AMENDMENT NO. 412

(Purpose: To authorize the appropriation for the increased 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 1202 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. 727. 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 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 flexibility to expand the 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, fillings, root canals, oral surgeries and the like. This amendment would change the law to allow, but not mandate, the Department the opportunity to offer an expanded list of benefits such as dentures, bridges and 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 valued dental services to our valued military retirees. Thank you for the time.

AMENDMENT NO. 414

(Purpose: To provide $200,000,000 (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.

The 3 Data System is a laser radar system that provides high fidelity time, space, position, and identification 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 to a ground 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 important amendment to allow the Department of Defense to utilize next generation technologies 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-D System would provide a capability that would allow the Department of Defense to use it as a warfighting asset. It would also directly support ongoing activities abroad through Quick Reaction Tasking that may require a multiple object tracking device to evaluate engagement profiles. The requirement is documented through 46th Wing strategic planning initiatives, development program test plans, and management 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-processing roles in enabling the Air Force to evaluate the capabilities and limitations of multiple smart weapons and their delivery systems during their development.

AMENDMENT NO. 415

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

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 subsection (a) of section 5532 and striking the last sentence of 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. CRAP. Mr. President, my amendment is co-sponsored by the Senate Majority Leader, Senator LOTT. On February 25, 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 30 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 the Secretary of the Air Force to establish a multinational economic embargo as a part of the Air Force Distributed Mission Training program.)

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 on-the-spot 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 United States Air Force Mission Training system 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 labora

atory facilities 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 “testing facilities to the pilot program for revitalizing Department of Defense laboratories, and"

On page 48, line 8, strike “laboratory” and insert “testing facilities”.

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)”.
AMENDMENT NO. 421
(Purpose: To authorize land conveyances with respect to the Twin Cities Army Ammunition Plant, Minnesota)

On page 452, 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 36 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 25 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the County to construct a maintenance facility on the parcel.

(c) 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.

(d) 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 Ammunition Area 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. 106L. CONDITIONS FOR LENDING OBSOLETE OR CONDEMNED RIFLES FOR FURNERAL CEREMONIES.Section 570(c) of chapter 32 of title 10, United States Code, is amended to read as follows:

"(2) issue and deliver those rifles, together with those units without charge, to the persons responsible therefor, to those units without charge, to the persons responsible therefor, as the Secretary of the Army considers appropriate;"

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

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

(c) OTHER FUNDS FOR ADVANCE PROCUREMENT.Notwithstanding any other provision of this Act, the funds authorized to be appropriated under section 102(a) for procurement programs, projects, and activities of the Navy, up to $100,000,000 may be made available, as the Secretary of the Navy may direct, for advance procurement for the Arleigh Burke class destroyer program. Authority to take 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 procurement of the MLRS rocket inventory and reuse and demilitarization tools and technologies for use in the disposition of Army MLRS inventory)

On page 440, between lines 6 and 7, insert the following:

SEC. 134. MULTIPLE LAUNCH ROCKET SYSTEM.Of the funds authorized to be appropriated under section 101(2), $500,000 may be made available to develop the reusable rocket motors and reusable propellant rockets and to develop the technologies for use in the disposition of Army MLRS inventory.

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

On page 440, between lines 17 and 18, insert the following:

SEC. 135. EXPANSION OF ELIGIBLE ENTITIES 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, housing authority of a State or local government, or an eligible entity." (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) by striking "private persons" and inserting "eligible entities"; and

(2) by striking the term "private person" and inserting "eligible entity".

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) On or after December 20, 1998, the Secretary of the Navy, as authorized by section 1074a of title 10, United States Code, is amended to read as follows:

"§ 12322. Active duty for health care

"A member of a uniformed service described in paragraph (1)(A) or (2)(A) of section 1074a(a) of this title may be ordered to active duty, and a member of a uniformed service described in paragraph (1)(B) or (2)(B) of such section may be continued on active duty for a period of more than 30 days while the member remains 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.""
“(D) A member on active duty who is entitled to benefits under subsection (e) of section 1074a of this title by reason of paragraph (1), (2), or (3) of subsection (a) of such section.

Mr. CLELAND. Mr. President, I am pleased to offer this amendment to S. 1059, the National Defense Authorization Act for Fiscal Year 2000, which seeks to protect the men and women of our reserve military components. The 1998 National Defense Authorization Act provided health care coverage for Reservists and Guardsmen incurring injury, illness or disease while performing duty in an active-duty status. However, it overlooked those service- men and women performing duty in an “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 the four crewmembers. One of the crew members was a Guard reservist. That reservist was unable to work for over a year due to the serious nature of his injuries. While he was reimbursed for lost earnings, that 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 care 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 number of 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. The Reserve components of the Guard and Reserve 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 victims 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 time 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 Procurement Policy Act) At the end of title VIII, add the following: SECTION 807. STREAMLINED APPLICABILITY OF COST ACCOUNTING STANDARDS.

(a) APPLICABILITY.—Section 2304c(b) 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 (or subcontracts) performed by the contractor or subcontractor under 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 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 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 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 that is less than $5,000,000, if the head of that agency 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 with a value that is less than $5,000,000 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) Standards for assessing the effect of the award of task orders and delivery orders.

(iii) The specific circumstances under which such a waiver may be granted.
Section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(e)) is amended to read as follows: 

"(E) GAO Report.—Not later than March 1, 2001, the Comptroller General shall submit to Congress an evaluation of the test program established by the Office of Federal Procurement Policy (OFPP) in 1996, 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 process has been to modify statutory requirements and burden some 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 in its contracts designing 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 contracts 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 CAS standards by offering a "Streamlined Application of Cost Accounting Standards."

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 a solicitation, allowing several contractors to provide products and services more quickly using streamlined acquisition procedures while taking advantage of offering 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 awards.

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) that regulations implementing FASA do not establish any specific procedures for awarding orders or any specific safeguards to ensure compliance with contract requirements.

This provision would require that the Federal Acquisition Regulation provide the necessary guidance on the use of multiple award 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 consistent with the regulations for task order and delivery order contracts required by this provision.

1. 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 limited clarification of commercial services. Under FASA, commercial items include services purchased to support a commercial product as a commercial service. This language could be read by some to mean that 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, training, repair, replacement, and other support services, would be considered a commercial service regardless of the type of service provided by the 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 402 of the Clinger-Cohen Act of 1996 provided the authority for Federal agencies to use simplified procedures to purchase 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 administrative costs for both government and industry. Authority to use this test program expired 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 be effective for 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, 2000.

The provision also requires the Comptroller General to report to Congress on the impact of the provision. The sponsors note that this provision is designed to 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 should assess the extent to which the test program has streamlined the procurement process.

5. EXTENSION OF INTERIM REPORTING RULE ON PROCUREMENT FOR SMALL BUSINESS

Section 3(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 awarded to small businesses, small disadvantaged businesses, and woman-owned small businesses. It also enables the government to track progress and compliance of Federal procurement programs, such as Small Business Competitiveness Demonstration Program, the Small Disadvantaged Business Reform Program, The HUBZone 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 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.
I would like to thank the committee and the Senate for putting some horseplay in the Senate, and such an important policy issue. And I would like to thank my colleagues for their patience and understanding as we have worked through this important process.

Mr. GRASSLEY. Mr. President, I would like to thank my colleagues for their patience and understanding as we have worked through this important process.

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 very 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 Forces Committee has seen the light and seized the initiative.

The Armed Forces 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 reforms.

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 Forces Committee for taking time to listen to my concerns and for addressing them in the bill in a meaningful way.

I hope that the Committees’ efforts to strengthen internal controls—when combined with mine—will improve DOD’s ability to detect and prevent fraud and better protect the taxpayers’ 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.

But above all, I would like to thank the entire Armed Forces Committee for taking time to listen to my concerns and for addressing them in the bill in a meaningful way.

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. 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 my efforts.

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 “$9,404,881,000.”

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 for benefits for 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 5995(h)(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, 1999, and before October 1, 2003.”

(b) Voluntary Separation Incentive.—Section 5995(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) October 1, 2003, 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 as 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 qualifiable data on their relative importance.

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

The amendment instructs the Secretary of Defense to develop and implement a survey of all military personnel leaving the service starting in January 2000 and ending six months later. The survey will provide uniformity of data, and be scientifically tested so as to give us some real feedback as to why our women and men 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 conducted 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 the processing of the survey. 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:

Reasons for leaving military service.

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

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

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

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

Other matters as the Secretary determines appropriate for 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 survey. The report shall explain the 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 for 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 determines that:

(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 that 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 title 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
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 ripped through Rascon’s helmet and ripped into his scalp. He saved Comp- tton’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 actions 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 thepoint squad, mak- ing it almost impossible to move without being killed. Unhesitatingly, Doc [as he was known] came toward us wounded and I was dying. I was one of the wounded. Doc took the brunt of several enemy grenades, shield- ing the wounded with his body . . . In these few words I cannot describe the events of that day. The acts of unselﬁsh heroism Doc performed while saving the many wounded, though severely wounded himself, show that this country needs genuine heroes. Doc Rascon is one of those.

Rascon 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 still serve.

Today, over 60,000 active military personnel are immigrants to his coun- try. This desire to serve is consistent with our history. More than 20 percent of the recipients of our highest mili- tary 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 twice to a high school in Sault, 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 be- come Japanese—or Germany, or France—and he named all the others. But he said anyone from any corner of the world can go to live in 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 kept and defended, and 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 de- served. This award will demonstrate America’s appreciation of Alfred Rascon’s valor in combat and recognize his extraordinary service to this coun- try. Mr. President, I yield the floor.

AMENDMENT NO. 437
(Purpose: To prohibit the return of veterans memorial objects to foreign nations without specific authorization of Congress)

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

SEC. . PROHIBITION ON THE RETURN OF VET- ERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION OF CONGRESS.

(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 con- veyance of such object to a foreign country or entity controlled by a foreign govern- ment, unless specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOV- ERNMENT.—The term ‘‘entity controlled by a foreign government’’ has the meaning given that term in section 2536c(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term ‘‘veterans memorial object’’ means any ob- ject, including a physical structure or por- tion thereof, that—

(A) is located at a cemetery of the Na- tional Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorial- izes, the death in combat of an American, or 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 Au- thorization bill, prohibits the return to a foreign country of any portion of a memorial to American veterans without the express authorization of Con- gress.

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 come forward proposing to dismantle 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 possi- bility of just that happening exists in the state of Wyoming involving what are known as the ‘‘Bells of Balangiga.’’

In 1989, 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, the company commander of the 9th Infantry 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 to quarters for breakfast. Balangiga had been a boringly peaceful site since the infantry company arrived a month earlier, according to military accounts and soldiers. The town was quiet endearing, particularly so 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 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.

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 remaining men had been wounded.

The 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 years, and made the return of one of the 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 times in April and May which reported that a new tower to house the bells was being constructed in Borongan, 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 unanimously that the text of that letter be inserted at this point in the record.

As reported in the Congressional Record, the committee was informed that in 1899 the Philippines were annexed. The White House was occupied 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 Chairman 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 Committees.

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 and has done nothing to signal they have changed their minds about the issue.

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 agree to be readily sacrificed to 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 the 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 insurient 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 memorial—is a desecration of that memorial.

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 without specific authorization 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 to apply to any emergency supplemental appropriation, 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.

Section 283

AMENDMENT NO. 439

(Purpose: To clarify the scope of the requirements of section 1094, 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 communications system, device, or apparatus on any portion of the frequency spectrum that is reserved for exclusively non-government use.""

On page 371, line 3, insert "fielded" after "apparatus".

(d) This section does not apply to any upgradings, 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 reliance upon a non-Department of Defense system.

Section 284

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:

The term "HUBZone small business concern" has the meaning given the term in section 4202(e) of the Small Business Act (15 U.S.C. 632(p)(3)).

Section 285

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. 1001. 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 reasonable collection costs of providing the assistance. In extraordinary circumstances, the Secretary of Defense may waive reimbursement upon determining that it 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 $30,000,000 may be obligated to provide assistance pursuant to subsection (a) in any fiscal year.

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

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

(2) collect intelligence for law enforcement purposes.

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

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

(g) Relationship to other authority.—(1) All assistance provided under 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. I am pleased to inform the Senators, 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 amendment by Mr. ALLARD, and the Senators are ready, I will yield the floor.

Mr. ALLARD. Mr. President, 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 airwomen. They support this nation in a variety of ways.

CAP members represent a cross-section of America and include pilots, emergency medical technicians, and cadets 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. In 1996 and 1997 alone, Civil Air Patrol flew 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 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 trained. At first they used 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.

In 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 Corps 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 continue today.

Today, CAP again flies support missions off the coast of America in support of another kind of war, this 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 flies 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 an hour. Aircrews and CAP support the program, 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 counter-drug 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 drowning swimmers, CAP 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 times 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 air-borne communications relay stations, around the clock, supporting fire fighters on the ground. Most recently, the week of May 27, 1999, when the Oklahoma tornado destroyed 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 also learn discipline, leadership and public service skills. Not only are many of these cadets model citizens, they are the leaders of the 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 when the 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 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 80,000 members, 12,000 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 of the government of the Civil Air Patrol. The Defense Authorization bill includes this proposal. It is not warranted, nor will it necessarily address alleged problems with CAP.

I am joining with Senator ALLARD and a long, bipartisan list of 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 the Headquarters 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 great financial savings. 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.

More than 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 serious problems with CAP, they have yet to make clear the evidence to support the allegations. There have been no reports 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 then held off on 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. Apparently, CAP has been pur- ported 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 commanders 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. The cost of the cruise was paid for out of the pockets 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's expense, 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 always had time to see its 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 review?

The Air Force has also pointed to safety concerns. Although we only have allegations, I talked to the CAP Commander, Jay Bobich about them. If asked if there is a need for a safety officer, this officer was fairly open. He doesn't know about the incident—again, they are from letters from unknown sources—but would welcome an Air Force safety officer. The Air Force could place one at the headquarters without this legislation. They could always do, 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. 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 $50,000 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 as a whole, evaluate 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 Congressionally chartered Civil Air Patrol. 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 Congress. 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 across the country.

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 Air Force 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, 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 then, 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 uniformed small planes, large discipline. They had summer programs. It was just a wonderful thing to see, this cadet program instilling good American values in these young people.

Another 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.

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

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

One other thing that most people don't know about is the drug interdiction efforts by the Civil Air Patrol. This is something that I had a proud degree of 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 $50 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 I am the Allard and Harkin amendment—joined by so many others—why, I think we have an allega- tion. When there are allegations, the best thing to do is to have the GAO investi- gate and do a study, have the inspector general's office investigate
May 27, 1999

CONGRESSIONAL RECORD – SENATE S6173

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 next year, and then 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 is 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. Absolutely, 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 to the 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 the CAP leadership. I asked them if they 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 mismanaged things. Now they are coming back, writing letters, and doing things like that. Well, OK, if they want to do that, that is fine. But let’s check it 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—a 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 to that, 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, and 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 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 the members 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 Alabama. They have never done so. I am saying let’s get some studies done here and have some hearings on this before we run off and do something without even knowing what the facts are.

I want to make just one other observation. Prior to 1995, we had some 170—plus—I will leave myself a little room—Air Force personnel at Maxwell running the Civil Air Patrol. The Air Force, as I have stated, didn’t want to do any more. We had all the knowledge and the world is not going to end in the next century.

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. I estimate that it would cost about $60,000,000 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 saying 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.

Mr. INHOFE. I do not 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 Warrington. 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 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 watch the CAP and 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 hard 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 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 better it will look in 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 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 who here who doesn’t have a CAP story, for me it 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 55 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. We have to accept that plan 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 an important role in the Defense Department, in particular the 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, the Air Force 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 more time. 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 PRESIDENT (Mr. Allard). The amendment is agreed to.

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

The PRESIDENT (Mr. Allard). 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 emphasis is 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 President 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 think 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 now have CAF Cadet, the CAD 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 work on something 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 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 raising 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 56 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 pilot.

The PRESIDING OFFICER. The Senator from Iowa.

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

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

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

Mr. WARNER. 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 get 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 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 acceptable?

Mr. WARNER. I withhold the request momentarily, because I am 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 asked 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 from Wisconsin, Mr. FEINGOLD, would like 15 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 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?**

(From Jimmy Carter)

After the cold war, many expected that the world would be more peaceful and prosperous. Those who live in developed nations might think this is the case today, with the possible exception of the war in Kosovo. But conflicts are not over; instead, they have multiplied. New and old conflicts, with different actors in many cases, shape the world. The reality is that in an era of increased globalization, the need to engage in peacemaking is more important than ever.

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 paradox 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 war in 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 Zaïre). 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 appearance of racism.

Because of its dominant role in the United Nations Security Council and NATO, the United States tends to orchestrate global peacemaking, and 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 economic sanctions,rimed destruction, to rely on Russia to resolve our facing from his homes, many never to return even under the best of circumstances.

The expected few days of aerial attacks have now lengthened into months, while more than a million Kosovars have been forced from their homes, 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 ant-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 soldiers.

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 cavers, and their torment increases daily. Realizing that we have made the face but cannot change what has already been done, NATO leaders now have three basic choices: to continue bombing; to withdraw and let the war continue (as in Kosovo and Montenegro) is almost totally destroyed, to rely on Russia to resolve our dilemma through indirect diplomacy, or to adapt 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 what the use of ground forces is necessary to ensure the return of expelled Albanians to their homes.

