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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio.

The PRESIDING OFFICER. This morning we are privileged to have with us a guest Chaplain, Dr. Ronnie W. Floyd, of the First Baptist Church, Springdale, AR.

Pastor Floyd.

PRAYER

The guest Chaplain, Dr. Ronnie W. Floyd, First Baptist Church, Springdale, AR, offered the following prayer:

Let us pray together.

Holy God, I thank You that Your Word says in Romans 13:1, ''For there is no authority except from God, and those which exist are established by God.'' I am thankful the authority granted to these Senators today has not been granted simply by their constituencies but, most of all, that authority is given by You.

Therefore, O God, the responsibility is so great upon these men and women today. Every decision that is made has such a great impact all across the world.

So Lord, I ask for the Holy Spirit of God to empower these leaders in their decisionmaking today. May the Word of God be their source of authority. May the Lord Jesus Christ be the only One they desire to please. May the people they represent in this country, whether rich or poor, male or female, or whatever race they may represent, be the beneficiaries of godly, holy, decisionmaking today.

O Father, America needs spiritual revival, reformation, and awakening. So God, in the name of Your son, Jesus Christ, we close this prayer, asking You and believing in You to send a spiritual revival to our Nation that would change lives, renew churches, restore and refresh family relationships, provide hope to every American and, most of all, give You glory. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 25, 1999.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. VOINOVICH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I yield to the distinguished Senator from Arkansas.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I thank the Senator for yielding.

DR. RONNIE W. FLOYD, GUEST CHAPLAIN

Mr. HUTCHINSON. Mr. President, I take a moment to express my appreciation to our guest Chaplain, Pastor Ronnie Floyd, Pastor of the First Baptist Church, Springdale, AR, who led the Senate in our opening prayer today. Chaplain Ogilvie was gracious enough to allow Pastor Floyd to lead us in prayer.

Pastor Floyd has been a dear friend of mine for many years; he has had a tremendous impact upon my family and my children. I have a son and daughter-in-law who today still worship in his church and have been greatly impacted by his ministry. Pastor Floyd has a national television ministry and has touched lives all across this country. It is a great privilege today to have him in our Nation's Capitol ministering to us in the Senate.

I thank the Chair. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

SCHEDULE

Mr. SMITH of New Hampshire. Mr. President, the leader has asked me to make a couple of announcements this morning.

The Senate, of course, will resume consideration of the defense authorization bill, and under the previous order the Senate will debate several amendments with the votes on those amendments occurring in a stacked sequence beginning at 2:15 today. Therefore, Senators can expect at least three votes occurring at 2:15 this afternoon. It is the intention of the majority leader to complete action on this bill as early as possible this week, and therefore Senators can expect busy sessions each day and evening.

I thank my colleagues for their attention to this matter.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1059, which the clerk will report.

The legislative assistant read as follows:

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

Pending:

Roberts/Warner amendment No. 377, to express the sense of the Senate regarding the legal effect of the new Strategic Concept of NATO (the document approved by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington, D.C., on April 23 and 24, 1999).

Warner amendment No. 378 (to Amendment No. 377), to require the President to submit to the Senate a report containing an analysis of the potential threats facing NATO in the first decade of the next millennium, with particular reference to those threats facing a member nation or several member nations where the commitment of NATO forces will be ''out of area'', or beyond the borders of NATO member nations.

Wellstone amendment No. 380, to expand the list of diseases presumed to be service-connected for radiation-exposed veterans.

Wellstone amendment No. 381, to require the Secretary of Defense to provide information and technical guidance to certain foreign nations regarding environmental contamination at United States military installations closed or being closed in such nations.

Wellstone amendment No. 382, to require the Secretary of Health and Human Services to provide Congress with information to evaluate the outcome of welfare reform.

Specter amendment No. 383, to direct the President, pursuant to the United States Constitution and the War Powers Resolution, to seek approval from Congress prior to the introduction of ground troops from the United States Armed Forces in connection with the present operations against the Federal Republic of Yugoslavia or funding for that operation will not be authorized.

Roth amendment No. 388, to request the President to advance the late Rear Adm. (retired) Husband E. Kimmel on the retired list of the Navy to the highest grade held as Commander in Chief, United States Fleet, during World War II, and to advance the late Maj. Gen. (retired) Walter C. Short on the retired list of the Army to the highest grade held as Commanding General, Hawaiian Department, during World War II, as was done under the Officer Personnel Act of 1947 for all other senior officers who served in positions of command during World War II.

PRIVILEGE OF THE FLOOR

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that Maj. Clint Crosier, an Air Force fellow in my office, be granted floor privileges throughout the proceedings on the fiscal year 2000 authorization and appropriations bills.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. SMITH of New Hampshire pertaining to the submission of S.J. Res. 25 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

AMENDMENT NO. 388

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 30 minutes of debate, equally divided, with an additional 10 minutes under the control of the Senator from Texas, Senator GRAMM, relative to the Roth amendment No. 388.

Mr. ROTH. I yield 5 minutes to the distinguished Senator from Massachusetts.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I strongly support this amendment, which will at long last restore the reputations of two distinguished military officers who were unfairly scapegoated for the surprise attack on Pearl Harbor by Japan at the beginning of World War II—Admiral Husband E. Kimmel of the United States Navy and General Walter C. Short of the United States Army.

This amendment gives us an opportunity to correct a serious wrong in the history of that war. Admiral Kimmel and General Short were the Navy and Army commanders at Pearl Harbor during the attack on December 7, 1941. Despite their loyal and distinguished service, Admiral Kimmel and General Short were unfairly singled out for blame for the nation's lack of preparation for that attack and the catastrophe that took place.

Justice for these men is long overdue. Wartime investigations of the attack on Pearl Harbor concluded that our fleet in Hawaii under the command of Admiral Kimmel and our land forces under the command of General Short had been properly positioned, given the information they had received, and that their superior officers had not given them vital intelligence that could have made a difference, perhaps all the difference, in America's preparedness for the attack. These conclusions of the wartime investigations were kept secret, in order to protect the war effort. Clearly, there is no longer any justification for ignoring these facts.

I first became interested in this issue when I received a letter last fall from a good friend in Boston who for many years has been one of the pre-eminent lawyers in America, Edward B. Hanify. As a young Navy lawyer and Lieutenant J.G. in 1944, Mr. Hanify was assigned as counsel to Admiral Kimmel.

As Mr. Hanify told me, he is probably one of the few surviving people that heard Kimmel's testimony before the Naval Court of Inquiry. He accompanied Admiral Kimmel when he testified before the Army Board of Investigation, and he later heard substantially all the testimony in the lengthy Congressional investigation of Pearl Harbor that followed by the Roberts Commission. In the 50 years since then, Mr. Hanify has carefully followed all subsequent developments on the Pearl Harbor catastrophe and the allocation of responsibility for that disaster.

I would like to quote a few brief paragraphs from Mr. Hanify's letter of last September, because it eloquently summarizes the overwhelming case for long undue justice for Admiral Kimmel. Mr Hanify writes:

> The odious charge of ''dereliction of duty'' made by the Roberts Commission was the cause of almost irreparable damage to the reputation of Admiral Kimmel, despite the fact that the finding was later repudiated and found groundless.
>
> I am satisfied that Admiral Kimmel was subject to callous and cruel treatment by his superiors who were attempting to deflect the blame ultimately ascribed to them, particularly on account of their strange behavior on the evening of December 6th and morning of December 7th in failing to warn the Pacific Fleet and the Hawaiian Army Department that a Japanese attack on the United States was scheduled for December 7th, and that intercepted intelligence indicated that Pearl Harbor was a most probable point of attack. Washington had this intelligence and knew that the Navy and Army in Hawaii did not have it, or any means of obtaining it.
>
> Subsequent investigation by both services repudiated the ''dereliction of duty'' charge. In the case of Admiral Kimmel, the Naval Court of Inquiry found that his plans and dispositions were adequate and competent in light of the information which he had from Washington—adequate and competent in the light of the information he had from Washington.

Mr. Hanify concludes:

> The proposed legislation provides some measure of remedial Justice to a conscientious officer who for years unjustly bore the odium and disgrace associated with the Pearl Harbor catastrophe.

I have also heard from the surviving son of Admiral Kimmel. He and others in his family have fought for over half a century to restore their father's honor and reputation. As Edward Kimmel wrote:

> Justice for my father and Major General Short is long overdue. It has been a long hard struggle by the Kimmel and Short families to get to this point.

No public action can ever fully atone for the injustice suffered by these two officers. But the Senate can do its part by acting now to correct the historical record, and restore the distinguished reputations of Admiral Kimmel and General Short.

I commend Senator BIDEN and Senator ROTH for their leadership on this amendment, and I urge the Senate to support it, and I ask unanimous consent that Mr. Hanify's letter be printed in the RECORD.

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

Hon. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: I am advised that a Resolution known as the Roth/Biden Resolution has been introduced in the Senate and

that it has presently the support of the following Senators: Roth; Biden; Helms; Thurmond; Inouye; Stevens; Specter; Hollings; Faircloth; Cochran and McCain. The substance of the Resolution is to request the President to advance the late Rear Admiral Husband E. Kimmel to the grade of Admiral on the retired list of the Navy and to advance the late Major General Walter C. Short to the grade of Lieutenant General on the retired list of the Army.

Admiral Kimmel at the time of Pearl Harbor was Commander in Chief of the Pacific Fleet then based in Pearl Harbor and General Short was the Commanding General of the Hawaiian Department of the Army.

The reason for my interest in this Resolution is as follows: In early 1944 when I was a Lieutenant j.g. (U.S.N.R.) the Navy Department gave me orders which assigned me as one of counsel to the defense of Admiral Kimmel in the event of his promised court martial. As a consequence, I am probably one of the few living persons who heard the testimony before the Naval Court of Inquiry, accompanied Admiral Kimmel when he testified before the Army Board of Investigation and later heard substantially all the testimony before the members of Congress who carried on the lengthy Congressional investigation of Pearl Harbor. In the intervening fifty years I have followed very carefully all subsequent developments dealing with the Pearl Harbor catastrophe and the allocation of responsibility for that disaster.

On the basis of this experience and further studies over a fifty year period I feel strongly:

(1) That the odious charge of ''dereliction of duty'' made by the Roberts Commission was the cause of almost irreparable damage to the reputation of Admiral Kimmel despite the fact that the finding was later repudiated and found groundless;

(2) I am satisfied that Admiral Kimmel was subject to callous and cruel treatment by his superiors who were attempting to deflect the blame ultimately ascribed to them, particularly on account of their strange behavior on the evening of December 6th and morning of December 7th in failing to warn the Pacific Fleet and the Hawaiian Army Department that a Japanese attack on the United States was scheduled for December 7th at 1:00 p.m. Washington time (dawn at Pearl Harbor) and that intercepted intelligence indicated that Pearl Harbor was a most probable point of attack; (Washington had this intelligence and knew that the Navy and Army in Hawaii did not have it or any means of obtaining it).

(3) Subsequent investigations by both services repudiated the ''dereliction of duty'' charge and in the case of Admiral Kimmel the Naval Court of Inquiry found that his plans and dispositions were adequate and competent in light of the information which he had from Washington.

The proposed legislation provides some measure of remedial Justice to a conscientious officer who for years unjustly bore the odium and disgrace associated with the Pearl Harbor catastrophe. You may be interested to know that a Senator from Massachusetts, Honorable David I. Walsh then Chairman of the Naval Affairs Committee, was most effective in securing legislation by Congress which ordered the Army and Navy Departments to investigate the Pearl harbor disaster—an investigation conducted with all the ''due process'' safeguards for all interested parties not observed in other investigations or inquiries.

I sincerely hope that you will support the Roth/Biden Resolution.

Sincerely,

EDWARD B. HANIFY.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. LEVIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield myself 5 minutes.

On December 7, 1941, when Pearl Harbor was attacked by Japan, the commanders on the ground were Rear Admiral Kimmel and Major General Short. Rear Admiral Kimmel was serving in the grade of admiral as commander in chief of the U.S. Fleet and commander in chief, U.S. Pacific Fleet. Major General Short was serving in the grade of lieutenant general as commander of the U.S. Army Hawaiian Department. Based on their performance at Pearl Harbor, both officers were relieved of their commands and were returned to their permanent ranks of rear admiral and major general on December 16, 1941.

The duty performance of Rear Admiral Kimmel and Major General Short has been the subject of numerous military, governmental, and congressional inquiries since that time. The most recent examination was by Under Secretary of Defense Edwin Dorn in 1995.

The Defense Department, after reviewing all of these inquiries, has concluded that posthumous advancement in rank is not appropriate. In short, in this 1995 review, the Department of Defense concluded that Admiral Kimmel and General Short, as commanders on the scene, were responsible and accountable for the actions of their commands. Accountability as commanders is a core value in our Armed Forces.

Rear Admiral Kimmel's and Major General Short's superiors at the time determined that their service was not satisfactory and relieved them of their commands and returned them to their permanent grades. We should not, in my judgment, some 57 years later, substitute the judgment of a political body—the Congress—for what was essentially a military decision by the appropriate chain of command at the time.

Those who were in the best position to characterize their service have done so. Their superiors concluded that Rear Admiral Kimmel and Major General Short did not demonstrate the judgment required of people who serve at the three- and four-star level. I do not believe that this political body should now attempt to reverse that decision made by the chains of command in our military service. So I join the chairman of the Armed Services Committee in opposing this amendment.

I also note the letter from the Secretary of Defense to the then chairman of our committee, STROM THURMOND, saying the following:

While Under Secretary of Defense for Personnel and Readiness, Mr. Edwin Dorn, conducted a thorough review of this issue in 1995. He carefully considered the information contained in nine previous formal investigations, visited Pearl Harbor and personally met with the Kimmel and Short families. His conclusion was that responsibility for the Pearl Harbor disaster must be broadly shared, but that the record does not show that advancement of Admiral Kimmel and General Short on the retired list is warranted.

I appreciate the fact that the overwhelming consensus of the organizations and personnel mentioned in your letter recommend exoneration of Admiral Kimmel and General Short. Absent significant new information, however, I do not believe it appropriate to order another review of this matter.

Ed Dorn and I both agree that responsibility for this tragic event in American history must be broadly shared, yet I remain confident in the findings that Admiral Kimmel and General Short remain accountable in their positions as leaders.

To highlight very briefly the findings of the Under Secretary of Defense in the Dorn report, referred to by the Secretary of Defense, I will quote three or four of the findings.

Finding 1:

Responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and General Short; it should be broadly shared.

Finding 2:

To say that responsibility is broadly shared is not to absolve Admiral Kimmel and General Short of accountability.

Military command is unique. A commander has plenary responsibility for the welfare of the people under his or her command, and is directly accountable for everything the unit does or fails to do. . . . Command at the three- and four-star level involves daunting responsibilities. Military officers at that level operate with a great deal of independence. They must have extraordinary skill, foresight and judgment, and a willingness to be accountable for things about which they could not possibly have personal knowledge. . . .

It was appropriate that Admiral Kimmel and General Short be relieved.

Then he goes into the information that he had.

I yield myself just 1 additional minute.

The PRESIDING OFFICER (Mr. ALLARD). The Senator may continue.

Mr. LEVIN. Mr. President, finally in finding 3, the Dorn report says:

The official treatment of Admiral Kimmel and General Short was substantively temperate and procedurally proper.

Then finally:

There is not a compelling basis for advancing either officer to a higher grade.

Their superiors concluded that Admiral Kimmel and General Short did not demonstrate the judgment required of people who serve at the three- and four-star level.

* * * * *

In sum, I cannot conclude that Admiral Kimmel and General Short were victims of unfair official actions and thus I cannot conclude that the official remedy of advancement on the retired list [is] in order.

Mr. President, I ask unanimous consent that portions of the Dorn report and the Secretary of Defense letter in opposition to the advancement of these two gentlemen be printed in the RECORD.

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

[Memorandum for the Deputy Secretary of Defense]

ADVANCEMENT OF REAR ADMIRAL KIMMEL AND MAJOR GENERAL SHORT

1. Responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and General Short; it should be broadly shared.

2. To say that responsibility is broadly shared is not to absolve Admiral Kimmel and General Short of accountability.

3. The official treatment of Admiral Kimmel and General Short was substantively temperate and procedurally proper.

There is not a compelling basis for advancing either officer to a higher grade.

His nomination is subject to the advice and consent of the Senate. A nominee's errors and indiscretions must be reported to the Senate as adverse information.

In sum, I cannot conclude that Admiral Kimmel and General Short were victims of unfair official actions and thus I cannot conclude that the official remedy of advancement to the retired list in order. Admiral Kimmel and General Short did not have all the resources they felt necessary. Had they been provided more intelligence and clearer guidance, they might have understood their situation more clearly and behaved differently. Thus, responsibility for the magnitude of the Pearl Harbor disaster must be shared. But this is not a basis for contradicting the conclusion, drawn consistently over several investigations, that Admiral Kimmel and General Short committed errors of judgment. As commanders, they were accountable.

THE SECRETARY OF DEFENSE,
Washington, DC, November 18, 1997.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your interest in exonerating the names of Admiral Kimmel and General Short. In the years since the fateful events at Pearl Harbor there have been numerous formal investigations of the events leading up to the attack, including sharp debate over our state of readiness at the time.

While Under Secretary of Defense for Personnel and Readiness, Mr. Edwin Dorn conducted a thorough review of this issue in 1995. He carefully considered the information contained in nine previous formal investigations, visited Pearl Harbor and personally met with the Kimmel and Short families. His conclusion was that responsibility for the Pearl Harbor disaster must be broadly shared, but that the record does not show that advancement of Admiral Kimmel and General Short on the retired list is warranted.

I appreciate the fact that the overwhelming consensus of the organizations and personnel mentioned in your letter recommend exoneration of Admiral Kimmel and General Short. Absent significant new information, however, I do not believe it appropriate to order another review of this matter.

Ed Dorn and I both agree that responsibility for this tragic event in American history must be broadly shared, yet I remain confident in the findings that Admiral Kimmel and General Short remain accountable in their positions as leaders.

Sincerely,

BILL COHEN.

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

I rise to address the Kimmel-Short resolution which I and Senators BIDEN, THURMOND, and KENNEDY introduced to redress a grave injustice that haunts us from World War II.

That injustice was the scapegoating of Admiral Kimmel and General Short for the success of the disastrous Pearl Harbor attack. This unjust scapegoating was given unjust permanence when these two officers were not advanced on the retirement list to their highest ranks of wartime command, an honor that was given to every other senior commander who served in wartime positions above his regular grade.

Our amendment is almost an exact rewrite of Senate Joint Resolution 19, that benefits from the support of 23 cosponsors. It calls for the advancement on the retirement lists of Kimmel and Short to the grades of their highest wartime commands—as was done for every other officer eligible under the Officer Personnel Act of 1947.

Such a statement by the Senate would do much to remove the stigma of blame that so unfairly burdens the reputation of these two officers. It is a correction consistent with our military tradition of honor.

Allow me to review some key facts about this issue.

First, it is a fact that Kimmel and Short were the only two World War II officers eligible under the Officer Personnel Act of 1947 for advancement on the retired list who were not granted such advancement. No other officer or official paid a price for their role in the Pearl Harbor disaster. That fact alone unfairly perpetuates the scapegoating they endured for the remainder of their lives.

Second, there have been no less than nine official investigations on this matter over the last five decades. They include the 1944 Naval Court of Inquiry which completely exonerated Admiral Kimmel and the 1944 Army Pearl Harbor Board who found considerable fault in the War Department—General Short's superiors. These investigations include that conducted by a 1991 Board for the Correction of Military Records which recommended General Short's advancement on the retired list.

I can think of few issues of this nature that have been as extensively investigated and studied as the Pearl Harbor matter. Nor can I think of a series of studies conducted over five decades where conclusions have been so remarkably consistent.

They include, first, the Hawaiian commanders were not provided vital intelligence they needed and that was available in Washington prior to the attack on Pearl Harbor.

Second, the disposition of forces in Hawaii were proper and consistent with the information made available to Admiral Kimmel and General Short.

Third, these investigations found that the handling of intelligence and command responsibilities in Washington were characterized by ineptitude, limited coordination, ambiguous language, and lack of clarification followup.

Fourth, these investigations found that these failures and shortcomings of the senior authorities in Washington contributed significantly, if not predominantly, to the success of the surprise attack on Pearl Harbor.

The PRESIDING OFFICER. The 4 minutes have expired.

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

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I understand under the previous order I have 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. GRAMM. Mr. President, I have the highest regard for Senator ROTH, our distinguished chairman of the Finance Committee. One can tell by looking at all the books on his desk that he has done considerable research in this area. I have not done similar research in this area. But this is an issue that I have followed for my period of service in Congress, and I have followed it in part because of an interest in it, and in part because of my interest in the efforts of Dr. Samuel Mudd to exonerate his name from the role that he is alleged to have played and in fact was convicted of playing in the post-assassination activities related to President Lincoln.

But I have come to the floor today to oppose this amendment because I strongly object to Congress getting into the business of rewriting history.

This is an old issue. There has been a lot of talk over the years about Admiral Kimmel and about General Short, and about the facts in the wake of the greatest military disaster in American history at Pearl Harbor. And there is no question about the fact that we were asleep on December 7th of 1941. There is no question about the fact that Kimmel and Short had a great shortcoming in that they did not talk to each other and put together the information they had. But there is probably no question about the fact that in the wake of that disaster, there was an effort to put the blame on someone. It is also true that subsequent studies have concluded there was broad culpability.

But here is the point I want to make. We have a Board for the Correction of Military Records. We have an on-going process within the Department of Defense to reevaluate decisions that have been made. This decision about Kimmel and Short bubbled all the way up to President Bush, who as you know, was the youngest naval aviator in American history in World War II.

President Bush decided to let contemporaries be the judge of historical events, and so he made the decision not to override the decision of military leaders at the time of Pearl Harbor.

We had another review that ended on December 15th of 1995. That review was headed by Under Secretary of Defense for Personnel and Readiness, Edwin S.

Dorn. Dorn concluded that, while it was clear that there was broad culpability, there was not sufficient evidence available now to override the previous decision, which did not include court-martial of these two military leaders; it simply included retiring them at their permanent rank rather than their temporary rank.

Some of you will remember this issue because we went through it with a four-star admiral when there were questions about the abuse of women on his watch in the Navy. Some of you will remember that we actually had to cast a vote in that case. The issue was whether he should retire at his permanent rank, which was a two-star admiral, or as a four-star admiral. We had a very close vote on the decision to allow him to retire with his four-star rank, which he held on the day he left the military.

It is true that normally, military flag officers are allowed to retire above their permanent rank to the higher temporary rank held on the day they are severed from the military. But that is not always the case, and it is normally done as an indication that they have provided excellent service.

It was not an extraordinary thing in the wake of Pearl Harbor to, No. 1, retire the two officers in charge and, No. 2, retire them at their permanent rank rather than elevating their rank upon retirement.

I urge my colleagues, with all due respect to Senator ROTH, to let history be the judge of what happened at Pearl Harbor. We have a process within the Defense Department where recommendations can be made, where facts can be gathered on an objective basis, where the review can come up to the level of the Secretary of Defense and then come to the President, if necessary, to make a final decision. President Bush refused to override the judgment of history. The Clinton administration, through Under Secretary Dorn, has refused to override the judgment of history.

Now, there is no doubt about the fact that Senator ROTH believes he is sufficiently knowledgeable about this case to override the judgment of history here. But I ask the other 99 Members of the Senate, are we sufficiently informed? Do we want to set a precedent here or build on precedents, bad precedents in my opinion, that have been set in the past, of trying to write history on the floor of the Senate? I think we need to leave it to the official process. We need to leave it to historians to make these judgments.

I have been personally involved now for several years with the Dr. Mudd case. What has happened in that case is that Dr. Mudd has many influential heirs and they have set a goal of exonerating him. We now have gone through this extraordinary process where we literally are on the verge of making a decision, where the Federal courts have gotten involved, not on the issue of whether Dr. Mudd was guilty. Having met John Wilkes Booth three times, being a physician whose job it was to recognize traits in people, he supposedly treated John Wilkes Booth and never recognized him. Contemporaries at the time said no. As a result, they sent him to prison. He was later pardoned due to some of the good work he did in prison. Never again in his lifetime did he challenge the judgment. But yet now we are on the verge of having, because of the political influence of that family, a decision in the Defense Department to override history.

I think we make a mistake by doing that. In this case, we have had a judgment by President Bush, a naval aviator, a hero of the very war where this decision was made, who decided not to rewrite history.

I think we should not decide to rewrite history here today. I think this amendment is well intended and based on tremendous research and on a great deal of fact. The point is, we are not the body that should be making this judgment. There is a process underway. That process has come to the level of the President once; it has come to the level of the Under Secretary of Defense once; and in both cases, they have said they would allow the judgment of history to stand.

It is not as if these two military leaders were court-martialed. They were simply retired, something that happens every day in the military. And they were retired at their permanent rank, which is not ordinary but it is certainly not extraordinary.

What should be extraordinary is that retirement at temporary rank ought to be a reward for conspicuous service. And while each of us can make our judgment about history that occurred in 1941, almost 58 years ago, I do not believe we have the ability, nor do I believe we have the moral authority as a political body, to go back and rewrite history. I ask my colleagues to oppose this amendment.

I yield back the remainder of my time.

Mr. ROTH. Mr. President, I yield myself 2 minutes.

We are not rewriting history. We are merely correcting the record. Just let me point out that the Dorn report, which has been mentioned time and again by those in opposition, specifically concluded that responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and General Short; it should be broadly shared. Let me emphasize that: It should be broadly shared. In other words, there were others responsible, primarily in Washington. To place the blame on these two gentlemen, who had distinguished military careers, is wrong and is unfair. I believe we have a responsibility, a duty, to recommend to the President action that corrects this unfortunate misdeed.

In making this decision, let me point out that a number of endorsements of my resolution have been received from senior retired officers of the highest rank. For example, Arleigh Burke sent a letter in which he concluded that:

> It is my considered judgment that when all the circumstances are considered that you should approve this posthumous promotion and recommend it to the President.
>
> The record is clear that important information, available to the Chief of Naval Operations in Washington, was never made available to Admiral Kimmel in Hawaii.
>
> Lastly, the Naval Court of Inquiry, which exonerated Admiral Kimmel, concluded that his military decisions were proper based on the information available to him.

Let me now refer to a letter we received from several distinguished members of the Navy: Thomas Moorer, Admiral, U.S. Navy; former Chairman, Joint Chiefs of Staff, William J. Crowe, Admiral, U.S. Navy; J.L. Holloway, Admiral, U.S. Navy; Elmo Zumwalt, Admiral, U.S. Navy. They wrote:

> We ask that the honor and reputations of two fine officers who dedicated themselves to the service of their country be restored. Admiral Husband Kimmel and General Walter Short were singularly scapegoated as responsible for the success of the Japanese attack on Pearl Harbor December 7, 1941. The time is long overdue to reverse this inequity and treat Admiral Kimmel and [G]eneral Short fairly and justly. The appropriate vehicle for that is the current Roth-Biden Resolution.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, last night the distinguished Senator ROTH and I had an extensive debate on this issue, and we are basically covering much of the same ground this morning. I repeat, I just got off the phone with the Secretary of Defense Bill Cohen, his predecessor, Bill Perry.

