
| Vector Thrust Ducted Propeller | 4.0 |
| Integrated Combat Weapons Systems for CM Ships | 18.0 |
| Advanced Water-Jet Technology | 2.0 |
| Enhanced Performance Motor Brush | 2.3 |
| Standard for the Exchange for Product Model Data | 3.0 |
| Trident SSGN Design | 13.0 |
| Common Command and Decision Systems | 5.0 |
| Advanced Amphibious Assault Vehicle | 26.4 |
| Non-lethal Weapons—Innovation Initiative | 3.0 |
| NAVCIITI | 4.0 |
| Parametric Airborne Dipping Sonar | 15.0 |
| H–1 Upgrades, 4BN/4BW Helicopter Upgrade Program | 26.6 |
| Multi-Purpose Processor | 11.0 |
| Non-Propulsion Electronic Systems | 10.0 |
| Smart Propulsor Product Model | 2.0 |
| NULKA Anti-Ship Missile Decoy System | 4.4 |
| Advanced Deployable System | 22.0 |
| Battle Force Tactical Training | 7.5 |
| **Air Force Procurement** | |
| Aircraft Procurement, Air Force (page 100): | |
| EC–130J | 30.0 |
| E–8C | 46.0 |
| F–15 | 20.0 |
| T–43 | 3.1 |
| C–20 Mods | 12.2 |
| DARP | 82.0 |
| E–4 | 6.9 |
| Missile Procurement, Air Force (page 107): | |
| MM III Modifications | 40.0 |
| Other Procurement, Air Force (page 110): | |
| Truck Tank Fuel R–11 | 18.0 |
| Items less than $5 million | 2.4 |
| **Air Force RDT** | |
| Materials—Resin Systems | 3.0 |
| Materials—Titanium Matrix | 2.2 |
| Materials—Friction Welding | 2.0 |
| Aerospace Propulsion—Science and Engineering | 0.775 |
| Solid State Electrolyte Oxygen Generator | 2.0 |
| Variable Displacement Vane Pump | 4.0 |
| Multi-spectral Battlespace Simulation | 5.0 |
| Hypersonic Technology Programs | 16.6 |
| Post-boost Control Systems | 2.9 |
| Missile Propulsion Technology | 1.7 |
| Tactical Missile Propulsion | 3.0 |
| Orbit Transfer Propulsion | 3.0 |
| Tropo-Weather | 2.5 |
| Space Survivability | 0.6 |
| HIS Spectral Sensing | 0.8 |
| HAARP | 10.0 |
| Lidar for Standoff/Detection for Chem Weapons | 5.0 |
| Electro-Magnetic Technology | 9.3 |
| Polymeric Foam Technology | 3.0 |
| Panoramic Night Vision Goggles | 2.0 |
| Advanced Spacecraft Technology—SMV | 35.0 |
| Advanced Spacecraft Technology—MSTRS | 5.0 |
| Standard Protocol Interpreter | 2.0 |
| Space-Board Laser | 25.0 |
| Space Control Technology—Program Increase | 10.0 |
| Joint Strike Fighter—Alternative Engine | 15.0 |
| ICBM Dem/Val RSLP | 19.2 |
| EW Development—PLAID | 7.0 |
| EW Development—DIRCM | 7.0 |
| SBIRS—High EMD | 92.0 |
| Correction of WCMD Testing Problems | 3.9 |
| Aircrew Laser Eye Protection | 0.4 |
| Inflatable Restraints | 2.5 |
| EELV Composite Payload Dispenser | 4.5 |
| Big Crow | 5.0 |
| Micro Satellite Technology | 25.0 |
| B-52 Radar Warning Upgrades | 15.4 |
| COMPASS CALL TRACS | 8.0 |
| JSTARS—Radar Technology Insertion Program | 48.0 |
| Advanced Program Evaluation | 18.0 |
| Theater Missile Defenses—TAWS | 17.3 |
| Airborne Recon. Systems—JSAF-LBSS | 17.4 |
| Manned Recon. Systems—SYERS Polarization | 5.0 |
| Distributed Common Ground Systems—Eagle Vision | 21.0 |
| **Defense-Wide Procurement** | |
| Procurement, Defense-Wide (page 124): | |
| Information Systems Security | 20.0 |
| PATRIOT PAC-3 | 60.0 |
| SOF Ordnance Replenishment | 6.0 |
| SOF Small Arms and Weapons | 15.75 |
| Chem/Bio Individual Protection | 18.9 |
| Chem/Bio Decontamination | 1.5 |
| Chem/Bio Contamination Avoidance | 10.0 |
| National Guard & Reserve Equipment (page 128): | |
| Chem Agents & Munitions Destruction—RDT | 334.0 |
| Chem Agents & Munitions Destruction—Procurement | 241.5 |
| Chem Agents & Munitions Destruction—O&M | 595.5 |
| **Defense RDT** | |
| Applied Research—HFSWR | 5.0 |
| Applied Research—Wide Band Gap Technologies | 14.0 |
| Medical Free Electron Laser Research | 4.0 |
| Computer Security | 1.0 |
| Chem/Bio Defense Program—Safeguard | 5.0 |
| WMD Related technology—Deep Digger | 5.0 |
| Advanced Technology—Atmospheric Interceptor Tech. | 30.0 |
| Scorpius | 5.0 |
| Excalibur | 5.0 |
| Special Technical Support—Complex Systems Dev. | 5.0 |
| Product Data Engineering Tools | 5.0 |
| Joint Warfighting Program—Joint Experimentation | 10.0 |
| High Performance Computing—Visualization Research | 3.0 |
| Joint Robotics Program | 3.0 |
| CALS Intitiative—Integrated Data Environment | 2.0 |
| NTW—Acceleration | 70.0 |
| NTW—Radar Development | 50.0 |
| Liquid Target Development | 5.0 |
| BMD Technical Ops—Advanced Research Center | 3.0 |
| Chem/Bio—CBIRF | 9.2 |
| PATRIOT PAC-3—EMD | 152.0 |
| Foreign Material Acquisition and Exploitation | 40.0 |
| C3I—Information Assurance Test Bed | 5.0 |
| Joint Mapping Tool Kit | 8.0 |
| C3I—Strategic Technology Assessment | 5.0 |
| Maxwell AFB—Off. Transient Student Dormitory | 10.6 |
| Anniston AD—Ammo Demilitarization Facility | 7.0 |
| Redstone Aresenal—Unit Training Equip. Site | 8.9 |
| Dannelly Field—Med. Training & Dining Facility | 6.0 |
| Fort Wainright—Ammo Surveillance Facility | 2.3 |
| Fort Wainright—MOUT Collective Trng. Facility | 17.0 |
| Elmendorf AFB—Alter Roadway, Davis Highway | 9.5 |
| Pine Bluff Arsenal—Ammo. Demilitarization Facility | 61.8 |
| Pueblo AD—Ammo. Demilitarization Facility | 11.8 |
| West Hartford—ADAL 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 Atlanta—BEQ–A | 5.43 |
| Bellows AFS—Regional Training Institute | 12.105 |
| Gowen 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 Maintenance Facility | 3.6 |
| Fort Riley—Whole Barracks Renovation | 27.0 |
| McConnell AFB—Improve Family Housing Area Safety | 1.363 |
| Fort Campbell—Vehicle Maintenance Facility | 17.0 |
| Blue Grass AD—Ammo. Demilitarization Facility | 11.8 |
| Fort Polk.—Organization Maintenance Shop | 4.309 |
| Lafayette—Marine Corps Reserve Center | 3.33 |
| NAS Belle Chase—Ammunition Storage Igloo | 1.35 |
| Andrews AFB—Squadron Operations Facility | 9.9 |
| Aberdeen P.G—Ammo. Demilitarization Facility | 66.6 |
| Hanscom AFB—Acquisition Man. Fac. Renovation | 16.0 |
| Camp Grayling—Air Ground Range Support Facility | 5.8 |
| Camp Ripley—Combined Support Maintenance Shop | 10.368 |
| Columbus AFB—Add to T–1A Hangar | 2.6 |
| Keesler AFB—C–130J Simulator Facility | 8.9 |
| Miss. Army Ammo Pl.—Land/Water Ranges | 3.3 |
| Camp Shelby—Multi-purpose Range | 14.9 |
| Vicksburg—Readiness Center | 5.914 |
| Jackson Airport—C–17 Simulator Building | 3.6 |
| Rosencrans Mem APT—Upgrade Aircraft Parking Apron | 9.0 |
| Malmstrom AFB—Dormitory | 11.6 |
| Great Falls IAP—Base Supply Complex | 1.4 |
| Hawthorne Army Dep.—Container Repair Facility | 1.7 |
| Fort Monmouth—Barracks Improvement | 11.8 |
| Kirtland AFB—Composite Support Complex | 9.7 |
| Niagara Falls—Visiting Officer's Quarters | 6.3 |