We are in this quagmire? We have ignored some basic principals that should be applied to the prevention or resolution of all conflicts:

1. Recruiting the long-established principles of patient negotiation leads to war, not peace.

2. If the United States is not the primary party to the conflict, we should not automatically assume the role of peacekeeper. 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:

3. Recruiting the long-established principles of patient negotiation leads to war, not peace.

4. If the United States is not the primary party to the conflict, we should not automatically assume the role of peacekeeper.
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 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, 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 targeted areas 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, railroads, power distribution systems, 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 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 currently in cutting off 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
   Alabama National Service Office: 334-213-3355
   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
   Phoenix—10 am, Sunday, 5/30/99
   Tucson—10 am, Sunday, 5/30/99

Arkansas
   Arkansas National Service Office: 501-370-3939
   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—9 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
   Denver—8 am, Saturday, 5/29/99
   Fort Lyon—2 pm, Sunday, 5/30/99
   Grand Junction—1 pm, Sunday, 5/30/99

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

District of Columbia
   National Service Office: 301-914-5570
   Denver—8 am, Saturday, 5/29/99
   Fort Lyon—2 pm, Sunday, 5/30/99
   Grand Junction—1 pm, Sunday, 5/30/99

Statewide
   C. San Francisco—2 pm, Monday, 6/1/99
   Honolulu—1 pm, Monday, 5/31/99
   Honolulu—2 pm, Monday, 6/1/99
   Honolulu—3 pm, Monday, 5/31/99
   Los Angeles—1 pm, Monday, 5/31/99
   San Diego—1 pm, Monday, 5/31/99

Florida
   National Service Office: 202-691-3060
   Washington, DC—12:30 pm, Sunday, 5/30/99
   Florida National Service Office: 800-300-7100
   Tallahassee—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
   Savannah—2 pm, Sunday, 5/30/99

Hawaii
   DAV National Service Office: 808-566-1630
   Honolulu—1 pm, Friday, 5/28/99

Illinois
   DAV National Service Office: 217-226-7028
   Fort Wayne—1 pm, Sunday, 5/30/99
   Marion—1 pm, Sunday, 5/30/99
   Chicago (Lake side)—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: 317-226-7028
   Fort Wayne—1 pm, Sunday, 5/30/99
   Marion—1 pm, Sunday, 5/30/99

Iowa
   DAV National Service Office: 515-284-4568
   Des Moines—12 pm, Sunday, 5/30/99
   Iowa City—12 pm, Sunday, 5/30/99
   Knoxville—12 pm, Sunday, 5/30/99
   Sioux City—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
   Louisville—2 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
   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: 313-964-6566
   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—
Mr. WELLSTONE. Let me urge colleagues during this recess to attend sessions with the veterans community. This is an important voice. They have many important concerns to discuss. We meet with veterans as we move forward in this whole budget debate.

They have many important concerns to discuss. We meet with veterans as we move forward in this whole budget debate.
Council sanctions against Libya should
SCHUMER, T ORRICELLI, M IKULSKI, and
myself 4 minutes.

Libya’s ongoing support for terrorists
Export Administration Act of 1979 in light of
national terrorism under section 6(j) of the
edly provided support for acts of inter-
tries the governments of which have repeat-
cordance with U.S. law, the Secretary of
(other than sanctions on food or medicine)
the PIJ and the PFLP-GC’.’

Qadhafi ‘continued publicly and privately to
Global Terrorism; 1998’, stated that Colonel
the State Department Report, ‘Patterns of
consider Libya a state sponsor of terrorism and
sanctions against Libya that same day.

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 Resolu-
tions 731, 748, and 883 that would justify the
lifting of United Nations Security Council
sanctions against Libya.

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.

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.

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.

The United States Government consi-
siders 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 terrorist groups, including the PIJ and the PFLP-GC’.

United States Government sanctions
(other than sanctions on food or medicine)
should be maintained on Libya, and in ac-
cordance with U.S. law, the Secretary of
State should keep Libya on the list of coun-
tries the governments of which have repeat-
edly provided support for acts of inter-
national terrorism under section 6(j) of the
Export Administration Act of 1979 in light of
Libya’s ongoing support for terrorists groups.

(a) Sense of Congress.—It is the sense of Congress that the President should use all
diplomatic means necessary, including the use of our veto, to lift the sanctions against
Libya until Libya meets all of the 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, includ-
ing 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 in-
dicted two Libyan intelligence agents
and subsequently requested the
liberation of two Libyan suspects 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 na-
tional airline; a ban on flights into and
out of Libya by other nations’ airlines;
airplane parts, and other Libyan goods;
and a blocking of Libyan Government funds in other countries.

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

On July 5, 1999, after years of intensive diplomacy, a compromise was finally
reached, and Colonel Qadhafi
transferred the two suspects to The Nether-
lands, where they will be tried under a
Scottish court, under Scottish law, be-
fore 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 Na-
tions Secretary General will issue a re-
port on the Security Council’s
consideration of Libya’s compliance with the remaining conditions. I hope he will
recommend that the sanctions against
Libya should not be permanently lift-
ed.

It is clear that Libya has only ful-
illed one of the four conditions—the
transfer of the suspects accused in the
Lockerbie bombing—in the UN Secu-
ricy Council resolutions. Libya has not
ceased its support for terrorist groups.

The Secretary of State’s ‘Patterns of
Global Terrorism; 1998’ clearly states that
Colonel Qadhafi ‘continued pub-
clicly and privately to support Pales-
tinian terrorist groups . . .’ In addi-
tion, because the trial has not begun
and is expected to last at least several
months, it would be premature to con-
clude that Libya has fulfilled the other
remaining conditions.

The amendment I am offering ex-
presses our view that the United Na-
tions Security Council Resolution
748, which is not per-
fectly harmonized with the sanctions against
Libya, until Libya has fulfilled all of the remaining conditions in the Secu-
ricy 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 Coun-
cil from lifting sanctions against Libya
until Libya fulfills all of the condi-
tions.
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 told that at the time that 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 that time would be 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. LEVIN. 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-18E/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.

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 aircraft is being held hostage by design decisions of a Cold War mentality.

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

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

At this point in the program's development and testing, my colleagues may be asking why I continue to tilt at this windmill. I continue this effort in part because pilots' lives may be placed at risk in the F/E/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 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 Congress's Appropriations Committee, the Cato Institute, and defense experts such as President Reagan's Assistant Secretary of Defense, Lawrence Korb.

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This strategy has been roundly criticized. It has been criticized by the Congressional Budget Office, the General Accounting Office, members of the Congress's Appropriations Committee, the Cato Institute, and defense experts such as President Reagan's Assistant Secretary of Defense, Lawrence Korb.
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 foot 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 if all 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 pylons load problems could negatively affect bringback.

While 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 a third of the movements 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 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 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 prob­ably even 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 program. The 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 $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 current performance of the Super Hornet 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 the Government Accounting Office (GAO)’s 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 Super Hornet and 10 percent 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 you: The Pentagon 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 this inquiry is an established Washington defense lobbyist who had a long-standing business relationship with Boeing, the Super Hornet’s primary contractor. During the meeting with my staff, the lobbyist did not disclose his firm’s association with Boeing. Later my staff telephoned him, and he described his firm’s association with Boeing in response to direct questions from my staff. Then he went on to say that he had terminated his relationship with Boeing in a few days. 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.

A 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. 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 occupied 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 money 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's high readiness.

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. The F/A-18E/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/A-18E/F 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, and up to the vote.

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 successful program.

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.

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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 not 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 undermine it is shortsighted. This program has an excellent track record and needs no more cost controls.

The viability of this program is directly tied to the viability of the Navy's tactical aviation program. It is a core capability of the Navy's fleet. The Navy has a statutory cap of $1.588 billion. The Senate Armed Services Committee, the House Armed Services Committee, and the Senate Appropriations Committee have reviewed this program and found no need to add further administrative constraints to this successful program.

The Navy has used 15 of his 20 minutes. 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.

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Pennsylvania is recognized, the Senator from Missouri is recognized.

Mr. WARNER. You have a few Missouri mixed up. On the No. 1 amendment, you are going to dealing 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 it. 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 by 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 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, and 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 plain 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 increased 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 down 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.

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 into law that we are going to deny these 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 contract.

We have taken care of the Senator from Wisconsin in that if there are problems—and the Senator lists a variety of things 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 as 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 clear at this point that any 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 issues 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 the 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 then holds them to a cost cap, and it works just fine. I don’t 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 this 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. 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 it. We all know what happens with these planes.

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.
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 deed.

Our shared commitment to justice for the victims and their families is as strong 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 continued 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 accountability.

To date, Tripoli has only fulfilled one of the four conditions—turning 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 failed to assure 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 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.

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

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-five percent of the planes the Navy intends to buy will be the lower performing two-seat F models. My amendment would address this sleight of hand.

Mr. FEINGOLD. 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 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 deed.

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

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized.
enter 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 simply to prevent this program from being 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, you would think the Navy would want a plane that, if 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 unverified range improvements are not included in its 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 more than the Hornet in terms of acceleration, 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 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 compromises 50 percent of the Pentagon's purchasing plan for the Super Hornet. Again, Mr. President, the Navy's statements on performance are based on projections, not actual performance.

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

Again, Mr. President, I have stood on the floor of the United States for three years now discussing the inadequacies of the Super Hornet. Mr. President, 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 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 vote be taken now.

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

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

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

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

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

Mr. WARNER. Is it desired?

Mr. LEVIN. It is desired.

Mr. WARNER. I have no objection.

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

The Senator from 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
respectably. 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 billion contract, hold up what is a needed requirement for the Navy to determine whether they are being held to an unfair contract. The first amendment has the problem that it would not accommodate both of these amendments, although they are well-intended.

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 amendment does 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 on which 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. 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 look at the plane. 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 fix their certification.

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 those shades, as the Senator from Missouri said 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 if we are not 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 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-intentioned 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 a very good.

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

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.

Senator from Wisconsin says these two different planes in the F-18 package, the single-seat and the two-seat, 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 the 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 this plane set aside or deferred or delayed until accountants or auditors from the General Accounting Office can advise us of their thoughts. This 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 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 us well and increase our capability in a number of areas. 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, 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 Comptroller General.

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

The PREIDING 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 amendment relating to the Controller General.

Mr. LEVIN. If the Senator will yield? The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. As I understand the objection, it is 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 "E" version. That is why it is essential that we have this certification, at least by the Navy, that in fact the 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 any new technology 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 $88 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 $88 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 this 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 you come up with the new technology, we will put it 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 $88 billion. We did a similar cost cap on the same plane previously.

I reserve the remainder of my time.

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

Mr. WARNER. Mr. President, I am happy with this amendment now things are 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 be rescinded.
The PRESIDING OFFICER. Without objection, it is so ordered.

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 access to 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 before the first vote 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 PRESIDING OFFICER. 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
Alaska
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Breaux
Brownback
Byrd
Bunning
Burns
Byrd
Campbell
Chafee
Chambliss
Collin
Conrad
Corzine
Craig
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
McCain
Specter

Abraham
Alaska
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Breaux
Brownback
Byrd
Bunning
Burns
Byrd
Campbell
Chafee
Chambliss
Collin
Conrad
Corzine
Craig
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
McCain
Specter

Navy to the $8.8 billion, its own figure.

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.

The PRESIDING OFFICER. 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 Senate 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 will proceed to the vote for the full period of time. At the conclusion of that, I will, in all probability, ask the next vote to be 10 minutes, and then there

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 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 modest flight plane that is what 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. REID. I announce that the Senator from New Jersey (Mr. LAUTenberg) is necessarily absent.

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

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

[Rollcall Vote No. 153 Leg.]

YEAS—87

Abraham
Alaska
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Breaux
Brownback
Byrd
Bunning
Burns
Byrd
Campbell
Chafee
Chambliss
Collin
Conrad
Corzine
Craig
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
McCain
Specter

Abraham
Alaska
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Breaux
Brownback
Byrd
Bunning
Burns
Byrd
Campbell
Chafee
Chambliss
Collin
Conrad
Corzine
Craig
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
McCain
Specter

Navy has set forth itself.
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 for 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:

SEC. 103. 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 extent practicable, the Secretary of the Navy shall, 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. This ship is of great historical significance. That ship is the LCS 102. It authorizes the trade to the Government of Thailand in exchange for a former United States 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. It would make a great contribution to the Thai Navy.

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 LCS in the fleet of Thailand. It was 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. This ship was one of the last one this 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 of the United States 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, 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 duty during World War II" by Robert L. Reilly. Our distinguished former colleague, who was chairman of the Armed Services Committee, Mr. Tower of Texas, served aboard LCS 112. He has chief of staff duties during World War II on that ship. Also, a former Secretary of the Navy William Middendorf served as an officer aboard LCS 53 and former Secretary of the Navy John Lehman's father served as commanding officer of LCS 18 in the Pacific. He received the Bronze Star for bravery during his service at Okinawa.

In addition, the commanding officer of LCS 102 is Richard M. McCool, who now resides in Bainbridge Island in the State of Washington, received the Congressional Medal of Honor from President Truman for his service during a kamikaze attack at Okinawa.

There are several former LCS sailors from my State who have written me in support of this transfer: Robert Wells of Ocean Springs, MS, recently wrote me a letter saying he was the only medical officer aboard LCS 31. Here is what 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 pilots on jogging home duty where the #31 shot down 6 suicide planes and was hit by 3, killing 9 sailors and wounding 33. 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 all 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 102 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. I am a strong supporter of retiring a small, fast gunboat from our fleet that would meet the Thai Navy's requirements. The ship is a Cyclone class ship. It could be made available to the Thai Navy in exchange for the LCS 102. This amendment authorizes the Secretary of the Navy to offer a Cyclone class ship to the Thai Navy. It does not mandate that the trade be consummated; it simply authorizes the trade if it can be negotiated and legal hurdles and other details can be worked out.

There is an urgency to this issue because World War II veterans are aging. Most of them are now in their seventies and eighties. If we are going to help the LCS association realize its dream of bringing home the last ship of its class, then we need to do it now. There are LCS sailors living today all over the country in almost all 50 States, and they would appreciate a vote in support of this amendment.

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.
countercirpy 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 102 be put 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 is considering returning the 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, or 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, or lease with an option to buy.

Mr. COCHRAN. I will be happy to consider offering the Secretary an amendment 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 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 American sailors served their country on LCSs, 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 rushed into production. The result was the LCS(L) which stood for Landing Craft Support Ship (Large).

This newly designed ship had a fire control system, it was 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 J. Lehman, 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, a service 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 record, 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. REID. Will the Senator yield for another question?

Mr. WARNER. Mr. President, in light of the balance of the afternoon: I ask unanimous consent that all remaining amendments be offered by 2:30 p.m. today, and at 2:30 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 to 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...
According to Mr. Shelby and Mr. Kerrey, the ranking member of the Intelligence Committee, I propose that to the Chair. The PRESIDING OFFICER. Is there any 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 will 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. The Senator from Arizona [Mr. KYL]. Would the Senator yield for a parliamentary inquiry?

Mr. KYL. I am happy to yield.

Mr. KYL. I say to the manager of the bill that in the judgment of the committee, there has been no unanimous consent agreement regarding the Domenici amendment.

Mr. WARNER. My understanding is that the Senator from Virginia proposed 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:

"SEC. 3158(A). ORGANIZATION OF DEPARTMENT OF ENERGY COUNTERINTELLIGENCE ACT (2 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 Office shall be the Director of the Office of Counterintelligence.

(b)(2) The Secretary shall, with the concurrence 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 had prior experience in matters relating to counterintelligence.

(c)(1) 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 the loss of status, right, or privilege by the employee within the Bureau.

(c)(2) The Director of the Office of Counterintelligence shall report directly to the Secretary.

(c)(3) The Director of the Office of Counterintelligence shall develop and implement plans and policies on 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.

(d)(1) The Director of the Office of Counterintelligence shall be responsible for the administration and management of all assurance programs of the Department.

(d)(2) The Director of the Office of Counterintelligence shall inform the Secretary, the Director of Each Center, 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 security and counterintelligence programs and activities at Department facilities.

(e) The Secretary and the Director 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.

(f) 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.

(g) The Director of the Office of Counterintelligence shall certify in writing to the Director of the Office of Counterintelligence whether that laboratory is in full compliance with all Departmental national security 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.

(h) Within 180 days of the date of enactment of this Act, the Secretary of Energy shall report to the Secretary 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. 313. (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.

(b)(2) 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 Office 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 the Secretary of Energy.

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

(b)(2) The Director of the Office of Intelligence shall be responsible for the programs and activities of the Office relating to the analysis of intelligence with respect to nuclear weapons and materials, other nuclear matters, and energy security.

"Continuing Effective Date Provisions

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.

The Assistant Secretary assigned the functions under section 203(a)(5) shall serve as the Administrator."
THE SENATE
May 27, 1999

S. 194

CONGRESSIONAL RECORD — SENATE

(2) The Administrator shall be responsible for the executive and administrative operation of the functions assigned to the Administration, including functions with respect to direction, 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 Administrator, (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 1109 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 Administrator.

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

(3) Employment is funded under the Weapons Activities budget function of the Department.

(1) 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) Program direction.
(4) Resource requirements determination and allocation.
(5) Budget formulation and guidance.
(6) Safeguard and security operations.
(7) Emergency management.
(8) Integrated safety management.
(9) Environment, safety, and health operations.