The Dorn report went through this whole case very carefully.

I recited the list of some nine tribunals, including the Congress of the United States, that reviewed this matter, and certainly did not reach any conclusion that the action to which my good friend and colleague, the Senator from Delaware, asks the Senate to do today.

I associate myself with the remarks of our colleague from Texas.

But it is interesting. This is very extensive research performed by our colleague. I took the liberty of taking the book last night and going home to read it, which is a summary of the congressional hearings. What I find interesting is that the Congress absolutely put forward some of the most distinguished Members of the House and the Senate to form the Joint Committee on the Investigation of the Pearl Harbor Attack: Alben Barkley, Senator from Kentucky was the chairman; Jere Cooper, Representative from Tennessee, was the Vice Chairman. On the Senate side, just look at the names of the individuals. Based on my own not personal knowledge but study of their careers in the Senate, they certainly were viewed as among the giants of the Senate during that critical period in history of

World War II: Walter F. George, Senator from Georgia; Scott Lucas, Senator from Illinois; Owen Brewster, Senator from Maine; Homer Ferguson, Senator from Michigan. They were the elderly statesmen, the leaders of the Senate.

In their report, this is what the Committee on the Investigation of the Pearl Harbor Attack found. I refer to page 252. It says:

''Specifically, the Hawaiian commands failed'' to do the following. By ''the Hawaiian commands,'' of course, they are referring to the Naval command under Admiral Kimmel and the Army command under General Short:

(a) To discharge their responsibilities in the light of the warnings received from Washington, other information possessed by them, and the principle of command by mutual cooperation.

The record astonishingly shows that these two senior officers, located on the principal islands of Hawaii, just did not collaborate together and share information and ideas as to how best to plan for the defense of the men and women of the Armed Forces, our interest in the islands at that time, and the critical assets; namely, Naval ships and aircraft that were located at that forward deployed area.

(b) To integrate and coordinate the facilities for defense and to alert properly the Army and Navy establishments in Hawaii, particularly in the light of the warnings and intelligence available to them during the period November 27 to December 7, 1941.

(c) To effect liaison on a basis designed to acquaint each of them with the operations of the other, which was necessary to their joint security, and to exchange fully all significant intelligence.

I am going to repeat that—failure to exchange between the two of them and with their subordinant significant intelligence.

(d) To maintain a more effective reconnaissance within the limits of their equipment.

(e) To effect a state of readiness throughout the Army and Navy establishments designed to meet all possible attacks.

(f) To employ the facilities, materiel, and personnel at their command, which were adequate at least to have greatly minimized the effects of the attack, in repelling the Japanese raiders.

(g) To appreciate the significance of intelligence and other information available to them.

In fairness, I will read another finding, and that is:

The errors made by the Hawaiian commands were errors of judgment and not derelictions of duty.

Had there been dereliction of duty, these two men would have been court-martialed. But that was the decision made by the President of the United States, two successive Presidents—Roosevelt and Truman—not to do that. But they found them guilty of errors of judgment.

What we are asked to do is to put this body on notice that we are reversing the findings of the distinguished bipartisan panel of Senators and Members of the House of Representatives after taking all of this factual evidence into consideration. Look at the voluminous factual situation.

I asked my good friend last night: Are there any new facts on which the Senate could have as a predicate the changing of this decision of the joint congressional committee? And, quite candidly, my colleague from Delaware said no.

Just to bring to the attention of the Senate one other part in this report, it states on page 556:

The commanding officers in Hawaii had a particular responsibility for the defense of the Pacific Fleet and the Hawaiian coastal frontier. This responsibility they failed to discharge.

I repeat, Mr. President, ''This responsibility they failed to discharge.''

The failure of the Washington authorities to perform their responsibility provides extenuating circumstances for the failures of these commanders in the field.

This committee took into consideration that there were other failures but there were extenuating circumstances to bring the judgment of this panel to the conclusion that a court-martial was not to be held. But they were to be retired in the grades which they were in at permanent rank.

In this record is a request by these two officers to be retired, and the decision was made not to advance them at the time of retirement to the higher grade. That decision was made by individuals who had fresh of mind the facts of this case.

For us at this date and time to try to reverse that, in my judgment, would be to say to all of the tribunals that looked at this case—I will recite them again—the Knox investigation of December 1941; the Roberts Commission of January 1941; the Hart investigation of June 1944; Army Pearl Harbor Board, October of 1944; Navy Court of Inquiry, October of 1944; Clark investigation, September of 1944; Hewitt inquiry, July of 1945——

The PRESIDING OFFICER (Mr. SANTORUM). The time of the Senator from Virginia has expired.

Mr. WARNER. Mr. President, I ask unanimous consent that the Senator from Virginia be given an additional 5 minutes.

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

Mr. WARNER. The Clausen investigation, September 12, 1945; and, the joint congressional committee of May of 1945. It is the joint congressional committee record—to now, after these many 50-plus years, go back and reverse the decisions of all of this work done by individuals, as the Senator from Texas pointed out, with the authority to render such judgments would be to say to them: All of you are in error for not having done what the Senator from Delaware requested the Senate do these 50-plus years later.

I just think that is a very unwise decision. I think the Senator from Delaware has put an awful lot of hard work into this. I respect him for it. But I simply cannot support the Senator, nor can the current Secretary of Defense, and, indeed, the previous Secretary of Defense, and others who have looked at this set of documents previously.

I yield the floor.

Mr. ROTH. Mr. President, I yield 4 minutes to the distinguished senior Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 4 minutes.

Mr. BIDEN. Mr. President, let me begin by thanking my senior colleague, Senator ROTH, for carrying the load on this.

As we look forward to Memorial Day observances this weekend, most of us will take time to reflect on the honorable and noble traditions of our military. The amendment sponsored by myself and my good friends Senator ROTH, THURMOND, and KENNEDY is an effort to make sure Congress does its part to uphold those noble traditions.

Just to highlight two or three points: First of all, my friend from Virginia talks about the historical record. The historical record was made at that time when history was least likely to be served in the immediate aftermath of a national tragedy, and a need for an explanation that the country yearned and desired. I am not suggesting those who conducted the original investigation had any benevolent intent. I am suggesting that history is best viewed with a little bit of distance. There was not any distance. I just ask everyone to think about what would happen if something, God forbid, similarly happened today and this Senate, this body, and the administration decided they needed to investigate something immediately. My overwhelming instinct tells me there would be a need to find specific individuals who were responsible in order to satisfy our collective need for an answer.

I respectfully suggest that that is what happened here, and I respectfully suggest, as well, that we should not be fearful of the truth and we should not be fearful of going back in this open society of ours and not rewriting history, but setting the facts straight.

Ultimately, it is the President who must take action, but it is important that we in the Senate send the message that the historical truth matters and that it is never too late to acknowledge that the government did not treat the two commanding officers at Pearl Harbor on December 7, 1941, fairly.

Here's how I see it. Admiral Husband E. Kimmel and General Walter Short were publicly vilified and never given a chance to clear their names.

If we lived in a closed society, fearful of the truth, then there would be no need for the President to take action. But we don't. We live in an open society. Eventually, we are able to declassify documents and evaluate our past based on at least a good portion of the whole story. I believe sincerely that one of our greatest strengths as a nation comes from our ability to honor truth and learn the lessons from our past.

If we perpetuate the myth that Admiral Kimmel and General Short bear all of the blame for Pearl Harbor then we miss the real story. We fail to look at the readiness shortfalls they were facing—the lack of adequate reconnaissance planes, pilots, spare parts, and maintenance crews. We fail to look at the flawed intelligence model that was used—the disconnect between what was obtained and what got to the commanders in the field.

I mention these things in particular because there are some striking parallels to the problems facing today's military. Today's problems are of a different scope and scale, but it is important to see the parallels so that we can accurately judge our progress and our endemic problems.

The historic record is not flattering to our government in the case of the two commanding officers at Pearl Harbor and that is why it is our government's responsibility to acknowledge its mistake. I want to emphasize that point, because it is important.

In last night's debate over this amendment, both those for and against it agreed on most of the facts. Where there was disagreement, it seems to me, was in what to do about the facts. I believe we should urge the President to take action, because government action in the past shrouded the truth and scapegoated Kimmel and Short.

I know Senator ROTH and Senator THURMOND discussed some of the history last night, so I will just briefly review some of the critical parts.

In 1941, after lifetimes of honorable service defending this nation and its values, Admiral Kimmel and General Short were denied the most basic form of justice—a hearing by their peers. Instead of a proper court-martial, their ordeal began on December 18th with the Roberts Commission. A mere 11 days after the devastating attack at Pearl Harbor, this Commission was established to determine the facts.

In this highly charged atmosphere, the Commission conducted a speedy investigation, lasting little over a month. In the process, they denied both commanders counsel and assured both that they would not be passing judgement on their performance. That assurance was worthless. Instead, the Commission delivered highly judgmental findings and then immediately publicized those findings. The Roberts Commission is the only investigative body to find these two officers derelict in their duty and it was this government that decided to publicize that false conclusion. As one might expect, the two commanders were vilified by a nation at war.

Every succeeding investigation was clear in finding that there was no dereliction of duty. The first of these were the 1944 Army Board and Navy Court reviews. Again, it was government action that prevented a truthful record from reaching the public—a decision by the President. The findings of both of these bodies that placed blame on others than Kimmel and Short were sequestered and classified.

Fifty-seven years later, such falsehoods and treatment can no longer be justified by the necessities of war. Rear Admiral Husband E. Kimmel and Major General Walter Short were not singularly to blame for the disastrous events of Pearl Harbor in 1941. In fact, every investigation of Admiral Kimmel and General Short's conduct highlights significant failings by their superiors.

This amendment does not involve any costs, nor does it seek any special honor or award for these two officers. It does not even seek to exonerate them from all responsibility. Instead, it seeks simple fairness and their equal treatment. They are the only two eligible officers from World War II denied advancement on the retirement lists to their highest held wartime ranks.

I know my colleague from Virginia is concerned that there may be a long list of junior officers who can make similar claims. It is my understanding that there was a list of officers from World War II eligible for advancement under the Officer Personnel Act of 1947. Admiral Kimmel and General Short were the only officers on that list that were denied advancement on the retirement list.

I want to stress again for all my colleagues that this amendment simply sets the record straight—responsibility for Pearl Harbor must be broadly shared. It cannot be broadly shared if we fail to acknowledge the government's historic role in clouding the truth, nor if we continue to perpetuate the myth that Kimmel and Short bear singular responsibility for the tragic losses at Pearl Harbor.

These two officers were unjustly stigmatized by our nation's failure to treat them in the same manner with which we treated their peers. To reverse this wrong would be consistent with this nation's sense of military honor and basic fairness.

As we honor those who have given their lives to preserve American ideals and national interests this coming Memorial Day, we must not forget two brave officers whose true story remains shrouded and singularly tarnished by official neglect of the truth.

We introduced this amendment as S.J. Res. 19 earlier this year and it now has 23 co-sponsors. As I know Senator ROTH indicated last night, it has the support of numerous veterans organizations and retired Navy flag officers. These knowledgeable people and about a quarter of the Senate have already spoken up on behalf of justice and fairness.

I urge the rest of my colleagues to join us and support this amendment.

Mr. WARNER addressed the Chair

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I cannot accept the basic premise on which the distinguished Senator from Delaware addresses his case; that is, that there was a disposition among good and honest men not to accord fairness, equity, and justice to these two individuals. They were the subject of repeated inquiries. As a matter of fact, the Roberts Commission was headed by a Supreme Court Justice. Throughout the whole judicial history, in the common law of England, which we incorporated in our judicial history, speedy trial is the essence of our justice. The appellate procedure has to thereafter proceed with some expedition. You cannot wait 50-some-plus years to address an issue such as this. What do you say to the congressional committee? Do you dispute the findings of this committee?

Mr. BIDEN. Yes.

Mr. WARNER. We gave the names of some of the most revered elder statesmen of this body who presided, such as Alben Barkley. And, indeed, President Truman had to address, in 1947, as Senator ROTH and I covered last night, the tombstone promotions, which were given to officers of this category, and deny them. Truman himself had to make that decision. So I say to my good friend, many fair-minded individuals have reviewed this case and have come up with the determination that they were not the only ones who had culpability, but certainly, as I read it, this commission of the Congress of the United States found a serious basis for holding the action and making the decision that they did.

Mr. LEVIN. Mr. President, will the Senator yield a minute?

Mr. WARNER. I yield such time as the Senator from Michigan needs.

Mr. LEVIN. Mr. President, let me just add to what the Senator from Virginia just said in response to our good friend from Delaware. What I really fear, perhaps the most, is the substitution of the judgment of a political body for the judgment and findings of the appropriate chain of command. We are a political body. The chain of command at the time, which has been reviewed by the Defense Department, repeatedly made findings and held these two officers accountable. For us now to substitute our judgment more than five decades later for that of the chain of command, it seems to me, is a very, very bad precedent in terms of holding officers accountable for events.

Mr. President, the Department of Defense recently reviewed this entire matter—the so-called Dorn report—and I have quoted these findings before, but I will pick out two of them, which seems to me go to the heart of the matter.

This is a quote:

> To say that responsibility is broadly shared is not to absolve Admiral Kimmel and General Short of accountability.

Of course, accountability should be broadly shared, and maybe it wasn't as broadly shared as it should have been, but the issue is whether or not this accountability, 57 years ago, is going to be set aside by a political body 57 years later.

Mr. BIDEN. Will the Senator yield?

Mr. LEVIN. My time is over, but I will be happy to yield.

Mr. BIDEN. Mr. President, I ask unanimous consent for 1 minute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BIDEN. Mr. President, this is a rhetorical question. The report suggested that Generals Marshall and Stark were also partially responsible. My point is that the idea that the entirety of the blame, that the children and the children of the children of these two men will live forever thinking that they were the only two people responsible for this, is a historical inaccuracy, unfair, and a blemish that is not warranted to be carried by the two proud families whose names are associated with them. It is as simple as that.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. I ask unanimous consent for 2 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROTH. Mr. President, what we are talking about today is a matter of justice and fairness, a matter that goes to the core of our military tradition and our Nation's sense of military honor. Just let me point out once again the Dorn report says:

> Responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and General Short. It should be broadly shared.

Unfortunately, it was not broadly shared. The only two people who were singled out for punishment, or not to be promoted to their wartime rank, were Admiral Kimmel and General Short. They were held singularly responsible for what happened in Pearl Harbor. That is not fair. That is not just. Just let me point out that we have had the essence of the tremendous number of endorsements we have received from senior retired officers of the highest rank. Once again, I point out that admiral after admiral—Burke, Zumwalt, Moorer and Crowe—have asked that this be corrected. All we seek today is justice and fairness to two officers who served their Nation with excellence.

The PRESIDING OFFICER. All time has expired.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I ask for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Virginia.

Mr. WARNER. Mr. President, the admirals the Senator enumerated were ones I had the pleasure of knowing, serving with several, and for whom I have a great deal of respect. But I note the absence of any similar number of Army generals coming forward on behalf of General Short. Perhaps the Senator has something in the RECORD. But I think that silence speaks to authenticate the position that this Senator and others have taken.

To the very strong, forceful statement of my colleague who said it is implicit that all responsibility for this tragedy is assigned to these two individuals, that is not correct. The Dorn report said it is to be shared. In fact, General Marshall stepped forward with courage and accepted publicly, at the very time this was being examined, his share of responsibility.

So I say others, indeed, General Marshall and others, stepped forward.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ROTH. May I just make a 15-second statement?

Mr. WARNER. The Chair has ordered the yeas and nays?

The PRESIDING OFFICER. Yes.

Mr. WARNER. I say, as a courtesy to my good friend and others who have sponsored this, we will not, of course, move to table.

Mr. ROTH. I point out the Army Board for Correction of Military Records, in 1991, recommended that General Short be restored to his full wartime rank.

AMENDMENT NO. 377

The PRESIDING OFFICER. All time has expired. The question now is on the Roberts amendment. There is an hour equally divided.

Mr. ROBERTS. Mr. President, I have had the privilege this year to serve as the first chairman of the Senate Armed Services Committee's Subcommittee on Emerging Threats and Capabilities. I would like to recognize Senator WARNER, the chairman of the Armed Services Committee, for his vision and foresight in creating this subcommittee to deal with the nontraditional threats to U.S. national security.

The Subcommittee on Emerging Threats and Capabilities was established to provide oversight for the Department of Defense's efforts to counter new and emerging challenges to vital United States interests. Through a series of hearings and detailed oversight of budget accounts, the subcommittee highlighted: the proliferation of weapons of mass destruction; terrorism directed at U.S. targets both at home and abroad; information warfare and the protection of our defense information infrastructure; and trafficking of illegal drugs. The subcommittee sought to identify the technology, operational concepts and capabilities we need to deter—and, if necessary—combat these perils.

I would like to briefly highlight the initiatives included in this bill to address the emerging threats to our national security:

Protection of our homeland and our critical information infrastructure are two of the most serious challenges facing our Nation today. In the area of counterterrorism, the bill before the Senate includes full funding for the five Rapid Assessment and Initial Detection (RAID) teams requested by the administration, and an increase of $107 million to provide a total of 17 additional RAID teams in fiscal year 2000. We have further required the Department to establish a central transfer account for the Department's programs to combat terrorism to provide better visibility and accounting for this important effort.

We have included an Information Assurance Initiative to strengthen the Department's critical information infrastructure, enhance oversight and improve organizational structure. As a part of this initiative, we added $120 million above the President's budget request for programs to enhance our ability to combat cyber-attacks. In addition, this initiative will provide for a test to plan and conduct simulations, exercises and experiments against information warfare threats, and allow the Department to interact with civil and commmercial organizations in this important effort. The provision encourages the Secretary of Defense to strike an appropriate balance in addressing threats to the defense information infrastructure while at the same time recognizing that Department of Defense has a role to play in helping to protect critical infrastructure outside the DOD.

We have included a legislative package to strengthen the science and technology program. This legislation will ensure that since the science and technology program is threat-based and that investments are tied to future warfighting needs. The legislation is also aimed at promoting innovation in laboratories and improving the efficiency of RDT&E operations. The bill also includes a $170 million increase to the science and technology budget request.

And finally, in the area of nonproliferation, we have authorized over $718 million for programs to assist Russia and other states of the former Soviet Union destroy or control their weapons of mass destruction. However, it is important to note, this is an increase of $29.6 million over the fiscal year 1999 funding level. I would like to take a moment to share my thoughts on this issue.

I am very concerned about the findings of the recently released GAO report that the U.S. cost of funding the nuclear material storage facility in Mayak, Russia has increased from an original estimate of $275 million to $413 million. This Cooperative Threat Reduction (CTR) project may eventually have a price tag of $1 billion. These increased costs to the U.S. have occurred because Russia has failed to fund its share of the costs of this project. I also understand that the chemical weapons destruction facility will not be open until 2006, in part due to Russia's failure to provide the needed information about the chemical weapons to be destroyed.

The CTR program is becoming more and more one-sided. This program is also in the interest of the Russians. Matter of fact, much of the destruction of the Russian inventory, funded by the CTR program, enables Russia to meet its obligations under existing arms control treaties.

In addition, I am concerned with the daily press reports that the Russians are enhancing their military capabilities. For example:

Earlier this month, President Yeltsin reportedly ordered the Russian military to draw up plans for the development and use of tactical nuclear forces.

On May 4, The Russian Defense Minister threatened to reconsider Russian support for the revision of the Conventional Forces in Europe (CFE) Treaty.

On April 16, the Duma unanimously adopted a resolution calling for increased defense budgets.

Although I have serious concerns about this program, we included an authorization for CTR at the budget request of $475.5 million, an increase of $35 million over the FY 99 level. However, before FY 2000 funds may be obligated we require the President to recertify that the Russians are foregoing any military modernization that exceeds legitimate defense requirements and are complying with relevant arms control agreements. The most recent certification by the Administration was completed before these numerous statements by Yeltsi and other Russian officials.

I am also concerned with the deficiencies in the management and oversight of the DOE programs in Russia—in particular, the Initiative for Proliferation Prevention (IPP) and the Nuclear Cities Initiative (NCI). If these programs are to succeed, we need to get past the implementation problems pointed out in the GAO report, in press reports, by our House colleagues, and by the Russians. In addition, the Russian economic crisis and lack of infrastructure are making these programs more difficult to manage. I am afraid if we do not exercise strong oversight now we are in danger of losing these programs.

I have proposed a number of initiatives that I believe will go a long way towards correcting the deficiencies in the management of the IPP program, establishing a framework for effective implementation and oversight of both programs, and ensuring that sufficient accountability exists. Further, I believe the U.S. nonproliferation goals and U.S. national security will be better served by these improvements.

Finally, I believe DoE should spend FY 2000 tightening up the implementation of IPP and NCI rather than broadening the program. Therefore, the committee authorized the IPP and NCI below the administration's request of $30 million for each program. The bill includes an authorization of $15 million for NCI and an authorization of $25 million for IPP, an increase of $2.5 million for each program over FY 99 levels. These are the only programs in the entire DoE nonproliferation budget that the committee authorized below the budget request. Overall, we authorized $266.8 million for DoE nonproliferation programs in the former Soviet Union countries—an increase of $13.4 million over FY 99.

I believe the bill before you takes significant steps to focus the Department of Defense's efforts to counter new and emerging threats to vital national security interests. I urge my colleagues to support this bill.

Once again, Mr. President, I am asking the support of my colleagues for a simple sense of the Senate that calls also for complete transparency on the part of the President and Senate consideration regarding the de facto editing of the original North Atlantic Treaty.

My sense of the Senate asks the President to certify whether the new Strategic Concept of NATO, the one adopted at the 50th anniversary of NATO in Washington about a month ago—this formalization of new and complicated United States responsibilities in Europe, as evidenced by the war in Kosovo and the possibility of future Kosovos around the world—is in fact a document that obligates the United States in any way, shape, or form.

If so, my sense of the Senate affirms that this body be given the opportunity to debate, to accept or to reject, the new blueprint for future NATO operations, these actions which will undoubtedly include substantial components of our own Armed Forces engaged completely outside the province of the original treaty.

Yesterday the distinguished Senator from Michigan, my colleague and my friend, Senator LEVIN, asked where the Congress was in 1990, in regard to the last Strategic Concept adoption. The Senator has rightly pointed out there were changes made in the Concept at that particular time. Without question, that should have been an alarm bell of things to come. But there are key differences, I tell my friend, in the world today as opposed to the world in 1990.

Second, and just as important, there are significant differences regarding the Strategic Concept adopted in April of 1999, just a month ago, which is the document that I hope is still on the desk of all Senators, and the Concept that was adopted in 1990 as referenced by the Senator.

First of all, Bosnia had not occurred and, more especially, Kosovo was not the proof of the direction that NATO intended to go. That direction is an offensive direction. That is not meant to be a pun.

The crafting of language in the new Strategic Concept was carefully done. Look, my colleagues, if you will, at the removal of the following wording of paragraph 35 of the 1991 Concept. I will repeat it:

> The alliance is purely defensive in purpose. None of its weapons will ever be used except in self defense.

That was removed. That removal was not an oversight. The current Strategic Concept sets in motion a new NATO that is inconsistent with article 1 of the 1990 treaty or concept. The North Atlantic Treaty, article 1:

> The parties undertake as set forth in the Charter of the United Nations to settle any international dispute which they may be involved in by peaceful means, in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purpose of the United Nations.

That was in 1990, the reference to the United Nations, to settle any international dispute by peaceful means, not by military means.

The original wording and intent of article 4 of the North Atlantic Treaty is straightforward. The North Atlantic Treaty, article 4:

> The parties will consult together when in the opinion of any of them the territorial integrity—

All the debate about whether we are conducting a military campaign and crossing borders of a sovereign state, I say it again:

> The parties will consult together when in the opinion of any of them the territorial integrity or political independence or the security of any of the parties is threatened.

However, paragraph 24 of the new Concept significantly alters article 4 of the NATO treaty in the following way:

> Arrangements exist within the alliance for consultation among the allies under article 4 of the Washington Treaty—

My colleagues, pay attention to this—

> and, where appropriate, the coordination of their efforts including the responses to such risks.

The portion that includes ''the coordination of their efforts including their responses to such risk,'' it is new, and strongly suggests offensive action, i.e., Kosovo. It is a possible response to a threat, and that is a radical shift for NATO—not from 1949 but also from 1990.

The new Concept has significantly expanded the global coverage of NATO. For example, paragraphs 20, 21, and 22 clearly indicate a global reach for NATO.

Paragraph 20 states:

> The resulting tensions could lead to crises affecting Euro-Atlantic stability, to human suffering and to armed conflicts. Such conflicts could affect the security of the conference by spilling over to neighboring countries including NATO countries or in other ways, and could also affect the security of neighboring states.

The point is that NATO justifies action well beyond the original boundaries of NATO and now includes threats to member states anywhere in the world. Is that what we want the NATO of the future to be?

I say to my friend from Michigan, he is right that Congress was asleep at the switch when the Strategic Concept of 1990 was adopted. But there is no reason for Congress to remain asleep in

1999. In fairness to my colleagues, no one envisioned that in less than 9 years the purely defensive alliance of NATO would have conducted offensive action out of area, against a sovereign nation, albeit a terribly oppressive nation, in an action that was not in our vital national interests.

Let me share some comments I have gleaned from the Foreign Media Reaction Daily Digest which all Members receive from the U.S. Information Agency. This is from the leading press around the world, as they view, in terms of their commentary, what this Strategic Concept means to them.

I know some critics, myself included, will say their views, some of the views, are unimportant or biased or that they are from state-run presses. I know that. But I think they are a valuable tool to understand how we and NATO are being perceived by non-NATO members—and some NATO members as well. Here is the summary—early May:

The Alliance's adoption of a ''new strategic concept''. . . has swung to the negative [in regard to the comments by the foreign press]. Criticism of the Alliance's vision of a ''new world order''. . . . many underscored the problems with NATO's expanded purview and questioned the feasibility of trying to promote and impose—beyond European borders and ''by force if necessary''—a ''consistent'' standard on human rights. The vast majority of media outside of Europe remained harshly critical of NATO's [read the U.S.'s] new blueprint, with most reiterating their concerns that NATO is ''transforming itself into a global police force, ignoring the role of the U.N.'' . . . NATO is being enlarged—both spatially and doctrinally—in order to ensure U.S. military and political dominance over Europe, Russia and the rest of the world.

I don't buy that, but it is important to understand that other countries certainly think that.

It goes on to say:

The idea that a part of the world, formed by the most ''civilized'' nations, can be responsible for the respect of human rights in the whole world—resorting, if necessary, to the use of force . . . is neither viable nor fair.