| | |
|---|---|
| Fort Bragg—Upgrade Barracks D-Area | 14.4 |
| Grand Forks AFB—Parking Apron Extension | 9.5 |
| Wright Patterson—Convert to Physical Fitness Ctr. | 4.6 |
| Columbus AFB—Reserve Center Addition | 3.541 |
| Springfield—Complex | 1.77 |
| Tinker AFB—Repair and Upgrade Runway | 11.0 |
| Vance AFB—Upgrade Center Runway | 12.6 |
| Tulsa IAP—Composite Support Complex | 10.8 |
| Umatilla DA—Ammo. Demilitarization Facility | 35.9 |
| Salem—Armed Forces Reserve Center | 15.255 |
| NFPC Philadelphia—Cating Pits Modification | 13.320 |
| NAS Willow Grove—Ground Equipment Shop | 0.6 |
| Johnstown Cambria—Air Traffic Control Facility | 6.2 |
| Quonset—Maintenance Hangar and Shops | 16.5 |
| McEntire ANGB—Replace Control Tower | 8.0 |
| Ellsworth AFB—Education/library Center | 10.2 |
| Henderson—Organization Maintenance Shop | 1.976 |
| Dyess AFB—Child Development Center | 5.5 |
| Lackland AFB—F–16 Squadron Ops Flight Complex | 9.7 |
| Salt Lake City IAP—Upgrade Aircraft Main. Complex | 9.7 |
| Northfield—Multi-purpose Training Facility | 8.652 |
| Fort Pickett—Multi-purpose Training Range | 13.5 |
| Fairchild AFB—Flight Line Support Facility | 9.1 |
| Fairchild AFB—Composite Support complex | 9.8 |
| Eleanor—Maintenance Complex | 18.521 |
| Eleanor—Readiness Center | 9.583 |
| Forward Deployment—Facilities Upgrade | 4.88 |
| Forward Deployment—Facilities Upgrade | 6.726 |
| Forward Deployment—Facilities Upgrade | 31.229 |
| MCAS Yuma—Replace Family Housing (100 units) | 17.0 |
| MCB Hawaii—Replace Family Housing (84 units) | 22.639 |
| Holloman AFB—Replace Family Housing (76 units) | 9.84 |