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

(B) Oak Ridge Operations Office, Oak Ridge, Tennessee.
(C) Savannah River Operations Office, Savannah, Georgia.
(D) Idaho Operations Office, Idaho Fall, Idaho.
(E) Nevada Operations Office, Nevada Test Site, Las Vegas, Nevada.
(F) Hanford Operations Office, Richland, Washington.

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

(6) Integration of production and research and development activities.
(7) Interaction with other Federal agencies, State, tribal, and local governments, and the public.
(8) The head of a specified operations office, in carrying out any function delegated under subsection (f) that head of that 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.

(1) As used in this section:

(f) The Administrator may delegate a function assigned to the Administrator direct authority over, and responsibility for, the nuclear weapons production facilities and the national laboratories.

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

(A) The Oak Ridge National Laboratory, Oak Ridge, Tennessee.
(B) The Savannah River Operations Office, Savannah, Georgia.
(C) The Savannah River Site, Aiken, South Carolina.
(D) The Pantex Plant, Amarillo, Texas.
(E) The Y-12 Plant, Oak Ridge, Tennessee.
(F) The Savannah River Site, Aiken, South Carolina.

(3) The term "specified operations office" shall include, but not be limited to, any of the following:

(1) To carry out the function assigned to the Administrator; or the national laboratories.

(2) To carry out the function assigned to the Administrator; or the national laboratories.

(3) The term "specified operations office" shall include, but not be limited to, any of the following:

(1) The term "specified operations of the Administration" means any of the following operations offices of the Department of Energy:

(B) Oak Ridge Operations Office, Oak Ridge, Tennessee.
(C) Savannah River Operations Office, Savannah, Georgia.
(D) Idaho Operations Office, Idaho Fall, Idaho.
(E) Nevada Operations Office, Nevada Test Site, Las Vegas, Nevada.
(F) Hanford Operations Office, Richland, Washington.

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

(A) The Oak Ridge National Laboratory, Oak Ridge, Tennessee.
(B) The Savannah River Operations Office, Savannah, Georgia.
(C) The Savannah River Site, Aiken, South Carolina.
(D) The Pantex Plant, Amarillo, Texas.
(E) The Y-12 Plant, Oak Ridge, Tennessee.
(F) The Savannah River Site, Aiken, South Carolina.

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

(B) Oak Ridge Operations Office, Oak Ridge, Tennessee.
(C) Savannah River Operations Office, Savannah, Georgia.
(D) Idaho Operations Office, Idaho Fall, Idaho.
(E) Nevada Operations Office, Nevada Test Site, Las Vegas, Nevada.
(F) Hanford Operations Office, Richland, Washington.

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

(A) The Oak Ridge National Laboratory, Oak Ridge, Tennessee.
(B) The Savannah River Operations Office, Savannah, Georgia.
(C) The Savannah River Site, Aiken, South Carolina.
(D) The Pantex Plant, Amarillo, Texas.
(E) The Y-12 Plant, Oak Ridge, Tennessee.
(F) The Savannah River Site, Aiken, South Carolina.
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 do so. 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 centerpieces of his idea 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 we 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 nobody has 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 "director of energy intelligence" who would 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 intelligence which 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 I believe the people in that stovepipe 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 those 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 these programs and 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, but I want to make sure that there are no 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 in charge of the Office of Counterintelligence. 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 he 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 allow me to have used 30 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 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, working 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 effectiveness as well as strategy that we are not going to do any better than that. I do believe that 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 options 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 not going to be a perfect structure ever that we intend to answer any questions he might have, debate any amendments he might have in a way that all of us can feel is right.

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 dealt with by 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. We want to see 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 very fortunate that up until this point, nobody will be able to thing to hurt their science base and the problems that we are not going to do anything within that Department more complicated and complex, but there is a way to do it.

Now, from my standpoint, there is a need for it to be put in one piece 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
May 27, 1999

CONGRESSIONAL RECORD – SENATE

S6197

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 an effort to get the government, the 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. MUKOSKWI. 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 dysfunction at the 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 executive branch access. 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.

This 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 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 this.

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 important, obviously, is going to be needed. We simply don’t have all 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 investigations.

I understand that the Secretary of Energy opposes this amendment. I am sorry to hear that. I gather he sent a letter up here indicating that he will recommend that the President veto the bill because Congress is taking action to fix the problem. But what does he want Congress to do? Wait to take action until U.S.-designed nuclear weapons on 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 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? Why, that is another concern.

Second, how much of this happened on President Clinton’s watch?

Third, the balance of power in the Asia-Pacific region could be affected by the information they have obtained.

Based on these findings, I believe nowhere is it more urgent 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 burglar 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 facilities.

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 on that. It was his job 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. They presumed 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 for remote access to a user's computer (Lee's computer). The Laboratory's policy seems clear to be sufficient for FBI access, but the legal framework affecting the FBI's actions, as viewed by them, apparently prevented this.

What is the result? Lee's computer could have been searched but instead was not searched for 3 long years. Yet there was a waiver. This waiver was there the entire time, and the FBI didn't think to ask.

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 is 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 access 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 Team. Exceptions may only be granted by the CSSO. Users may not use their unclassified ICN password. Passwords must be changed each year and provide access to a security application and an Open LAN Computer Security Officer or network administrator. Passwords will not be given out or shared with any other person. Users must not change their passwords. Users will protect passwords according to Laboratory requirements.

User Responsibilities. Users are responsible for:

- Ensuring that information, especially sensitive information, is properly protected.
- Restricting access to their workstation or terminal when 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 labeling and logging of all recording media, including local storage devices. See X-Division Guidance on Computers for more information.

Properly accounting for data storage.

Properly labeling and logging of all recording media, including local storage devices. See X-Division Guidance on Computers 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.

Properly registering all computer systems (open, classified, standalone, networked, and portable) with the X-Division Computing Services Team to comply with DOE and Laboratory policies.

Posting their Rules of Use and workstation information addendum next to their workstation.

User Restrictions. Users are not permitted to:

- Use a workstation or terminal to simultaneously access resources in different security partitions. Workstations or terminals which move between different security partitions must be sanitized according to the X-Division Computer Sanitation Policy which must be posted next to their machines.
- 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 FBI. That I may be denied access to the LAN, and that I may receive a security fraction 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 covert intelligence 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 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.

The PRESIDING OFFICER. 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, I have presented the Senate with an amendment to the Defense Department authorization bill. The amendment will 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 time period 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 National Laboratories. 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 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 faces a myriad of threats. 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 non-partisan, 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? What is 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, Russia—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 knowledge 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 at the long-term problems, as well as 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 a fair and non-partisan debate should be established by this amendment which 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 bipartisan leadership of Senator WALTERS, a commission which became known as the Aspin-Brown Commission, to look at our intelligence community.

Like that commission, this would have 11 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 programs, effective focus on counterintelligence—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 exacerbatingly 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, 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 cannot afford a commission, I say that we must act today. I point out that the immediate counterintelligence issues facing our Department of Energy National Labs are being addressed.

Mr. President, 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 Lab... 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 a counterintelligence officer 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 forum for such a comprehensive reexamination.

I suggest that we draw a collective breath, that we step back, that we take a serious indelph look at this very complicated issue, and then we reach a consensus as Americans on the best way to proceed. I am convinced if we step back, that we 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 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 concrete things they reach, 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, nor the House, nor the Senate Select Committees on Intelligence, have examined. Indeed, one of the people we asked to do an evaluation of the damage, Admiral J. 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 is the appropriate forum in which to 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 Intel- 
ligence try to come up with a scope of 
study similar to the Jeremiah study, try to put it in the intelligence author-
ization bill, but, in other words, chal-
lenge the 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 
thing can be done administratively. 
They really are just based upon what 
we know right now. So, while I find 
myself unpersuaded by this amend-
ment—although maybe with a little bit 
more work I could have been per-
suaded—I am not persuaded we need a 
commission of this kind. I am per-
suaded we do need further examina-
tion, in fact a more thorough examina-
tion, 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 mon-
toring and watching the satellites 
that were being launched in the Chi-
nese Long March program, and the 
whole export regime we have estab-
lished to make certain we do not ex-
port things that are then used against 
us in some fashion, that we do not pre-
sume, in short, that we know every-
thing that happened and we do not 
take action that could make the prob-
lem worse.

I believe what the Senator from Flor-
da is suggesting to us is right on tar-
get. We have to be very careful that we 
do not get tunnel vision on one part 
that will make things worse. So I rec-
ommend 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 ques-
tion.

Mr. GRAHAM. One of the principal 
purposes of this commission starts 
with a recognition that our counter-
intelligence problems, or vulnerabil-
ities, are not limited to Chi-
nese 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 poten-
tial vulnerability in NASA of its com-
puter 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 believe what the Senator is saying is ex-
actly right. It needs to be Government-
wide. It needs to look at the contrac-
tors.

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 ade-
quate to protect the people of the 
United States of America and our in-
terests.

Mr. Teller says, and I agree with him, 
by the way, by the time you put all 
such security measures in place, the 
most important deterrent against los-
ing our technological superiority is not 
defensive measures but making certain 
we allocate enough for research and de-
velopment and we keep the pointy edge 
of our technological spear sharp. So 
long as we continue in research and de-
velopment, not just in design but con-
struction and deployment, Mr. Teller is 
saying you decrease the possibility 
that espionage or some other trans-
fers—some cases transfers you do no 
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 cannot potentially be 
lured into doing exactly what Hitler did 
in the 1930s and 1940s; that is, prevent 
intel-
ligent and capable people from partici-
pating in our nation's government and 
society on the basis of their ethnicity.

We do not want, as some have sug-
gested, ethnic standards determining 
who will have an opportunity to access 
our laboratories. In my judgement, se-
curity should be based on the individ-
ual who is involved, not on that indi-
vidual's membership in a larger eth-
gnic 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 com-
petencies—The PRESIDING OFFICER. 
The 7 1/2 minutes of the Senator is up.

Mr. GRAHAM. Mr. President, I don't think 
Senator Shelby has arrived—

Mr. KERREY. He is here.

Mr. GRAHAM. I ask unanimous con-
sent 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 the complex-
ities, we would need a 
group of Americans who can look at 
this both from a strategic perspective 
as well as from the technical com-
petencies of what is required to do ap-
propriate counterintelligence protec-
tive processes and methods?

Mr. KERREY. Yes, I do. I have to an-
swer 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 exer-
cising our judgment in what ought to 
be done in tightening things that we do 
not actually create additional security 
problems.

The PRESIDING OFFICER. The Sen-
ator from Alabama.

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

The PRESIDING OFFICER. The Sen-
ator has 7 1/2 minutes.

Mr. SHELBY. Mr. President, I oppose 
the Graham amendment as the chair-
man of the Senate Intelligence Com-
mitee. We should, as an institution, 
renounce efforts to place the author-
ity and the responsibility of any 
congressional committee to an outside 
group as 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 do not enjoy in the committee now 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 urgent, 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. We ask that she withhold it, but will consider it to be within the deadline.

Mrs. HUTCHISON. As long as I am assured I will be able to offer it.

Mr. WARNER. Mr. President, I believe the managers are prepared to submit to the Chair a package of amendments.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENTS No. 376, 386, 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. 396 and 397; 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 disestablishment of strategic nuclear delivery systems)

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

AMENDMENT NO. 396

(Purpose: To provide for a one-year delay in the demolition of certain naval radio transmitting facility 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. 284A. 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:

"(b) CONSIDERATION.—(1) In the event of the transfer of the property under subsection (a) to the State of Maryland, the transfer shall be without consideration or without consideration from the State of Maryland, at the election of the Secretary.

"(2) If the Secretary does not 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 costs 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.—Subtitle (a) of section 1060a of title 10, United States Code, is amended by adding at the end the following:

"shall 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.—Subtitle (b) of such section is amended to read as follows:

"(b) FEDERAL FUNDING.—The Secretary of Defense shall use funds available for the Department of Defense to provide supplemental foods and nutrition education and to train, retain, and support personnel and programs for the administration under the program required under subsection (a)."

(c) PROGRAM ADMINISTRATION.—Subtitle (c)(1)(A) of such section is amended by adding at the end the following:

"In the determination of eligibility for the program benefits, a person participating in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1784) shall be considered eligible for the duration of the certification period under that program."

(d) NUTRITIONAL RISK STANDARDS.—Subtitle (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. 1783(b))."

On page 17, line 6, reduce the amount by $18,000,000.

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 2001 pursuant to transfers 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 detract 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 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.
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. 430
(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 training program, the United States forces and foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

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.—Subtitle C of section 106a 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 by striking the following: "In the determination of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17(b) 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.
(c) NUTRITIONAL RISK STANDARDS.—Subsection (c)(3) of such section is amended by adding at the end the following: "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 1996 (42 U.S.C. 1786)."
On page 17, line 6, reduce the amount by $18,000,000.

AMENDMENT NO. 431
At the appropriate place in the bill, insert the following:

SEC. 691. TRAINING AND OTHER PROGRAMS.
(a) PROHIBITION.—None of the funds authorized by this Act may be used to support any training program involving a unit of military 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 the Secretary determines that such violations have been stopped.
(b) MONITORING.—Not more than 90 days after enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit a report to the Congress describing the extraordinary circumstances, the 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.

AMENDMENT NO. 432
(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;
(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;

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 these 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 following stated 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 section 306 of this title, 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 missile defense.)

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) included 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, 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 by acquiring certain property at the Bayonne Local Redevelopment Authority, Bayonne, New Jersey, thereby enhancing the City’s capability for furnishing fire safety services to the coastal area and supporting 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 City of Bayonne, New Jersey, any property to be conveyed under this section.

(C) EQUIPMENT To Be ConVEYED.—The equipment to be conveyed under subsection (b) is as follows:


(2) Pierce Arrow 100-foot Tower Ladder, manufactured February 1994, Pierce Job #E–8032, VIN #1PACA026RA 000145.

(3) Pierce, manufactured 1993, Pierce Job #E–7569, VIN #1FDR582 ONVA 36015.

(4) Ford E–302, manufactured 1990, Plate #G3112693, VIN #1FDEK3 E03M IMHB 37026.

(5) Ford E–302, manufactured 1990, Plate #G3112562, VIN #1FDEK3 E03M IMHA 37419.

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

(7) Bauer Compressor, Bauer±UN 12–E #G3112693, VIN #1FDKE3OM6NHB37026.

(8) Bauer Compressor, Bauer±UN 12–E #G3112452, VIN #1FDKE3OM9MHA35749.

(9) Bauer Compressor, Bauer±UN 12–E #G3112452, VIN #1FDKE3OM9MHA35749.

(D) TRANSFER OF PROPERTY.—The Secretary of the Army may convey, without consideration, the property conveyed pursuant to subsection (a) to the City of Bayonne, New Jersey, on or before the 30th day after the date of enactment of this section.

(E) ADDED TERMS AND 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, New Jersey.)

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

SEC. 3823. LAND CONVEYANCE, NIKIE BATTERY 80 FAMILY HOUSING SITE, EAST HANOVER TOWNSHIP, NEW JERSEY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, the property at East Hanover, New Jersey (in this section referred to as the “Townscape”), 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 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 property to the State of Maryland.)

At the end of title E of title XXVIII, add the following: SEC. ONE-YEAR DELAY IN DEMOLITION OF RADIO TRANSMITTING FACILITY TOWERS AT NAVAL STATION, ANNAPOLES, MARYLAND, TO FACILITATE TRANSFER OF TOWERS.

(a) ONE-YEAR DELAY.—The Secretary of the Navy may, at his discretion, delay the demolition of the radio transmitting towers described in subsection (b) during the one-year period referred to in subsection (a).

(b) COVERED TOWERS.—The radio transmitting towers described in this subsection are the three southeastern most 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 be submitted 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:

AMENDMENT NO. 459

Mr. SPECTER proposes an amendment numbered 459.

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 repress 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. 460

(Purpose: To amend title XXIX, relating to negotiated a peace agreement relating to the Federal Republic of Yugoslavia (Serbia and Montenegro) with any individual who is an indicted war criminal.)

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

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:

Pursuant to page 476, line 13, through page 502, line 3, strike title XIX in its entirety and insert in lieu thereof the following:

"TITLE XIX—RENEWAL OF MILITARY LAND WITHDRAWALS."

"SEC. 2001. FINDINGS.

"(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 environmental value;

"(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. 2002. 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 military ranges referenced in section 2001 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. 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 claims arising from the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy and the subsequent determination that parties involved in the accident obstructed the investigation by disposing of evidence.

(b) DEADLINE FOR EXERCISE OF AUTHORITY. The Secretary shall make the decision to exercise the authority in subsection (a) not later than 90 days after the date of enactment of this Act.

(c) SOURCE OF PAYMENTS. Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available for the Department of Navy for 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.

(d) AMOUNT OF PAYMENT. The amount of the payment shall be 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 substantially determined to be available 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 establish or impair 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 will propose 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 table in section 2301 to include $78 million for CONUS squadron operations/AMU facility at the Little Rock Air Force Base in Little Rock, Arkansas. Further amend Section 2301 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 431, in the table, 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, insert after item related $544,340,000 and insert in lieu thereof "$547,900,000."

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

On page 414, line 9, strike out "$667,960,000" and insert in lieu thereof "$667,810,000."

On page 414, line 14, 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:

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

(a) **GRADE OF CHIEF OF ARMY RESERVE.**—Section 303(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 514(c)(2) of such title is amended by striking “brigadier general” and inserting “major general”.