They are asking:

. . . whether Kosovo is an exception or a rule in NATO's new strategy, and whether the Allies will be equally firm, but also consistent, when its comes to the Kurds . . . Tibetans, Palestinians, Tutsis, Hutus [or] Native Americans. Ethnic cleansing in Chechnya, Turkey, Colombia, Indonesia show that NATO is now punishing randomly, that is only enemies and only those countries that don't have any nuclear weapons.

Mr. President, several headlines—and I do not agree with all of these headlines—in May should be brought to the attention of my colleagues.

The newspaper Reforma in Mexico:

What is the reason for the desire to impose a solution in defense of the Albanians in Yugoslavia while at the same time three ethnic groups that hate each other are forced to co-exist in Bosnia? What could happen in Mexico in the future? Within several months, NATO members [have now agreed] to intervene anywhere they see fit without the need to consult with the U.N. and to run the risk of a veto from Russia or China. This will be a two century jump backwards.

That is from Mexico. I am not saying it speaks for the entire country of Mexico, although President Zedillo said much the same thing.

Ethnos, a paper in Greece:

What occurred in Washington was the U.N.'s complete weakening. It is now a mere onlooker of NATO's decisions and initiatives. What has taken place is the complete overthrow of the legal system.

A newspaper called Folha de S. Paulo in Brazil:

NATO celebrates its 50th anniversary and in practice formalizes the end of the U.N. As it has become clear this past month, the world's power is, in fact, in NATO, meaning in the hands of the United States. And, almost no Government dares to protest against it.

The Economist in Great Britain, a respected newspaper:

Limping home from Kosovo would certainly oblige NATO to rethink its post-Cold War aims of intervention, not just for member's defense, but also for broader interest in humanitarian and international order. NATO might go into terminal decline. The Alliance needs to persist in explaining to other countries the principles that guided NATO's decision to intervene in Kosovo. This necessity is not so much to prove that this was a just cause but to reassure a suspicious world that NATO has not given itself the right to attack sovereign nations at whim.

Il Sole 24–Ore. of Italy:

We cannot say what emerged from the weird birthday-summit war council in Washington is a strategic concept. Indeed, NATO should have been more precise about its future. The war in Kosovo forces us to revise international law as we have known it.

This is from a newspaper in a country that is a NATO ally:

The concept suggests laying the foundation of an ''ethical foreign policy.'' A democratic West which tolerates ethnic and religious diversities, which is stable and economically free, can even fight to give these values to other people. It is a very nice picture, but to impose freedom is a contradiction in terms.

Another headline: Al-Dustur in Jordan, the new King of which just paid a visit to this country:

The Anglo-American alliance imposed on NATO during the summit in Washington is a new orientation marked by imperialist arrogance and disregard for the rest of the world.

Those are pretty strong words.

This is a serious danger that faces the world, and to overcome it all non-NATO countries should cooperate and seek to develop weapons of mass destruction.

Is that what the new Strategic Concept is leading to in the minds of some of the critics in foreign countries?

Al Watan in Kuwait, the country we freed in regard to Desert Storm:

NATO does not have a strategy for the next 50 years, except America will remain the master, Europe the subordinate, Russia a marginalized state and the rest of the world secondary actors.

That is pretty tough criticism.

Asahi newspaper in Japan:

One such lesson is that members of an alliance often resort to their own military activities, paying scant attention to the trend of the U.N. Security Council, or international opinion. Another lesson is that the United States, the only superpower, often acts in accordance with its own logic or interests rather than acting as supporter for its allies.

This newspaper sums it up:

This has relevance to the U.S.-Japanese military alliance.

The newspaper Hankyoreh Shinmun of South Korea, an ally:

The summit decision to give the Alliance an enlarged role in the future is a dangerous one in that it may serve in the long term to merely prop up America's hegemonic endeavors. The talk of NATO's expanded role confuses everyone and even threatens global peace. NATO's new role could unify countries like Russia and China that oppose U.S. dominance, provoking a new global conflagration between them and the West.

In Taiwan, The China Times:

NATO's new order requires different agents to act on the U.S.'s behalf in different regions and to share the peace-keeping responsibility for the peace of greater America. In the Kosovo crisis, NATO on one hand tries to stop the Yugoslav government's slaughter. On the other hand, to show respect for Yugoslav sovereignty it also opposes Kosovar independence. This means that a country cannot justify human rights violations by claiming national sovereignty. By the same token, calls for independence in a high tension area are forbidden since they would naturally lead to war. These two principles have now become the pillars of the NATO strategic concept. Both sides of the Taiwan Strait have also repeatedly received similar signals: Beijing should not use force against Taiwan, and Taiwan should not declare independence.

There is a parallel.

Finally, in India, the newspaper Telegraph:

NATO will definitely try to make things difficult for nations like India which are planning to join the nuclear league. Though Russia, and now China, are seeking India's cooperation and active participation to build a multi-polar world order against the United States, Deli appears to be reluctant to play. This reluctance stems from the fear that the West, with help from Pakistan, might turn Kashmir into another Kosovo, highlighting human rights violations in the valley and Kashmir then might become a fit case for NATO intervention.

I do not buy that. I do not think we are going to do that. Some of the warnings, some of the descriptions that I have just read to my colleagues, I do not buy, but it shows you the attitude, it shows you how other people feel about the new Strategic Concept.

We have the same kind of commentaries from Argentina, from Canada, from Mexico again.

La Jornada, a newspaper in Mexico:

The decision by NATO leaders to turn that organization from a defensive into an offensive entity and to carry out military actions regardless of the U.N. is a defeat of civilized mechanisms that were so painfully put in place after World War II. If the Alliance really wanted to impose democratic values by force, it should start by attacking some of its own members, like Turkey, which carries out systematic ethnic cleansing campaigns against the Kurds.

Tough words.

My point remains that this new Strategic Concept, a concept that radically alters the focus and direction of NATO, has been adopted without the consultation of the Senate. Are we willing, as

Senators, to stand by and not debate, discuss, or give consent to a document that fundamentally alters the most successful alliance in history? What we discussed, what we ratified in regard to expansion is totally different than the new Strategic Concept. It has had no debate, it has had no discussion and, yet, it is a blueprint for our involvement in the future of NATO.

It is a document that fundamentally alters the most successful alliance in history and one that may cost the blood of our men and women and billions of dollars from our Treasury. We should at least debate it.

I urge my colleagues to support my sense-of-the-Senate amendment. I reserve the remainder of my time.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from Michigan.

Mr. LEVIN. Mr. President, I will be voting for this amendment because it is worded very differently from earlier versions. This version of the amendment simply requires the President to certify whether or not the new Strategic Concept of NATO imposes any new commitment or obligation on the United States.

In 1991, we had major changes in the alliance's Strategic Concept. These were huge changes. Section 9 of the alliance's new Strategic Concept in 1991, for instance, said:

Risks to allied security are less likely to result from calculated aggression against the territory of the allies but rather from the adverse consequences of instabilities that may arise from serious economic, social and political difficulties, including ethnic rivalries and territorial disputes which are faced by many countries in Central and Eastern Europe. They could lead to crises inimical to European stability and even to armed conflicts which could involve outside powers or spill over into NATO countries.

Then in paragraph 12, it says:

Alliance security must—

This is 1991—not this new one, but the Strategic Concept that was adopted in 1991.

Alliance security must take into account the global context. Alliance security interests can be affected by other risks of a wider nature, including proliferation of weapons of mass destruction, disruption of the flow of vital resources, and actions of terrorism and sabotage.

The reason that this 1991 Strategic Concept was not sent over to the Senate for ratification was very straightforward, very simple, in my judgment; and that is that the Strategic Concept then did not contain new commitments or obligations for the United States. This is a strategic concept; this is not a legally binding document. This is not a treaty-specific document which contains obligations and commitments on the part of the parties. This is a strategic concept document, both in 1991 and in 1999.

So when my good friend from Kansas says that I said the Congress was asleep in 1991, the Congress was not asleep in 1991. The Congress was exactly right in 1991. When this Strategic Concept was adopted in 1991, there were no new obligations or commitments that required the Senate to ratify this document. And there are no new obligations or commitments now.

The President has already told us that. He has already sent a letter to Senator WARNER. The President has sent a letter to Senator WARNER dated April 14, 1999, that says:

The Strategic Concept will not contain new commitments or obligations for the United States.

So the certification, which is required in this amendment—and rightfully so, by the way, in my judgment—has already been made. I see no reason it would not be made again.

So I do not believe that the Congress was sleeping in 1991, and it surely is not sleeping now. Senator ROBERTS is, as far as I am concerned, very appropriately saying to the administration, if this contains new commitments or obligations—if it contains new obligations and commitments—then you should send this to us as a treaty amendment.

Of course, I happen to think that is correct. This amendment does not find that there are new obligations and commitments. An earlier version of this amendment, by the way, did. This amendment does not do that. This amendment says to the President: Tell the Congress whether or not the new Strategic Concept—those are the precise words of this amendment—constitutes, involves, contains, new obligations or commitments.

Mr. WARNER. Would the Senator yield?

Mr. LEVIN. I would be happy to.

Mr. WARNER. The Senator points out that the letter was sent to me—correct—in response to a letter that I forwarded to the President. That is in last night's RECORD.

First, we welcome the Senator's support on this. But I think he would agree with me that that letter was written at the time when the language was still being worked, and of course it predates the final language as adopted by the 50th anniversary summit. That language is the object of this, I think, very credible inquiry by Mr. ROBERTS, myself, and others.

Mr. LEVIN. It is very appropriate.

Mr. WARNER. It is very well that the Senate may forward a letter that puts this matter to rest and, most importantly, clarifies in the minds of our other allies, the other 18 nations, exactly what this document is intended to say from the standpoint of America, which, I point out time and time again, contributes 25 percent of the cost to the NATO operations.

Mr. LEVIN. I think that is correct. The timing of the letter is exactly as the chairman says it is. But the statement of the President is that ''the Strategic Concept will not contain new commitments or obligations for the United States.''

The caption of the amendment by the Senator from Kansas is ''Relating to the legal effect of [this] new Strategic Concept.'' I think it is quite clear from our conversations with the State Department that the President can, indeed, and will, indeed, make this certification, and should—and should. I think it is an important certification.

I commend the Senator from Kansas. I think we need clarity on this subject. If there is a legally binding commitment on the United States in this new Strategic Concept, it ought to be sent to the Senate for ratification. But if this 1999 Strategic Concept is like the 1991 Strategic Concept—not a legally binding document but a planning document, a document setting out concepts, not legal obligations—that is a very different thing.

NATO has adopted strategic concepts continually during its existence. By the way, again, let me suggest there is nothing much broader than section 12 of the 1991 Strategic Concept which said: ''Alliance security must take into account the global context.'' Does that represent a binding commitment on the United States? It surely did not, in my judgment, and need not have been submitted to the Senate for ratification. I believe that the current Concept, which has been adopted, does not contain legally binding commitments.

Mr. WARNER. If the Senator will yield, the amendment, as carefully crafted, does not have the word ''legal'' in it. It imposes any ''new commitment.'' Indeed, there are political commitments that give rise to actions from time to time. So I recognize the Senator's focus on ''legal,'' but it does not limit the certification solely to legal. It embraces any new commitment or obligation of the United States.

Mr. LEVIN. Mr. Chairman, I think it clearly means the legal effect of this. But let us, rather than arguing over what is in or not in this amendment—I understand that there was going to be an effort made here to clarify language on the certification. If there is going to be such an effort, I would ask that be made now and that we then ask for the yeas and nays so we are not shooting at a moving target here. Really, I think it would be useful, if in fact that change relative to the certification requirement is going to be sent to the desk, it be sent to the desk at this point; and then I am going to ask for the yeas and nays.

Mr. ROBERTS. If the Senator will yield?

Mr. LEVIN. I do yield.

AMENDMENT NO. 377, AS MODIFIED

(Purpose: Relating to the legal effect of the new Strategic Concept of NATO)

Mr. ROBERTS. I do have that clarification in the form of an amendment, which I send to the desk, and I ask unanimous consent that in title X, at the end of subtitle D, that this amendment would be added.

Mr. BIDEN. Reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. BIDEN. There is objection. I would like to reserve the right to object, if you let me explain; otherwise, I will just simply object.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I reserve the right to object because if, in fact, the Senator wishes to change his amendment, I ask that we consider on line 7 adding the word ''legal,'' because failure to do so rewrites constitutional history here. Presidents make commitments all the time. Commitments and obligations do not a treaty make and do not require a supermajority vote under the Constitution by the Senate to ratify those commitments. I, at least for the time being, object and hope that after we finish this debate, before we vote, my colleague and I can have a few minutes in the well to see whether he will consider amending it to add the word ''legal'' on line 7 of his amendment. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I will yield the floor in just 2 minutes. I read this document quite clearly as meaning any new commitment or obligation, because it uses the word ''impose.'' I know no other way to impose an obligation or a commitment other than legal. When you use the word ''impose,'' it seems to me it is quite clear that that means it is imposed. So that is the way I read this language. If others want to read the language in a different way, they may. But I think that the certification requirement, which the Senator from Kansas wants to move into the front of this amendment instead of in the sense-of-the-Senate part of it, is simply a clarification of what was always the clear intent, which is that there be such a certification. And I think that that is more of a technical change than anything.

I have no objection to an amendment which moves the certification requirement to the front of the amendment before the sense-of-the-Senate language and imposes that as a certification requirement—not sense of the Congress but as a requirement on the President. In my judgment, there is no doubt but that it is only if there is a legally binding commitment or obligation that this would require a referral to the U.S. Senate, because no other requirement or obligation other than one that is legally binding on us would rise to the dignity of a treaty.

I hope the Senator will have a chance to move the certification requirement to an earlier position in his amendment. If I could just ask one question of my friend from Kansas, as I understand, that is what the modification does provide and nothing more; is that correct?

Mr. ROBERTS. I say to the Senator, I am not sure. I had thought we had an agreement that there would not be an objection to the amendment by unanimous consent. That obviously is not the case. We are going to have to consider this. Let us work on this.

I will be happy to visit here on the floor with the Senator from Delaware and my good friend from Michigan. I am not entirely clear, after listening to the Senator, that his description of this amendment is the one that I have. Let us work it out, and if push comes to shove, although I think it is entirely reasonable for a Senator to be allowed to amend his own amendment, if this has caused some concern on the part of both Senators, we can always bring this up as a separate amendment, which may be the best case. If, in fact, you say ''legal,'' you put the word ''legal'' in there, obviously I do not think the President is going to have any obligation to report on anything. In terms of obligation, if I might say so, if the Senator will continue to yield, if Kosovo is not an obligation, I am not standing here on the floor of the Senate. That is my response.

Why don't we visit about this if we can, and then, if necessary, we will just introduce an amendment at a later time as a separate amendment.

Mr. BIDEN. Mr. President, will the Senator from Michigan yield me 1 minute?

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

Mr. BIDEN. Just 1 minute and then afterwards I see others will seek recognition to speak.

I want to make it clear, I do not know where the Senator got the impression that there would be no objection. I did not agree to that. What I suggested was that when he asked me whether or not I objected, I asked him to withhold until after I made my talk and asked some questions. Then I would not object. We are getting the ''cart before the horse'' here. I want to make it clear, I may not ultimately object. I just want to have an opportunity to speak to this before he sends his amendment to the desk.

Mr. ROBERTS addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I ask unanimous consent that Senator SMITH of New Hampshire be added as an original cosponsor of Roberts amendment No. 377.

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

Mr. ROBERTS. I yield 5 minutes to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mrs. HUTCHISON. I thank the Chair.

I thank the Senator from Kansas for pursuing this, because I do think it is a very important amendment. I think it is very important that we ask the President to come forward and tell us if this new Strategic Concept we have all been reading imposes a new commitment or obligation on the United States.

The original NATO treaty, the whole treaty, is very clear. It is a defensive alliance. That has never been questioned until what is happening today in Kosovo, which is clearly not defensive. It is offensive. NATO has started airstrikes on a sovereign nation that is not a member of NATO. So I think it is, before our eyes, evolving into a new Strategic Concept for NATO, and I think we most certainly must have the right to approve it. It is an addition to a treaty obligation that was made 40-plus years ago.

Now, I am not necessarily against NATO having an offensive part of a treaty obligation, but I am absolutely certain that the Senate must approve this kind of added obligation and that we not walk away from the very important concept that a treaty sets out certain obligations and it is required to be ratified by Congress. And most certainly, we must ratify the changing of a treaty obligation from a defensive alliance to an offensive alliance.

There is no question that the founders of our country chose to make it difficult to declare war. They chose to make it difficult to declare war by giving the right to Congress. They could have given it to the President, but they were going away from the English system, where the King declared war and implemented the same war. They wanted a division of responsibility, and they wanted it to be difficult to put our troops in harm's way. Indeed, every President we have had has said that it should be difficult to put our troops in harm's way; perhaps until this President, that is.

So it is important that we pass this amendment and that the President certify that we either do have a new obligation or we do not. I think we do, and I think we need to debate it.

As I said, I am not against NATO having some offensive responsibilities. I do question that they have in our NATO treaty the right to do what they are doing right now. I think we need to debate it, and I think we need to clarify exactly what would be in a new offensive strategy that would be a part of a NATO treaty obligation of the United States of America.

I can see a role for NATO that would declare that we have security interests that are common and that we would be able to determine what those common security interests are and that we would fight them together, stronger than any of us could fight independently. I do not know that Kosovo meets that test, but I think others certainly do believe that. I do believe that a Desert Storm does meet the test or Kim Jong-Il, with nuclear capabilities, does meet that test.

Mr. President, I support the amendment, and I ask unanimous consent to be added as a cosponsor of the amendment. I think it is incumbent on the Senate to stand up for our constitutional responsibility and that is what this amendment does.

I thank the Chair.

Mr. ROBERTS. Mr. President, may I ask how much time I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. ROBERTS. I do not know if the Senator from Delaware would like to speak at this moment.

Mr. BIDEN. Mr. President, I would, if I may.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

Mr. BIDEN. The distinguished Senator from Michigan indicated that I could yield myself such time as he has remaining.

Mr. President, I say to my friend from Kansas, I have no objection, after talking to him, if he wishes to send his amendment to the desk now. I will yield the floor.

Mr. ROBERTS. Mr. President, I send a modification to my amendment to the desk.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment (No. 377), as modified, is as follows:

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

SEC. 1061. LEGAL EFFECT OF THE NEW STRATEGIC CONCEPT OF NATO.

(a) CERTIFICATION REQUIRED.—Not later than 30 days after the date of enactment of this Act, the President shall determine and certify to the Senate whether or not the new Strategic Concept of NATO imposes any new commitment or obligation on the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, if the President certifies under subsection (a) that the new Strategic Concept of NATO imposes any new commitment or obligation on the United States, the President should submit the new Strategic Concept of NATO to the Senate as a treaty for the Senate's advice and consent to ratification under Article II, Section 2, Clause 2 of the Constitution of the United States.

(c) REPORT.—Together with the certification made under subsection (a), the President shall submit to the Senate a report containing an analysis of the potential threats facing NATO in the first decade of the next millennium, with particular reference to those threats facing a member nation, or several member nations, where the commitment of NATO forces will be ''out of area'' or beyond the borders of NATO member nations.

(d) DEFINITION.—For the purpose of this section, the term ''new Strategic Concept of NATO'' means the document approved by the Heads of State and Government participating in the meeting of the North Atlantic Council in Washington, D.C., on April 23 and 24, 1999.

Mr. ROBERTS. Mr. President, I ask unanimous consent that ''In title X at the end of subtitle D'' be added to my original amendment.

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

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, one of the things that we sometimes confuse here—I know I do—is what is a political obligation and what is a constitutional obligation. I respectfully suggest that there is no constitutional requirement for the President of the United States—this President or any future President—to submit to the Senate for ratification, as if it were an amendment to a treaty, a Strategic Concept that is a political document. We use the words interchangeably on this floor. A new commitment or obligation, as I said, does not a treaty make.

Our Strategic Concept has always been a political, not legal document. Before last month's summit, NATO had revised the Strategic Concept five times in the past and never once had required the Senate's advice and consent. Doing so now would gravely undermine NATO's alliance and our efforts, as well as being a significant overreach in terms of our constitutional authority.

Let's not be fooled by the fact that the Roberts-Warner amendment only expresses the sense of the Senate. My concern is that unless we know exactly its dimension, it will be read in other NATO capitals as much more than it is. Just as my friend from Kansas quoted from the headlines and editorials of other newspapers—I might note that they were not governments, but other newspapers—I point out that people in other countries can misread actions taken by a country or group of countries. My concern is that in NATO capitals our actions will be misread.

The amendment sets out political criteria in point 1; and then in point 2 transforms them into legally binding ones that would require the Senate's advice and consent. This is a clever use of a non sequitur.

NATO's Strategic Concept has always given political guidance to the alliance's members. To that extent, this sixth revision of the Strategic Concept imposes commitments. But contrary to the assertions made by my distinguished friend from Kansas, it in no way changes the fundamental purpose of the North Atlantic Treaty of 1949.

We should oppose this amendment for four reasons, but if we are not going to oppose it now that it has been changed from its original amendment, we should at least recognize four important points:

One, to suggest that—if it were to be suggested—the Strategic Concept should be treated as an amendment to the treaty would set a terrible precedent and send a horrible signal at a time when we are striving to maintain alliance unity.

It would signal our NATO allies that the United States will not implement the new Strategic Concept without formal Senate advice and consent.

If we pass this amendment, couldn't the British, French, or Germans say tomorrow that they are going to disregard NATO's operating procedures? Couldn't they say tomorrow that they are no longer going to be bound by their commitment to beef up their military capacity as they committed to in 1991?

Given that NATO's decisions require unanimity, and that all 19 NATO member parliaments might then assert that they would have to ratify each and every future change in an operating procedure, we would be building in chaos to the alliance. How could we operate under those circumstances?

The second point I want to make is that we should remember that there have been many other changes in the Strategic Concept, as my friend from Michigan has pointed out, and they were never considered the equivalent of a new international treaty.

As I mentioned, before this year, NATO's original 1949 Strategic Concept had been revised five other times. Included among those were three fundamental transformations.

In 1957, the alliance adopted a new strategy, which would have shocked my friend from Kansas. It was called Massive Retaliation. Talk about a commitment—a commitment that was, I might add, totally consistent with the provisions of the treaty. It was an operating procedure.

In 1967, NATO abandoned the doctrine of Massive Retaliation in favor of the doctrine of Flexible Response. And then, in 1991, to continue to make the treaty relevant operationally, NATO recognized that after the end of the Soviet threat, NATO would nonetheless be confronted by a series of new threats to the alliance's security, such as ethnic rivalries and territorial disputes. It altered the Strategic Concept accordingly.

These were dramatic changes to alliance strategy, yet not once did the Senate, notwithstanding the fact it was not asleep, believe it had to provide its advice and consent.

There was a great deal of discussion about the 1991 Strategic Concept. I participated in it, others participated in it, and it revolved around what was the purpose of NATO and how we were operationally going to function now that the worry was no longer having 50 Soviet divisions coming through the Fulda Gap in Germany—a recognition that the territorial integrity of member states was still threatened, and instead of Soviet divisions rolling through the Fulda Gap with Warsaw Pact allies, there was a different threat, nonetheless real, nonetheless warranting this mutual commitment made to defend the territorial integrity of member states.

We discussed it. We debated it. There were those who thought it didn't go far enough. There are those who thought it went too far. But it wasn't that we were asleep and didn't pay attention. In fact, maybe it was because—and I am not being facetious—my friend was in the House where they don't deal with treaties, where it is not their constitutional obligation, and where foreign policy is not the thing they spend the bulk of their time on. But we weren't asleep over here. In fact, the current 1999 version of the Strategic Concept is much more similar to its 1991 predecessor than the 1991 document was to any of its predecessors.

My third point is simple. The revised Strategic Concept does not require advice and consent because it is not a treaty.

The rules under U.S. law on what constitutes a binding international agreement are set forth in the Restatement of Foreign Relations Law of the United States, as well as in the State Department regulations implementing the Case-Zablocki Act.

Under the Restatement, the key criterion as to whether an international agreement is legally binding is if the parties intend that it be legally binding and governed by international law. (Restatement, Sec. 301(1)).

Similarly, the State Department regulations state that the ''parties must intend their undertaking to be legally binding and not merely of political or personal effect.'' (22 Code of Federal Regulations §181.2(a)(1)).

Thus, many agreements that are not binding are essentially political statements. There is a moral and political obligation to comply in such cases, but not a legal one.

The most well-known example of such a political statement is the Helsinki Final Act of 1975, negotiated under the Ford administration and credited by most of us as the beginning of the end of the Soviet Union, the most significant political act that began to tear the Berlin Wall down. That was a political statement—commitments we made, but not of treaty scope requiring the advice and consent of the Senate.

The second key criterion is whether an international agreement contains language that clearly and specifically describe the obligations that are to be undertaken.

An international agreement must have objective criteria for determining the enforceability of the agreement. (22 C.F.R. §181.2(a)(3)).

Another criterion is the form of the agreement. That is, a formal document labeled ''Agreement'' with final clauses about the procedures for entry into force is probably a binding agreement. This is not a central requirement, but it does provide another indication that an agreement is binding. (22 C.F.R. §181.2(a)(5)).

A reading of the Strategic Concept clearly indicates that it is not a binding instrument of which treaties are made.

Rather, the Strategic Concept is merely a political statement with which my colleague from Kansas and others disagree. I respect that. I respect their disagreement with the political commitment that was made. But their political disagreement with a political commitment does not cause it to rise to the level of a binding treaty obligation requiring the advice and consent of the Senate, no matter how important each of them may be, no matter how relevant their objectives may be, no matter how enlightened their foreign policy may be.

Rather, the Strategic Concept is merely a political statement that outlines NATO's military and political strategy for carrying out the obligations of the North Atlantic Treaty.

Nowhere in the Strategic Concept can you find binding obligations upon the members of NATO.

For, if that were the case, all of our European allies as of a year ago, with the exception of Great Britain, would have been in violation of their treaty obligations—would have been in violation of their treaty obligations because of the commitments they made to build up—I will not bore the Senate with the details—their military capacity. Yet no one here on the floor has risen to suggest over the past several years, even though we have decried their failure to meet their obligations, that they have violated their treaty obligations.

Instead, the language of the Strategic Concept contains general statements about how NATO will carry out its mission.

The most important question, as I stated, is the intent of the parties. As the President wrote to the Chairman of the Committee on Armed Services on April 14, ''the Strategic Concept will not contain new commitments or obligations for the United States.''

Of course, the Strategic Concept creates a political commitment. And we take our political commitments seriously.

All member states, the United States included, assume political obligations when they take part in the alliance's integrated military planning.

That is what target force goals are all about. And, Mr. President, that lies at the heart of burden-sharing, whose importance several of us continually stress to our NATO allies.

The 1999 Strategic Concept creates a planning framework for NATO to act collectively to meet new threats if they arise.