CHEMICAL DEMILITARIZATION

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.

Would the distinguished Chairman and Ranking Member of the Committee 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 communication we enter into, 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 thus far, and 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 Defense 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 LEVIN, 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 goes hand-in-glove with this 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 tempos 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 and programs that we debate 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 Threats and 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.

BRAC

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 surplused facilities. Agencies were designed and created 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 surplused facility.

This barrier is a highly punitive fee established by the Department of Education that can actually discourage local education entities from acquiring surplus defense facilities.

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.

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. For example, of Utah's 461,000 students, 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 poses an obstacle to what the Senator from Utah wishes to accomplish.

Mr. HATCH. The problem with the language is that it's too vague. For the past two days, I have asked OSD, the Army General Counsel, and the real Property Administrator at the Department of Education to tell me how a local school district could benefit from the President's proposal that is in this provision of the bill. They could not explain it to me. I ask unanimous consent to have printed in the RECORD a copy of my letter to the Army General Counsel.

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

UNITED STATES SENATE,
*Washington, DC, May 26, 1999.*

Mr. EARL STOCKDALE,
*Office of General Counsel, Department of the Army, Washington, DC.*

DEAR MR. STOCKDALE: Your assistance is requested in clarifying the intent of the President's recent request to amend the Defense Base Closure and Realignment Act of 1990 (P.L. 101–510, 10 U.S.C. 2687 note) as it relates to a filing made by the Ogden-Weber School District [''District''] for a warehouse facility on the former Defense Depot Ogden [''DDO''], a Utah military installation closed under a prior BRAC action.