(d) **GRADE OF CHIEF OF AIR FORCE RESERVE.**—Section 803(c) of such title is 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:

“(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 Senate amendments 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. 523. CHIEFS OF RESERVE COMPONENTS AND THE ADDITIONAL GENERAL OFFICERS FOR THE NATIONAL GUARD BUREAU.**

(a) **GRADE OF CHIEF OF ARMY RESERVE.**—Section 303(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 514(c)(2) of such title is amended by striking “brigadier general” and inserting “major general”.

(d) **GRADE OF CHIEF OF AIR FORCE RESERVE.**—Section 803(c) of such title is amended by striking “major general” and inserting “lieutenant general”.

**SEC. 524. ORDNANCE MITIGATION STUDY.**

(a) **AUTHORIZATION OF ADDITIONAL AMOUNT.—Notwithstanding any other provision of law, the amount authorized to be appropriated by section 301(a)(2) is hereby increased by $45,200,000.

(b) **USE OF ADDITIONAL AMOUNT.**—Of the amounts authorized to be appropriated by section 301(a)(2), as increased by subsection (a) of this section, funds shall be available in the following amounts for the following purposes:

(1) $5,000,000 shall be available for Operation Caper Focus.

(2) $15,500,000 shall be available for a Reestablishing a Cover the Horizon (ROTH) capability for the Eastern Pacific based in the continental United States.

(3) $2,700,000 shall be available for forward look imaging 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.—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**

(Purpose: To authorize, with an offset, an additional $99,200,000 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, proposes an amendment numbered 467.

The amendment is as follows:

On page 62, between lines 19 and 20, insert the following:

**SEC. 314. ADDITIONAL AMOUNTS FOR DRUG INTERDICCION AND COUNTER-DRUG ACTIVITIES.**

(a) **AUTHORIZATION OF ADDITIONAL AMOUNT.**—Notwithstanding any other provision of law, the amount authorized to be appropriated by section 301(a)(2) is hereby increased by $45,200,000.

(b) **USE OF ADDITIONAL AMOUNT.**—Of the amounts authorized to be appropriated by section 301(a)(2), as increased by subsection (a) of this section, funds shall be available in the following amounts for the following purposes:

(1) $5,000,000 shall be available for Operation Caper Focus.

(2) $17,500,000 shall be available for a Reestablishing a Cover the Horizon (ROTH) capability for the Eastern Pacific based in the continental United States.

(3) $2,700,000 shall be available for forward look imaging 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.**—The amounts authorized to be appropriated by this Act, the total amount available for...

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

**AMENDMENT NO. 468**

(Purpose: To strike the provisions 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 2903, 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)(3)(A), strike “(except those lands within a unit of the National Wildlife Refuge System)”.

In section 2904(a)(3), strike subparagraph (B).

In section 2904, strike subsection (g).

In section 2905, strike section 2906.

Strike section 2907. Strike section 2908.

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 2909, 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 WITHDRAWAL 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; and

(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 amendment is as follows:

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, 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 amendment is as follows:

AMENDMENT NO. 471.

(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 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 amendment is as follows:

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 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 amendment is as follows:

AMENDMENT NO. 473.

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

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

The PRESIDING OFFICER. The amendment is as follows:

AMENDMENT NO. 472.

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

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

The PRESIDING OFFICER. The amendment is as follows:

SEC. 305. PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

Of the amount authorized to be appropriated under section 301(S) for carrying out the provisions of chapter 142 of title 30, United States Code, $500,000 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(2) 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, the funds shall be allocated among the Defense Contract Administrative Services regions in accordance with section 2415 of such title.

The PRESIDING OFFICER. The amendment is as follows:

AMENDMENT NO. 474.

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

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The amendment is as follows:

SEC. 629. SENSE OF THE SENATE REGARDING TAX TREATMENT OF MEMBERS RECEIVING BASE CLOSURE LAW AWARD.

It is the sense of the Senate that members of the Armed Forces who receive special pay due 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 amendment is set aside.
(a) FINDINGS.—Congress makes the following findings:

(1) The Cold War was the longest and most costly struggle for democracy and freedom in the world.

(2) Whether millions of people all over the world had the 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.

(b) The Senator from Virginia [Mr. WARNER], proposes an amendment numbered 476.

The amendment is as follows:

"(a) There is hereby authorized an award for Mr. GRAMM, for himself, Mr. ASHCROFT, Mr. COLVERDELL, Mr. LOTT, and Mrs. HUTCHISON, proposes an amendment numbered 474.

The amendment is as follows:

"(a) 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').

The amendment is as follows:

"(a) The Secretary of Defense may accept contributions from the private sector for the purpose of covering the costs of the Armed Forces in participating in a celebration of the 10th anniversary of the end of the Cold War to be held in Washington, D.C., on November 9, 1999.

(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 sub-paragraph (A).

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

(d) 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 activities 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.

(e) 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.

(f) The involvement, if any, of the general and flag officers referred to in paragraph (2), including the installations visited during the visits.

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

The amendment is as follows:

"(a) In the Cold War Day—Congress hereby—

(1) designates May 27, 1999, as '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.

(b) Cold War Victory Medal.—Chapter 57 of Title 10, United States Code, is amended by adding at the end the following:

"(a) The Armed Forces during the Cold War in order to recognize the contributions of such individuals to United States victory in the Cold War.

(b) The Joint Chiefs of Staff shall, under regulations prescribed by the President, design for purposes of this section a decoration called the 'Reagan-Triumphant Victory in the Cold War Medal'. The design 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, 1999.

(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 to make available to the United States Armed Forces 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, D.C., on November 9, 1999.

(2) 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 sub-paragraph (A).

(3) 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.

(4) The itinerary of the visits referred to in paragraph (2), including the installations visited during the visits.

(5) The involvement, if any, of the general and flag officers referred to in paragraph (2), including the installations visited during the visits.

(6) 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.

(7) 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.

(8) Any official documentation, such as memoranda for the record, after-action reports, and final itineraries, and any receipts for expenses over $5,000 for military-to-military contacts or exchanges between the United States and the People's Republic of China in 1999.

The amendment is as follows:

"(a) There is hereby authorized an award to the desk an amendment on behalf of Mr. SMITH of New Hampshire, proposes an amendment numbered 476.

The amendment is as follows:

"(a) The amendment is as follows:

"(a) There is hereby authorized an award to the desk an amendment on behalf of Mr. THOMAS, proposes an amendment numbered 476.
The amendment is as follows:

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

Sec. 6210. (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 this age of 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.

(b) Report Requirement.

(1) Not later than March 1, 2000, the President shall include in the report a feasibility analysis of how the United States will:

(a) shift resources in support of higher priority missions;

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

(c) 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, 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 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:

At the appropriate place insert the following:

Sec. 6210. SENSE OF SENATE REGARDING SETTLEMENT OF CLAIMS OF AMERIC An American Servicemen’s Families Regarding 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 Tupolev TU-154M aircraft collided with a United States Air Force C-141 Starlifter aircraft off the coast of Namibia.

(2) As a result of that collision nine members of the United States Air Force were killed, namely Staff Sergeant Stacey D. Bryant, 32, loadmaster, Providence, Rhode Island; Staff Sergeant Gary A. Bucknam, 25, flight engineer, Oakland, Maine; Captain Gregory M. Claus, 31, pilot, Byrants 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, Libby, Pennsylvania; Captain Peter C. Valiolo, 34, aircraft commander, Crestwood, New York; and Senior Airman Frankie L. Walker, 23, crew chief, Windber, Pennsylvania.

(3) Thus, the Department of Defense of the Defense of the Defense Committee of the German Bundestag states unequivocally that, following an investigation, the Directorates for the Secretary of the United States Air Force and the German Federal Armed Forces assigned responsibility for the collision to the Aircraft Commander/Commandant of the Luftwaffe Tupolev TU-154M aircraft for flying at a flight level that did not conform to international flight rules.

(4) The United States Air Force accident investigation report confirms that the primary cause of the collision was the Luftwaffe Tupolev TU-154M aircraft flying at an incorrect cruise altitude.

(5) Procedures for filing claims under the Status of Forces Agreement are unavailable to the families of the members of the United States Air Force killed in the collision.

(6) The families of the members of the United States Air Force killed in the collision have filed claims against the Government of Germany.

(7) The Senate has adopted an amendment authorizing the payment to citizens of Germany of a supplemental settlement of claims arising from the deaths caused by the accident involving a United States Marine Corps EA-6B aircraft on February 3, 1998, near Cavalese, Italy.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) The Government of Germany should promptly settle with the families of the members of the United States Air Force killed in a collision between a United States Air Force C-141 Starlifter aircraft and a German Luftwaffe Tupolev TU-154M aircraft off the coast of Namibia on September 13, 1997;

(2) The United States should not make any payment to citizens of Germany as settlement of claims 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. 481

(Purpose: Relating to chemical demilitarization activities)

Mr. WARNER, Mr. President, proposes an amendment numbered 481.

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 “New Hampshire NSY Portsmouth $3,850,000.”

On page 429, line 5, strike out “$172,472,000” and insert “$173,240,000.”

On page 411, in the table below, insert after “New Hampshire NSY Portsmouth $3,850,000.”

On page 414, in the table line Total strike out “$746,340,000” and insert “$741,990,000.”

On page 414, line 6, strike out “$2,078,015,000” and insert in lieu thereof “$2,072,465,000.”

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 “$65,831,000.”

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

Mr. WARNER. Mr. President, I believe we have all the amendments in the 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 be allowed?

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 hoping 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 served our nation on a new level 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 mission allocations of each component, it is clear that the Reserve Component is contributing to the national security in every major mission according to its mission. The Reserve Component's home team advocate is the Chief of the National Guard Bureau who represents both the Army and the Marine Corps Reserves and the 75 United States Air Force Reserve General Officers and the 195 Army National Guard General Officers of whom only 92 have Federal Recognition there appears to be an imbalance when it comes to the Reserve Components. In the case of the Navy, 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 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 phrase "merely a two-star" by accident. "Merely" is an apt word when you are talking about the fight for resources in the Pentagon. When you are making procurement and funding 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 personnel. 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. Does anybody need an additional 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 appropriation. Nearly triple that ($12 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 as the 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 component of 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 Space 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 contingencies, 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 the 90 percent of the active force. 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 senior reserve officer. He is responsible for software development and acquisition for the Navy’s Manpower and Personnel information systems.

The Naval Reserve is responsible for: five percent of the Navy’s total complement of ships and aircraft, 100 percent of the Navy’s harbor surface and subsurface surveillance forces, 90 percent of the Navy’s Expeditionary Logistics Support Force, 47 percent of the Navy’s combat search and rescue capability, and 35 percent of the Navy’s total airborne ocean surveillance capability.

The Commander, Marine Force Reserve commands over 40,000 personnel and provides 5 percent of the Army’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 ARMor provides 97% of Civil Affairs units, 55% 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 outranged so to speak by active counterparts, it means that the men and women in the Reserve Components, which are deployed 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 unemployment. One of the short end of things they need is professional development training or specialization training.

Admittedly, in some cases there are valid reason for 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. The mission 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 frequently in authority. To exact 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 preferential treatment. For the mission it is asked to perform.

The need for three-star ranks for the Reserve and Guard chiefs has been understated 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, Air Force, and Navy. The Department of Defense did not act on this recommendation.

In 1997 the Department of Defense did not act on this recommendation. The Defense Authorization Act directed the Secretary of Defense report to Congress not later than six months after enactment the recommended elevation of the Chief, Army Reserve to (four-star) general. In the course of his duties, he is responsible for software development and acquisition for the Navy’s Manpower and Personnel information systems. The Naval Reserve is responsible for: five percent of the Navy’s total complement of ships and aircraft, 100 percent of the Navy’s harbor surface and subsurface surveillance forces, 90 percent of the Navy’s Expeditionary Logistics Support Force, 47 percent of the Navy’s combat search and rescue capability, and 35 percent of the Navy’s total airborne ocean surveillance capability.

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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 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 Active Army. 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 the 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.

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.

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 retirements 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 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.

As we think when we write 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 reducing 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 served as the Ambassador to the United Nations, who has been involved in some of the most responsible and sensitive negotiations in the last 20 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.

Mr. 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 promised that the 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.

Mr. LEVIN. I commend the 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 1947. 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 to these laboratories—I had the good fortune 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 and technical excellence. These are a wide range of laboratories that we refer to on a bipartisan basis. These are 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 multi-purpose character to the detriment of the laboratories themselves as scientific institutions and to the detriment of their ability to respond to defense needs.

This change reverses management improvements made at DOE by a series of Secretaries of Energy under both Republican and Democratic administrations. These improvements were made after careful and extended review. They have improved the management of the department as a whole. They have improved the way that they are managed. They have improved the way that they are managed. They have improved the way that they are managed. This is the way legislation should move forward on a bipartisan basis.

This is the way legislation should move forward on a bipartisan basis.

To this point, this bill has been proceeding forward on a bipartisan basis. 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 that 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, very hard to have a bill countered during their tenure. 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 proceed. That is 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 activities—the 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 that 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, very hard to have a bill countered during their tenure. 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 proceed. That is how we are doing things with this bill.

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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 for so long an aging population. We have to have 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 for example, has a life expectancy in a weapon does not last forever. Tritium, material that makes up a nuclear weapon of mass destruction to make sure these weapons 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 disaster; Savannah River, environmental disaster. We cannot let that take place anymore. So 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 these 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. Wherever we do a job, it is an 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 an amendment like this. He wants to do it in a bipartisan fashion.

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. 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 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 environmental defense activities, the Armed Services Committee.

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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. We have already made administrative changes 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 important 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 technology and the 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 do things by the book, 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.

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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 environmental defense activities, the Armed Services Committee.

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May 27, 1999

CONGRESSIONAL RECORD—SENATE

S6217

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 unmatched anywhere in the world for the solution of critical defense and non-defense 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 as a whole. This could result in an important national defense opportunity.

I am absolutely confident that the directors of the laboratories will testify to the enormous defense benefits that accomplishment of that 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 they have had in the past and continue to have to attack important non-defense 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 are included in the management 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 in this 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 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 provide a good opportunity 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 note 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 not that late a provision. 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 few changes in the underlying bill are appropriate. 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 it is something 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 this. The third part of the amendment is the part designated “National 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.

Therefore I object to this provision, as it now stands, are several. Let me start by saying that I object to it because of the procedural way 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. None 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, and I see 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 which 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, says would be a derogation of our duty if we did not go ahead and pass 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 and the Defense Authorization. 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:

Hon. Jeff Bingaman, U.S. Senate, Washington, D.C.

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 efforts 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 cannot 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 sustain themselves 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 other 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 operates.

The Secretary of Energy is in charge of the Department of Energy. There are, under the Secretary, various sub-departments. 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 it 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 problem. We have great fear that the people 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 has just 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 the various committees 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 Secretary’s office on security. 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 Direction No. 61, and other 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 separate 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 have to do with 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, and I do not know 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 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 authority 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 programs 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 get inside 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, 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 in a stovepipe model in action, 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 can 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 a 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 Shensinsk. Shensinsk is one of the nuclear cities, one of the secret cities. When you go there, you see how stovepipe organizations function. There is no time limit on my speaking here, for a reason, and then they move on 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 will see what happens here for a reason 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 you see people looking at the 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 believe is a frustration past 15 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 nuclear weapons 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. This is going to be a department, perhaps you can manage the other aspects that are not so critical, but you can’t manage nuclear weapons under the current environment. It needs dramatic change.

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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 and that the Secretary only has 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 place. I have heard it takes 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, who is entitled to be the Assistant 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 the EPAPS. You can take a look within the Energy Department at the nuclear Navy. It is different than this, but if you want to look at a model that is within a big department where you have something structured to handle a very important role and mission, there are such models. As a matter of fact, there are experts who say this is a good model, if you want to keep it within the department.

I want to add two other things, and I want to read some notes.

First, if the 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 all over.

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 believe it will meet with congressional 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 but not exactly in the same way. 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 colleague from Maine, Ms. SNOWE, 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 will know.

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 the 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 without ever having been used for productive purposes. Finally, the defense program has a job to do—maintenance of a nuclear deterrent, which this ES&H report 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 present 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, 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 it 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 an unacceptably 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 all of the models of assault and training vehicles. But it does not end there. China also has classified design information for the neutron bomb, which no nation has yet deployed. Other classified information, not available to the public, has also been stolen.

With this information, China has made a quantum leap in the modernization of its nuclear arsenal. China will now be able to develop a mobile nuclear force, with its first deployment as soon as 2017.

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 hear that Chinese 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 theft of military secrets. 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. Jackson 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 that 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 designs, including those of 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 investigation and hearings held by Congress will hold the Administration accountable. In the meantime I urge my colleagues to support the Kyl amendment.

Ms. SNOWE. Mr. President, Members of the Senate, 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 amendment.

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 March 15, 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 240 million barrels containing 9 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.

The Financial Times of London, General Wesley Clark was understood to have expressed concern about the oil issue when he briefed NATO ambassadors yesterday on the progress of the 9-week-old air campaign. He has expressed disappointment over 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 will work. He told NATO ambassadors that the alliance at the start, the average 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, Reuters reported 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 Atlantic Council agreed this week to introduce the regime but has to economic business as usual. We destroyed his oil production capacity. NATO estimates of displaced Kosovars rise to 820,000. Serbia receives 16,000 barrels of imported fuel over a 24-hour period.