So I would summarize the key point in this way: the Strategic Concept imposes political obligations to create military capabilities, but it does not impose legal obligations to use those capabilities.

My fourth point is that I understand the concern that NATO's core mission—alliance defense—not be altered. It has not been.

Our negotiators at last month's NATO summit did exactly what the vast majority of Senators wanted.

They consciously incorporated the Senate's concerns that NATO remain a defensive alliance when they negotiated the revised Strategic Concept.

The revised Strategic Concept duplicates much of the language contained in the Kyl amendment to the Resolution of Ratification on NATO Enlargement.

You all remember the Kyl amendment. We were not asleep at the switch. We were not failing to pay attention. We debated at length—my friend from Virginia, and I, and others—NATO enlargement. It is one of the few areas on which we have disagreed.

We debated at length the Kyl amendment. Let me remind my colleagues that the amendment was adopted by the Senate in April of 1998 by a 90–9 vote.

Rather than reviewing the specifics of the document, because time does not permit, nor do I think memories have to be refreshed that clearly, because everyone remembers, I ask unanimous consent that I be allowed to enter into the RECORD a document provided by the Clinton administration that reviews paragraph by paragraph the similarities between the Kyl amendment and the 1999 Strategic Concept.

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

THE KYL AMENDMENT AND THE STRATEGIC CONCEPT OF NATO

(Document drafted for Assistant Secretary of the State Marc Grossman on April 29, 1999 and handed out by Secretary Grossman to Members of the Senate on May 5, 1999)

Assistant Secretary for European Affairs Marc Grossman in SFRC testimony on April 21: ''During the NATO enlargement debate some 90 Senators led by Senator Kyl passed an amendment laying out clear criteria for NATO's updated Strategic Concept. We heard your message and made the criteria established by Senator Kyl our own.''

Language from the Kyl Amendment: ''The Senate understands that the policy of the United States is that the core concepts contained in the 1991 Strategic Concept of NATO, which adapted NATO's strategy to the post-Cold War environment, remain valid today, and that the upcoming revision of that document will reflect the following principles:''

I. FIRST AND FOREMOST, A MILITARY ALLIANCE

Strategic Concept Paragraph 6: ''. . . safeguard freedom and security . . . by political and military means.''

SC Para 25: ''. . . a broad approach to security which recognizes the importance of political, economic, social and environmental factors in addition to the indispensable defense dimension.''

II. PRINCIPAL FOUNDATION FOR DEFENSE OF SECURITY INTERESTS

SC Para 4: ''. . . must safeguard common security interests in an environment of further, often unpredictable change.''

SC Para 8: ''. . . the Alliance enables them through collective effort to realize their essential national security objectives.''

SC Para 25: ''NATO remains the essential forum for consultation . . . and agreement on policies bearing on security and defense commitments . . .''

III. STRONG U.S. LEADERSHIP PROMOTES/ PROTECTS U.S. VITAL SECURITY INTERESTS

SC Para 27: ''. . . a strong and dynamic partnership between Europe and North America . . .''

IV. U.S. LEADERSHIP ROLE THROUGH STATIONING FORCES IN EUROPE, KEY COMMANDERS

SC Para 42: ''presence of US conventional and nuclear forces in Europe remains vital . . .''

SC Para 62: ''. . . supreme guarantee of the security of Allies is provided by the strategic nuclear forces of the Alliance, particularly those of U.S.''

V. COMMON THREATS

a. potential re-emergence of hegemonic power.

SC Para 20: ''. . . large-scale conventional threat is highly unlikely, but the possibility of such a threat emerging exists.''

b. rogue states and non-state actors with WMD.

SC Para 22: ''. . . can pose a direct military threat to Allies' populations, territory, and forces.''

c. wider nature, including disruption of flow of vital resources, other transnational threats.

SC Para 24: ''. . . of a wider nature, including acts of terrorism, sabotage and organised crime, and by the disruption of the flow of vital resources.''

d. conflict stemming from ethnic and religious enmity, historic disputes, undemocratic leaders.

SC Para 20: ''Ethnic and religious rivalries, territorial disputes, inadequate or failed efforts at reform, the abuse of human rights, and the dissolution of states . . .''

VI. CORE MISSION IS COLLECTIVE DEFENSE

SC Para 27: ''. . . Alliance's commitment to the indispensable transatlantic link and the collective defense of its members is fundamental to its credibility and to the security and stability of the Euro-Atlantic area.''

SC Para 28: ''The maintenance of an adequate military capability and clear preparedness to act collectively in the common defense remain central to the Alliance's security objectives.''

VII. CAPACITY TO RESPOND TO COMMON THREATS

SC Para 52: ''The size, readiness, availability and deployment of the Alliances military forces will reflect its commitment to collective defense and to conduct crisis response operations, sometimes at short notice, distance from home stations . . .''

SC Para 52: ''They must be interoperable and . . . must be held at the required readiness and deployability, and be capable of . . . complex joint and combined operations, which may also include Partners and other non-NATO nations.''

VIII. INTEGRATED MILITARY STRUCTURE: COOPERATIVE DEFENSE PLANNING

SC Para 43: ''. . . practical arrangements . . . based on . . . an integrated military structure . . . include collective force planning, common funding, common operational planning . . .''

IX. NUCLEAR POSTURE: AN ESSENTIAL CONTRIBUTION TO DETER AGGRESSION; U.S. NUCLEAR FORCES IN EUROPE; ESSENTIAL LINK BETWEEN EUROPE AND NORTH AMERICA ENSURE UNCERTAINTY IN MIND OF AGGRESSOR

SC Para 42: ''presence of U.S. conventional and nuclear forces in Europe remains vital to the security of Europe, which is inseparably linked to that of North America.''

SC Para 46: ''. . . remain essential to preserve peace.''

SC Para 62: ''. . . fulfill an essential role by ensuring uncertainty in the mind of any aggressor . . .''

X. BURDENSHARING: SHARED RESPONSIBILITY FOR FINANCING AND DEFENDING

SC Para 30: ''. . . Allies have taken decisions to enable them to assume greater responsibilities . . .;'' will enable all European Allies to make a more coherent and effective contribution to the missions . . . of the Alliance;'' ''. . . will assist the European Allies to act by themselves as required.''

SC Para 42: ''The achievement of Alliance's aims depends critically on the equitable sharing of the roles, risks and responsibilities . . . of common defense.''

Mr. BIDEN. Mr. President, let me also remind my colleagues that NATO's decisions require unanimity. I know we all know that. We got that unanimity at a recent Washington summit after long and tough negotiations.

By appearing to withhold U.S. support for the revised Strategic Concept—and perhaps eventually even blocking its implementation—this amendment, if misread, would put the alliance in great jeopardy.

And that could lead to the collapse of NATO, which I am sure is not the goal of my colleague from Kansas.

One final comment. I know that my friend from Kansas is strongly opposed to the conduct of the current war in Yugoslavia, and, while disagreeing with him, I respect his views.

But, I would remind him and the rest of my colleagues that the 1999 revision of the Strategic Concept is neither the justification for, nor the driving force behind, NATO's bombing campaign or actions in Kosovo.

NATO's bombing campaign began a full month before the newest revision of the Strategic Concept was approved at the Washington Summit.

To sum up, there are no compelling political or legal arguments for the Roberts amendment. in terms of making this concept subject to treaty amendment.

I urge my colleagues to join me in voting against this amendment.

I yield the floor. I thank my colleagues.

Mr. ROBERTS. Mr. President, might I inquire of the distinguished acting Presiding Officer how much time remains?

The PRESIDING OFFICER. Five minutes.

Mr. ROBERTS. I thank the Presiding Officer.

Mr. President, I ask unanimous consent that the Senator from Oklahoma, Mr. INHOFE, be added as an original cosponsor of the Roberts amendment.

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

Mr. ROBERTS. Mr. President, I yield to the distinguished Senator from Colorado, my friend and colleague, 3 minutes of the remaining time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado.

Mr. ALLARD. I thank the Senator from Kansas for yielding.

I ask unanimous consent that I be made a cosponsor of the Roberts amendment.

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

PRIVILEGE OF THE FLOOR

Mr. ALLARD. Mr. President, I ask unanimous consent that Doug Flanders of my staff have floor privileges during the entire debate on the National Defense Authorization Act for fiscal year 1999.

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

Mr. ALLARD. Mr. President, I rise in strong support of the Roberts amendment. The reason I do that is I think that the North Atlantic Treaty Organization, which we refer to as NATO in this debate, is suffering from mission creep. I look at what has happened with the Strategic Concept in 1991. I look at the passing of the 1999 new Strategic Concept, and I think it becomes clear how mission creep is moving in.

In 1991, NATO established a new Strategic Concept which altered the concept dramatically from the original treaty. It allowed for more flexibility in the ability to get into a wide range of military operations. However, I add that it did maintain in part 4, under Guidelines for Defense, entitled ''Principle of Alliance Strategy''—I want to quote specifically from that Strategic Concept.

The alliance strategy will continue to reflect a number of fundamental principles. The alliance—

And this is underlined—

The alliance is purely defensive in purpose. None of its weapons will ever be used except in self defense. And it does not consider itself to be anyone's adversary.

Then, if we look at the 1999 new Strategic Concept, it still says that their core purpose is the collective defense of NATO members. It adds that NATO:

. . . should contribute to peace and stability in the region.

But, while a lot of the debate here on the floor has been about what does the Concept say, the important point I want to make here is what is important is what it does not say. In the 1999 new Strategic Concept, there is no mention that the alliance will never use its weapons except in self-defense. So, in 1991 the new Strategic Concept said the alliance was purely defensive in purpose. In 1999, there is no mention that the alliance will never use its weapons other than in self-defense.

I think that is a real important distinction. That is why I think it is so important we have a debate on the mission of NATO.

The PRESIDING OFFICER. The Senator's time has expired. The Chair recognizes the Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my colleague from Kansas for this amendment. I know there are additional speakers—on this side, at least—who desire to speak on it, so I ask unanimous consent both sides have an additional 8 minutes to speak on this amendment.

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

Mr. NICKLES. Mr. President, will my colleague yield 3 minutes?

Mr. ROBERTS. I am delighted to yield my distinguished colleague and friend 3 minutes.

Mr. NICKLES. Mr. President, I thank the Senator for this amendment. I think this is a very important amendment. I wish we would debate it at much greater length, because I am afraid, from some of the things I have read, from comments made by the President of the United States, that he is expanding NATO's role, commitment, obligation, frankly, far beyond the treaty we have signed, which has been so successful, the 50th anniversary of which we commemorated this year.

I look at the President's statement he made on May 27, 1997. He did this in concert with French President Chirac and Russian President Yeltsin in France. He stated:

In turn, we are building a new NATO. It will remain the strongest alliance in history, with smaller, more flexible forces, prepared to provide for our defense, but also trained for peacekeeping.

He goes on, and I will just read the last sentence:

It will be an alliance directed no longer against a hostile bloc of nations, but instead designed to advance the security of every democracy in Europe—NATO's old members, new members, and non-members alike.

A couple of days later he made a speech at the United States Military Academy, a commencement speech at West Point, May 31, 1997:

To build and secure a new Europe, peaceful, democratic and undivided at last, there must be a new NATO, with new missions, new members and new partners. We have been building that kind of NATO for the last three years with new partners in the Partnership for Peace and NATO's first out-of-area mission in Bosnia. In Paris last week, we took another giant stride forward when Russia entered a new partnership with NATO, choosing cooperation over confrontation, as both sides affirmed that the world is different now. European security is no longer a zero-sum contest between Russia and NATO; but a cherished, common goal.

Clearly, President Clinton is trying to redefine NATO's mission far beyond a defensive alliance, as our colleague from Kansas pointed out. The purpose in the charter of NATO under article 5 was a defensive alliance. Now he is expanding it to include nonmembers. He is including out-of-area conflicts. He includes ethnic conflicts or trying to resolve ethnic conflicts. I think, clearly, if he is going to do so, he needs to rewrite the NATO charter and submit that as a treaty to the Senate for its ratification.

So I compliment my colleague for this amendment. I think it is one of the most important amendments we will consider on this bill. I urge my colleagues to vote in favor of the Roberts amendment, and I thank him for his leadership.

Mr. ROBERTS. Mr. President, how much time do we have remaining now?

The PRESIDING OFFICER. The Senator controls 7 minutes.

Mr. ROBERTS. Mr. President, I ask unanimous consent that Senator SESSIONS be added as an original cosponsor of the Roberts amendment.

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

Mr. ROBERTS. I yield the distinguished Senator 2 minutes.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Kansas for bringing forward a very critical amendment. I spent 17 years as a U.S. attorney or assistant U.S. attorney, representing the United States in court. I am looking at the legal implications of this amendment as a lawyer for the United States.

What we are doing here is very, very historic. This Congress has ratified a defensive treaty. We are moving into a new world. We are looking at an entirely different approach to life, and the President is unilaterally expanding the commitments of this Nation under the guise of a new NATO that is involved in new missions, as the Senator from Oklahoma has just noted; committing us solemnly with the same depth of commitment that we put our lives, our fortunes, and our honor to preserve the integrity of democracy against totalitarian communism for all of these years.

That is what is being asked here. To have that done without full debate and full approval of this Congress is astounding and would represent a major legal erosion of the powers of the Senate and the Congress, particularly the Senate, to review these matters. So I cannot express too strongly how important it is this Senate reassert its historic responsibility to advise and consent to involvement in these kind of foreign policies.

Once the President commits us, we pay for it. Right now this action in Kosovo amounts to 19 NATO nations meeting and deciding how to deploy the U.S. Air Force. We are paying for this war in their own backyard, and they are voting on how to conduct it. We simply have to get a better grip on it.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. SESSIONS. I thank the Senator from Kansas.

Mr. ROBERTS. I yield 2 minutes to the Senator from Oklahoma.

Mr. WELLSTONE. I ask my colleague whether I could have 10 seconds to have some fellows granted the privilege of the floor? They have been waiting outside. May I do that without taking anybody's time?

Mr. ROBERTS. Certainly.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Ben Highton, Rachel Gragg, John Bradshaw, and Michelle Vidovic, who are fellows, be granted the privilege of the floor for the duration of the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I know the Senator from Delaware, the Senator from Alabama, and others have been talking about the legal ramifications of what this amendment is all about. You can study the sections and subsections and sub-subsections and quote all of these things, but I think we all know this was an alliance that was set up to be a defensive alliance. Now we are getting into something that is far more than that.

But I would put out two things that have not been said. First of all, I just came back from the Canada-United States interparliamentarian meeting up there. It is very clear to me they are involved in this, with a very modest contribution, only because we are in there. I wonder how many other of these countries are getting involved because we are providing that leadership.

No. 2, my concern about this is not a legalistic concern. It is what effect is this having on our state of readiness. I happen to be chairman of the Readiness Subcommittee. This is what is very frightening. We can remember in this Chamber in 1994, in 1995, talking about Bosnia; we were going to be sending people over to Bosnia. What was the main argument used? We have to protect the integrity of NATO. Then we have the same thing coming up on Kosovo. It has come up in other places, too.

These are areas where we do not have national strategic interests. What it has done is to put us in a position where we cannot carry out the minimum expectations of the American people or our national military strategy, which is to defend America on two fronts.

I want to tell you how proud I was of General Hawley the other day, Air Combat Command, who came out and said we, right now, are not in a position to respond if we should be called upon to respond in areas where we do have a national strategic interest such as North Korea or the Persian Gulf.

It is very, very important that we get to the bottom of this and we make a determination as to what our future commitments are going to be as far as NATO is concerned.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I believe this debate is taking on excellent participation. I think we can allocate another 10 minutes to both sides—10 minutes under the control of the Senator from Kansas and 10 minutes under the control of my distinguished colleague from Michigan.

Mr. LEVIN. Reserving the right to object, and I do not plan to object, I wonder if the Chair can inform us as to how much time is remaining on both sides under the previous extension.

The PRESIDING OFFICER. Almost 3 minutes on this side and 8 minutes on the side of the Senator from Michigan.

Mr. LEVIN. I want to protect the rights of the Senator from Minnesota who has been waiting.

Mr. WELLSTONE. Mr. President, I say to my colleague, this is an important debate. I agree with both of the managers. We should go on with the debate. I ask the question whether or not I may bring this amendment up after the caucuses or speak for a while but then have some time later.

Mr. WARNER. Mr. President, I can address that and make a suggestion. On this side, we are prepared to accept the third amendment. I suggest perhaps at the hour of 12:25, the distinguished ranking member and I and Mr. WELLSTONE can address the three amendments and conclude them before the caucus. Will that be convenient?

Mr. WELLSTONE. I say to my colleague, I thank him for two of the amendments. I am committed to having a rollcall vote on the welfare tracking amendment, so that would not work out for me. I am pleased to go on with this debate, and I will come back later.

Mr. ROBERTS. Will the distinguished Senator yield?

Mr. WARNER. Mr. President, this is the first time we have known of the Senator's desire to have a rollcall vote on the third amendment. We are prepared to accept it.

Mr. WELLSTONE. Mr. President, I say to my colleague from Virginia, I appreciate working with him on the other amendments. I have been down this path before with voice votes and then it is out in conference. I am committed to having a debate and vote on this. I am sorry my colleague is surprised by this. I am more than willing to wait. I think this debate is very important. I will come back later and do this.

Mr. WARNER. Mr. President, I want the opportunity to consult with the chairman of the committee that has jurisdiction over the subject matter of the third amendment and with the majority leader and presumably the minority leader, and set a time for the rollcall vote, which the Senator is entitled to have. For the moment, we are prepared to accept the two amendments and then allow the debate——

The PRESIDING OFFICER. Under the previous order, the time is set for the Wellstone amendment.

Mr. WARNER. On the two amendments from Senator WELLSTONE.

Mr. LEVIN. Mr. President, if the chairman will yield, may I make a suggestion that after we conclude the debate on the pending amendment, we immediately proceed to the first of the two Wellstone amendments, accept those before lunch, and then determine at that time whether to conclude the debate on the third. In any event, the rollcall vote on the third amendment will have to come after lunch under the existing unanimous consent agreement.

Mr. ROBERTS. If the Senator will yield, basically how much additional time to the time we have left has the Senator asked for? I am not sure there are any more Members who want to speak on the minority side. I can wrap up in 5 minutes or less. I am adding cosponsors every minute, so I am happy to stay here for a while.

Mr. WARNER. Mr. President, for the purpose of the party caucuses, we hope to complete all debate on the underlying amendment circa 12:30, which is roughly a half hour. I wish to speak a few more minutes on the amendment offered by the Senator from Kansas, as does the ranking member.

My suggestion is, if possible, while Senator WELLSTONE is on the floor, do the voice voting of his two amendments, reserving, of course, scheduling the third, and then we can continue with this debate. It will not take but a minute on the two voice votes on the two Wellstone amendments.

Mr. ROBERTS. I have no problem.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. We have not put it in the form of a unanimous consent request.

Mr. WELLSTONE. Mr. President, I apologize. I was in a discussion with the staff on the majority side. What are we talking about here?

Mr. LEVIN. Mr. President, the suggestion was we immediately take up the two Wellstone amendments that we are going to voice vote, then go back to the Roberts amendment, and then come back to the third amendment afterwards.

Mr. WELLSTONE. That will be fine with me.

AMENDMENT NO. 381, AS MODIFIED

Mr. WELLSTONE. Mr. President, first, on amendment No. 381, I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 83, between lines 7 and 8, insert the following:

SEC. 329. PROVISION OF INFORMATION AND GUIDANCE TO THE PUBLIC REGARDING ENVIRONMENTAL CONTAMINATION AT U.S. MILITARY INSTALLATIONS FORMERLY OPERATED BY THE UNITED STATES THAT HAVE BEEN CLOSED.

(a)(1) REQUIREMENT TO PROVIDE INFORMATION AND GUIDANCE.—The Secretary of Defense shall publicly disclose existing, available information relevant to a foreign nation's determination of the nature and extent of environmental contamination, if any, at a site in that foreign nation where the United States operated a military base, installation, and facility that has been closed as of the date of enactment of this Act.

(2) CONGRESSIONAL LIST.—Not later than September 30, 2000, the Secretary of Defense shall provide Congress a list of information made public pursuant to paragraph (1).

(b) LIMITATION.—The requirement to provide information and guidance under subsection (a) may not be construed to establish on the part of the United States any liability or obligation for the costs of environmental restoration or remediation at any site referred to in subsection (a).

(c) NATIONAL SECURITY.—Information the Secretary of Defense believes could adversely affect U.S. National Security shall not be released pursuant to this provision.

Mr. WELLSTONE. Mr. President, I will take a very brief period of time on each amendment. Basically what this amendment says is:

The Secretary of Defense shall publicly disclose existing, available information relative to a foreign nation's determination of the nature and extent of environmental contamination, if any, at a site in that foreign nation where the United States operated a military base, installation, and facility that has been closed as of the date of the enactment of this Act.

I thank both colleagues, and I really hope these amendments will be supported in conference committee.

To make a long story short, when we leave a country, close our base, quite often what happens is that there is some environmental contamination. We want to make sure those countries have access to information as to the extent of what chemicals or substances are there which might pose a danger to their citizens.

It is a very reasonable amendment. It is important for our foreign relations with these countries. I believe it has strong bipartisan support. I thank Senator LEVIN and Senator WARNER for their support and make the request—I think both Senators will do this—that this be kept in conference committee. That is why I do not need a recorded vote.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. May I seek clarification of our colleague from Minnesota, on his third amendment: What number does he designate this being? He just mentioned he wanted to send an amendment—

Mr. WELLSTONE. I thought we were going to do two amendments right now: One is on environmental impact when we close bases, and the second amendment is on atomic vets, both of which the Senator is prepared to accept.

Mr. WARNER. Correct.

Mr. WELLSTONE. The third amendment, No. 382, deals with tracking, reporting on what is actually happening in the country right now with welfare reform.

Mr. WARNER. Mr. President, I am familiar with that, and the Senator first wishes to amend the text of No. 382?

Mr. WELLSTONE. No; I just did—

Mr. WARNER. You just did it.

Mr. WELLSTONE. I modified amendment No. 381.

Mr. WARNER. Addressing No. 382, what amount of time will the Senator require for debate on No. 382?

Mr. WELLSTONE. The UC provides for an hour equally divided.

Mr. WARNER. And does the Senator wish to adhere to that previous order?

Mr. WELLSTONE. I say to my colleague, yes, I have been trying to get this amendment on the floor for some time. I am talking to a good friend, my friend from Virginia, as I make my case. I believe my friend from Virginia will agree that this is well worth the focus on the part of the Senate.

Mr. WARNER. I am only addressing procedure.

Mr. WELLSTONE. One hour equally divided is the UC.

Mr. WARNER. We would like to complete that amendment by 1 o'clock. Will the Senator reduce his amount of time? In all likelihood, we will yield back the half hour reserved for us, because there is not likely to be any opposition.

Mr. WELLSTONE. Mr. President, I am delighted if there is not any opposition. If the Senator is going to yield back his time, clearly—I do need to go to the caucus, but I would rather not yield back time. I will try to shorten

my presentation. If there is not a response, so be it; we will get a strong vote.

Mr. WARNER. For the convenience of the Senate, does the Senator think he can give us any estimate as to how he can shorten it from a half hour down to, say, 10 or 12 minutes?

Mr. WELLSTONE. Mr. President, I am not going to shorten this amendment to 10 or 12 minutes in any way, shape or form, because it is too important to have a chance to talk about what is happening to these women and children and make sure that we track what is happening.

Mr. WARNER. I am just seeking to try to accommodate the Senate.

Mr. WELLSTONE. We should stay with the UC agreement.

Mr. WARNER. Beg your pardon?

I have to address the Chair. There is a UC requirement of the expenditure of that time prior to the normal weekly recess today at 12:30?

The PRESIDING OFFICER. There is.

Mr. WARNER. This is the dilemma that the Senator from Virginia, the manager of the bill has, in that, as drawn, the UC of last night requires it to be completed prior to 12:30. So now let's figure out how we accommodate the Senate. Perhaps we can move your amendment to some point this afternoon, that is, amendment No. 3, when the Senator could avail himself of the full 30 minutes, if he so desires.

Mr. WELLSTONE. Mr. President, I would be more than willing —if several of my colleagues want to speak on the very important amendment that Senator ROBERTS has offered, I would be willing to bring my amendment up right after the caucuses and go to it right then.

Mr. WARNER. If I may say, Mr. President, right after our caucuses are votes on other amendments, including Senator ROBERTS' amendment.

Mr. WELLSTONE. After we have those votes then I would bring the amendment up.

Mr. WARNER. I will need to check other commitments we made with regard to time. I will work on it and come back in a minute or two and clarify this.

In the meantime, if we can proceed with the Roberts amendment.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERTS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas.

AMENDMENT NO. 377, AS MODIFIED

Mr. ROBERTS. Mr. President, I inquire, after all that, how much time do we have remaining on either side?

The PRESIDING OFFICER. Three minutes on the Senator's side; 8 minutes on the other side.

Mr. ROBERTS. But was there a request by unanimous consent that either party wanted some additional time? The minority has 8 minutes remaining; is that not correct?

The PRESIDING OFFICER. That is correct.

Mr. ROBERTS. Does the chairman want to speak on this? Is that correct? You wish to speak on the Roberts amendment?

Mr. WARNER. The Senator is correct, for about 3 minutes, in support.

Mr. ROBERTS. I can get my remarks done in 5, so I ask unanimous consent that we add 8 minutes, along with the other 8 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I ask unanimous consent that Senator BINGAMAN of New Mexico be added as a cosponsor of the Roberts amendment.

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

Mr. ROBERTS. I yield the distinguished chairman—what was the request, Mr. Chairman, 3 minutes, 5 minutes?

Mr. WARNER. I would suggest that we try to conclude the Roberts amendment in 5 or 10 minutes. Then we will proceed to the Wellstone amendment, and then we can adhere to the time agreements.

Mr. ROBERTS. I ask the distinguished chairman, how much time would the distinguished chairman like?

Mr. WARNER. Just 2 minutes.

Mr. ROBERTS. I yield the distinguished Senator 2 minutes.

Mr. WARNER. Mr. President, I want to address the document that was submitted to the Senate by the Senator from Delaware entitled: The Kyl Amendment and the Strategic Concept of NATO. I went back and asked the Senator from Delaware to clarify the date, time, group, and when it was prepared and submitted to the Senate. He is doing that.

But I just wish to draw the attention to the Senate, as I read this document—and I have seen it before—it simply refers to those portions in the Kyl amendment that were incorporated into the final draft of the Strategic Concept. But it does not, on its face, nor do I believe it was intended to, say that it covered everything by the new Strategic Concept.

Indeed, I agree with the Senator from Kansas this document in no way is intended to represent that it encompasses all of the new Strategic Concept. The Senator from Kansas is quite properly pointing out there are those of us—the Senator from Kansas, myself, and others—who feel the Strategic Concept went beyond the Kyl amendment.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas.