In amending sec. 2905(b)(4), the President would ''authorize the Secretary of Defense to transfer property to the local redevelopment authority, without consideration, provided that LRAs reuse plan provides for the property to be used for job creation and the LRA uses the economic benefits from the property to reinvest in the economic redevelopment of the installation and the surrounding community.'' The change does not appear to remove the LRA's decisional authority from compliance with other statutes or regulations by which DOD overseas and approves the actions of the LRA.

My interest in this matter extends to the Ogden-Weber School District which was granted eligibility by the Ogden LRA to acquire a DDO warehouse. The District applied for a public benefit allowance [''PBA''] to the Department of Education [''ED''] under the Federal Property and Administrative Services Act (40 U.S.C. 484(k)(1)(A)); in applying 34 CFR 12.15, ED allotted a 70 percent PBA, asserting that the balance of the intended use did not serve an educational purpose. I believe that ED misapplied the rule in failing to realize that the balance of the facility, in fact, intended an education-related use by storing materials directly related to education.

The principal use of the facility was clearly educational in nature but involved a complex vocational program to train automated material handling equipment operators. This function required shelving, bins, conveyors, and warehouse vehicles that consumed great amounts of space.

My question, therefore, is twofold. First, can the District make a ''split'' request for an educational PBA, with a second PBA sought under the economic development category for the balance of the space that did not qualify for the education PBA? Second, whether the split filing procedure is allowable or not, will the application for the PBA under the economic development category, for whole or for part of the facility, remain subject to the Federal Property and Administrative Services Act, in that the appropriate Federal agency with jurisdiction rather than the Secretary of Defense will determine the PBA? Or does the LRA make that determination with final approval authority resting with the Secretary of the Army?

Your reply is requested at the earliest possible time so that I may advise the District accordingly.

I send my high regards.

Sincerely,

ORRIN G. HATCH.

Mr. HATCH. What I'm saying, and I know the Senator from Virginia agrees, is that public education is no less important than economic development. And, when it comes to pushing the desperately underfunded school district to a position where it must purchase its facility, while some undefined economic development function gets a free conveyance, I can only conclude 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 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. HOLLINGS), 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.]

YEAS—92

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

NAYS—3

| | | |
|---|---|---|
| Feingold | Kohl | Wellstone |

NOT VOTING—5

| | | |
|---|---|---|
| Hollings | Lugar | Moynihan |
| Lautenberg | Mack | |

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.

## DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The bill (S. 1060) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The text of the bill will be printed in a future edition of the RECORD.)

## MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2000

The bill (S. 1061) to authorize appropriations for fiscal year 2000 for military construction, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The text of the bill will be printed in a future edition of the RECORD.)

## DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2000

The bill (S. 1062) to authorize appropriations for fiscal year 2000 for defense activities of the Department of Energy, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The text of the bill will be printed in a future edition of the RECORD.)

Mr. ROBERTS. Mr. President, I ask unanimous consent, with respect to S. 1059, S. 1060, S. 1061, and S. 1062 just passed by the Senate, that if the Senate receives a message with respect to any one of these bills from the House of Representatives, the Senate disagree with the House on its amendment or amendments to the Senate-passed bill and agree to or request a conference, as appropriate, with the House on the disagreeing votes of the two Houses; that the Chair be authorized to appoint conferees; and that the foregoing occur without any 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 a period 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 Museum of Art, 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 the Year, Mississippi's Economic Development Outstanding Volunteer of the Year, Goodwill's Outstanding Volunteer, and he received the Hope Award from Mississippi's Multiple Sclerosis Chapter. It is clear that he has given his time and energy to all facets of Mississippi.

Mr. Meiners is a family man caring for four generations of his relatives. He is devoted to Patricia Stone, his high school sweetheart and wife for 42 years. He also cares for his 90-year-old father. His sons, Christopher and Charles, have truly made him proud, and his two granddaughters, Hannah and Mallory light up his life. He is also an active member of Christ United Methodist Church.

I must not forget to mention that Don is a Mississippi State University Bulldog with a degree in electrical engineering. This Rebel found a way to look past this personal educational flaw. No, seriously, I am proud to call Don, a Hazlehurst native, my friend. I respect his professionalism and dedication to Mississippi. He is a true southern gentleman, and he will be missed. I wish Don and Pat the best as they pursue a well-earned retirement.