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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, the average at the midpoint of receiving 450,000 barrels of oil.
As of 3 weeks ago, the number of displaced Kosovars had topped 1 million, and NATO acknowledges the continuance—as we have certainly learned today in the most recent news updates—of an ongoing flight by thousands. These imported energy reserves play a significant role in supporting Serbian ground operations.

The U.S. Energy Information Agency estimates that Yugoslavian forces consume about 4,000 barrels of oil per day. This fact means that if Serbian armed units in Kosovo used only one half of the imported fuel just from the month of April alone, they could have operated for nearly 2 months, just half the amount they imported in April, yet as we well knew, the air campaign began on March 24.

It took nearly 1 month after the start of the NATO campaign, however, for Milosevic to uptight 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 Yugoslavs still managed to perpetrate Europe's worst humanitarian crisis since World War II. We now face the strategic and operational challenge of uprooting dispersed tank, artillery and, infantry units in Kosovo. This challenge confounds NATO because our military campaign ignored the offshore economic base sustaining the aggression that we had pledged to overcome.

This example teaches us that military victory involves more than the destruction of force. It 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 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 exports. 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 the goal as it was difficult to understand why the President and the NATO alliance did not agree to this at the outset? Why, at a time when we were conducting—initiating an air campaign, this oil embargo was not in place? We must always try to damage or destroy the offensive military apparatus of a hostile State, but as the Persian Gulf war taught us, it should also be starved of its resources.

No law can mandate an immediate multinational embargo. But this amendment that will be included in this reauthorization will make it more difficult for future Presidents to repeat the President Clinton administration's alliance 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 military machine 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 would 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 that the United States will not only remember these gotten tools of aggression. But this force an aggressor into military and economic bankruptcy.

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 ask that this amendment be considered the adopted.

Mr. REID. I object.

Mr. REID. I object.

Mr. LEVIN. Object.

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

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

Mr. STEVENS. Mr. President, 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 legislative clerk continued with 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.

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 suggest the absence of a quorum.

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.

The legislative clerk proceeded to call the roll.
Without objection, it is so ordered. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, as a preliminary matter, I ask unanimous consent that Herb Cupo, a fellow in Senator JAZAYERI's staff, be granted floor privileges during the debate.

The PRESIDENT pro tempore. Without objection, 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 through 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 for our military forces, who 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 and other military 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 the issue of the military bases. 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 way our retirement system is adopt ed 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 for flexible force soldiers as well as 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 issue 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 that our military forces are going to have to navigate. 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 to get 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 effectively deal with those who 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 commanders in chiefs throughout the world, they say they are continually asked to use their Trident submarines for mis sions. 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 KERREY 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 training and from modernization of 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 are the 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 our military 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 amendment, 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 amendment. I yield the floor.

I note the absence of quorum. The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceed 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. Bennent). 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 handling 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 Senator from Virginia will take the 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 deplore and disagree to, but this is not the time for a full debate on reorganizing the Department of Energy. This is on the eve of the recess for the Memorial Day weekend. We have had no congressional hearings; we have not heard from the Secretary of Energy, except over the telephone. This is not the appropriate way to legislate. For these and other reasons, I ask there be other arrangements made so that we can proceed to this most important bill, the defense authorization bill.

Mr. LOTT. Mr. President, in light of that objection, I ask consent that when the Senate considers H.R. 1555—that is the intelligence authorization bill—following the opening statement by the manager, Senator Kyl be recognized to offer an amendment relative to national security at the Department of Energy; I further ask consent that if this agreement is agreed to, amendment No. 446 be withdrawn, following 60 minutes of debate to be equally divided between Senators Kyl and Domenici and Reid and Levin, or their designees.

Mr. REID. Reserving the right to object, and I shall not object, I do say to the majority leader, I appreciate on behalf of the minority, very much, this arrangement being made. This we acknowledge is important legislation. It is an important amendment, one that deserves the consideration of this body. I think it is an appropriate time. As indicated, H.R. 1555 will be the time we can fully debate this issue.

So I say to the sponsors of the amendment, Senators Kyl, Domenici, Murkowski, and others; 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 have 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.

Mr. REID. 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 if we have had it in several years. A goodly number.

Mr. REID. 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 false hopes that we will be able to clear many more of them because we have cleared, I believe, a good 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 any 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, have rejected.

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 that the Chair has already recognized the Senator from New Mexico.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Mr. President, I would greatly appreciate it if you notify me when 5 minutes have elapsed.

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 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 I said 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.

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.

Mr. WARNER. 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 did it even though 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 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 not go away. We can say to the Secretary and the Democratic and Republican 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 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, you say 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 the American people do about the nuclear weapons 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 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 serious 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, and I am not surprised to hear the Senator from New Mexico’s ideas 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. 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 to do that. 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, and thoughtful 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 an executive branch, an executive, non-academic 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 aloud to be follow up and implemented. Perhaps, but 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 should not be going to something that 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 recruit and to retain 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 ended yesterday, 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 with Senator Domenici, the author of the amendment, the one who has made this an issue, that the administration has succeeded in derailing the amendment. The administration seems to be more concerned about the Secretary, the Secretary of Energy. And guess what. Not just to the Secretary but to the bureaucracy, 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 not even demanded that the President demand the destruction of the stockpile and demand that it be done. He would have—Senator Moseley would have made that a condition of the bill.

I am further appalled that this 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 to the President, reporting 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, and we are going to do it, and it is 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 outwait the Secretary, the bureaucracy can do whatever it pleases without fear of any consequences.

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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 make a point to a few of the provisions 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—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 for the purpose on Congress 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 move 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 provided 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 a few of the provisions much more. 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 tomorrow 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 details 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 why this proposal exists. I do not think we can 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. 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 some of 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 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 in 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, there were some slight modifications in this, which 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 internal programs 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 this 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 was 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 refusals of others to go along with that kind of effort. 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.
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 Federal Republic of Yugoslavia or 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 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 events of the past year. 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 there. I think there is the mistake of 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 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. Yet, everyone 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 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 and 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 want to get to the core of the problem, 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 problems in this bill. How can 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. And the Republicans have inserted some of 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 Republicans on the Armed Services Committee, Senators Lott, Bennett, and other leaders, 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 management provisions as written, 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 1993, 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 for Energy was accountable for the 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 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 they 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 any 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 was asked 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 on that. 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 to talk about this. That was the 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 was asked to speak on our amendment. He is a coauthor. The minority refused him the opportunity even to speak.

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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 for 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 materials 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 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 had ever come 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 want to thank 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-marked up the highly sensitive 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 are scheduled for 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 be 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 Virginia.

Mr. WARNER. On behalf of myself and the ranking member, the Senator from Arizona, we are ready to begin AMENDMENTS NOS. 482 THROUGH 536, EN BLOC.

I reserve the remainder of my time.

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 not just the 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 submit 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 that they be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The clerk will report.

The legislative clerk reads as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. LEVIN, proposes amendments Nos. 482 through 536, en bloc.

The amendments are as follows:

AMENDMENT NO. 482

(Purpose: To add an exception to a requirement for 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 2303(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 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. 2822. 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) DISCLOSURE.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by survey satisfactory to the Secretary, and 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 for the Army Digital Information Technology Test Bed)

On page 29, line 10, 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 65236A) for the Army Digital Information Technology Test Bed)

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 (JURL). In May 1997, the Office of Secretary of Defense designated the DoD Digital Information Technology Test Bed (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 1997 Congress authorized and appropriated $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. 896. SPECIAL COMPENSATION FOR SEVERELY DISABLED UNIFORMED SERVICES RETIREES.

(a) AUTHORITY.—The Secretary concerned may pay to each eligible disabled uniformed services retiree a special compensation at a rate equal to retired pay, pay to which the retiree is entitled, for purposes of computing the amount of retired pay to which the retiree is entitled.

(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 title 38), who

(I) 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

(II) 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—

(I) was incurred or aggravated in the performance of duty as a member of a uniformed service, as determined by the Secretary concerned; and

(II) 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 availability of amounts payable by the Secretary concerned for that fiscal year.

(g) OTHER DEFINITIONS.—In this section:

(1) The term ‘service-connected’ has the meaning given 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 to work or follow a substantially gainful occupation as a result of service-connected disabilities.

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 of the following new section:

'(4) Special compensation for certain severely disabled uniformed services retirees.

The Secretary concerned may pay to each eligible disabled uniformed services retiree a special compensation at a rate equal to retired pay, pay to which the retiree is entitled, for purposes of computing the amount of retired pay to which the retiree is entitled.

(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 title 38), who

(I) 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

(II) 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—

(I) was incurred or aggravated in the performance of duty as a member of a uniformed service, as determined by the Secretary concerned; and

(II) 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 availability of amounts payable by the Secretary concerned for that fiscal year.

(g) OTHER DEFINITIONS.—In this section:

(1) The term ‘service-connected’ has the meaning given 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 to work or follow a substantially gainful occupation as a result of service-connected disabilities.

At the end of the following new section:

SEC. 69A. SPECIAL COMPENSATION FOR SEVERELY DISABLED UNIFORMED SERVICES RETIREES.
CONGRESSIONAL RECORD Ð SENATE

S6233

"(3) The term 'retired pay' includes re-
tainer 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 of the following new item:

1413. Special compensation for certain se-
verely disabled uniformed ser-
vicemen.

(b) EFFECTIVE DATE.—Section 1413 of title
10, United States Code, as added by sub-
section (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
section (a), shall take effect on October 1,
10, United States Code, as added by sub-
section (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 Con-
gress 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 decora-
tion, any decoration of the United
States Armed Forces was awarded by the United
States military service of the United
States.

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 re-
quirements, authorities, or responsibilities
under section 2651 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 ac-
quision streamlining authority found in section 805 of S. 1059. Section 805 cre-
ates a new pilot acquisition program
for commercial services, one of which is "transportation, travel and reloca-
tion services." Although cargo pre-
ference 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 ac-
quire an immense organic fleet and use
very scarce uniformed manpower at
enormous cost of more than $800 mil-
ion per year. This would dwarf any ac-
quision reform savings. This amend-
ment would ensure the waivers of 10
U.S.C. 2631 for commercial service con-
tracts are not authorized under this
pilot program.

AMENDMENT NO. 491

(Purpose: To require a report on the use of
the facilities of the 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:

The Military Coalition, an organization
of 30 prominent veterans' and re-
tiree advocacy groups, supports this
legislation, as do many other veterans' service
organizations, including the American Legion and Disabled Amer-
ican Veterans. These highly respected
organizations recognize, as I do, that
severely disabled military retirees de-
serve, at a minimum, special compen-
sation for the honorable service they have rendered the United States.

The existing requirement that mili-
tary retirees accept $1.00 for each dollar for
their disability compensation is inequitable. I firmly be-
lieve that non-disability military re-
tired pay is post-service compensation
for services rendered in the United
States military. Veterans' disability
pay, on the other hand, is compensa-
tion 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, the other for physical or mental "pain and suf-
ferring." This is an important distinc-
tion evident to any military retiree currently forced to offset his retire-
ment pay with disability compensa-
tion.

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 re-
quired to wait the retirement pay in
order to receive VA disability. This in-
equity needs to be corrected. The Sen-
ate has made important progress to-
ward that end with the adoption of this
amendment.

I continue to hope that the Pen-
tagone, once it finally understands our
message that it cannot continue to un-
fairly penalize disabled military retir-
ees, will provide Congress with a fair
and equitable plan to properly com-
penstate retired service members with
disabilities. I 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
deceive. And I thank Senators WARNER
and LEVIN, the managers of S. 1059, for
accepting my amendment to provide
special compensation for severely dis-
abled veterans, who deserve our
ongoing support and gratitude.

AMENDMENT NO. 490

(Purpose: To direct the Secretary of Defense
to eliminate the backlog in satisfying re-
quests 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 RE-
QUESTS 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 decora-
tions for former members of the Armed
Forces. The organizations to which the nec-
essary funds and other resources are to be
made available for that purpose are as fol-
lows:

(1) The Army Reserve Personnel Command.
(2) The Bureau of Naval Personnel.
(4) The National Archives and Records Ad-
ministration.
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 infrastructure of the National Guard Bureau to support 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) not later than April 1, 2000.

(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 innovative, 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 throughout the state 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 ensured the accuracy of what 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 in 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 services that 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 of 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. If the Secretary 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 such projects would pay major dividends to the Secretary 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, at the end of subtitle C, add the following:

SEC. 225. SENSE OF CONGRESS REGARDING BALISTIC MISSILE DEFENSE TECHNOLOGY FUNDING.

It is the sense of Congress that—

(1) because technology development provides the basis upon which future defense spending is determined, it is important to maintain a healthy funding balance between ballistic missile defense technology development and ballistic missile defense operations and follow-on ballistic missile defense systems while simultaneously supporting ballistic missile defense acquisition programs.

(2) the Secretary of Defense should ensure that funding in the future years defense program of the Department of Defense should be sufficient to support the development program 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.

(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, I rise to add the following:

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 economics.

AMENDMENT NO. 493

(Purpose: To require a report regarding the National Missile Defense)

AMENDMENT NO. 494

(Purpose: To require a report from the Comptroller General on the closure of the Rocky Flats Environmental Technology Site, Colorado.)
...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, and by increases in equipment upgrades, weapons procurement and replenishment, and spare parts funding, we can show America's brightest that we value their service and recognize their sacrifices.

In my amendments 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. 495

The text of the amendment is printed in today's Record under "Amendments."
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 when the law was passed in 1962, 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 informed 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. 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 inequity 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 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 minus 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 contributed by the government for office personnel retiree 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.

SEC. 552. RETROACTIVE AWARD OF NAVY COMBAT ACTION RIBBON.

The Secretary of the Navy may award the Navy Combat Action Ribbon (established by the 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 other 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 recognize those who have faced this nation’s fiercest challenges—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 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 1960s. 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, Senator Kean and I introduced the bill that is before the Senate. This bill would recognize those who had served in combat during any period after July 4, 1943, and before March 1, 1961, to be eligible for the award of the Combat Action Ribbon. The Secretary of the Navy will review those service members who served in combat for any period after December 6, 1941, and before March 1, 1961, as eligible for the award of the Combat Action Ribbon.

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 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 any period after December 7, 1941, and March 1, 1961)

On page 134, between lines 2 and 3, insert the following:

SEC. 552. RETROACTIVE AWARD OF NAVY COMBAT ACTION RIBBON.

The Secretary of the Navy may award the Navy Combat Action Ribbon (established by the 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 other 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.

AMENDMENT NO. 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 carrying out the defense reform initiative enterprise pilot program for military manpower and personnel information established under section 8347 of title 10, United States Code.

(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, and 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 at the 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 DIHMRS project, has 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 goal of 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 such a task for any service now, it becomes more so if you are trying to put together an inter-service task force. When fully operational DIHMRS will address this need.

The advantages do not even address the enormous savings that the Department of Defense will realize by terminating the innumerable individual human resource computer systems that track only one kind of data for one branch of the military. Thus, this project is a boon to both readiness and economic efficiency.

For that reason, I have introduced an amendment which emphasizes the Senate 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 upfit 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. Interactions with the Defense 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 to direct 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 and 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 managers 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 to permit beneficiaries who are eligible for enrollment in TRICARE Prime under the TRICARE program but without regard to the limitation in subsection (b). Any demonstration program under this subsection shall cover beneficiaries as selected by the Department of Defense and the service areas of the designated providers.

"(2) Any demonstration 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 TRICARE program in any of the designated providers permanently.

Ms. SNOWE. Mr. President, access to quality health care cures many of our military personnel's worries, both active and retired. My amendment would allow the Department of Defense to start a pilot project allowing continuous open enrollment in managed 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 open season period.

This amendment is consistent 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 specific open season 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 care 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 ached with limited choices and higher costs.

The amendment would authorize the Department of Defense has indicated 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 recent analysis of the actual enrollment 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 26%—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 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 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;
(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.
(B) reducing the flight test rate for D-5 missiles;

(3) An assessment of the capability of the Navy to meet Navy 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;
(B) reducing the flight test rate for D-5 missiles

(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 II, and whether requirements for such missiles and submarines would be reduced under such treaties.

AMENDMENT NO. 502
(Purpose: 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 and training schools and programs of the Armed Forces)
In title X, at the end of subtitle D, add the following:

SEC. 106L. 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, and other 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, and other new member nations of NATO, at military education 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 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 GLENN.

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 foreign 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.

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 who has been key in directing Hungary’s rapid integration into NATO. His story is an example of how many of 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 these service academies can provide the basis for closer long-term military-to-military relations. Numerous foreign cadets who have graduated from 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 SYSTEMS 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 clinical data and present providers with clinical guidance using a personal information carrier, clinical lexicon, or digital patient record.
(d) ENHANCEMENT THROUGH DoD-VHA 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.
(F) Representatives of the Department of Veterans Affairs, whom the Secretary of Veterans Affairs shall designate.
(G) Members 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.

The primary mission of the Medical Informatics Council shall be to coordinate the development, deployment, and maintenance of, and between, informatics systems that allow for the collection, exchange, and processing of health care quality information for the Department of Defense in coordination with 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 by the Department.
(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 informatics 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 Department of Defense and Veterans Administration is evaluated.
(F) Protecting the confidentiality of personal health information.

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.

The Secretary of Defense for Health Affairs shall consult with the Council on the issues described in paragraph (2).

A member of the Council is not, by reason of membership on the Council, an officer or employee of the United States.