Mr. ROBERTS. Might I inquire of my distinguished friend from Michigan if he, the minority, seeks any additional time?

Mr. LEVIN. We are just using about 3 of our 8 minutes.

Mr. ROBERTS. I would be happy if the Senator would like to proceed at this time. I would like to close, if that is all right.

Mr. LEVIN. Sure.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. LEVIN. Mr. President, I support this amendment for the reasons previously given. It does not reach any conclusion as to whether there are any additional obligations upon the United States. Unlike earlier versions, it simply asks the President to certify whether or not there are additional obligations imposed on the United States.

I have read from what was called then the new Strategic Concept of NATO in 1991. At the heading of that Concept, it was stated that:

> The alliance recognizes that developments taking place in Europe would have a far-reaching impact on the way in which its aims would be met in the future.

And, indeed, adopted language such as:

> Alliance security must also take into account the global context. Alliance security interests can be affected by other risks of a wider nature, including proliferation of weapons of mass destruction, disruption of flow of vital resources, actions of terrorism and sabotage.

That did not impose any new obligations. It is very broad language.

Listen to some of this language in this 1991 alliance new Strategic Concept:

> The primary role of the alliance military forces to guarantee security and territorial integrity of member states remains unchanged [we said in 1991]. But this role must take account of the new strategic environment in which a single massive and global threat has given way to diverse and multi-directional risks. Allied forces have different functions to perform in peace, crises, and war.

That is section 40 in 1991.

How about this one, section 41:

> Allies could be called upon to contribute to global stability and peace by providing forces for United Nations missions.

How about that for a mission in 1991? Did that impose an obligation on us, legal obligation on this body, or on this Nation? Boy, I hope not. Not in my book it did not.

> Allies could be called upon to contribute to global stability and peace by providing forces for United Nations missions.

This was adopted in 1991 as a new Strategic Concept. That did not impose a thing on us. It was a new Strategic Concept adopted by NATO, not a legally binding commitment on the alliance.

It was not submitted to us then as a treaty change because it was not a treaty change, nor is this new Strategic Concept of 1999 legally binding upon us any more than the 1991 Strategic Concept was.

So I think we ought to adopt this amendment. It is something which is highly appropriate to ask the President whether or not the new Strategic Concept of NATO imposes any new commitment or obligation on the United States, the key word there to me being ''imposes.''

I ask, Mr. President, before I yield the floor, that the yeas and nays be ordered on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

PRIVILEGE OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that the privileges of the floor be granted to the following Pearson Fellow on the staff of the Foreign Relations Committee, Joan Wadelton, during the pendency of the Department of Defense Authorization legislation.

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

Mr. LEVIN. I thank the Chair.

Again, I will be supporting this amendment.

Mr. ROBERTS. With the debate we have had on the floor, although there is support—and the better part of judgment would be for me to simply yield the floor—we will try to split the shingle one more time. The debate is centered around whether or not the new Strategic Concept adopted at the 50th anniversary of NATO is legally binding, a treaty, or different from the 1991 Concept, let alone the 1949 Concept.

Let me just say that the 1991 document really stressed that—as a matter of fact, it assured—no NATO weaponry will ever be used offensively. We are sure doing that now in regard to Kosovo. In addition, in terms of the 19 parties who met in Washington, I am sure that each one of them certainly thought it was binding. And if the men and women in the uniform of all our allies do not think it is binding, I think they had better look for a new definition.

I believe any document that contains even tacit commitment by the United States and other nations to engage in new types of NATO missions—and let me simply say that these missions are now described as problems with drugs, problems with social progress, with reform, with ethnic strife; about the only thing that is not in there is don't put gum in the water fountain—outside the domain of the original treaty, as well as a commitment to structure military forces accordingly, can be considered an international agreement.

I refer again to the U.S. Department of State Circular 175, the Procedure on Treaties, that sets forth eight considerations available for determining whether or not an agreement or an accord should be submitted to the Senate for ratification. Four of them I will repeat again: The extent to which the agreement involves commitments or risks affecting the Nation as a whole—if Kosovo is not a risk, I do not know what is—whether the agreement can be given effect without the enactment of subsequent legislation by the Congress; past U.S. practices as to similar agreements; the preference of Congress as to a particular type of agreement.

It seems to me, if I recall the debate and the two copies of the original 1949 document, and then the Strategic Concept document, No. 1, they said no offensive weapons. No. 2, they said we are going to stay within our borders and we will meet with you before we go outside the borders and go wandering in the territory of a sovereign nation. Then lastly, we are going to consult with the U.N. It is going to be in cooperation with the U.N. All that is different.

I think to say that it is not different in regard to 1991 is simply not accurate.

I don't know. I suppose per se, legally—I am not a lawyer—that this Strategic Concept is not a treaty. But it sure walks like a treaty duck and it quacks like a treaty duck and it is wandering into different areas like a treaty duck. In the quacking and the walking, it is causing a lot of problems.

I simply say, in closing, I do respect the Senator from Michigan and his support and the Senator from Delaware for his accommodating my amendment. It is true that the Senator from Delaware said that I was in the House of Representatives, the other body, what Senator BYRD refers to as the lower body. In 1990 we were not asleep. We were not asleep at all. We admired the Senator from Delaware from afar. We were spellbound, as a matter of fact, by his oratorical skills, his sartorial splendor, and his ability to be heard above all in the Senate, regardless of whether the acoustical system was working or not. So I thank the Senator from Delaware for his comments.

I urge Senators to support this amendment and send a strong message that we are adhering to our constitutional right when we change an agreement that in effect directly affects the lives of our American men and women and our national security, that the Senate stepped up to the plate.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. Under the previous order, the Roberts-Warner amendment No. 377 will be temporarily laid aside.

Mr. WARNER. And the vote will occur, Mr. President, if you continue to read the order.

The PRESIDING OFFICER. The vote will occur after the Roth amendment at 2:15.

Mr. WARNER. I thank the Chair.

Now, Mr. President, we are ready to receive the comments under the standing order for the day from our distinguished colleague from Minnesota. These comments will be relative to what I call the third amendment, No. 382. Perhaps we could take this time to vote the first two by voice.

Mr. WELLSTONE. Mr. President, besides the environmental assessment amendment, the second amendment we are taking deals with atomic vets—is that correct—compensation for atomic vets? I am pleased to do so, and I thank both my colleagues for their help and comments.

Mr. WARNER. We are happy to be of accommodation. Would the Senator urge the adoption of the two amendments?

Mr. WELLSTONE. I urge the adoption of the two amendments.

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

Mr. WELLSTONE. These are amendments Nos. 380 and 383?

The PRESIDING OFFICER. Amendments 380 and 381.

Mr. WELLSTONE. I am sorry, 380 and 381.

Mr. LEVIN. As modified.

The PRESIDING OFFICER. As modified.

The amendments (No. 380 and No. 381), as modified, were 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.

AMENDMENT NO. 380

Mr. WELLSTONE. Mr. President, I rise today to speak on an amendment I offered that would remove some of the frustrating and infuriating obstacles that have too often kept veterans who were exposed to radiation during military service from getting the disability compensation they deserve. This amendment would add three radiogenic conditions to the list of presumptively service-connected diseases for which atomic veterans may receive VA compensation, specifically: lung cancer; colon cancer; and tumors of the brain and central nervous system. It is based on a bill I introduced during the last Congress, S. 1385, the Justice for Atomic Veterans Act.

At the outset, let me say that this amendment was accepted and adopted by the Senate just a few months ago as a part of S. 4, the Soldiers', Sailors', Airmen's, and Marines' Bill of Rights Act of 1999. Because that bill appears to be dead on arrival in the House, I am offering it on the Defense Authorization bill. I think this amendment was relevant to S. 4 and it is certainly relevant to this bill. But I mention the history of this amendment to my colleagues in the belief that what was acceptable to the Senate three months ago will be acceptable today.

I want to explain why this amendment is topical to the Defense Authorization bill. I believe that the way we treat our veterans does send an important message to young people considering service in the military. When veterans of the Persian Gulf War don't get the kind of treatment they deserve, when the VA health care budget loses out year after year to other budget priorities, when veterans benefits claims take years and years to resolve, what is the message we are sending to future recruits?

How can we attract and retain young people in the service when our government fails to honor its obligation to provide just compensation and health care for those injured during service?

One of the most outrageous examples of our government's failure to honor its obligations to veterans involves

''atomic veterans,'' patriotic Americans who were exposed to radiation at Hiroshima and Nagasaki and at atmospheric nuclear tests.

For more than 50 years, many of them have been denied compensation for diseases that the VA recognizes as being linked to their exposure to radiation—diseases known as radiogenic diseases. Many of these diseases are lethal forms of cancers.

I received my first introduction to the plight of atomic veterans from some first-rate mentors, the members of the Forgotten 216th. The Forgotten 216th was the 216th Chemical Service Company of the U.S. Army, which participated in Operation Tumbler Snapper. Operation Tumbler Snapper was a series of eight atmospheric nuclear weapons tests in the Nevada desert in 1952.

About half of the members of the 216th were Minnesotans. What I've learned from them, from other atomic veterans, and from their survivors has shaped my views on this issue.

Five years ago, the Forgotten 216th contacted me after then-Secretary of Energy O'Leary announced that the U.S. Government had conducted radiation experiments on its own citizens. For the first time in public, they revealed what went on during the Nevada tests and the tragedies and trauma that they, their families, and their former buddies had experienced since then.

Because their experiences and problems typify those of atomic veterans nationwide, I'd like to tell my colleagues a little more about the Forgotten 216th. When you hear their story, I think you have to agree that the Forgotten 216th and other veterans like them must never be forgotten again.

Members of the 216th were sent to measure fallout at or near ground zero immediately after a nuclear blast. They were exposed to so much radiation that their Geiger counters went off the scale while they inhaled and ingested radioactive particles. They were given minimal or no protection. They frequently had no film badges to measure radiation exposure. They were given no information on the perils they faced.

Then they were sworn to secrecy about their participation in nuclear tests. They were often denied access to their own service medical records. And they were provided no medical followup.

For decades, atomic veterans have been America's most neglected veterans. They have been deceived and treated shabbily by the government they served so selflessly and unquestioningly.

If the U.S. Government can't be counted on to honor its obligation to these deserving veterans, how can young people interested in military service have any confidence that their government will do any better by them?

I believe the neglect of atomic veterans should stop here and now. Our government has a long overdue debt to these patriotic Americans, a debt that we in the Senate must help to repay. I urge my colleagues on both sides of the aisle to help repay this debt by supporting this amendment.

My legislation and this amendment have enjoyed the strong support of veterans service organizations. Recently, the Independent Budget for FY 2000, which is a budget recommendation issued by AMVETS, Disabled American Veterans (DAV), Paralyzed Veterans of America (PVA), and the Veterans of Foreign Wars (VFW), endorsed adding these radiogenic diseases to VA's presumptive service-connected list.

Let me briefly describe the problem that my amendment is intended to address. When atomic veterans try to claim VA compensation for their illnesses, VA almost invariably denies their claims. VA tells these veterans that their radiation doses were too low—below 5 rems.

But the fact is, we don't really know that and, even if we did, that's no excuse for denying these claims. The result of this unrealistic standard is that it is almost impossible for these atomic veterans to prove their case. The only solution is to add these conditions to the VA presumptive service-connected list, and that's what my amendment does.

First of all, trying to go back and determine the precise dosage each of these veterans was exposed to is a futile undertaking. Scientists agree that the dose reconstruction performed for the VA is notoriously unreliable.

GAO itself has noted the inherent uncertainties of dose reconstruction. Even VA scientific personnel have conceded its unreliability. In a memo to VA Secretary Togo West, Under Secretary for Health Kenneth Kizer has recommended that the VA reconsider its opposition to S. 1385 based, in part, on the unreliability of dose reconstruction.

Mr. President, I ask unanimous consent that the text of Dr. Kizer's memo be printed in the RECORD at the end of my remarks.

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

[See exhibit 1.]

Mr. WELLSTONE. In addition, none of the scientific experts who testified at a Senate Veterans' Affairs Committee hearing on S. 1385 on April 21, 1998, supported the use of dose reconstruction to determine eligibility for VA benefits.

Let me explain why dose reconstruction is so difficult. Dr. Marty Gensler on my staff has researched this issue for over five years, and this is what he has found.

Many atomic veterans were sent to ground zero immediately after a nuclear test with no protection, no information on the known dangers they faced, no badges or other monitoring equipment, and no medical followup.

As early as 1946, ranking military and civilian personnel responsible for nuclear testing anticipated claims for service-connected disability and sought to ensure that ''no successful suits could be brought on account of radiological hazards.'' That quotation comes from documents declassified by the President's Advisory Committee on Human Radiation Experiments.

The VA, during this period, maintained classified records ''essential'' to evaluating atomic veterans' claims, but these records were unavailable to veterans themselves.

Atomic veterans were sworn to secrecy and were denied access to their own service and medical records for many years, effectively barring pursuit of compensation claims.

It's partly as a result of these missing or incomplete records that so many people have doubts abut the validity of dose reconstructions for atomic veterans, some of which are performed more than fifty years after exposure.

Even if these veterans' exposure was less than 5 rems, which is the standard used by VA, this standard is not based on uncontested science. In 1994, for example, GAO stated: ''A low level dose has been estimated to be somewhere below 10 rems [but] it is not known for certain whether doses below this level are detrimental to public health.''

Despite persistent doubts about VA's and DoD's dose reconstruction, and despite doubts about the science on which VA's 5 rem standard is based, these dose reconstructions are used to bar veterans from compensation for disabling radiogenic conditions.

The effects of this standard have been devastating. A little over two years ago the VA estimated that less than 50 claims for non-presumptive diseases had been approved out of over 18,000 radiation claims filed.

Atomic veterans might as well not even bother. Their chances of obtaining compensation are negligible.

It is impossible for many atomic veterans and their survivors to be given ''the benefit of the doubt'' by the VA while their claims hinge on the dubious accuracy and reliability of dose reconstruction and the health effects of exposure to low-level ionizing radiation remain uncertain.

This problem can be fixed. The reason atomic veterans have to go through this reconstruction at all is that the diseases listed in my amendment are not presumed to be service-connected. That's the real problem.

VA already has a list of service-connected diseases that are presumed service-connected, but these are not on it.

This makes no sense. Scientists agree that there is at least as strong a link between radiation exposure and these diseases as there is to the other diseases on that VA list.

You might ask why I've included these three diseases in particular—lung cancer; colon cancer; and tumors of the brain and central nervous system—in my amendment. The reason is very simple. The best, most current, scientific evidence available justifies

their inclusion. A paper entitled ''Risk Estimates for Radiation Exposure'' by John D. Boice, Jr. of the National Cancer Institute, published in 1996 as part of a larger work called Health Effects of Exposure to Low-Level Ionizing Radiation, includes a table which rates human cancers by the strength of the evidence linking them to exposure to low levels of ionizing radiation. According to this study, the evidence of a link for lung cancer is ''very strong''—the highest level of confidence—and the evidence of a link for colon and brain and central nervous system cancers is ''convincing''—the next highest level of confidence. So I believe I can say with a great deal of certainty, Mr. President, that science is on the side of this amendment. And I ask unanimous consent that a copy of the table I just mentioned be printed in the RECORD at the conclusion of my remarks.

Last year, the Senate Veterans Affairs Committee reported out a version of S. 1385, the Justice for Atomic Veterans Act, which included three diseases to be added to the VAs presumptive list. Two of those diseases, lung cancer and brain and central nervous system cancer, I have included in my amendment. The third disease included in the reported bill was ovarian cancer. Mr. President, I'd like to explain why I substituted colon cancer for ovarian cancer. It is true that the 1996 study I just cited states that the evidence of a linkage for ovarian cancer to low level ionizing radiation is ''convincing,'' just as it is for colon cancer. But Mr. President, there are no female atomic veterans. The effect of creating a presumption of service connection for ovarian cancer is basically no effect—because no one could take advantage of it. However, the impact of adding colon cancer as a presumption for atomic veterans is significant; atomic veterans will be able to take advantage of that presumption.

The President's Advisory Committee on Human Radiation Experiments agreed in 1995 that VA's current list should be expanded. The Committee cited concerns that ''the listing of diseases for which relief is automatically provided—the presumptive diseases provided for by the 1988 law—is incomplete and inadequate'' and that ''the standard of proof for those without presumptive disease is impossible to meet and, given the questionable condition of the exposure records retained by the government, inappropriate.'' The President's Advisory Committee urged Congress to address the concerns of atomic veterans and their families ''promptly.''

The unfair treatment of atomic veterans becomes especially clear when compared to both Agent Orange and Persian Gulf veterans. In recommending that the Administration support S. 1385, Under Secretary for Health Kenneth Kizer cited the indefensibility of denying presumptive service connection for atomic veterans in light of the presumption for Persian Gulf War veterans and Agent Orange veterans.

In 1993, the VA decided to make lung cancer presumptively service-connected for Agent Orange veterans. That decision was based on a National Academy of Sciences study that had found a link only where Agent Orange exposures were ''high and prolonged,'' but pointed out there was only a ''limited'' capability to determine individual exposures.

For atomic veterans, however, lung cancer continues to be non-presumptive. In short, the issue of exposure levels poses an almost insurmountable obstacle to approval of claims by atomic veterans, while the same problem is ignored for Agent orange veterans.

Persian Gulf War veterans can receive compensation for symptoms or illnesses that may be linked to their service in the Persian Gulf, at least until scientists reach definitive conclusions about the etiology of their health problems. Unfortunately, atomic veterans aren't given the same consideration or benefit of the doubt.

I believe this state of affairs is outrageous and unjust. The struggle of atomic veterans for justice has been long, hard, and frustrating. But these patriotic, dedicated and deserving veterans have persevered. My amendment would finally provide them the justice that they so much deserve.

Let me say this in closing. As I have worked with veterans and military personnel during my time in the Senate, I have seen a troubling erosion of the Federal Government's credibility with current and former service members. No salary is high enough, no pension big enough to compensate our troops for the dangers they endure while defending our country. Such heroism stems from love for America's sacred ideals of freedom and democracy and the belief that the nation's gratitude is not limited by fiscal convenience but reflects a debt of honor.

This is one of those issues which test our faith in our government. But the Senate can take an important step in righting this injustice. I urge my colleagues from both sides of the aisle to join me in helping atomic veterans win their struggle by supporting my amendment.

EXHIBIT 1

DEPARTMENT OF VETERANS AFFAIRS,
April 21, 1998.

From: Under Secretary for Health (10).

Subject: Request for Reconsideration of the Department's Position on S. 1385 (Wellstone).

To: Secretary (00).

1. I request that you reconsider the Department's position on S. 1385 (Wellstone), which would add a number of conditions as presumptive service-connected conditions for atomic veterans to those already prescribed by law. I only learned that the Department was opposing this measure last night on reading the Department's prepared testimony for today's hearing; I had no input into that testimony. Indeed, my views on this bill have not been obtained. I would strongly support this bill as a matter of equity and fairness.

2. I do not think the Department's current opposition to S. 1385 is defensible in view of the Administration's position on presumed service-connection for Gulf War veterans, as well as its position on Agency Orange and Vietnam veterans.

3. While the scientific methodology that is the basis for adjudicating radiation exposure cases may be sound, the problem is that the exposure cannot be reliably determined for many individuals, and it never will be able to be determined in my judgment. Thus, no matter how good the method is, if the input is not valid then the determination will be suspect.

4. I ask that we formally reconsider and change the Department's position on S. 1385. I feel the proper and prudent position for the Department is to support S. 1385.

KENNETH W. KIZER, M.D., M.P.H.

Table 8.4—Strength of evidence that certain human cancers are induced following exposure to low levels of ionizing radiation.

Evidence	Cancer
Very strong	Leukemia, Female breast, Thyroid, Lung.
Convincing	Stomach, Colon, Bladder, Ovary, Brain/CNS, Skin.
Weak, inconsistent	Liver, Salivary glands, Esophagus, Multiple myeloma, Non-Hodgkin lymphoma, Kidney.
Not convincing	CLL, Male breast, Hodgkin's disease, Cervix, Prostate, Testes, Pancreas, Small intestine, Pharynx, hypopharynx, larynx, Certain childhood cancers, Skeleton support tissues.
Only at very high doses.	Bone, Connective tissue, Rectum, Uterus/Vagina.
High-Let exposures: Thorotrast (TH–232), Radium, Radon.	Liver, Leukemia, Bone, Lung.

AMENDMENT NO. 381

Mr. WELLSTONE. Mr. President, my amendment, amendment 381, entitled ''Provision of Information and Guidance to the Public Regarding Environmental Contamination at U.S. Military Installations Formerly Operated by the United States that Have Been Closed,'' is a simple, straightforward amendment, but one which can potentially go a long way toward ensuring that the United States leaves a positive environmental legacy behind when we withdraw from military bases overseas. As we have withdrawn from our bases around the world, the U.S. military has taken some steps to clean-up contamination at those bases before leaving. But there are still many convincing reports that contamination has been left behind. As the New York Times noted last December in an editorial, ''Fuels, lubricants, cleaning fluids and other chemicals are leaching into groundwater, and unexploded shells linger on testing grounds long after American soldiers leave.'' This is especially true in the Philippines, where we withdrew from Subic Bay and Clark Air Base, in 1992. And it will soon apply to Panama where will finish our withdrawal at the end of 1999.

I understand very well that the Pentagon has no legal obligations under our treaties with these countries to pay for a clean-up of environmental contamination. And I am not calling for any funding for such a clean-up. What this amendment requires the Pentagon to do is simply to provide as much information as possible and to cooperate in interpreting that information so that nations such as the Philippines can complete environmental

studies to tell them exactly what has been left behind.

So far the Pentagon has turned over substantial information to the Philippine government, but it has done so slowly and grudgingly. We need to be more forthcoming to help the Filipinos deal with this issue before the contamination in the Subic and Clark areas causes further health problems.

This amendment is intended to protect the legacy of the U.S. in those countries where we maintained bases. It does not look at the environmental issue as a legal issue but as a moral one. At a time when anti-Americanism may be growing in certain parts of the world we need to ensure that in those countries that are our longtime allies, we do what we can to promote a positive image of the U.S. even after we leave our bases.

We will continue to have close military and political relations with countries such as the Philippines and Panama and we should not let this environmental issue fester and become an impediment to good relations.

The amendment as modified applies only to bases already closed. Initially I had intended to extend it to bases which would be closing in the future, which would include our facilities in Panama. However, since I understand that sensitive negotiations are underway on this very issue between the U.S. and Panama and I did not want this amendment to in any way interfere with the successful conclusion of those negotiations. But I want the record to show that I believe that we should be very forthcoming in releasing information on environmental conditions at our facilities in Panama as we close them. I would like to see the Pentagon avoid the long delays in providing information which we have seen in the Philippine case by following the spirit of this amendment. Of course, if we see a similar problem in the case of Panama we may have to revisit this issue next year and propose a similar provision to require the Department of Defense to make information available publicly.

If we assist our strategic partners in their efforts to complete environmental baseline studies, it is quite likely that any clean-up which occurs down the road will be done by American companies, who are the leaders in this field. Without the information and the necessary studies these countries are unable to identify the scope of the problem and begin to move toward some type of amelioration. Once the studies are in hand they may be able to approach international lenders, such as the World Bank, for funding and subsequently some clean-up contracts may go to U.S. companies.

Mr. President, when we close our bases and leave behind environmental contamination, the people who suffer from the contamination are almost always people already living in poverty and already struggling to maintain good health. They do not also need to contend with a toxic legacy left by the U.S. military. Just to highlight one of the most disturbing cases, I want to discuss the situation in the Philippines and especially at the site of the former Clark Air Base.

According to a recent report in the Philippine Star Newspaper, a forensic expert at the Commission of Human Rights (CHR) identified 29 persons who were living at volcano evacuation centers who were found to be suffering from various ailments attributed to mercury and nitrate elements left by the Americans when they abandoned their air base at Clark in 1991.

''The clinical manifestation exhibited by the patients were consistent with chemical exposure,'' the report said. It noted that 13 children aged one to seven ''manifested signs and symptoms of birth defects and neurological disorders,'' adding that ''four females suffered spontaneous abortions and still births.''

''These can be attributed to mercury exposure,'' the report said. It also reported ''central nervous system disorders, Kidney disorder and cyanosis'' among the persons at evacuation center at Clark, ailments he said can be traced to nitrates exposure.''

Earlier, the CHR forensic office staff collected water samples from the deep wells at the evacuation center in Clark and the Madapdap resettlement site for volcano victims in Mabalacat, Pampanga.

The samples were later brought to the metals lab of the Environmental Management Bureau (EMB) for analysis. In a report dated April 16, the EMB found 200 milligrams of mercury per liter of water and from 386 to 27 mg of nitrate per liter of water in the Clark area.

''These two chemicals, together with coliform for bacteria were found to be present in water in values exceeding the standard set by the WHO,'' the report said.

The report recommended the immediate removal of the residents at Clark, and the thorough diagnosis and treatment of the patients.''

Among the victims identified in the report were Edmarie Rose Escoto, 5; Kelvin, 7; Martha Rose Pabalan, 4; 8-month-old Alexander; Sara Tolentino, and Abraham Taruc, who all had deformities to their lower limbs and cannot walk.

Rowell Borja, 5, and Sheila Pineda, 3, both had congenital heart ailments. Skin disorders were also found prevalent in other children, while cysts and kidney disorders were observed in adults.

The People's Task Force for Bases Cleanup (PTFBC) has pointed out that ''there is more than enough preliminary evidence of the toxic waste problem at the former U.S. bases in the Philippines.''

Among the documents that have confirmed the presence of toxic wastes at the former bases are pamphlets from the U.S. Department of Defense entitled ''Environmental Review of the Drawdown Activities at Clark Airbase'' (September 1991) and ''Potential Restoration sites on Board the U.S. Facility, Subic Bay.'' (October 1992).

The PTFBC also cited 2 reports of the U.S. Government Accounting Office titled ''Military Base Closure, U.S. Financial Obligations at the Philippines'' (Oct. 1992) as well as an independent report of the WHO on May 9, 1992.

Mr. President, I recently received a letter from the Philippine Study Group of Minnesota expressing their concerns about the environmental contamination left by the U.S. military at the former Clark Air Base. They reported the results of a trip to the Philippines by two young Filipina-American women, Christina Leano and Amy Toledo, who have been working with the affected populations near Clark field and have been meeting with my staff in Minnesota and here in Washington.

When these two young women returned from the Philippines, they communicated the concern of the Filipino people about the problems of toxic waste remaining at both Clark and Subic. The problems are of sufficient concern to municipal governments near Clark that they tried to develop systems to deliver alternative water sources to the affected populations. However, they do not have the necessary resources. They said that the concerns of the people near Clark have been front page news in the Philippines and Philippine Senator Loren Legarda will soon hold hearings in this issue. The Philippine Study Group of Minnesota wrote to me, and I quote:

> These bases . . . have severe problems that demand immediate attention. It is very unfortunate that the U.S. Department of Defense will not admit that they left polluted sites when they vacated the bases. Contrary to statements made by Secretary of State Albright, when she was in the Philippines last summer, the Department of Defense will not even release important documents needed by Philippine Development authorities.