AMENDMENT NO. 505
(Purpose: To guarantee the right of all active duty military personnel, merchant marines, 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 the 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 a resident of the 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 "(c) 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 vote absentee registration procedures and to vote 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 vote from State absentee 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 "FEDERAL OFFICE".

AMENDMENT NO. 506
(Purpose: To express the sense of Congress regarding United States-Russian cooperation in commercial space launch services.

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

AMENDMENT NO. 500
(Purpose: 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 for the acquisition or development by the recipient country of any ballistic missile.

The United States should demand and fully execute complete cooperation with 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.

The United States should take every appropriate measure necessary to encourage the Government of the Russian Federation to prevent 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.

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-Russian and United States-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 non-proliferation and to non-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 quota limit is an important incentive for Russia to cooperate with the United States on this issue.

This amendment also demands continued Russian cooperation on non-proliferation, and calls on the United States to continue Russian cooperation on non-proliferation.
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 or developing 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 missiles 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 anticipated.

The Rumsfeld Commission said, “The ballistic missile infrastructure in Iran is now more sophisticated than that of North Korea and has benefited 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, personnel training facilities in St. Petersbourgh 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 government 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 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 Iran’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 (Novosibirsik), Europalce 2000, and Glavcosmos.

Also last year, Russia announced the cancellation of a 1997 contract between a Russian company 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.

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-Iranian 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 appropriate measures 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 that 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. Diane 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.

This raises 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 security considerations, 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 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 result of this plan—and as a direct result of my earlier intercession with Mr. Primakov—Mr. Koptev

The Vice President,

Washington, DC, April 15, 1999.

Hon. Diane Feinstein,
U.S. Senate,
Washington, DC.

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U.S. Special Ambassador 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 result 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 of the United Nations Sanctions committees. 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 serious interest 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 for 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 to consider an increase in the launch quota.

United States experts have also developed a work plan for Russian Ministry of Atomic Energy on measures to sever the links between NIKIET, a leading Russian nuclear institute, and Iran. Again, the key principle is that the 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 plan I have described could represent a path forward if the Russian government acts effectively and quickly. I am by no means suggesting that we have solved 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 the launch quota in the future.

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 efficiently how 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.
(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 eligible 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)(1)(A) or (B), the Secretary shall pay to 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 reduction authorized by paragraph (1) by an amount equal to so much of the unused contributions made by the individual to the Educational 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 who makes the election described in subsection (a)(5)(A) shall be disenrolled from the program as of the date of such election.

(2) For each individual who has been disenrolled under paragraph (1), the Secretary shall—

(A) to the individual in the manner provided in section 3011(c)(1) of this title, the period of active duty being served by the individual when 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 3012(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.

(3) The tables beginning of chapter 30 of title 38, United States Code, shall be amended by inserting after the item relating to section 3013C the following new item:

3013D. Opportunity to enroll: certain VEAP participants; active duty personnel not previously enrolled.

CONFORMING AMENDMENT.—Section 3015(f)(1) of this title is amended by striking ‘‘3018C’’ and inserting ‘‘3018C, or 3018D’’.

C O N G R E S S I O N A L R E C O R D — S E N A T E

May 27, 1999

Mr. Frist. Mr. President, this amendment is designed to assist the men and women serving in the armed forces in attaining an education. This amendment is targeted at a group serving in our military who 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 of our men and women who wanted to pursue additional education. This amendment is designed to address 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 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, 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 is extremely important for the individual attempting to better himself through education.

None of these provisions are meant to replace the GI Bill, nor would I propose to do so. I think that the GI Bill is a great program that has served this country extremely well. 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 of 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 assure our 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 is extremely 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.
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.

The Department of Veterans Affairs has recognized the need to correct this oversight and assisted in the drafting of this legislation and has given it their full support.

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 subject. Often these courses have a sizable veteran enrollment. As a result, many veterans unfairly lose their benefits during this period. The problem with the current time period is that it only covers veterans enrolled at educational institutions that operate under 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.
"(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 Commandant, Marine Reserves, and the additional general officers assigned to the National Guard Bureau under section 319 of title 10.

(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.

AMENDMENT NO. 514

(Purpose: To express the sense of the Senate that the same benefits should be provided to the families of the Armed Forces who serve in a "combat zone" as the families of those serving in combat zones.)

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 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 who serve in a "combat zone" receive special pay should be subject to taxation in the same manner as that received by members serving in combat zones.

Mr. President, my colleague from Arizona, Mr. MCCAIN, and I have been working on this issue for some time now. We have reviewed the existing tax laws and determined that the current system is not adequate to support families of those serving in combat zones. The amendment before us today seeks to address this issue by ensuring that the families of our service members are treated fairly.

As the Senate well knows, the families of those serving in combat zones often face significant financial challenges. They are burdened by the high cost of living and the additional expenses associated with supporting their service member. It is only fair that we provide them with the same level of support as those serving in combat zones.

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 for duty subject to hostile fire or imminent danger, and I believe it is only right that they receive the same tax treatment as members serving in combat 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 that served in Kosovo 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 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.

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 withdrawn by the Administration expeditiously completed 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 colleagues from Arizona for sponsoring this 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.

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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 fact that I had hoped that this legislation would be enacted without delay. 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 the end of May. I will 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 Chairman 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. 57

(Purpose: To increase by $2,000,000 the amount authorized for the Navy for procurement of MJ U-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 17, 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".

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 radio transmitting towers located at Naval Station, Annapolis, Maryland that are described in subsection (b) during the one-year period beginning on the date of the enactment of this Act.

(b) Covered Towers.—The one-year delay in the demolition of the radio transmitting towers described in subsection (b) during the one-year period beginning on the date of the 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 rights, 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 maintenance responsibility) during the one-year period referred to in subsection (a).
AMENDMENT NO. S19

(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 the families of unaccounted for service men 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 crash sites 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 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 pilot a P-47 Thunderbolt in the Army Air Corps, married his sweetheart, only to have her leave two days later. He never came home. He was lost over the jungles of New Guinea flying his P-47 Thunderbolt in 1943.

Fifty-three years later, in 1996, his remains inside his crashed plane were accidentally located by a private American citizen, Mr. Fred Hagen, who was searching for his great uncle’s B-25 bomber.

On Friday, November 22, 1996, 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 subjected to severe environmental conditions over the years and their identification 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 1947. The spot was located in very rugged terrain in 1997 and was visited by an Australian who performed a cursory “look around”, salvaged a few bones and left. The site is littered with debris and I returned a second time 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 service member and, in fact, there is little doubt in my mind that no one had revisited the site until my team located it in 1998.

The case is now being investigated by the Army, and I am very pleased to work with the Army for their support.

Tonight I want to thank the manager of the Army for accepting this amendment, and one that becomes part of the bills that they’re doing 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.

Mr. President, I want to thank the managers of this bill for accepting this amendment, and for supporting all of my colleagues for their support.

I ask unanimous consent to have the letter printed in the RECORD.

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

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 the danger of landslides and the difficulty of working on the precipitous slope. If Cil-Hi does not change their position on this matter, I plan to organize a private team and recover the site myself.

We were able to identify the plane as a B-25D-1, #41-30182, 38th Bomb Group, 71st Bomb Squadron. The B-25 had departed Saidor on a 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 Murga, Pfc.; Passenger, A. Milazzo, T/S; Passenger, B. Durham, Pfc.; Passenger, S. Russell; Pfc.; Passenger, G. Norris, Cpl.

Their exact fate had been unknown until Friday, November 22, 1996. 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 subjected to severe environmental conditions over the years and their identification was lost by my action. I returned the remains to the US Ambassador in Port Moresby.

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on page 546, strike lines 20 through 23.

On page 542, between lines 11 and 12, insert

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(2) The Secretary of Defense, in coordination
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(2) The Secretary shall submit the results of this study to the Armed Services Committeees of the House and Senate by January 15, 2000, the results might be—

[A] a comprehensive legislative withdrawal proposal, and to provide an opportunity for public comment and review

On page 379, line 5, strike out “$628,133,000” and insert “$628,133,000”.

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Amendment No. 528

(Purpose: To amend title XXIX, relating to new military land withdrawals in New Mexico, and Fort Wainwright and Fort Greely in Alaska, collectively comprising over 4 million acres of public land;)

"(1) 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.

(2) The views of the Secretary shall be included 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.

(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 just for the military branch, 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.

(1) It is the sense of the Senate that 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."

New Mexico ... Cannon Air Force Base ... $4,000,000

Cannon Air Force Base ... $8,100,000

Amendment No. 529

(Purpose: To authorize $3,850,000 for the 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 eliminating 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 Nellis Air Force Base, New Jersey, the following new items:

New Mexico ... Cannon Air Force Base ... $4,000,000

Cannon Air Force Base ... $8,100,000

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 RK.MF 983014))

On page 417, in the table following line 13, insert after the item relating to Nellis Air Force Base, Nevada, the following new item:

New Hampshire NYS Portsmouth $3,850,000

On page 412, in the table line Total strike out “$172,473,000” and insert “$172,473,000”.

On page 414, line 6, strike out “$2,081,865,000” and insert in lieu thereof “$2,081,865,000”.

On page 414, line 9, strike out “$673,960,000” and insert in lieu thereof “$673,960,000”.

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

Amendment No. 531

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Mr. President, it is time to renew drug interdiction efforts, provide the necessary equipment to our drug-enforcement agencies, and make theissue 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.


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

(1) On September 13, 1997, a German Luftwaffe Tupolev TU-154M aircraft collided with a United States Air Force C-141 Starlifter aircraft off the coast of Namibia.

(2) As a result of that collision nine members of the United States Air Force were killed, namely Staff Sergeant Stacey D. Bryant, 32, loadmaster, Providence, Rhode Island; Staff Sergeant Gary A. Funkman, 25, flight engineer, Oakland, Maine; Captain Gregory M. Cindrich, 28, pilot, Byrons 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 Burlington, Vermont; Staff Sergeant Robert E. Roberts, 27, flight engineer, Library, Pennsylvania; Captain Peter C. Vallege, 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, for many months, an investigation of the cruise altitude.

(4) The United States Air Force accident investigation report concluded that the primary cause of the collision was the Luftwaffe Tupolev TU-154M aircraft flying at an incorrect cruise altitude.

(5) Procedures for filing claims under the Status of Forces Agreement are unavailable to the families of 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

SEC. . SENSE OF SENATE REGARDING THE FUNDING NECESSARY FOR THE UNITED STATES TO CONTINUE ITS STRUGGLE AGAINST DRUGS.

Amendment No. 532

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

SEC. 314. ADDITIONAL AMOUNTS FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

(a) AUTHORIZATION OF ADDITIONAL AMOUNT.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 301(a)(20) is hereby increased by $59,200,000.

(b) USE OF ADDITIONAL AMOUNT.—Of the 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 Aegis Star.

(2) $17,500,000 shall be available for a Relocatable Over the Horizon (ROTH) capability for the United States 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 Mother ship 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 our vital drug strategy. This amendment would authorize the needed funds for the on-going 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 country-wide drug strategy, and 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, 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 coca base into the United States, the 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 intelligence 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 defense funding in the critical areas of intelligence gathering, monitoring, and tracking of suspect drug activity heading toward the United States.

This amendment would authorize an additional $59.2 million in counter-drug intelligence gathering and interdiction operations. We need to have 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 information. 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 the United States to interdict and disrupt shipments of narcotics destined for the United States.

This amendment also would authorize funds for enhanced intelligence capabilities, drug trafficking, collections, and translation that would significantly improve the overall effectiveness of the counter drug effort.
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 did 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 for their efforts in the Cold War in order to preserve the freedoms and liberties enjoyed in democratic countries.

(b) THE BERLIN WALL.—(1) The Berlin Wall erected in Berlin, Germany, epitomized the totalitarianism that the United States struggled to eradicate during the Cold War.

(2) The fall of the Berlin Wall on November 9, 1999, marked the beginning of the end for Soviet totalitarianism, and thus the end of the Cold War.

(3) 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”;

(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) PARTICIPATION IN ARMED FORCES IN CELEBRATION OF ANNIVERSARY OF END OF COLD WAR.—(1) Subject to paragraphs (2) and (3), amounts authorized to be appropriated under the heading in the table of sections at the beginning of this chapter 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 is not to 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).

(c) 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 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 contributed 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 provide $4,000,000 for testing of airblast and improvised explosives in (PE 63122D), and to offset that amount by reducing the costs of the Armed Forces for nutrition services and administration under the program required under subsection (a)."

(c) PERIOD OF COLD WAR.ÐFor purposes of the Cold War Medal, the period referred to in 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 special supplemental foods and nutrition education’’."

(d) 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) 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 food’ shall have the meanings given in the terms ‘costs for nutrition services and administration’, ‘nutrition education’ and ‘special supplemental food’ in section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).”.

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 costs of the Armed Forces for nutrition services and administration (in PE 63762E) by $4,000,000.)

SEC. 216. TESTING OF AIRBLAST AND IMPROVISED EXPLOSIVES.

Of the amount authorized to be appropriated under subsection (a) of section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $4,000,000 shall be provided 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. It is the intention of the House to maintain the amount authorized for财政部的supplemental nutrition program.

Mr. LEVIN. I agree.

Mr. WARNER. I ask unanimous consent that the amendments be agreed to.

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. 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 colleagues from Mr. Levin and Mr. Bishop—were 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. I would like to concur in the following. 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 high-sign 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 that Senator Domenici's time be folded in with my time and then I will close our side of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has 3 minutes 42 seconds.

Mr. KYL. Mr. President, let me just clarify about three things that were said by Members of the minority a moment ago.

Senator Bingaman said we should not be playing politics with national security. We could not agree more with that. He, then, began discussing how these problems have been around a long time, under Republican administrations as well as Democrat administrations. That is true. It is not political; it is true. Of course, that is what the 4th Amendment report 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 today.

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 in the bill of 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 those who said that was discussed 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 that 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 debuting 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 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 that we will not hear the continuing, unmet needs 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 them because of the 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 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. If 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. 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 put more resources towards this problem a priority. However, it seems like the same old story—our government forgets the
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 the media. Eric and John Huang, both of whom have recently pled to felony offenses and agreed to cooperate with the Justice Department, I suspect we could learn more. More recently, I reviewed the Cox report, and just yesterday, listened to testimony concerning the report during a hearing of the Subcommittee on International Security, Proliferation, and Federal Services. The evidence is clear that China stole very sensitive military secrets involving virtually all of our nuclear weapons. What is more, I believe that the lax security at our government labs is completely inexcusable as is the Clinton Administration's abject failure to take swift and strong action when it became aware of ever. DORGAN. My colleague from New Mexico 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 disturbing. If 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 this target drone. This move followed an authorization by the House Armed Services Committee of $27 million for BQM-74s 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? Senator 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 Yugoslav forces' 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 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 Yugoslav 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 his proposal, he cited the fact that through approximately 11 shipments, as this chronology shows, the Yugoslavs 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 Serbs 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 NATO's 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 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 example, Mr. President, teaches us that military campaigns involve 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 cooperate in the destruction of Iraq’s oil 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 now remember how 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 sensible 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 burn 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 unan-
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 Stalin's invasion 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 said about the NATO action in the region of Yugoslavia, Albania, Macedonia, and Montenegro.

The administration repeatedly suggested that violence in the Balkans ignited the first World War. This is true. A member of the Black Hand, a Serbian nationalist group, assassinated Archduke Franz Ferdinand. Serbia, at that time, was the small nation fighting for independence within a crumbling Austro-Hungarian Empire.

Due to Russia's alliance with Serbia and Germany's opened-ended military pact with Austria, both Germany and Russia immediately called for a world order, 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 blocs 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 the 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 the views gained in nuclear arms reductions and cooperative security, especially 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. Milosevic, to 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 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 reductions 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 year. According to one of the most pro-American Duma members, the U.S. Administration picked the best route to influence the upcoming elections in favor of Communist and ultra-nationalist parties. In Russia, 90 percent of the public support the Serbs and are against NATO.

This 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 1980s who supported seeing our Nation's defenses bolstered in order to begin the Soviet Union's implosion. 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 catalyzer of our rapid defense build-up. 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.

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 has passed. If 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 was 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 the 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. The Secretary of Defense has said that it is the right time to get started, but has already made strides in implementing it. He has said that he will be able to reduce our forces by 30 percent.

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 Act 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 remaining in Russia. As a result, Section 3136 of the Defense Authorization bill contains a provision that would prohibit the obligation or expenditure of funding until the Secretary of Energy certifies to the Congress that Russia 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 and Senator Kay Hagan of allowing the Russian government to participate in the Nonproliferation Treaty, 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 the certification is unachievable, 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 proliferation, the spread of weapons of mass destruction, and the scientific and technical legacy that remains in Russia today, 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, they have rescinded that offer. The NCI program will be in the form of 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 benefits 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 those 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 capacity. 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 in work on weapons of mass destruction.

I ask 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 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 United States national security and will assure that the program is on firm footing. I look forward to working with Senator BINGAMAN in overseeing the implementation of the Nuclear Cities Initiative.

Mr. BINGAMAN. I thank the Senator 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 would like 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 for 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扩散 of nonproliferation goals of the NCI initiative, the United States and Russia are working together to downsize Russia's nuclear weapons complex and prevent the spread of weapons of mass destruction.
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 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 nonmilitary 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 select 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 amendment does not restrict the size of the demonstration.