We need at a minimum to see that all relevant documents are turned over to Philippine authorities. This includes key documents such as information on the construction of the wells and water supply system at Clark and hydrologic surveys for Clark which should be released to the Clark Development Corporation (CDC). Currently, the CDC does not have drawings or data on the water system and they are trying to improve the water delivery system without the data they need. The Philippine Study Group of Minnesota say they ''are incredulous that the Defense Department will not even release those non-military technical documents that would be of great help to Philippine authorities.''

This amendment would require the Defense Department to do that. It is a simple, reasonable step toward improving the environmental situation for the people of the Philippines. It is a step in the direction of assuring our allies that when the U.S. closes a military base, it leaves behind a legacy of friendship,

cooperation, and sensitivity to environmental justice—not a toxic legacy.

Mr. President, we have a long history with the Philippines. From the turn of the century until 1991, except for the period of Japanese occupation during WWII, U.S. military forces used lands in Central Luzon and around Subic Bay in the Philippines as military bases which grew to be among the largest U.S. overseas bases in the world. The main purpose of Subic Bay Naval Base was to service the U.S. Navy Seventh Fleet. Forested lands were also used for training exercises. Clark Air Base served as a major operations and support facility during the Korean and Vietnam conflicts.

In 1991, more than 7,000 military personnel were stationed at Clark in addition to dependents and civilian support. Operations carried out on the bases included, but were not limited to: fuel loading, storage, distribution, and dispensing; ship servicing, repair, and overhaul; ammunition transfer, assembly, destruction, and storage; aircraft servicing, cleaning, repair, and storage; base vehicle fleet servicing, cleaning, repair, overhaul, and operation; power generation; electricity transformation and distribution; steam generation; water treatment and distribution; sewage collection and treatment; hazardous waste storage and disposal; bitumen production; electroplating; corrosion protection; and weed and pest control.

These activities, for many years not conducted in a manner protective of the environment, lead to substantial contamination of the air, soil, groundwater, sediments, and coastal waters of the bases and their surroundings. This was not unique to the Philippines. Military and industrial activities in the U.S. and around the world have had similar effects. Contaminants include, but are not limited to, petroleum hydrocarbons, aromatic hydrocarbons, chlorinated hydrocarbons, pesticides, PCB's metals, asbestos, acids, explosives and munitions. Whether or not radioactive wastes are present is uncertain.

The Philippine Senate voted in 1991 not to renew the bases agreement between the two countries. In June of that same year, Mt. Pinatubo erupted hastening U.S. withdrawal from Clark Air Base. U.S. forces left Subic Naval Base in 1992, ending almost a century of occupation of these vast areas of Luzon. Notwithstanding initial Department of Defense protestations to the contrary, substantial amounts of hazardous materials and wastes were left behind at the time of the U.S. departure both on the surface and in various environmental media. According to a GAO report issued in 1992,

> If the United States unilaterally decided to clean up these bases in accordance with U.S. standards, the costs for environmental cleanup and restoration could approach Superfund proportions.

Environmental officers at both Subic Bay Naval Facility and Clark Air Base have proposed a variety of projects to correct environmental hazards and remedy situations that pose serious health and safety threats.'' None of these projects was undertaken prior to U.S. departure from the baselands. A study commissioned by the WHO in 1993, in order to assess potential environmental risks at Subic Bay, identified a number of contaminated and potentially contaminated sites and recommended a complete environmental assessment.

Two study teams visited the sites in 1994, under the sponsorship of the Unitarian Universalist Service Committee, and not only found evidence of environmental contamination but carefully documented the lack of existing capacity in the Philippines, whether in government, university, or private sectors, to assess and remediate this complex problem.

The health and safety issues are not theoretical or contingent on future development of the bases. At the present time rusting and bulging barrels of hazardous materials are sitting uncovered at Clark. There are reports of exposed asbestos insulation in buildings vacated by departing U.S. personnel. For years waste materials from the ship repair facility were dumped or discharged directly into Subic Bay, contaminating sediments, and now residents from surrounding communities eat fish and shellfish harvested from this area. Thousands of evacuees displaced from homes destroyed by the eruption of Mt. Pinatubo and lava flows which followed have been temporarily housed in tents and makeshift wooden structure on Clark Air Base at a site previously occupied by a motorpool. They obtain drinking and bathing water from groundwater wells.

Just beyond the Dau gate, about 300 yards from this evacuation center, is the permanent community of Dau where many thousands of residents routinely use groundwater for drinking, cooking, and bathing. Because of complaints of gross contamination of water from some of the wells in the evacuation area, including visible oily sheen, foul taste, and gastrointestinal illness, one sample was tested at the laboratories of the University of the Philippines in early 1994 and found to contain oil and grease. Limited by laboratory capability, the analysis did not include the wide range of volatile and semi-volatile organic compounds, fuels, fuel additives, and other compounds which commonly contaminate groundwater in the U.S. and in other countries where similar military and industrial activities have taken place.

Many of these substances have important health effects when present even in extremely small amounts—health effects which may take years to become apparent—including cancer, birth and developmental abnormalities, and neurological or immunological damage. Moreover, there are numerous instances in the U.S. where contaminated groundwater at military bases has migrated off-base, sometimes for a distance of several miles, entering the drinking water of surrounding communities and posing a threat to public health. This is not only possible but likely at Clark Air Base, only one of numerous sites of concern at both bases, and one which is beyond existing Philippine capacity to assess let alone to remediate.

When President Clinton visited the Philippines in November 1994 both he and President Ramos acknowledged that the issue of base contamination would need to be further investigated. However, President Clinton stated that, ''We have no reason to believe at this time that there is a big problem that we left untended. We clearly are not mandated under treaty obligations to do more.'' He went on to say ''. . .we decided we should focus on finding the facts now, and when we find them, deal then with the facts as they are.''

Though there may be no treaty obligation to address this issue, there are obvious moral and public health arguments which should compel the U.S. to accept responsibility for environmental assessment and remediation of the former bases in the Philippines. There are other overseas bases in, for example, Canada, Germany, Italy and Japan, where in response to host-country discovery and complaints of environmental contamination, the U.S. has provided assessment and clean-up. After nearly a century of occupation of these Philippine baselands, the obligation is no less. Meanwhile, as the political resolution of this issue unfolds, thousands of Filipinos, many of whom are living in marginal refugee conditions, and drinking and bathing in water which may be contaminated with hazardous substances resulting from U.S. military activities.

If these circumstances were to exist in the U.S. the groundwater would already have been comprehensively tested for a broad spectrum of substances and the public's health protected, while resulting plumes of contamination were being mapped and remediation strategies executed. Until we can answer with certainty whether or not this water is safe for consumption, an answer which neither Philippine government, public health officials, nor academicians are able to provide without assistance, and eliminate any identified hazardous exposures, the U.S. may be viewed as bearing responsibility for any resulting health effects.

AMENDMENT NO. 382

Mr. WARNER. Having done that, we will now proceed to amendment No. 382, on which the Senator will address the Senate pursuant to the standing order, and then at a time later we will schedule the vote.

Mr. WELLSTONE. Mr. President, I will be ready to go, if I could have just 30 seconds to also say on the floor of Senate, when I say ''we,'' I don't mean as in me. I mean the collective us. This is for both Senator LEVIN and Senator WARNER. You also, in a bipartisan way,

through your efforts, were able to put an amendment into this bill that deals with family violence. I thank you. I think this is an extremely important amendment.

The problem was that all too often, when a spouse usually a woman—would report violence, there was no real right of guarantee of confidentiality, which we needed. In other words, a woman could go to a doctor and then her report to a doctor could get out publicly. This really will enable women who are the victims of this violence to be able to go to someone and receive some support and help. It is extremely important. Both of you have supported this. I think there is similar language over in the House side. I thank the two of you. This is an amendment I am really proud of. I thank you.

Mr. WARNER. Once again, Mr. President, I am advised that the vote on No. 382, the amendment the Senator is about to debate in the Senate under the standing agreement, can be voted as the third vote in sequence this afternoon.

Mr. WELLSTONE. That is correct.

Mr. WARNER. All right.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. WARNER. Have the yeas and nays been ordered on that amendment?

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I wonder if it would be in order, if there would be any objection, to ask unanimous consent that no further business be held between now and the recess so that people know there is not going to be any additional——

Mr. WARNER. Mr. President, I am not objecting, but I think we should just simply say that at 1, at which time the 30 minutes expires, the Senate will stand in recess until the first vote, which is scheduled for 2:15.

Mr. LEVIN. But for some of us who planned to actually leave here at 12:30, I think it is important, if there is an understanding to this effect, that there be no further amendments offered or any other business carried on between now and the time that we recess for the luncheons. Is that agreeable?

Mr. WARNER. Mr. President, I have no agreement, but let's make it very clear that we will now begin to address amendment No. 382. As soon as that debate is concluded, the Senate will stand in recess until the hour of 2:15, when the first vote is to take place, and there would be no intervening business transacted.

Mr. ALLARD. Mr. President, just to clarify, I don't have any objection to that unanimous consent request, but I want to make some general remarks in regard to the total bill. I just wanted to try——

Mr. WARNER. I am prepared to accommodate the Senator. What about the hour of 4 today? You have 30 minutes.

Mr. ALLARD. That would be fine. I appreciate that. I think if we set aside 20 minutes, that would be fine. I appreciate that.

Mr. WARNER. We would be glad to do that and make it a part of the unanimous consent request which we are jointly propounding, Mr. LEVIN and myself. Is that agreeable?

Mr. LEVIN. I apologize.

Mr. WARNER. We just added, 4 to 4:20, this colleague may speak on the bill.

Mr. President, I am happy to restate it, but I think the Chair is——

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, this amendment speaks to the priorities of the Senate or lack of priorities of the Senate.

We have here a bill that really talks about authorization, leading to appropriation of hundreds of billions of dollars for defense, for the Pentagon.

I will talk about the priorities of some low-income families in our country. Their priorities are how to keep a roof over their children's heads. Their priorities are how to get food in their children's stomachs. Their priorities are how to earn a wage that pays their bills.

And their priorities are how to obtain medical assistance when they are sick or when their children are sick.

Mr. President, 2 years ago we passed a welfare bill, and as we start to see more and more families slide deeper and deeper into poverty, and as we see around the country some of these families losing their benefits, I have not heard so much as a whisper of concern, let alone a shout of outrage, from the Senate.

So I rise to propose an amendment. It is an amendment that I hope will receive the support of every Senator, Democrat and Republican alike. It is simple and it is straightforward.

Current law requires the Secretary of Health and Human Services to provide an annual report to Congress. My amendment requires the Secretary to include information about families who have moved off the welfare rolls. What kind of jobs do they have? What is their employment status? What kind of wages are they making? Is it a living wage? What is the child care situation with their children? Have they been dropped from medical assistance? Do they have any health insurance coverage at all?

Mr. President, like my colleagues, I had hoped that the welfare reform bill—though I voted against it because I had real reservations about how it would really take shape and form throughout the country—would work. But I have my doubts. On the basis of some of the evidence I present here today, I believe we need to find out with certainty what is happening to families, mainly women and children, when they no longer receive welfare assistance in our country.

Since August of 1996, 1.3 million families have left welfare. They are no longer receiving welfare assistance. That is 4.5 million recipients, and they are mainly women and children. The vast majority of these 4.5 million citizens are children. On the basis of these numbers, too many people have deemed welfare reform a success.

But to see the welfare rolls reduced dramatically does not mean necessarily that we have reduced poverty in this country. It doesn't mean these families have moved from welfare to self-sufficiency. It doesn't mean these families have moved from welfare to economic self-sufficiency. These statistics, the drop in the welfare caseload, which has been so loudly talked about as evidence of success by Republicans, Democrats, and by this Democratic administration, doesn't tell us what is really happening. It doesn't tell us anything about how these women and children are doing. It doesn't tell us whether or not these families are better off now that they are no longer receiving welfare assistance, or whether they have fallen further into poverty. It doesn't tell us if the mothers can find work. It doesn't tell us if they are making enough of an income to lift themselves and their children out of poverty. It doesn't tell us whether these mothers have adequate access to affordable child care, and it doesn't tell us whether or not these mothers and these children have any health care coverage at all.

No one seems to know what has happened to these families. Yet, we keep trumpeting the ''victory'' of welfare reform. The declining caseloads tell us nothing at all about how families are faring once they no longer receive assistance. I am worried that they are just disappearing and this amendment is all about a new class of citizens in our country. I call them The Disappeared.

Let me give you some examples. We are hearing a lot about the plunge in food stamp participation. Over the last 4 years, the number of people using food stamps dropped by almost one-third—from 28 million to 19 million people. Some people want to interpret this as evidence of diminished need. But just like the decline in the welfare rolls, there are important questions left unanswered. I hope this drop in food stamp assistance means that fewer people are going hungry, but I have my doubts. If people are no longer needy, then how can we account for the fact that 78 percent of the cities surveyed by the U.S. Conference of Mayors for its ''Report on Hunger'' reported increases in requests for emergency food

in 1998? This January, a survey conducted by Catholic Charities U.S.A. reported that 73 percent of the diocese had an increase by as much as 145 percent in requests for emergency food assistance from the year before.

How can we account for such findings without questioning whether or not the reformers' claim of success are premature?

What is going on here? What is happening to these women and children? Should we not know? The esteemed Gunnar Myrdal said, ''Ignorance is never random.'' Sometimes we don't know what we don't want to know.

This amendment says we ought to do an honest evaluation and have the Secretary of Health and Human Services provide a report to us as to exactly what is happening with these women and children.

A story Friday from the New York Times suggests one explanation. One welfare recipient was told incorrectly that she could not get food stamps without welfare. Though she is scraping by, raising a family of five children and sometimes goes hungry, she has not applied for food stamps. ''They referred me to the food pantry,'' she said. ''They don't tell you what you really need to know; they tell you what they want you to know.''

The truth of the matter is that there is an information vacuum at the national level with regard to welfare reform. What has happened to the mothers and children who no longer receive any assistance? In a moment, I am going to talk about some findings from NETWORK, a national Catholic social justice organization—findings that should disturb each and every Senator. At the outset, let me read a brief excerpt from the report that outlines the problem:

> Even though government officials are quick to point out that national welfare caseloads are at their lowest point in 30 years, they are unable to tell us for the most part what is happening to people after they leave the welfare rolls—and what is happening to people living in poverty who never received assistance in the first place.

I am especially concerned because the evidence we do have suggests that the goals of welfare reform are not being achieved. People are continuing to suffer and continuing to struggle to meet their basic needs, and I am talking primarily about women and children. I challenge the Senate today with this amendment. At the very minimum, we should call on the Secretary of Health and Human Services to give us a report on the status of those women and those children who no longer receive any welfare assistance. Should we not at least know what is happening to these families?

I have already mentioned the dramatic decline in welfare caseloads. We must recognize that it is naive to assume that all of the 1.3 million of these families have found jobs and are moving toward a life of economic self-sufficiency. After all, the caseload decline has not been matched by a similar decline in poverty indicators. Moreover, since 1995, colleagues, what we have seen is an increase among the severest and harshest poverty. This is when income is less than one-half of what the official definition of poverty is. We have found an increase of 400,000 children living among the ranks of the poorest of poor families in America. Could this have something to do with these families being cut off welfare assistance? We ought to at least know.

I have already mentioned the NETWORK report. What this group did was collect data on people who visited Catholic social services facilities in 10 States with large numbers of people eligible for aid, and I will summarize these very dramatic findings.

Nearly half of the respondents report that their health is only fair or poor; 43 percent eat fewer meals or less food per meal because of the cost; they can't afford it. And 52 percent of soup kitchen patrons are unable to provide sufficient food for their children, and even the working poor are suffering as 41 percent of those with jobs experience hunger. The people who are working work almost 52 weeks a year, 40 hours a week, and they are still so poor that they can't afford to buy the food for their children. I am presenting this evidence today because I want us to have the evidence.

In another study, seven local agencies and community welfare monitoring coalitions in six States compared people currently receiving welfare to those who stopped getting welfare in the last few months.

The data show that people who stopped getting welfare were less likely to get food stamps, less likely to get Medicaid, more likely to go without food for a day or more, more likely to move because they couldn't pay rent, more likely to have a child who lived away or was in foster care, more likely to have difficulty paying for and getting child care, more likely to say ''my life is worse'' compared to 6 months ago.

Is that what we intended with this welfare reform bill?

The National Conference of State Legislatures did its own assessment of 14 studies with good information about families leaving welfare. It found that:

> Most of the jobs [that former recipients get] pay between $5.50 and $7 an hour, higher than minimum wage but not enough to raise a family out of poverty. So far, few families who leave welfare have been able to escape poverty.

Just this month, Families USA released a very troubling study. It finds that:

> Over two-thirds of a million low-income people—approximately 675,000—lost Medicaid coverage and became uninsured as of 1997 due to welfare reform. The majority (62 percent) of those who became uninsured due to welfare reform were children, and most of those children were, in all likelihood, still eligible for coverage under Medicaid. Moreover, the number of people who lose health coverage due to welfare reform is certain to grow rather substantially in the years ahead.

Let me just translate this into personal terms.

Here is the story of one family that one of the sisters in the NETWORK study worked with:

> Martha and her seven-year-old child, David, live in Chicago. She recently began working, but her 37-hour a week job pays only $6.00 an hour. In order to work, Martha must have childcare for David.

That is the name of my oldest son, David.

> Since he goes to school, she found a sitter who would receive him at 7 a.m. and take him to school. This sitter provided after school care as well. When Sister Joan sat down with Martha to talk about her finances, they discovered that her salary does not even cover the sitter's costs.

By the way, as long as we are talking about afterschool care, let me just mention to you that I remember a poignant conversation I had in East L.A. I was at a Head Start center, and I was talking to a mother. She was telling me that she was working. She didn't make much by way of wages, but she was off welfare, and she wanted to work. As we were talking and she was talking about working, all of a sudden she started to cry. I was puzzled. I felt like maybe I had said something that had upset her. I said: Can I ask you why you are crying?

She said: I am crying because one of the things that has happened is that my first grader—I used to, when I was at home, take her to school, and I also could pick her up after school.

She lived in a housing project. It is a pretty dangerous neighborhood.

She said: Now, every day when my daughter, my first grader, finishes up in school, I am terrified. I don't know what is going to happen to her. There is no care for her, and she goes home, and I tell her to lock the door and take no phone calls.

Colleagues, this amendment asks us to do a study of what is going on with these children. How many children don't play outside even when the weather is nice because there is nobody there to take care of them?

Let me talk about an even scarier situation— families that neither receive government assistance nor have a parent with a job. We don't know for certain how large this population is, but in the NETWORK study 79 percent of the people were unemployed and not receiving welfare benefits. Of course this study was focused on the hardest hit.

Let me just say that in some of the earlier State studies, what we are seeing is that as many as 50 percent of the families who lost welfare benefits do not have jobs.

Can I repeat that?

Close to 50 percent perhaps—that is what we want to study—of the families who have been cut off welfare assistance do not have jobs, much less the number of families where the parents—usually a woman—has a job, but it is $6 an hour and she can't afford child care and her children don't have the necessary child care. Now her medical assistance is gone and she is worse off

and her children are worse off. They are plunged into deeper poverty than before we passed this bill.

Don't we want to know what is happening in the country?

How are these families surviving? I am deeply concerned and worried about them. They are no longer receiving assistance. And they don't have jobs. They are literally falling between the cracks and they are disappearing. I want us to focus on the disappeared Americans.

What do we do about this? I want to have bipartisan support.

I was a political science teacher before becoming a Senator. In public policy classes, I used to talk about evaluation all the time. That is one of the key ingredients of good public policy. That is what I am saying today. We want to have some really good, thorough evaluation. We have some States that are doing some studies. But the problem is there are different methodologies and different studies that are not comprehensive.

Before we passed this bill, when we were giving States waivers—Minnesota was one example—43 of 50 States have been granted waivers. They were all required to hire an outside contractor to evaluate the impact of the program.

After this legislation passed, we didn't require this any longer of States. Now we are only getting very fragmentary evidence. As a result, we do not really know what is happening to these women. We don't know what is happening to these children. The money that we have earmarked is Labor-HHS appropriations, for Health and Human Services—$15 million to provide some money for some careful evaluation. That is what we need, policy evaluation. But the money has been rescinded.

What I am saying—I am skipping over some of the data—is at the very least, what we want to do is to make sure that we do some decent tracking and that we know in fact what is really going on here.

Let me just give you some examples that I think would be important just to consider as I go along. Let me read from some work that has been done by the Children's Defense Fund.

Alabama: Applying for cash assistance has become difficult in many places. In one Alabama county, a professor found workers gave public assistance applications to only 6 out of 27 undergraduate students who requested them despite State policy that says anyone who asks for an application should get one.

In other words, I know what was going on. This professor was saying to students, go out there as welfare mothers and apply and see what happens. They did. What they found out is that very few of them were even given applications.

Arizona: 60 percent of former recipients were taken off welfare because they did not appear for a welfare interview.

We are talking about sanctions.

After holding fairly steady from 1990 to 1993, the number of meals distributed to Arizona statewide, Food Charity Networks, has since risen to 30 percent, and a 1997 study found that 41 percent of Networks' families had at least one person with a job.

Quite often what happens is the people who are off the rolls aren't off the rolls because they found a job, but because they have been sanctioned. The question is, Why have they been sanctioned? The question is, What happened to them? What has happened to their children?

California: Tens of thousands of welfare beneficiaries in California and Illinois are dropped each month as punishment. In total, half of those leaving welfare in these States are doing so because they did not follow the rules.

This was from an AP 50-State survey. It was also cited in the Salvation Army Fourth Interim Report.

In an L.A. family shelter, 12 percent of homeless families said they had experienced benefit reductions or cuts that led directly to their homelessness.

One of the questions, colleagues, is this rise of homelessness and this rise of the use of food pantry shelves. Does it have something to do with the fact that many of these women have found jobs but they don't pay a living wage, or they haven't found work but the families have been cut off assistance?

Florida: More than 15,000 families left welfare during a typical month last year. About 3,600 reported finding work, but nearly 4,200 left because they were punished. The State does not know what happened to almost 7,500 others.

Iowa: 47 percent of those who left welfare did so because they did not comply with requirements such as going to job interviews or providing paperwork.

Kentucky: 58 percent of the people who leave welfare are removed for not following the rules.

Minnesota: In Minnesota, case managers found that penalized families were twice as likely to have serious mental health problems, three times as likely to have low intellectual ability, and five times more likely to have family violence problems compared with other recipients.

Mississippi Delta region: Workfare recipients gather at 4 a.m. to travel by bus for 2 hours to their assigned workplaces, work their full days, and then return another 2 hours home each night. They are having trouble finding child care during these nontraditional hours and for such extended days.

I could give other reports of other States. Let me just say to every single Senator here, Democrat and Republican alike, you may have a different sense of what is going on with the welfare bill. That is fine. But what I am saying here is if you look at the NETWORK study, if you look at the Conference of Mayors study, if you look at the Conference of State Legislatures study, if you look at the Children's Defense Fund study, and if you just travel—I am likely to do quite a bit of travel in the country over the next couple of years to really take a look at what is happening—but if you just travel and talk to people, you have reason to be concerned. Right now we do not know and we cannot remain deliberately ignorant. We cannot do that.

Policy evaluation is important. So I challenge each and every Senator to please support this amendment which calls for nothing more than this, that every year when we get a report from the Secretary of Health and Human Services we get a report on what has happened to these women and children—that is mainly the population we are talking about—who no longer receive welfare assistance. Where are they? What kind of jobs do they have? Are they living-wage jobs? Is there decent child care for the children? Do they have health care coverage? That is what we want to know.

I remember in the conference committee last year, and I will not use names because no one is here to debate me, I remember in a conference committee meeting last year we got into a debate. I wanted mothers to at least have 2 years of higher education and have that not counted against them. I was pushing that amendment. I remember, it was quite dramatic. In this committee, there were any number of different Representatives from the House, and some Senators, who said: You are trying to reopen the whole welfare reform debate and you are trying to change welfare policy. This has been hallmark legislation, the most important legislation we passed since Franklin Delano Roosevelt's legislation.

I said to them: Let me ask you a question. Can any of you give me any data from your States? I know the rolls have been cut substantially.

I hear my own President, President Clinton, talking about this. But, President Clinton, you have not provided one bit of evidence that reducing the welfare rolls has led to reduction of poverty. The real question is not whether or not people are off the rolls; the real question is, Are they better off? I thought the point of welfare reform was to move families, mainly women and children, from welfare to economic self-sufficiency, from welfare to a better life. I thought all Senators think it is important that people work, but if they work, they ought not to be poor in America.

We can no longer turn our gaze away from at least being willing to do an honest evaluation of what is happening. This amendment calls for that. I cannot see how any Senator will vote against this. I tried to bring this amendment to the juvenile justice bill. It would have been a good thing to do, because, frankly, there is a very strong correlation between poverty and kids getting into trouble and which kids get incarcerated. I think this piece of legislation is creating a whole new class

of people disappeared Americans. Many of them are children. That is my own view.

But as that bill went along, I agreed I would not do it if I could introduce this amendment to the next piece of legislation, which is the DOD legislation right now. I hope there will be an up-or-down vote. I hope there will be strong support for it.

If colleagues want to vote against it—I do not know how you can. We ought to be willing to do an honest evaluation. I tell my colleagues, if you travel the country, you are going to see some pretty harsh circumstances. You are going to see some real harsh circumstances. I do not remember exactly, and I need to say it this way because if I am wrong I will have to correct the record, but I think in some States like Wisconsin that have been touted as great welfare reform States, and I talked to my colleague, Senator FEINGOLD, about this, and there is low unemployment so it should work well—I think, roughly speaking, two-thirds of the mothers and children now have less income than they did before the welfare bill was passed. That is not success. That is not success.

Do you all know that in every single State all across the country—and it depends upon which year, it is up to the State—there is a drop-dead date certain where families are going to be eliminated from all assistance? Shouldn't we know, before we do that, before we just toss people over the cliff—shouldn't we know what is going on? Shouldn't we have some understanding of whether or not these mothers are able to find jobs? Shouldn't we know what is going on with their children? Shouldn't we know whether there are problems with substance abuse or violence in the homes? Shouldn't we make sure we do that before we eliminate all assistance and create a new class of the disappeared, of the poorest of the poor—of the poor who are mainly children?

I have brought this amendment to the floor before, but this time around I do not want a voice vote. I want a recorded vote. If Senators are going to vote against this, I want that on the record. If they are going to vote for it, I will thank each and every one of them. Then, if there is an effort to drop this in conference committee because it is on the DOD bill, do you know what. Here is what I say: At least the Senate has gone on the record saying we are going to be intellectually honest and have an honest policy evaluation. That is all I want. That is all I want to see happen. If it gets dropped, I will be back with the amendment again, and again, and again and again—until we have this study. Until we are honest about being willing—I am sorry—until we are willing to be honest about what is now happening in the country and at least collect the data so we can then know.

I feel very strongly about this, colleagues, very strongly about this. I am going to speak on the floor of the Senate about this. I am going to do some traveling in the country. I am going to try to focus on what I consider to be really some very harsh conditions and some very harsh things that are happening to too many women and to too many children.

I also speak with some indignation. I can do this in a bipartisan way. I want us to have this evaluation. I say to the White House, to the administration—I ask unanimous consent I have 1 more minute. I actually started at 12:30, so I do not know how I could be out of time. I had a half hour.

The PRESIDING OFFICER. The official clock up here shows time expired, but without objection, 1 minute.

Mr. WELLSTONE. I thank the Chair. I don't want to get into a big argument with the Chair. I can do it in 1 minute.

I think I have heard the administration, Democratic administration, I have heard the President and Vice President talk about how we have dramatically reduced the welfare rolls with huge success. Has the dramatic reduction in the welfare rolls led to a dramatic reduction in poverty? Are these women and children more economically self-sufficient? Are they better off or are they worse off? That is what I want to know. I say that to Democrats. I say that to Republicans. We ought to have the courage to call upon the Secretary of Health and Human Services to provide us with this data. As policymakers, we need this information.

Please, Senators, support this amendment.

I yield the floor.

PRIVILEGE OF THE FLOOR

Mr. BURNS. Mr. President, I ask unanimous consent that Daniel J. Stewart, a fellow in my office, be granted the privilege of the floor during the debate on the defense authorization bill.

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

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15, at which time there will be three stacked votes.

Thereupon, at 1 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The Senate continued with the consideration of the bill.

AMENDMENT NO. 388

The PRESIDING OFFICER. Under the previous order, there are 2 minutes equally divided on the Roth amendment. Who yields time?

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, for 58 years, two distinguished commanders, Admiral Kimmel and General Short, have been unjustly scapegoated for the Japanese attack on Pearl Harbor. Numerous studies have made it unambiguously clear that Short and Kimmel were denied vital intelligence that was available in Washington. Investigations by military boards found Kimmel and Short had properly disposed their forces in light of the intelligence and resources they had available.

Investigations found the failure of their superiors to properly manage intelligence and to fulfill command responsibilities contributed significantly, if not predominantly, to the disaster. Yet, they alone remain singled out for responsibility. This amendment calls upon the President to correct this injustice by advancing them on the retired list, as was done for all their peers.

This initiative has received support from veterans, including Bob Dole, countless military leaders, including Admirals Moorer, Crowe, Halloway, Zumwalt, and Trost, as well as the VFW.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, on behalf of the managers of this bill, we vigorously oppose this amendment. Right here on this desk is perhaps the most dramatic reason not to grant the request. This represents a hearing held by a joint committee of the Senate and House of the Congress of the United States in 1946. They had before them live witnesses, all of the documents, and it is clear from this and their findings that these two officers were then and remain today accused of serious errors in judgment which contributed to perhaps the greatest disaster in this century against the people of the United States of America.

There are absolutely no new facts beyond those deduced in this record brought out by my distinguished good friend, the senior Senator from Delaware. For that reason, we oppose it.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 388. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

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

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—52

Abraham	Biden	Campbell
Akaka	Bingaman	Cleland
Baucus	Boxer	Cochran
Bayh	Breaux	Collins
Bennett	Bunning	Daschle

DeWine	Johnson	Roth
Domenici	Kennedy	Sarbanes
Durbin	Kerry	Schumer
Edwards	Kyl	Shelby
Enzi	Landrieu	Smith (NH)
Feinstein	Lautenberg	Thomas
Grassley	Leahy	Thurmond
Hagel	Lincoln	Torricelli
Harkin	Lott	Voinovich
Hatch	McConnell	Wellstone
Helms	Mikulski	Wyden
Hollings	Murkowski	
Inouye	Rockefeller	

NAYS—47

Allard	Frist	Moynihan
Ashcroft	Gorton	Murray
Bond	Graham	Nickles
Brownback	Gramm	Reed
Bryan	Grams	Reid
Burns	Gregg	Robb
Byrd	Hutchinson	Roberts
Chafee	Hutchison	Santorum
Conrad	Inhofe	Sessions
Coverdell	Jeffords	Smith (OR)
Craig	Kerrey	Snowe
Crapo	Kohl	Specter
Dodd	Levin	Stevens
Dorgan	Lieberman	Thompson
Feingold	Lugar	Warner
Fitzgerald	Mack	

NOT VOTING—1

McCain

The amendment (No. 388) was agreed to.

Mr. ROTH. 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.

AMENDMENT NO. 377

Mr. WARNER. Is the Senator from Virginia correct that the next vote will be on the amendment by the Senator from Kansas?

The PRESIDING OFFICER. Yes, amendment No. 377 by the Senator from Kansas.

Mr. WARNER. And the Senator from Kansas and I understand, also, that our colleague, the ranking member of the committee, likewise supports the amendment.

The PRESIDING OFFICER. There are 2 minutes of debate.

Mr. WARNER. Mr. President, noting the presence of the Senator from Kansas, the amendment by the Senator from Kansas raises a very good point; that is, at the 50th anniversary of the NATO summit, those in attendance, the 19 nations, the heads of state and government, adopted a new Strategic Concept.

The purpose of this amendment is to ensure that that Concept does not go beyond the confines of the 1949 Washington Treaty and such actions that took place in 1991 when a new Strategic Concept was drawn.

A number of us are concerned, if we read through the language, that it opens up new vistas for NATO. If that be the case, then the Senate should have that treaty before it for consideration. This is a sense of the Senate, but despite that technicality, it is a very important amendment; it is one to which the President will respond.

I understand from my distinguished colleague and ranking member, in all probability, we will receive the assurance from the President that it does not go beyond the foundations and objectives sought in the 1949 Washington Treaty.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I support this amendment. It says that the President should say to us whether or not the new Strategic Concept imposes new commitments or obligations upon us. It does not find that there are such new obligations or commitments. The President has already written to us in a letter to Senator WARNER that the Strategic Concept will not contain new commitments or obligations.

In 1991, the new Strategic Concept, which came with much new language and many new missions, was not submitted to the Senate. Indeed, much of the language is very similar in 1991 as in 1999.

In my judgment, there are no new commitments or obligations imposed by the 1999 Strategic Concept. The President could very readily certify what is required that he certify by this amendment, and I support it.

Mr. WARNER. Mr. President, I ask unanimous consent that this vote be limited to 10 minutes and the next vote following it to 10 minutes.

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

All time has expired.

Mr. KYL. Mr. President, I believe that under the order 1 minute was reserved for anybody in opposition, is that correct?

The PRESIDING OFFICER. Two minutes equally divided.

Mr. KYL. I don't think the Senator from Michigan spoke in opposition to the amendment, as I understand it. Therefore, would it not be in order for someone in opposition to take a minute?

The PRESIDING OFFICER. Yes. The Senator from Arizona is recognized for 1 minute.

Mr. KYL. Might I inquire of the Senator from Delaware—I am prepared to speak for 30 seconds or a minute.

Mr. BIDEN. If he can reserve 20 seconds for me, I would appreciate it.

Mr. KYL. I will take 30 seconds.

Mr. WARNER. Mr. President, I ask unanimous consent that both Senators be given 30 seconds.

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

Mr. KYL. Mr. President, I say to my colleagues that, as Senator LEVIN just pointed out, this is a totally unnecessary amendment, because the administration has already expressed a view that it has not gone beyond the Concepts this Senate voted for 90 to 9 when the new states were added to NATO. Those are the Strategic Concepts.

One might argue whether or not they are being applied correctly in the case of the war in Kosovo. That is another debate. But in terms of the Strategic Concepts themselves, this body voted on them, and I would hate for this body now to suggest to the other 18 countries in NATO that perhaps they should resubmit the Strategic Concepts to their legislative bodies as in the nature of a treaty so that the entire NATO agreement on Strategic Concepts would be subject to 19 separate votes of our parliamentary bodies. I don't think that would be a good idea given the fact that, as Senator LEVIN already noted, the President has already said the Strategic Concepts do not go beyond what the Senate voted for 90 to 9.

This an unnecessary amendment. I suggest my colleagues vote no.

Mr. BIDEN. Mr. President, the Strategic Concept does not rise to the level of a treaty amendment, and the Senator from Michigan has pointed that out. Therefore, it is a benign amendment, we are told, and in all probability it is. But it is unnecessary. It does mischief. It sends the wrong message. It is a bad idea, notwithstanding the fact that it has been cleaned up to the point that it is clear it does not rise to the level of a treaty requiring a treaty vote on the Strategic Concept.

But I agree with the Senator from Arizona. He painstakingly on this floor laid out in the Kyl amendment during the expansion of NATO debate exactly what we asked the President to consider in the Strategic Concept that was being negotiated with our allies. They did that. We voted 90 to 9.

This is a bad idea.

The PRESIDING OFFICER. The question is on agreeing to the amendment. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 87, nays 12, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—87

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

NAYS—12

Biden	Inouye	Robb
Boxer	Kyl	Roth
Durbin	Lautenberg	Smith (OR)
Hagel	Moynihan	Specter

NOT VOTING—1

McCain

The amendment (No. 377), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 382

Mr. WARNER. Mr. President, the next amendment is in the jurisdiction of the Finance Committee. Therefore, I have consulted with Chairman ROTH.

Does Senator ROTH have any comments on this?

Mr. ROTH. No comments.

Mr. WARNER. We yield back such time as we may have.

The PRESIDING OFFICER. There are 2 minutes equally divided on the amendment.

The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair.

I have been trying to get this amendment on the floor. This is simple and straightforward. This requires the Department of Health and Human Services to provide us with a report on the status of women and children who are no longer on welfare. There are 4.5 million fewer recipients. We want to know what kinds of jobs, at what wages, do people have health care coverage. This is based on disturbing reports by Family U.S.A., Catholic Organization Network, Children's Defense Fund, Conference of Mayors and, in addition, National Conference of State Legislatures.

Good public policy is good evaluation, and we ought to know what is going on in the country right now on this terribly important question that dramatically affects the lives of women and children, albeit low-income women and children. I hope to get a strong bipartisan vote. It will be a good message.

Mr. KENNEDY. Mr. President, I strongly support Senator WELLSTONE's amendment to require states to collect data on the employment, jobs, earnings, health insurance, and child care arrangements of former welfare recipients.

This information is essential. The most important indicator of welfare reform's success is not just declining welfare caseloads. It is the well-being of these low-income parents and their children after they leave the welfare system. We do not know enough about how they have fared, and states should be required to collect this information. Millions of families have left the welfare rolls, and we need to know how they are doing now. We need information on their earnings, their health care, and other vital data. The obvious question is whether former welfare recipients are doing well, or barely surviving, worse off than before.

The data we do have about former welfare recipients is not encouraging. According to a study by the Children's Defense Fund and the National Coalition on the Homeless, most former welfare recipients earn below poverty wages after leaving the welfare system. Their financial hardship is compounded by the fact that many former welfare recipients do not receive the essential services that would enable them to hold jobs and care for their children. The cost of child care can be a crushing expense to low-income families, consuming over one-quarter of their income. Yet, the Department of Health and Human Services estimates that only one in ten eligible low-income families gets the child care assistance they need.

Health insurance trends are also troubling. As of 1997, 675,000 low-income people had lost Medicaid coverage due to welfare reform. Children comprise 62 percent of this figure, and many of them were still eligible for Medicaid. We need to improve outreach to get more eligible children enrolled in Medicaid. We also need to increase enrollment in the State Children's Health Insurance Program, which offers states incentives to expand health coverage for children with family income up to 200 percent of poverty. it is estimated that 4 million uninsured children are eligible for this assistance.

In addition to problems related to child care and health care, many low-income families are not receiving Food Stamp assistance. Over the last 4 years, participation in the Food Stamp Program has dropped by one-third, from serving nearly 28 million participants to serving fewer than 19 million. But this does not mean children and families are no longer hungry. Hunger and undernutrition continue to be urgent problems. According to a Department of Agriculture study, 1 in 8 Americans—or more than 34 million people—are at risk of hunger.

The need for food assistance is underscored by he phenomenon of increasing reliance on food banks and emergency food services. Many food banks are now overwhelmed by the growing number of requests they receive for assistance. The Western Massachusetts Food Bank reports a dramatic increase in demand for emergency food services. In 1997, it assisted 75,000 people. In 1998, the number they served rose to 85,000. Massachusetts is not alone. According to a recent U.S. Conference of Mayors report, 78 percent of the 30 cities surveyed reported an increase in requests for emergency food in 1998. Sixty-one percent of the people seeking this assistance were children or their parents; 31 percent were employed.

These statistics clearly demonstrate that hunger is a major problem. Yet fewer families are now receiving Food Stamps. One of the unintended consequences of welfare reform is that low-income, working families are dropping off the Food Stamps rolls. Often, these families are going hungry or turning to food banks because they don't have adequate information about Food Stamp eligibility.

A Massachusetts study found that most people leaving welfare are not getting Food Stamp benefits, even though many are still eligible. Three months after leaving welfare, only 18 percent were receiving Food Stamps. After one year, the percentage drops to 6.5 percent. It is clear that too many eligible families are not getting the assistance they need and are entitled to.

Every state should be required to collect this kind of data. We need better information about how low-income families are faring after they leave welfare. Adequate data will enable the states to build on their successes and address their weaknesses. Ultimately, the long-term success of welfare reform will be measured state by state, person by person with this data.

I urge my colleagues to support this amendment. Ignorance is not bliss. We can't afford to ignore the need that may exist.

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

Is there any Senator who wishes to speak in opposition?

Mr. WARNER. Mr. President, we yield back our time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 382. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

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

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—49

Akaka	Edwards	Lincoln
Baucus	Feingold	Mikulski
Bayh	Feinstein	Moynihan
Biden	Graham	Murray
Bingaman	Harkin	Reed
Boxer	Hollings	Reid
Breaux	Inouye	Robb
Bryan	Johnson	Rockefeller
Byrd	Kennedy	Sarbanes
Campbell	Kerrey	Schumer
Chafee	Kerry	Snowe
Cleland	Kohl	Specter
Conrad	Landrieu	Torricelli
Daschle	Lautenberg	Wellstone
Dodd	Leahy	Wyden
Dorgan	Levin	
Durbin	Lieberman	

NAYS—50

Abraham	Frist	McConnell
Allard	Gorton	Murkowski
Ashcroft	Gramm	Nickles
Bennett	Grams	Roberts
Bond	Grassley	Roth
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Hatch	Shelby
Cochran	Helms	Smith (NH)
Collins	Hutchinson	Smith (OR)
Coverdell	Hutchison	Stevens
Craig	Inhofe	Thomas
Crapo	Jeffords	Thompson
DeWine	Kyl	Thurmond
Domenici	Lott	Voinovich
Enzi	Lugar	Warner
Fitzgerald	Mack	

NOT VOTING—1

McCain

The amendment (No. 382) was rejected.

Mr. WARNER. I move to reconsider the vote.

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

The motion to table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Thank you, Mr. President.

I have a colleague who is ready to go, Senator SPECTER, so I will not take much time. But I just want to make it clear to colleagues that on this vote I agreed to a time limit. I brought this amendment out to the floor. There could have been debate on the other side. Somebody could have come out here and debated me openly in public about this amendment.

I am talking about exactly what is happening with this welfare bill. I am talking about good public policy evaluation. Shouldn't we at least have the information about where these women are? Where these children are? What kind of jobs? What kind of wages? Are there adequate child care arrangements?

The Swedish sociologist Gunnar Myrdal once said: ''Ignorance is never random.'' Sometimes we don't know what we don't want to know.

I say to colleagues, given this vote, I am going to bring this amendment out on the next bill I get a chance to bring it out on. I am not going to agree to a time limit. I am going to force people to come out here on the majority side and debate me on this question, and we will have a full-fledged, substantive debate. We are talking about the lives of women and children, albeit they are poor, albeit they don't have the lobbyists, albeit they are not well connected. I am telling you, I am outraged that there wasn't the willingness and the courage to debate me on this amendment. We will have the debate with no time limits next bill that comes out here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I tried to accommodate the Senator early on on this matter. To be perfectly candid, it was a jurisdictional issue with this committee. It was not a subject with which this Senator had a great deal of familiarity. I did what I could to keep our bill moving and at the same time to accommodate my colleague. The various persons who have jurisdiction over it were notified, and that is as much as I can say.

Now, Mr. President, I ask unanimous consent that there be 90 minutes equally divided in the usual form prior to a motion to table with respect to amendment 383 and no amendments be in order prior to that vote.

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

Mr. WARNER. Mr. President, I further ask that following that vote, provided it is tabled, that Senator GRAMM of Texas be recognized to make a motion to strike and there be 2 hours equally divided in the usual form prior to a motion to table and no amendments be in order to that language proposed to be stricken prior to that vote.

Mr. LEVIN. Mr. President, reserving the right to object, the only question I have is that on the second half here, which is the one that is before us, I suggest that it read ''prior to a motion to table or a motion on adoption'' so that there is an option as to whether there is a motion to table or a vote on the amendment itself.

Mr. WARNER. Mr. President, we find no objection to that. I so amend the request.

The PRESIDING OFFICER. Is there objection to the request as amended? Without objection, it is so ordered.

Mr. WARNER. Mr. President, I see the Senator from Pennsylvania, and I yield the floor.

AMENDMENT NO. 383

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, this amendment provides that:

None of the funds authorized or otherwise available to the Department of Defense may be obligated or expended for the deployment of ground troops from the United States Armed Forces in Kosovo, except for peacekeeping personnel, unless authorized by declaration of war or a joint resolution authorizing the use of military force.

The purpose of this amendment, obvious on its face, is to avoid having the United States drawn into a full-fledged war without authorization of the Congress. This authorization is required by the constitutional provision which states that only the Congress of the United States has the authority to declare war, and the implicit consequence from that constitutional provision that only the Congress of the United States has the authority to involve the United States in a war. The Founding Fathers entrusted that grave responsibility to the Congress because of the obvious factor that a war could not be successfully prosecuted unless it was backed by the American people. The first line of determination in a representative democracy, in a republic, is to have that determination made by the Congress of the United States.

We have seen the bitter lesson of Vietnam where a war could not be successfully prosecuted by the United States, where the public was not behind the war.

This amendment is being pressed today because there has been such a consistent erosion of the congressional authority to declare war. Korea was a war without congressional declaration. Vietnam was a war without a congressional declaration. There was the Gulf of Tonkin Resolution, which some said justified the involvement of the United States in Vietnam—military involvement, the waging of a war. But on its face, the Gulf of Tonkin Resolution was not really sufficient.

The Gulf War, authorized by a resolution of both Houses of Congress, broke that chain of the erosion of congressional authority. In January of 1991, the Senate and the House of Representatives took up the issue on the use of force. After a spirited debate on this floor, characterized by the media as historic, in a 52–47 vote, the Senate authorized the use of force. Similarly, the House of Representatives authorized the use of force so that we had the appropriate congressional declaration on that important matter.

We have seen the erosion of congressional authority on many, many instances. I shall comment this afternoon on only a few.

We have seen the missile strikes at Iraq really being acts of war. In February of 1998, I argued on the floor of the Senate that there ought not to be missile strikes without authorization by the Congress of the United States. There may be justification for the President to exercise his authority as Commander in Chief, if there is an emergency situation, but where there is time for deliberation and debate and congressional action, that ought to be undertaken.

As the circumstances worked out, missile strikes did not occur in early 1998, after the indication that the President might authorize or undertake those missile strikes.

When that again became an apparent likelihood in November of 1998, I once more urged on the Senate floor that the President not undertake acts of war with missile strikes because there was ample time for consideration. There had been considerable talk about it, and that really should have been a congressional declaration. The President then did order missile strikes in December of 1998.

As we have seen with the events in Kosovo, the President of the United States made it plain in mid-March, at a news conference which he held on March 19 and at a meeting earlier that day with Members of Congress, that he intended to proceed with airstrikes. At a meeting with Members of Congress on March 23, the President was asked by a number of Members to come to Congress, and he did. The President sent a letter to Senator DASCHLE asking for authorization by the Senate. In a context where it was apparent that the airstrikes were going to be pursued with or without congressional authorization, and with the prestige of NATO on the line and with the prestige of the United States on the line, the Senate did authorize airstrikes, specifically excluding any use of ground troops. That authorization was by a vote of 58 to 41.

The House of Representatives had, on a prior vote, authorized U.S. forces as peacekeepers, but that was not really relevant to the issue of the airstrikes. Subsequently, the House of Representatives took up the issue of airstrikes, and by a tie vote of 213–213, the House of Representatives declined to authorize the airstrikes. That was at a time when the airstrikes were already underway.

I supported the Senate vote for the authorization of airstrikes. I talked to General Wesley Clark, the Supreme NATO Commander. One of the points which he made, which was telling on this Senator, was the morale of the troops. The airstrikes were an inevitability, as the President had determined, and it seemed to me that in that context we ought to give the authorization, again, as I say, expressly reserving the issue not to have ground forces used.

So on this state of the record, with the vote by the Senate and with the tie vote by the House of Representatives, you have airstrikes which may well, under international law, be concluded to be at variance with the Constitution of the United States, to put it politely and not to articulate any doctrine of illegality, at a time when my country is involved in those airstrikes. But when we come to the issue of ground troops, which would be a major expansion and would constitute, beyond any question, the involvement of the United States in a war—although my own view is that the United States is conducting acts of war at the present time—the President ought to come to the Congress.

When the President met with a large group of Members on Wednesday, April 28, the issue of ground forces came up and the President made a commitment to those in attendance—and I was present—that he would not order ground troops into Kosovo without prior congressional authorization. He said he would honor that congressional authorization, reserving his prerogative as President to say that he didn't feel it indispensable constitutionally that he do so. However, he said that he would make that commitment, and he did make that commitment to a large number of Members of the House and Senate on April 28 of this year. He said, as a matter of good faith, that he would come to the Congress before authorizing the use of ground troops.

So, in a sense, it could be said that this amendment is duplicative. But I do believe, as a matter of adherence to the rule of law, that the commitment the President made ought to be memorialized in this defense authorization bill. I have, therefore, offered this amendment.

It is a complicated question as to the use of ground forces, whether they will ever be requested, because unanimity has to be obtained under the rules that govern NATO. Germany has already said they are opposed to the use of ground forces. But this is a matter that really ought to come back to the Congress. I am prepared—speaking for myself—to consider a Presidential request for authorization for the use of ground forces. However, before I would vote on the matter, or give my consent or vote in the affirmative, there are a great many questions I will want to have answered—questions that go to intelligence, questions that go to the specialty of the military planners. I would want to know what the likely resistance would be from the army of the former Yugoslavia. How much have our airstrikes degraded the capability of the Serbian army to defend? How many U.S. troops would be involved? I would like to know, to the extent possible, what the assessment of risk is.

When we talked about invading Japan before the dropping of the atomic bomb on Hiroshima and Nagasaki, we had estimates as to how many would be wounded and how many fatalities there would be. So while not easy to pass judgment on something that could be at least estimated or approximated, I would want to know, very importantly, how many ground troops would be supplied by others in NATO. I would want to know what the projection was for the duration of the military engagement, and what the projection was after the military engagement was over.

These are only some of the questions that ought to be addressed. In 16 minutes, at 4 o'clock, members of the administration, the Secretary of Defense, the Secretary of State, and the Chairman of the Joint Chiefs of Staff are scheduled to give another congressional briefing. Before we have a vote on a matter of this importance and this magnitude, those are some of the questions I think ought to be answered. That, in a very brief statement, constitutes the essence of the reasons why I have offered this amendment.

Mr. DURBIN. Will the Senator yield for a question?

Mr. SPECTER. Yes.

Mr. DURBIN. I thank the Senator. He and I are of the same mind in terms of the authority and responsibility of Congress when it comes to a declaration of war. It is interesting to note that last year when a similar amendment was called on the defense appropriation bill, offered by a gentleman in the House, David Skaggs, only 15 Members of the Senate voted in favor of it, including the Senator from Pennsylvania, the Senator from Delaware, myself, and a handful of others. It will be interesting to see this debate now in the context of a real conflict.

I have seen a copy of this amendment, and I want to understand the full clarity and intention of the Senator. As I understand it, there are two paragraphs offered as part of this amendment. They use different language in each paragraph. I wish the Senator would clarify.

Mr. SPECTER. If I may respond to the Senator, I would be glad to respond to the questions. I thank him for his leadership in offering a similar amendment in the past. When I undertook to send this amendment to the desk, I had called the Senator from Illinois and talked to him this morning and will consider this a joint venture if he is prepared to accept that characterization.

Mr. DURBIN. Depending on the responses, I may very well be prepared to do so.

Would the Senator be kind enough to enlighten me? The first paragraph refers to the introduction of ground troops. The second paragraph refers to the deployment of ground troops. Could the Senator tell me, is there a difference in his mind in the use of those two different terms?

Mr. SPECTER. Responding directly to the question, I think there would be no difference. But I am not sure the Senator from Illinois has the precise amendment I have introduced, which has only one paragraph. I can read it quickly:

> None of the funds authorized or otherwise available to the Department of Defense may be obligated or expended for deployment of ground troops from the United States Armed Forces in Kosovo, except for peacekeeping personnel, unless authorized by a declaration of war or a joint resolution authorizing the use of military force.

Mr. DURBIN. The version I have——

Mr. WARNER. If the Senator will yield, I am holding this draft amendment. You are referring to two paragraphs, and it appears to me that the first paragraph is the title; am I correct? I find that inconsistent with what I believe was paragraph 2. The first paragraph is the title, and there is really only one paragraph in the body of the amendment.

Mr. DURBIN. I thank the Senator from Virginia. If the Senator from Pennsylvania will yield, I will confine myself to the nature of the amendment. Could the Senator tell me why reference is only made to the deployment of grounds troops from U.S. Armed Forces in Kosovo and not in Yugoslavia?

Mr. SPECTER. The amendment was drafted in its narrowest form. Perhaps it would be appropriate to modify the amendment.

Mr. DURBIN. I think it might be. I ask the Senator a second question. Would he not want to make an exception, as well, for the rescue of the NATO forces in Yugoslavia if we would perhaps have a downed flier and ground troops could be sent in for rescue, and that would not require congressional authorization. I think that would be consistent with the Senator's earlier statements about the emergency authority of the President as Commander in Chief.

Mr. SPECTER. I would be prepared to accept that exception.

Mr. DURBIN. The final question is procedural. The Senator from Pennsylvania has been here——

Mr. WARNER. Mr. President, to amend it for a downed flier—we just witnessed ground troops being caught, and they have now been released. I would be careful in the redrafting and not just to stick to a downed flier. That is just helpful advice.

Mr. SPECTER. I thank the Senator.