Since the seven Designated Providers run the 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 five generations. 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 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's 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 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 $222 million for Ballistic Missile Defense programs. An increase of $75 million for national security space programs. An increase of $60 million to support 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 the standard 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, my state in this demonstration. 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 addressed 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 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 force DOE to maintain the complete 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 $35 million for the four traditional weapons production plants. An increase of $15 million for the tritium production program, increase of $100 million for ITER, and a provision for the Advanced Strategic Computing Initiative. An increase of $35 million to support 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 bipartisan support.

Mr. LAUTENBERG. I would like to call up my amendment regarding property conveyance at Nike Battery. Eighty Family Housing Site in East Hanover, 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 amendment, I expect 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 recognized.

Mr. WARNER. I concur with my distinguished colleague from Michigan.

Mr. LIEBERMAN. Mr. President, I rise to discuss several provisions within the FY 2000 Defense Authorization Act. These provisions can be found in Title II, Subtitle D, Sections 231-239 of the FY 2000 Defense Authorization Act. The provisions are intended to stimulate intense technical innovation within our military research and development 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 BINGMAN and the staff who have worked on this subtitle—particularly Pamela Farrell, Peter Levine, John Jennings, Frederick Downey, Merriela Mayo, and William Bond—and also to thank the 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 World War II. 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 be 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 fusion, it may be possible to create virtually unlimited sources of on-site power. These opportunities are complemented by numerous challenges, both brought by technological, urban warfare, space war, and nuclear/chemical 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, we, 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 technology. For that reason, I believe 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 transformed into a coherent entity, 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 to deploy technologies at a breathtaking pace.

The defense innovation provisions ask DoD to formulate a modern blueprint for the structure, of not only its basic science but the extended applications 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 will enable the military to routinely generate the type of revolutionary advances for which 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, and the Secretary of Defense 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 result in military innovation, or military innovation 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 of the future.

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 war. From here, how it is done, the 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 239(c)—gives IPA authority to hire commercial 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 turn away candidates every 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 reviewing and possibly revising 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, 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 a set 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 annual board meetings of senior military with the heads of the R&D laboratories. The aim of these metrics can help clarify 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 listed 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 academia, in the new structure are 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, and exchange of personnel from 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 multidisciplinary, skilled workforce, 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 laboratories 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 changes which capitalize on novel military laboratories can be incor-
The 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 interested in cultivating innovation in fielded hardware. Substantive, consistent economic rewards are critical to incentivizing companies to take the necessary and serious technological risks required to produce the innovations DoD must have.

In closing, I thank my colleagues Senators Roberts and Bingaman for joining me in developing a set of stimulating and thought-provoking defense innovation provisions within Subtitle D, Title II of the FY 2000 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 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, there is no structure and rationale for our R&D enterprise needs to be shed so that leading edge technology can emerge. The time to do this is now, because, in many senses, the future is already here. The military systems of 2020 and 2030 will be founded this is now, because, in many senses, the military systems of 2020 and 2030 will be founded.

The third force which drives the military away from technological innovation is the lack of a customer outside the military for innovative military technology. If such a customer is 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. This requires that companies try to avoid technological risk and ensure 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 239(b)(5).

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 $294 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 $1 billion less for funding for 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 though the Budget Committee did nothing but allow Defense to sneak around 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 the impending doom.

I have faith that the American people will eventually figure out how much we are going to spend next year. The increase in Defense spending will no doubt be joined by the last minute 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 spend 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 Budget Committee time and again to get 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 Kerry has also offered an amendment that could help reduce the pressure of budgeting by cracking without reducing required 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 bit. One of the most important and 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 have been willing 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 than ever now 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 FISCHOLD, 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 operations of 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 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.

And many of the members from the Missouri and Illinois delegations have been fighting 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 had 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 can operate in a wide spectrum of missions, including strategic, tactical, and close-air support missions. It is designed to engage in both air-to-air and air-to-ground combat. In air-to-air combat, the F-15's speed, maneuverability, and weapon load are unmatched.

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 difference is not as great.

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 inertial/GPS-aided weapons could exploit the great range and payload advantage of the F-15E. Second, most regional conflict scenarios involve long distances from bases to targets, favoring aircraft having greater combat radius. Third, the fighter force structure continues to grow, and higher quality systems can help maintain force capability.

Each of those conclusions points to the desirability of the F-15. A major conclusion of the report was that "... widespread case, our analysis suggests that an equal cost but smaller force of F-15s is a more effective way of delivering weapons to the target area than an alternative larger force of F-15Cs. Looking to the future, the employment characteristics of future combat situations involve long distances from bases to targets, favoring aircraft having greater combat radius. Third, the fighter force structure continues to grow, and higher quality systems can help maintain force capability.

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 development 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
May 27, 1999

CONGRESSIONAL RECORD — SENATE

S6261

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 productive capabilities to fill the gap for years.

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. If the Air Force should be alert to opportunities to maintain 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 $288.6 billion proposed in this bill is a 2 percent real increase over last year’s budget and is the first real increase in top-line 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 research 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 most 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 leadership as well as other implications 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. Only making sure to well thought out of our critical 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 we spend. It must ensure 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. It must overcome to 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 the establishment of the ongoing initiative of 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 joint experimentation and 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 $30 million to expand the joint experimentation organization responsible for joint experimentation, and to accelerate the conduct of the initial joint experiments. The committee also modified the reporting requirements of the committee, to require Chairman 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 to 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

"The Department of Defense should accelerate its program of 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 the joint experimental program, we are among the critics of transformation. 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. If the Air Force should be alert to opportunities to maintain 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”).

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technical innovation faster within the military. It is my belief that the explo-
usive advances in technology provide the basis for not just a “revolution in military affairs,” but ultimately a complete paradigm shift. The opportu-
nities of technological innovation are the promise of achieving an order of
magnitude increase in military capa-
bility over that which we have today. The U.S. military of 2020 and 2030 will be based on the science we begin to de-
velop and deploy only in the year 2000. But to take advanta-
ge of this promise and defend our-
selves against its use against us by fu-
ture adversaries, we need to transform
our R&D enterprise from its antiquated cold war structure to a fast-moving,
better-integrated structure and a proc-
sess that can seize the leading edge of
techno-warfare. The Defense Innova-
tion 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, leadership, and R&D pro-

procedures that are increasingly urbanized,
future the Army will surely face; oper-
ations that are increasingly urbanized,
with growing deployment and access
problems, and the need for lighter
weight, self-deployable systems be-
come more apparent to me than after my
transition retiring and downsized mili-
tary. It is my belief that the explo-
usive Army systems needed to achieve
deteriorating strategic relevance. The
Army force structure is essentially
cold war structure to a fast-moving,
capable of delivering forces rapidly
around very heavy weapons systems.
The Army modernization program is
based on incremental improvements to
to hard choices made in the past. This
has resulted in inefficient programs
and extended program timelines. Con-
sequently we have a force that looks
essentially the same today as it did
yesterday, and that doesn’t have enough
money to maintain an increas-
ingly expensive current force and in-
vest in the Army After Next which is
the future. Kosovo is an example of the
future the Army will surely face; oper-
atons that are increasingly urbanized,
self-deployable systems be-
come compelling. We reviewed the
Army’s modernization plan to under-
stand the relationship between the cur-
cent 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
planning approach to land, sea, and
air aviation modernization programs spe-
cifically, to address these challenges
and to provide us with modernization
plans that are complete and that will
be fully funded in future budgets. We
need increased emphasis on innova-
tional capabilities that are necessary
for the Army to prevail against the fu-
ture land force challenges, including
asymmetrical threats, and the key capa-
bilities and characteristics of the fu-
ture Army system needs to achieve
and enable our key 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 up-
grade, modernize, or retire the entire
range of aircraft currently in the fleet,
or provide an alternative that is suffi-
cient and affordable. Similarly, the
Army’s armor modernization plan
seems to be inadequate to modernize
the current armor force while design-
ning the tank of the future, and leads
me to believe that the Army must reas-
sess armor system plans and provide us
with the most appropriate path to ac-
celerate the development of the future
combat vehicle.

The Air Force has fewer apparent
modernization problems than the
Army, but I wonder if their moderniza-
tion plan is on the right track. Our
hearings strongly suggest that the De-
partment 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 to our future
conflicts. Kosovo is an example of how im-
portant the right mix of platforms and
weapons really is to success on the bat-
tlefields of the future. We are em-

darked on three new TAC air programs
which may require increased 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 test-

ing in order to not exceed the caps.
And in the out years, the combined
costs of these programs will consoli-
date a very large share of the overall proc-
urement 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 at-
temt to decide on the right course in
future authorization bills.

We must overcome our cold war men-
tality and further set aside the past and
direct our trek into the 21st century. The pro-
visions in this bill concerning innova-
tion and transformation lay the foun-
dation for the required changes in our
defense mind set that will become
mandatory as we face far different con-
licts 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 in-
clude the bill a provision extend and
expand the highly successful Troops to Teachers program, which I

joined Senators McCAIN and ROBB in

sponsoring.

Many colleagues may know, this
program was initially authorized by
Congress several years ago to help
transition retiring and downsized mil-
itary personnel into jobs where they
could continue their commitment to
to public service and bring their valuable
skills to bear for the benefit of Amer-
ica’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 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 teachers.

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 teacher shortage problem. 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 the Senate Defense Committee, through a generous investment, will make a substantial contribution to our common goals of not just filling classroom slots, but doing so in a 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 save the need for a 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 an 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 budget also contains 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 context, the Senate Defense Committee has done a good job of recognizing 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 as a member of 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 our already first-class military, 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 Research Program has been moved up on schedule with a $40 million hike, and $14.4 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 improvements projects at 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 could 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 platform offers 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 COURTRIGHT—the distinguished leaders 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 1937 Cold War 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-securid 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 would 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 authored and supported 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 factored in. 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 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 sadness 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 mindset that specializes in 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, for power back 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 $28.8 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 adequate manner. I have a paragon of efficiency and effectiveness, 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 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 unre-
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. The current estimate is 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 nation's defense. That concern is this: Why should the Pentagon receive billions of dollars more in funding when it has failed utterly to manage its budget?

In a 1998 audit of the Department of Defense, GAO, the official auditors for the U.S. Congress, could not match more than $22 billion in DoD expenditures with obligations; it could not find over $9 billion in inventory; and it documented millions in overpayments to contractors. The underlying question is this: Why should the Pentagon receive billions of dollars more in funding when it has failed utterly to manage its budget?

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To spend it before we address Social Security Trust Fund.

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 servicemembers 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. I am proud of our 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 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. This bill provides a fully-funded and well-deserved 4.8% pay raise for military personnel, as well as expanded authority to offer additional pay and other incentives to critical military specialties. The bill also improves retirement 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. The 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.

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 requires 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 the 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 in 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 Bob D. Graham, this bill restores $70 million in Air and Space Force research and development 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 cybersecurity. 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 effort to provide financial assistance to the former Soviet Union for nonproliferation programs such as the Nunn-Lugar Cooperative 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 most important 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 on 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 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 high gas deconamination 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 the record 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 that the chair’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 military personnel will use.

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 understanding.

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 effect.

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

Amendment No. 493

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 sever a ski gondola cable near Cavales, 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 present 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 forum and a mechanism for 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 pilot, 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 simply a 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. Service members. In addition, it provides payment to the families of the nine American Servicemen 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 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. As of this 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 must be under U.S. jurisdiction.

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 U.S. Air Force C-141 Starlifter aircraft and a German Luftwaffe Tupolev 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 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 defenses.

In May 1999 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 formation 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 of the Superpower competition of Stalinist expansion to 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 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 will be the Balkans igniting the Final 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 Austro-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, 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 Kosovo Albanians 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 in Kosovo, we should not lock NATO 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 tensions. 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 I’d like 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 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. I do suggest 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 converge 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 defense capabilities grow 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 focusing on a strong defense, we laid the liberation of 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 offensives.

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 launched an attack 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 the OIF’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 leadership 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 attention 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 the 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.

Additional 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 authorizes 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 on today’s horizon.

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 stagnating improvements were the most frequent reasons offered for dissatisfaction with their current situation.

These are important findings, because it’s something we can address. As a country, 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 WARNOCK’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, the 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 also added nine UH-60L Blackhawk helicopters for a total of 15 that will begin to fill the Guard’s requirement for 90 Blackhaws. 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 those which 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 fifthteenth 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's authorization of $13 million in unfunded research and development funding. The concept proposes converting four Trident submarines into guided missile submarines which would be capable of launching multiple Tomahawk missiles any time they are needed 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 in missiles 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 need. Not only does this bill pay for increased 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, I have noted that the Pentagon only claims it will not call 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 cleanup 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 noted my strong concern 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 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 indeed 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 we most 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 put in question 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 prevented the Pentagon 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 of the Armed Services Committee, on this list because of their efforts and taking the lead on an important potential avenue to bringing a lasting peace to the Balkans.

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As we debate these issues, we must be mindful of the United States role as a world leader and the degree to which our NATO allies look to us for guidance. The Specter amendment would put in question 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 prevented the Pentagon from taking the lead on an important potential avenue to bringing a lasting peace to the Balkans.

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created entity that has taken on a life of its own. The bill includes $56.5 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 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. 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 $36 million C-17 simulator building at Jackson Airport; a new $8.9 million C-130J simulator building at Keesler Air Force Base; none of which was requested, by the way, of military 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. None of these were requested but were 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 other bases? The method by which that project request was not allowed 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 threats are not wasted on programs 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 indemnification that members of this body are forced to project 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 President.

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 ................................ 125.0
UH-1 Mods ............................. 81.0
ASE Mods (ATIRCM) ................. 6.6
ASE Infrared CM ...................... 6.6

[missile procurement, army (page 27):]

PATRIOT mods ........................ 60.0

[procurement of W&TVC, army (page 29):]

Field Artillery Ammunition Support Vehicle-PIP ..... 20.0
M81 Improved 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/o/m fuse .......... 4.0
105mm ARTY DPICM ................ 10.0
Wide Area Munitions .............. 10.0
Arms Initiative ..................... 14.0

[other procurement, army (page 25):]

Army Data Distribution System ......... 17.0
SINCGARS Family .................. 70.0
ACUS mod program ................ 50.0
Standard Integrated CMD Post System .... 9.2
Lightweight Maneuver ..... 32.0
Combat Training Centers Support ........ 7.0
Modernization of In-Service Equipment .. 8.1
Acquisition Stability Reserve Construction Equip .. 29.6

[basic research in counter-terrorism]

AAN Materials ....................... 15.0
Scramjet Technologies ............. 1.5
Smarter Truck ........................ 6.5
Medteams ............................ 1.8
PEPS ................................ 8.0
Virtual Retinal Eye Display Technology ...... 5.0
Future Combat Vehicle Devolopment ....... 10.0
Digital Signal Management ......... 2.0
Acoustic Technology Research .. 4.0
Radar Power Technology .......... 4.0
OICW ................................ 14.8
FIREFINDER Accel, TBM Cueing Requirement .... 7.9
Directed Energy Testbed (HELF) ........ 5.0
HIMARS ................................ 30.6
Space Control Technology ....... 41.0

[navy procurement]

[aircraft procurement, navy (page 62):]

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 Mobilization .... 7.7
Shipbuilding & Conversion, Navy:  LPD-17(1) ........ 375.0
Other Procurement, Navy (page 71):  WSN-7 Ring Laser Inertial Navigation Gear ....... 15.0
Radar Support AN/PS-15QH .......... 30.9
ECDIS-N ............................ 8.0
Integrated Combat System Test Facility .......... 5.0
EDMCS ................................ 5.0
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
Procurment, Marine Corps (page 83):  Comm and Elec. Infrastructure Support .... 54.5
74S3 Truck HMMWV (MYP) (66) ....... 40.0

[Navy RDT]

Non-Traditional Warfare Initiative .... 5.0
Hyperspectral Research ............. 3.0
Navy Laser .......................... 10.0
Free Electron Laser ................ 10.0
Waveform Generator ................ 3.0

[CONGRESSIONAL RECORD – SENATE]

May 27, 1999
### CONGRESSIONAL RECORD – SENATE

#### S6271

May 27, 1999

Power Node Control Centers ........................................... 3.0
Composite Helicopter Hangar .......................................... 5.0
Virtual Testbed for Advanced Electrical Systems ................. 5.0
ERTO System .................................................................... 5.0
Advanced Lightweight Grenade Launcher .............................. 1.0
Vehicle Tech Demo ........................................................ 0.5
Ocean Mine and Submarine Warfare .................................... 0.5
Low Observable Stack ...................................................... 0.5
Vector Thrust Ducted Propeller Technology ......................... 0.5
Advanced Composite Weapons Systems for CM Ships ........... 0.5
Advanced Water-Jet Technology ........................................ 3.0
Enhanced Performance Motor Brush ................................... 3.0
Standard for the Exchange for Non-Propulsion Electronic Systems . 0.5
Trident SSGN Design ...................................................... 2.0
Common Command and Decision Systems .......................... 2.0
Advanced Amphibious Assault Vehicle ................................ 2.0
Non-lethal Weapons—Innovation Initiative .......................... 2.0
NAVSEA RDT .................................................................. 2.0
Parametric Airborne Dipping Sonar .................................... 2.0
H-1 Upgrades, 4GBN/AW Vessel ....................................... 1.0
Multi-Purpose Processor .................................................. 1.0
Non-Propulsion Electronic Systems ..................................... 0.5
Small Product Model NULKA Anti-Ship Missile Test System .... 0.5
Decoy System .................................................................... 2.0
Advanced Deployable System .......................................... 2.0
Battle Force Tactical Training ............................................ 0.5
Air Force Procurement

<table>
<thead>
<tr>
<th>Aircraft Procurement, Air Force</th>
<th>page 100</th>
</tr>
</thead>
<tbody>
<tr>
<td>EC-130 ..................................</td>
<td>0.5</td>
</tr>
<tr>
<td>E–19 .....................................</td>
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<td>F–15 .....................................</td>
<td>4.0</td>
</tr>
<tr>
<td>T–43 .....................................</td>
<td>0.9</td>
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<tr>
<td>C–20 Mods ................................</td>
<td>2.0</td>
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<tr>
<td>DAV ......................................</td>
<td>2.0</td>
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<td>E–4 ......................................</td>
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Missile Procurement, Air Force (page 100):

<table>
<thead>
<tr>
<th>MM III Modifications</th>
<th>4.0</th>
</tr>
</thead>
</table>
| Other Procurement, Air Force (page 110):

| Truck Tank Fuel R–11 | 1.0 |
| Items less than $5 million | 4.0 |
| Air Force RDT | 0.5 |
| Materials—Resin Systems ........................................ 0.5
| Materials—Titanium Matrix ................................... 0.5 |
| Materials—Fiction Welding .................................. 0.5
| Aerospace Propulsion—Science and Engineering .......... 0.5
| Solid State Electrolyte Oxygen Generator .................. 0.5
| Variable Displacement Vane Pump ............................. 0.5
| Multi-spectral Battlespace Simulation ...................... 0.5 |

#### Hypersonic Programs

<table>
<thead>
<tr>
<th>Hypersonic Programs</th>
<th>16.6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Post-boost Control Systems .................................. 0.9</td>
<td></td>
</tr>
<tr>
<td>Missile Propulsion Technology ................................ 1.7</td>
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<tr>
<td>Tactical Missile Propulsion ................................ 0.8</td>
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<tr>
<td>Orbit Transfer Propulsion .................................. 0.8</td>
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<tr>
<td>Tropo-Weather .............................................. 0.8</td>
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<tr>
<td>Space Survivability ......................................... 0.8</td>
<td></td>
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<tr>
<td>HIS Spectral Sensing ........................................ 0.8</td>
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<tr>
<td>HAARP .................................................................. 0.8</td>
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</tbody>
</table>

#### Lidar for Standoff/Detection

| Lidar for Standoff/Detection for jamming, repair, and replacement | 0.5 |
| Electro-Magnetic Technology .................................... 0.5 |
| Polymeric Foam Technology ..................................... 0.5 |
| Panoramic Night Vision Goggles ................................. 0.5

#### Advanced Spacecraft Technology

| Advanced Spacecraft Technology—SMV | 35.0 |
| Advanced spacecraft Technology—MSTRS | 5.0 |
| Standard Protocol Interpreter | 5.0 |
| Space-Based Airborne System | 5.0 |
| Program Increase ............................................. 1.0 |
| Joint Strike Fighter—Alternative Engine .................... 0.5 |
| CBM Design .................................................. 0.5
| EW Development—PLAID ...................................... 0.5
| EW Development—DIRCM .................................... 0.5
| SBV—High Frequency Propagation .......................... 0.5
| Correction of WCMD Testing Problems ....................... 0.5
| Aircrew Laser Eye Protection ................................ 0.5
| Inflatable Wing .............................................. 0.5
| EELV Composite Payload Dispenser .......................... 0.5
| Big Crow ................................................................ 0.5
| Micro Satellite Technology .................................. 0.5
| B-52 Radar Warning Upgrades ................................ 0.5
| COMPASS CALL TRACS ..................................... 0.5
| J STARS—RadARM Technology ................................. 0.5
| Insertion Program ............................................. 0.5
| Advanced Program Evaluation ................................ 0.5
| Theater Missile Defense ...................................... 0.5
| TAWS ................................................................... 0.5
| Airborne Recon Systems ....................................... 0.5
| JS AF–LBSS ............................................... 0.5
| Manned Recon Systems ....................................... 0.5
| SYERS Polarization ........................................... 0.5
| Distribute Command ........................................... 0.5
| Systems—Eagle Vision ....................................... 0.5
| Defense-Wide Procurement .................................... 0.5
| Procurement, Defense-Wide (page 124): 
| Information Systems Security ................................. 0.5
| PATRIOT PAC-3 ........................................... 0.5
| SOF Ordnance Replacement .................................. 0.5
| SOF Small Arms and Weapons ................................ 0.5
| Chem/Bio Individual Protection ............................... 0.5
| Chem/Bio Decontamination .................................... 0.5
| Chem/Bio Contamination Avoidance ......................... 0.5
| National Guard Reserve Equipment ......................... 0.5
| (page 128): 
| Chem Agents & Muntions Destruction—RTD ................ 0.5
| Chem Agents & Muntions Destruction—Procurement .... 0.5
| Chem Agents & Muntions Destruction—O&M ................ 0.5
| **Defensive Procurement** .................................. 0.5
| Applied Research—HFSWR ................................... 0.5
| Applied Research—Wide Band Gap Technologies .......... 0.5
| Medical Free Electron Laser Research ....................... 0.5
| Computer Security .......................................... 0.5
| Chem/Bio Defense Program—Safeguard ..................... 0.5
| WMD Related technology ...................................... 0.5
| Deep Digger ............................................... 0.5
| Advanced Technology—Atmospheric Interceptor Tech. .... 0.5
| Scorpion .................................................................. 0.5
| Excalibur ................................................... 0.5
| Special Technical Support—Complex Systems Dev .. 0.5
| Complex Systems Development................................ 0.5
| Tools ......................................................... 0.5
| Joint Warfighting Program—Tools ......................... 0.5
| JSTARS—Joint Experimentation ............................... 0.5
| High Performance Computing—Visualization Research ... 0.5
| Joint Robotics Program ....................................... 0.5
| CALS Initiative—Integrated Data Environment ............ 0.5
| NTW—Acceleration ........................................... 0.5
| NTW—Radiation Protection .................................... 0.5
| Liquid Titanium ............................................ 0.5
| BMD Technical Op’s—Advanced Research Center ....... 0.5
| Chem/Bio—CBIRF ......................................... 0.5
| PATRIOT .................................................. 0.5
| Foreign Material Acquisition and Exploitation .......... 0.5

#### C3—Information Assurance

| Test Bed .................................................. 5.0
| Joint Mapping Tool Kit ..................................... 5.0
| C3—Strategic Technology Assessment ...................... 5.0
| Maxwell AFB—Off. Transient Student Dormitory ....... 5.0
| Atlantic AFB—Ammo Demilitarization Facility ......... 5.0
| Redstone Arsenal—Unit Training .......................... 5.0
| Equip. Site .............................................. 5.0
| David Glenn Field—Med. Training & Dining Facility ... 5.0
| Fort Wainwright—Ammo Surveillance Facility .......... 5.0
| Fort Wainwright—MOUT Collective Trng. Facility ...... 5.0
| Elsmere AFB—Alter Roadway ................................ 5.0
| Davis Highway ......................................... 5.0
| Pine Bluff Arsenal—Ammo. Demilitarization Facility .. 5.0
| Pueblo AFB—Ammo. Demilitarization Facility .. 0.5
| West Hartford—AFDL Reserve Center .................... 5.0
| Orange ANGS—Air Control Squadron ....................... 5.0
| Dover AFB—Visitor's Quarters ............................. 5.0
| Smyrna—Readiness Center .................................. 5.0
| Pensacola—Readiness Center ................................ 5.0
| F—0 Stewart—Logistics ..................................... 5.0
| NAS Atlanta—BEA ....................................... 5.0
| Bowers AFB—Regional Training Institute ................. 5.0
| Gowen Field—Fuel Cell & Corrosion Control swear ... 5.0
| 20.0 Newport AFB—Ammunition Management Facility .... 5.0
| Fort Wayne—Med. Training & Dining Facility ........... 5.0
| Sioux City IAP—Maintenance Facility ...................... 5.0
| McConnell AFB—Uniformed Family Housing Area Safety 5.0
| Fort Campbell—Vehicle Maintenance Facility ............ 5.0
| Blue Grass AFB—ADAL Reserve Center .................... 5.0
| Fort Polk—Organization Maintenance Shop ................. 5.0
| Lafayette—Marine Corps Reserve Center ................. 5.0
| NAS Belle Chase—Ammunitions Storage Area Igo ........ 5.0
| Andrews AFB—Squadron Operations Facility .......... 5.0
| Aberdeen P.G—Ammon. Demilitarization Facility ...... 5.0
| Hanscom AFB—Acquisition Management Facility .... 5.0
| Fort Riley—Whole Barracks Renovation .................... 5.0
| McDonell AFB—Groove & Family Housing Area Safety .. 5.0
| Fort Campbell—Vehicle Maintenance Facility ............ 5.0
| Blue Grass AFB—Air Ground Support Facility .......... 5.0
| Camp Ripley—Combined Support Maintenance Shop .... 5.0
| Columbia AFB—Add to T-1A Hangar ....................... 5.0
| Columbus AFB—C–130J Simulator Facility ............... 5.0
| Miss. Army Amm. Pl.—Land/Water Support ............... 5.0
| Camp Shelby—Multi-purpose Range ......................... 5.0
| Vicksburg—Readiness Center .............................. 5.0
| Jackson AFB—C–17 Simulator Facility ..................... 5.0
| Rosencrans Mem APT—Upgrade Aircraft Parking Apron 5.0
| Mountain AFB—Dormitory .................................. 5.0
| Great Falls IAP—Base Supply Complex .................... 5.0
| Hawthorne Army Dep.—Container Repair Facility ...... 5.0
| Fort Monmouth—Barracks Improvement .................... 5.0
| Kirtland AFB—Composite Support Complex ............... 5.0
| Niagara Falls—Visiting Officer’s Quarters ................. 5.0
|}
Fort Bragg—Upgrade Barracks D-
Area ........................................... 14.4
Grand Forks AFB—Parking Apron
Extension ....................................... 9.5
Wright Patterson—Convent to Physi-
cal Fitness Ctr. ................................... 4.6
Columbus AFB—Reserve Center
Addition ........................................ 3.541
Springfield MO—Replace Family
Tinker AFB—Repair and Upgrade
Runway ........................................ 1.77
Van Nuys—Upgrade Center Runway
Tulsa IAP—Composite Support Com-
plex ............................................... 11.0
Umatilla DA—Ammo. Demilitariza-
tion Facility ..................................... 12.6
Salem—Army Forces Reserve Center
NFPC Philadelphia—Cating Pits
Modification .................................... 10.8
NAS Jacksonville—Ground Equip-
ment Shop ...................................... 35.9
Johnstown Cambria—Air Traffic Con-
trol Facility .................................... 15.255
Quonset—Maintenance Hangar and
Shops ............................................. 6.726
McEntire ANGB—Replace Control
Tower ............................................ 4.88
Elisabeth AFB—Education/Library
Center ......................................... 9.8
Henderson—Organization Mainte-
nance Shop .................................... 1.996
Dyess AFB—Development Cen-
ter ................................................ 5.5
Lackland AFB—F-16 Squadron Ops
Flight Complex .................................. 9.7
Salt Lake City IAP—Upgrade Air-
craft Main. Complex .......................... 9.7
Northfield—Multi-purpose Training
Facility .......................................... 9.7
Fort Pickett—Multi-purpose Train-
Ing Range ....................................... 9.662
Fairchild AFB—Flight Line Support
Facility .......................................... 13.5
Fairchild AFB—Composite Support
complex ......................................... 9.1
Eleanor—Maintenance Complex .... 18.521
Eleanor—Readiness Center .......... 9.583
Forward Deployments—Facilities Up-
grade ............................................ 4.88
Forward Deployments—Facilities Up-
grade ............................................ 6.726
MCAS Yuma—Replace Family Hous-
ing (100 units) ................................. 31.229
MCB Hawaii—Replace Family Hous-
ing (94 units) ................................ 17.0
Holloman AFB—Replace Family
Housing (76 units) ......................... 22.639
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 De-
militarization.

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 con-
cerns about the pending demilitariza-
tion 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
agents.

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 this considerable impact on the local communities, there has not been adequate attention given
this issue by the Department of De-
fense.

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 so-
lution?

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 con-
sider including language in the Con-
ference 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 lan-
guage. We want to make it clear that
any discussion of impact would be re-
lated to the Chemical Demilitariza-
tion 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 atten-
tion.

I understand that Senators SMITH
and WYDEN have serious concerns
about this situation, and that the local
communities are worried about the im-
portance that this process may have on
them. I would be happy to work with
the Senators in looking into this situa-
tion and helping to obtain information
that will provide us with a fuller un-
derstanding 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 is critical in
the communication we enter into, and
the cooperative solutions that we pro-
duce. This is a very challenging pro-
gram for both the Army and the good
people of the depot states. We acknow-
lledge 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 launched 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
name of this conflict, 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 Sen-
ator LEVIN, the able ranking minority
member, for their leadership in pro-
ducing an excellent bill. This legisla-
tion bears testament to the skills and
willingness of both of these distin-
guished Senators to craft meaningful
policy decisions in the context of bi-
partisan consensus.
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.

Mr. HATCH. Mr. President, when Congress enacted the BRAC legislation, it left little doubt that the local community intended to be the primary beneficiary of surplus 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 surplus facility.

This barrier is a highly punitive fee established by the Department of Education that can actually discourage educational 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, warrant payment of a fee.

For example, a school district wanting to use 30% 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 coordination and forward looking initiatives to improve the quality of education, the Department of Education has a role in carrying out. 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 act. Did they believe that it should 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

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. 2903(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 new construction 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, as enacted by the National Defense Authorization Act of 1998, 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 combination of educational and 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 that relates to the economic development category for the balance of the space that did not qualify for the education PBA? Second, when the split 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? 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 districts to a position where they 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 pay 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. It is my sense that the President has his priorities badly reversed, despite his rhetoric on the importance of education.

I yield the floor.
CONGRESSIONAL RECORD — SENATE
May 27, 1999

(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:

(Yeas—92)

Abraham Dukakis Lott
Akaka Edwards McCain
Allard Enzi McConnell
Ashcroft Feinstein Mikulski
Baucus Fitzgerald Murkowski
Bayh Frist Murray
Bennett Gorton Nickles
Bidn Graham Reed
Bingaman Gramm Reid
Bond Grassley Roberts
Boxer Gregg Rockefeller
Brownback Hagel Roth
Bryan Harkin Santorum
Bunning Hatch Sarbanes
Burns Helms Schumer
Byrd Hutchinson Sessions
Campbell Hutchison Shelby
Chafee Inouye Smith (NH)
Cleland Inoye Smith (OK)
Coehan Jeffords Snowe
Collins Johnson Specter
Conrad Kennedy Stevens
Coverdell Kerry Thomas
Craig Kerry Thompson
Crapo Kyl Thurmond
Daschle Landrieu Torricelli
DeWine Leahy Voinovich
Dodd Levin Warner
Domenici Lieberman Wyden
Dorgan Lincoln

(Nays—3)

Feingold Kiol Wollstone
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 consider-
ation en bloc of S. 1060 through S.
1062—that is Calendar Order Nos. 115,
116, and 117—that all after the enacting
portions of S. 1059, as amended, be in-
cluded as if printed in this RECORD.

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

The motion to reconsider the vote by
which the bill was passed was rejected.

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

DEPARTMENT OF DEFENSE AU-
THORIZATION ACT FOR FISCAL
YEAR 2000

The bill (S. 1060) to authorize appro-
priations for fiscal year 2000 for mili-
itary 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 AU-
THORIZATION ACT FOR FISCAL
YEAR 2000

The bill (S. 1061) to authorize appro-
priations for fiscal year 2000 for mili-
tary construction, and for other pur-
poses, was considered, ordered to be en-
grossed 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 NA-
TIONAL SECURITY ACT FOR FIS-
CIAL YEAR 2000

The bill (S. 1062) to authorize appro-
priations 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 read-
ing, read the third time, and passed, as
amended.

(The text of the bill will be printed in
a future edition of the RECORD.)

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 presi-
dent and chief executive officer.

Mr. Meiners rose rapidly in the com-
pany and quickly became one of its of-
ficers. He has worked in marketing,
operations and customer services, and
within various subsidiaries of the company
requiring frequent moves. Entergy recognized his leadership ca-
pabilities 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
Metro Jackson’s House of Hope, and
the Newcomen Society of Mis-
sissippi. Don has also supported the Ex-
ecutive Women’s International Night,
Mississippi Museum of Art, Inter-
national 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 Mag-
nolia State’s culture.

Mr. Meiners has made a personal
commitment to education by serving on
the boards of the Mississippi State
University Foundation, Tougaloo Col-
lege, Jackson State, and the Mis-
sissippi University for Women.

Through these post-secondary institu-
tions, he wanted to foster an atmos-
phere that inspired all Mississippians
to reach up and participate in our na-
tional prosperity by having essential
educational skills. He has also served
or is currently serving on the boards of
the Trustmark National Bank, Insti-
tute 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 rec-
ognized as the Governor’s Volunteer of
the Year, Mississippi’s Economic De-
velopment Outstanding Volunteer of the
Year, Goodwill’s Outstanding Vol-
unteer, 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 en-
gineering. 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 dedica-
tion to Mississippi. He is a true south-
ean gentleman, and he will be missed. I
wish Don and Pat the best as they pur-
sue a well-earned retirement.