Mr. DURBIN. A rescue of NATO forces in Yugoslavia was the question. Last, I will ask the Senator from Pennsylvania, if this requires a joint resolution, under the rules of the Senate,

Members in a filibuster, a minority, say, 41 Senators, could stop us from ever taking action on this measure. How would the Senator from Pennsylvania respond to that? Does that, in effect, give to a minority the authority to stop the debate and a vote by the Senate and thereby tie the President's hands when it comes to committing ground troops, should we ever reach the point where that is necessary?

Mr. SPECTER. I respond to my colleague from Illinois by saying that with a declaration of war where the Senate has to join under the Constitution and there could be a filibuster requiring 60 votes, the same rule applies. To get that authorization, either by declaration of war or resolution for the use of force, we have to comply with the rules to get an affirmative vote out of the Senate. Under those rules, if somebody filibusters, it requires 60 votes. So be it. That is the rule of the Senate and that is the way you have to proceed to get the authorization from the Senate.

Mr. DURBIN. I know I am speaking on the Senator's time. I thank him for responding to those questions. I have reservations, as he does, about committing ground troops. I certainly believe, as he does, that the Congress should make that decision and not the President unilaterally. He has promised to come to us for that decision to be made. I hope Mr. Milosevic and those who follow this debate don't take any comfort in this. We are speaking only to the question of the authority of Congress, not as to any actual decision of whether we will ever commit to ground troops. I think that is the sense of the Senator from Pennsylvania. I thank him for offering the amendment, and I support this important amendment.

Mr. WARNER. Mr. President, I will speak in opposition to the amendment. But I don't wish to interfere with the presentation of the Senator. At such time, perhaps, when I could start by propounding a few questions to my colleague and friend, would he indicate when he feels he has finished his presentation of the amendment?

Mr. SPECTER. It would suit me to have the questions right now.

Mr. WARNER. I remind the Senator of the parliamentary situation. While I have given him some suggestions, if he is going to amend it, it would take unanimous consent to amend the amendment.

Mr. SPECTER. To modify the amendment?

Mr. WARNER. That is correct.

Mr. SPECTER. The yeas and nays have not been ordered.

Mr. WARNER. The time agreement has been presented under the rules. I will address the question to the Chair. I think that would be best.

The PRESIDING OFFICER. It would take unanimous consent to modify the amendment.

Mr. WARNER. Just as a friendly gesture, I advise my colleague of that.

Mr. SPECTER. Mr. President, I thank the Senator from Virginia for his friendly gesture.

Mr. WARNER. As the Senator reads the title and then the text, I have trouble following the continuity of the two. For example, first it is directing the President of the United States pursuant to the Constitution and the War Powers Resolution. I have been here 21 years. I think the Senator from Pennsylvania is just a year or two shy of that. This War Powers Resolution has never been accepted by any President, Republican or Democrat or otherwise. Am I not correct in that respect?

Mr. SPECTER. The Senator is correct.

Mr. WARNER. Therefore, we would not be precipitating in another one of those endless debates which would consume hours and hours of the time of this body if we are acting on the predicate that this President is now going to acknowledge that he, as President of the United States, is bound by what is law? I readily admit it is the law. But we have witnessed, over these 20-plus years that I have been here and over the years the Senator from Pennsylvania has been here, that no President will acknowledge that he is subservient to this act of Congress because he feels that it is unconstitutional; that the Constitution has said he is Commander in Chief and he has the right to make decisions with respect to the Armed Forces of the United States on a minute's notice. Really, this is what concerns me about this amendment, among other things.

Mr. SPECTER. If the Senator will yield so I can respond to the question.

Mr. WARNER. All right.

Mr. SPECTER. If it took hours and hours, I think those hours and hours would be well spent, at least by comparison to what the Senate does on so many matters. And we might convene a little earlier. We might adjourn a little later. We might work on Mondays and Fridays and maybe even on Saturdays. I would not be concerned about the hours which we would spend.

I think this Senator, after the 18 years and 5 months that I have been here, has given proper attention to the constitutional authority of the Congress to declare and/or involve the United States in war, or to the War Powers Act. This is a matter which first came to my attention in 1983 on the Lebanon matter when Senator Percy was chairman of the Foreign Relations Committee and I had a debate, a colloquy, about whether Korea was a war, and Senator Percy said it was. Vietnam was a war.

At that time, I undertook to draft a complex complaint trying to get the acquiescence of the President—President Reagan was in the White House at that time—which Senator Baker undertook to see if we could have a judicial determination as to the constitutionality of the War Powers Act.

It is true, as the Senator from Virginia says, that Presidents have always denied it. They have denied it in complying with it. They send over the notice called for under the act, and then they put in a disclaimer.

But I think the War Powers Act has had a profoundly beneficial effect, because Presidents have complied with it even while denying it.

But I think it is high time that Congress stood up on its hind legs and said we are not going to be involved in wars unless Congress authorizes them.

Mr. WARNER. Mr. President, perhaps when I said hours and hours, it could be days and days. But we would come out with the same result. Presidents haven't complied with the act. They have ''complied with the spirit of the act.'' I believe that is how they have acknowledged it in the correspondence with the Congress.

Mr. SPECTER. If I may respond, I think ''complied with the act''—the act requires certain notification, certain statements of the President. They make the statements which the act calls for, and then they add an addendum, ''but we do not believe we are obligated to do so.''

Mr. WARNER. Mr. President, let me ask another question of my colleague. We will soon be receiving a briefing from the Secretaries of State, Defense and the National Security Adviser and the Chairman of the Joint Chiefs. I will absent myself during that period, and the Senator from Pennsylvania will have the opportunity to control the floor. I hope there would be no unanimous consent requests in my absence. I hope that would be agreeable with my good friend, because I have asked for this meeting.

Mr. SPECTER. The Senator may be assured there will be no unanimous consent requests for any effort to do anything but to play by the Marquis of Queensberry rules.

Mr. WARNER. That is fine. I asked for this meeting and have arranged it for the Senate. So I have to go upstairs. But I point out: Suppose we were to adopt this, and supposing that during the month of August when the Senate would be in recess the President had to make a decision with regard to ground troops. Then he would have to, practically speaking, bring the Congress back to town. Would that not be correct?

Mr. SPECTER. That would be correct. That is exactly what he ought to do. Before we involve ground troops, the Congress of the United States could interrupt the recess and come back and decide this important issue.

Mr. WARNER. But the reason for introducing ground troops, whatever it may be, might require a decision of less than an hour to make on behalf of the Chief Executive, the Commander in Chief, and he would be then shackled with the necessary time of, say, maybe 48 hours in which to bring the Members of Congress back from various places throughout the United States and throughout the world. To me, that imposes on the President something that was never envisioned by the Founding Fathers. And that is why he is given the power of Commander in Chief. Our power is the power of the purse, to

which I again direct the Senator's attention in the text of the amendment. But it seems to me I find the title in conflict with the text of the amendment.

Mr. SPECTER. As I said during the course of my presentation, Mr. President, I think the Commander in Chief does have authority to act in an emergency. I made a clear-cut delineation as I presented the argument that when there is time for deliberation, as, for example, on the missile strikes in Iraq, or as, for example, on the gulf war resolution, it ought to be considered, debated and decided by the Congress.

Mr. WARNER. How do we define ''emergency?'' Where the President can act without approval by the Congress, and in other situations where he must get the approval, who makes that decision?

Mr. SPECTER. I think that our English language is capable of structuring a definition of what constitutes an emergency.

Mr. WARNER. Where is it found in this amendment?

Mr. SPECTER. I think the President has the authority to act as Commander in Chief without that kind of specification, and it is not now on the face of this amendment. However, it may be advisable to take the extra precaution, with modification offered and agreed to by unanimous consent in the presence of the Senator from Virginia, to spell that out as well, although I think unnecessarily so.

Mr. WARNER. Mr. President, I must depart and go upstairs to this meeting. But I will return as quickly as I can. I thank the Senator for his courtesy of protecting the floor in the interests of the manager of the bill.

Mr. SPECTER. I thank the Senator from Virginia.

Mr. WARNER. The Senator is aware that the Senator from Virginia will at an appropriate time move to table, and in all probability I will reserve the right to object to this amendment until the Senator from Pennsylvania seeks to amend the amendment.

The PRESIDING OFFICER. The Chair will advise the Members of the Senate that under the previous order Senator ALLARD is to be recognized for 20 minutes.

Mr. WARNER. Perhaps the Senator from Pennsylvania and the Senator from Colorado will work that out between them. I hope they can reach an accommodation.

Mr. SPECTER. Mr. President, if I may, I understand that the Senator from Virginia has articulated his views about a unanimous consent, and that is fine. Those are his rights. But it may be that there will be an additional amendment which I will file taking into account any modifications which I might want to make which might be objected to. So we can work it out in due course.

Parliamentary inquiry: Does the Senator from Colorado have the floor?

The PRESIDING OFFICER. The Senator from Colorado is to have 20 minutes at 4 o'clock under the previous order. The 20 minutes is on the amendment, not on the bill.

Mr. WARNER. Mr. President, if I might clarify the situation.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Before the Senator from Pennsylvania specifically advised me he was going to assert his rights, which he has since his amendment was the pending business of the Senate following the three votes, I put in place a modest time slot for our colleague from Colorado, such that he could address the Senate on the general provisions of the underlying bill. But then we reached a subsequent time agreement to accommodate the Senator from Pennsylvania.

It is my request, in the course of this debate, if the Senator could, within the parameters of the two unanimous consents, work out a situation where he could have about 15 minutes and then we could return to your debate?

Mr. SPECTER. Mr. President, I do not understand that. If you are asking me to give time——

Mr. WARNER. Not from your time agreement. It would be totally separate. In other words, your 90 minutes, now the subject of the second unanimous consent agreement, would be preserved. That is as it was written. But can the Senator accommodate sliding that to some point in time to allow the Senator from Colorado to have 15 minutes?

Mr. ALLARD. What is the regular order?

The PRESIDING OFFICER. The regular order is the Senator from Colorado has the floor for 20 minutes.

Mr. SPECTER. I would be delighted to accommodate the Senator from Colorado one way or the other. He can speak now and then we can go back to our time agreement on the pending amendment.

Mr. ALLARD. I have been waiting. I was here most of the morning and then waiting this afternoon for 3 hours to have an opportunity to make some general comments on this bill. I do not anticipate taking much longer. My agreement is 20 minutes, if I remember correctly.

The PRESIDING OFFICER. That is correct.

Mr. ALLARD. Maybe there would be an opportunity—I would like to get in on this meeting Senator WARNER is attending at some point in time—probably the last part of it. But I would like to have the opportunity to address this bill.

What is it the Senator from Pennsylvania is seeking, as far as the privilege of the floor?

Mr. SPECTER. Mr. President, if I may respond, I am delighted to have the Senator from Colorado use his 20 minutes, which is ordered at this time.

Mr. WARNER. With no subtraction whatsoever from the unanimous consent in place for the Senator.

Mr. SPECTER. That is the understanding the Senator had spoken to earlier.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. At this point in time, the Senator from Colorado has the floor for 20 minutes. The Senator is advised, with regard to the amendment of the Senator from Pennsylvania, 25 minutes remains for the Senator from Pennsylvania and 38½ minutes, approximately, remains for the opposition.

The Senator from Colorado is recognized for 20 minutes.

Mr. ALLARD. Mr. President, today I rise in strong support of S. 1059, the National Defense Authorization Act for Fiscal Year 2000.

As the Personnel Subcommittee chairman, I take great pleasure in which Senator CLELAND, the ranking member, and the other members of the subcommittee were able to provide for our men and women in uniform. Every leader in the military tells me the same thing, without the people the tools are useless. We must take care of our people and the personnel provisions in this bill were developed in a bipartisan manner.

This bill is responsive to the manpower readiness needs of the military services; supports numerous quality of life improvements for our service men and women, their families, and the retiree community; and reflects the budget realities that we face today and will face in the future.

First, military manpower strength levels. The bill adds 92 Marine personnel over the administration's request for an active duty end strength of 1,384,889. It also recommends a reserve end strength of 874,043—745 more than the administration requested.

The bill also modifies but maintains the end-strength floors. While I do not believe that end-strength floors are a practical force management tool, I am personally concerned that the strength levels of the active and reserve forces are too low and that the Department of Defense is paying other bills by reducing personnel. Therefore, it is necessary to send a message to the administration that they cannot permit personnel levels to drop below the minimums established by the Congress.

On military personnel policy, there are a number of provisions intended to support the recruiting and retention and personnel management of the services. Among the most noteworthy, are the several provisions that permit the services to offer 2-year enlistments with bonuses and other incentives. This is a pilot program in which students in college or vocational or technical schools could enlist and remain in school for 2 years before they actually go on active duty.

Many Senators have expressed their concerns about the operational tempo of the military. That is why this bill attempts to address this problem by requiring the services to closely manage the Personnel and Deployment Tempo of military personnel. We would require a general or flag officer to approve deployments over 180 days in a

year; a four-star general or admiral to approve deployments over 200 days and would authorize a $100 per diem pay for each day a service member is deployed over 220 days. The briefings and hearings in the personnel subcommittee have found that the single most cited reason for separation is time away from home and families. At the same time, the services have not been effective in managing the Personnel and Deployment Tempo for their personnel. I am confident that the provision will focus the necessary attention on the management of this problem.

Another important provision is the expansion of Junior ROTC or JROTC programs. A number of members and the service Chiefs and personnel Chiefs told me that they believed Junior ROTC is an important program and that an expansion was not only warranted but needed. Thus we have added $39 million to expand the JROTC programs. These funds will permit the Army to add 114 new schools; the Navy to add 63 new schools; the Air Force to add 63 new schools; and the Marine Corps to exhaust their waiting list to 32 schools. This is a total of 272 new JROTC programs in our school districts across the country. I am proud to be able to support these important programs that teach responsibility, leadership, ethics, and assist in military recruiting.

In military compensation, our major recommendations are extracted from S. 4, the Soldiers', Sailors', Airmen's and Marines' Bill of Rights Act of 1999. First, this bill authorizes a 4.8-percent pay raise effective January 1, 2000 and a restructuring of the pay tables effective July 1, 2000.

Another provision includes a Thrift Savings Plan for active forces and the ready reserves and a plan to offer service members who entered the service on or after August 1, 1986, the option to receive a $30,000 bonus and remain under the ''Redux'' retirement or to change to the ''High-three'' retirement system. In order to assist the active and reserve military forces in recruiting, there are a series of bonuses and new authorities to support the ability of our recruiters to attract qualified young men and women to serve in the armed forces. There are also several new bonuses and special pays to incentivize aviators, surface warfare officers, special warfare officers, air crewmen among others to remain on active duty. Two additional provisions from S. 4 are in this bill. A special retention initiative would permit a service secretary to match the thrift savings contribution of service members in critical specialties in return for an extended service commitment. Also, thanks to the hard work of Senator MCCAIN and Senator ROBERTS, another provision authorizes a special subsistence allowance for junior enlisted personnel who qualify for food stamps.

In health care, there are several key recommendations. There is a provision that would require the Secretary of Defense to implement a number of initiatives to improve delivery of health care under TriCare. Another provision would require each Lead Agent to establish a patient advocate to assist beneficiaries in resolving problems they may encounter with TriCare.

Finally there are a number of general provisions including one to enforce the reductions in management headquarters personnel Congress directed several years ago and several to assist the Department of Defense Dependents School System to provide quality education for the children of military personnel overseas.

Before I close, as a first time Senator subcommittee chair, I express my appreciation to Senator CLELAND for his leadership and assistance throughout this year as we worked in a bipartisan manner to develop programs which enhance personnel readiness and quality of life programs. I also thank the members of the subcommittee, Senator THURMOND, Senator MCCAIN, Senator SNOWE, Senator KENNEDY, and Senator REED, and their staffs. Their hard work made our work better and helped me focus on those issues which have the greatest impact on soldiers, sailors, airmen and marines.

Mr. President, I finish by thanking Chairman WARNER for the opportunity to point out some of the highlights in the bill which the Personnel Subcommittee has oversight and to congratulate him and Senator LEVIN on the bipartisan way this bill was accomplished and ask that all Senators strongly support S. 1059.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The time is under control. If neither side yields time, time will simply run equally.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I thank the Chair. The Senator from Delaware is here and I will be happy to yield—how much time do the opponents have?

The PRESIDING OFFICER. The opponents of the amendment have 38 minutes and approximately 10 seconds.

Mr. LEVIN. Is that divided in some way or under the control of Senator WARNER and myself? How is that?

The PRESIDING OFFICER. The manager of the bill is designated to be in charge of the opposition.

Mr. LEVIN. I am happy to yield 5 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 5 minutes.

Mr. BIDEN. Mr. President, I will be necessarily brief.

It is not often I disagree with my friend from Pennsylvania, Senator SPECTER. I think he is right in the fundamental sense that if the President is going to send American ground forces into a war, it needs congressional authority.

Very honestly, this amendment is, in my view, flawed. First of all, it is clear that the President has to come to Congress to use ground forces and that the President has already stated—I will ask unanimous consent to print in the RECORD a copy of his letter dated April 28, 1999, to the Speaker of the House in which he says in part:

Indeed, without regard to our differing constitutional views on the use of force, I would ask for Congressional support before introducing U.S. ground forces into Kosovo into a non-permissive environment.

I ask unanimous consent that the President's letter be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, April 28, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I appreciate the opportunity to continue to consult closely with the Congress regarding events in Kosovo.

The unprecedented unity of the NATO Members is reflected in our agreement at the recent summit to continue and intensify the air campaign. Milosevic must not doubt the resolve of the NATO alliance to prevail. I am confident we will do so through use of air power.

However, were I to change my policy with regard to the introduction of ground forces, I can assure you that I would fully consult with the Congress. Indeed, without regard to our differing constitutional views on the use of force, I would ask for Congressional support before introducing U.S. ground forces into Kosovo into a non-permissive environment. Milosevic can have no doubt about the resolve of the United States to address the security threat to the Balkans and the humanitarian crisis in Kosovo. The refugees must be allowed to go home to a safe and secure environment.

Sincerely,

BILL CLINTON.

Mr. BIDEN. Mr. President, not only must the President, but he said he would.

This amendment is flawed in two respects. First, as a constitutional matter, I believe it is unnecessary. The Constitution already bars offensive military action by the President unless it is congressionally authorized or under his emergency powers.

The Senate resolution we adopted only authorizes the use of airpower. If Congress adopts this amendment, it seems to me we will imply the President has carte blanche to take offensive action, and anywhere else unless the Congress makes a specific statement to the contrary in advance. In short, I think it will tender an invitation to Presidents in the future to use force whenever they want unless Congress provides a specific ban in advance.

Putting that aside, however, the amendment is flawed because its exceptions are much too narrowly drawn. The amendment purports to bar the use of Armed Forces in response to an attack against Armed Forces.

For example, we have thousands of soldiers now in Albania and Macedonia.

Let's suppose the Yugoslav forces launch an attack against U.S. forces in Albania or in Macedonia. This amendment would bar the use of ground forces to respond by going into Kosovo.

The power to respond against such an attack is clearly within the power of the Commander in Chief. So, too, does the President have the power to launch a preemptive strike against an imminent attack. The U.S. forces do not have to wait until they take the first punch.

The second point I will make in this brief amount of time I am taking is that the amendment does not appear to permit the use of U.S. forces in the evacuation of Americans. Most constitutional scholars concede the President has the power to use force in emergency circumstances to protect American citizens facing an imminent and direct threat to their lives.

In sum, notwithstanding the fact that my colleague from Pennsylvania is going to amend his own amendment, it does not, in my view, appear to be necessary and it unconstitutionally restricts recognized powers of the President.

This comes from a guy—namely me—who has spent the bulk of the last 25 years arguing that the President has to have congressional authority to use force in circumstances such as this, and he does. But to bar funds in advance, before a President even attempts to use ground forces, in the face of him saying he will not use them and in the face of a letter in which he says he will not send them without seeking Congress' authority, seems to me to not only be constitutionally unnecessary but sends an absolutely devastating signal to Mr. Milosevic and others.

For example, I, for one, have been encouraging the Secretary of Defense, our National Security Adviser, and the President of the United States to get about the business of prepositioning right now the 50,000 forces they say will be needed in a permissive environment. That is an environment where there is a peace agreement. If tomorrow peace broke out in Yugoslavia, if Mr. Milosevic yielded to the demands of NATO, there would be chaos in Kosovo because there would be no force to put in place in order to ensure the agreement.

I worry that an amendment at this moment not only is unnecessary but would send a signal to suggest that we should not even be prepositioning American forces for deployment in a peaceful environment. I think it is unnecessary.

I thank the Chair for his indulgence and my colleague for the time. I oppose the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Pennsylvania.

Mr. SPECTER. Before the distinguished Senator from Delaware leaves the floor, if I may have his attention. I say to Senator BIDEN, may I have your attention?

Mr. BIDEN. Surely.

Mr. SPECTER. The arguments which you have made stem from your stated position that the President really ought to have congressional authorization to use force. If the legislative approach is not to require him to come to Congress before the use of force, but to await his using force, then are we not really in a situation where we face the impossible predicament of seeking to cut off funds from the middle of a military operation which is untenable? Or to articulate the question more precisely: What would you suggest as a way to accomplish the constitutional principle you agree with, that only the Congress has the authority to authorize the use of force, with the current circumstances?

Mr. BIDEN. Mr. President, if I may respond, I think that is a fair question. I think I, quite frankly and bluntly, accomplished that. The way I did that—the Senator was in that same meeting. We were in the same meeting. I think it was the 28th, you said. I do not remember the exact date.

Mr. SPECTER. It was.

Mr. BIDEN. He may recall that I am the one who stood up and said: Mr. President, you do not have the authority to send in ground troops without congressional authorization. Since you have said, Mr. President, you have no intention of doing that, why don't you affirmatively send a letter to the Speaker of the House of Representatives committing that you will not do that without their authority? He said: I will. And he did. I think we accomplished that.

To now say that we are going to add to that the requirement to cut off funds, that we will cut off funds, is a very direct way of saying: We don't trust you, Mr. President. You gave your word; you put it in writing; you put your signature on it; and we still don't trust you.

I am not prepared to vote for that.

Mr. SPECTER. Mr. President, I would disagree with the statement of my colleague from Delaware that we say, ''we do not trust you, Mr. President,'' by noting that the President might change his mind. He has been known to do that. Other Presidents have, and even the Senator from Delaware and the Senator from Pennsylvania have been known to change their minds.

The other concern is that if you have it on a personal basis, in a letter, it really does not have the force of law. And we are consistently moving in the Congress to where there has been an executive order, which is a good bit more formal than the letter that the Senator from Delaware refers to, to make sure that it is governed by law as opposed to a personal commitment or what might be said.

But let me articulate a question in a different context.

Aside, hypothetically, absent a letter, what would the legislative approach be to limit a President from exercising his powers as Commander in Chief short of cutting off funds once he has already done so? It seems to me that we have a choice. We can either say in advance: You may not do it unless you have our prior approval; or say nothing once the President uses force, and then cut off the funds, which appears to me to be untenable.

Is there a third alternative?

Mr. BIDEN. Yes, Mr. President. I think there is. If I may respond.

There are several. There is a third and a fourth alternative. One of the alternatives would be, were the resolution merely to say: Mr. President, by concurrent resolution, we believe you do not have the authority to put ground troops in place without our authorization; we expected that you would request of us that authorization before you did, that would create an incredibly difficult political barrier for any President to overcome. It would not be an advance cutoff of funds.

I do not recall where we have in advance—in advance of a President taking an action—told him that we would limit the availability of funds for an action he says he has not contemplated undertaking in advance. I think it is a bad way to conduct foreign policy. I think it complicates the circumstance. It sends, at a minimum, a conflicting message. At a minimum, it sends the message to Europe, for example, and our allies, that we, the U.S. Congress, think the President is about to send American forces in when he has not said he wishes to do that.

Secondly, it says in advance, to our enemies, that the President cannot send in ground forces unless he undoes an action already taken, giving an overwhelming prejudice to the point of view that the President could never get the support to use ground forces.

I understand my friend from Pennsylvania—and I have said this before, and I mean it sincerely, there is no one in this body I respect more than him, but he has indicated that he would be amenable to a consideration of the use of ground forces, if asked. But I suspect that is not how this will be interpreted in not only Belgrade but other parts of the world. I think it will be interpreted as the Senate saying they do not want ground troops to be put in under any circumstances. That is not what he is saying. But that is, I believe, how it will be interpreted.

So let me sum up my response to the Senator's question: A, we could, in fact, say to the President: Mr. President, if you are going to use ground forces, come and ask us, with no funds cut off in terms of a resolution.

Secondly, we could say to the President: Mr. President, we have your letter in hand. We take you at your word and expect that that is what you would do, memorializing the political context in which this decision was made, which Presidents are loath to attempt to overcome.

The bottom line is, the President of the United States can in fact go ahead and disregard this as easily as he could disregard the provisions of the Constitution. If a President were going to decide that he would disregard the constitutional requirement of seeking our authority to use ground forces, I respectfully suggest he would not be at all hesitant to overcome a prohibition in an authorization bill saying no funds authorized here could be used.

He could argue that funds that have already been authorized have put force in place, with bullets in their guns, gasoline in their tanks, fuel in their aircraft; that he has the authority to move notwithstanding this prohibition.

I understand the intention of my friend from Pennsylvania. I applaud it. I think it is unnecessary in a very complex circumstance and situation in which the President of the United States has indicated he does not intend to do it anyway. And I just think it sends all the wrong messages and is unnecessary and is overly restrictive.

Mr. SPECTER. The Senator from Delaware has mentioned a third option to the two I suggested.

The third option is for us to send a resolution saying don't do it unless we authorize it, but not binding him. Saying that would certainly impose a political restraint on the President—not doing it, in the face of our requesting him not to without our prior authorization. I understand his third alternative, but I do not draw much solace from it, just as a matter of my own response.

Mr. BIDEN. If the Senator would yield, I am not suggesting——

Mr. SPECTER. My time is running out. Let me finish my statement. Then you have quite a bit of time left. Let me just finish the thought.

I do not think it goes far enough to say: We request that you not do it unless we give you prior authorization. Because that kind of a gentle suggestion—and I can understand the gentility of my colleague from Delaware—would not go very far, I think, with this President or might not go very far with the Senator from Delaware or would not predetermine what the Senator from Pennsylvania would do.

When the Senator from Delaware talks about the President flying in the face of a cutoff of funds, I think that the President would be loath to do that. I think there he might really get into the Boland amendment or challenging the Congress on the power of the purse.

The Presidents have gotten away with disregarding the congressional mandate that only Congress can declare war. They have gotten away with it for a long time. It has been eroded. Presidents feel comfortable in doing that. But if the Congress said: No funds may be used, as this amendment does—maybe it needs to be a little tighter here or there—I think the President would proceed at his peril to violate that expressed constitutional authority in Congress to control the power of the purse. I am very much interested in my colleague's response, but I hope it will be on his time.

Mr. BIDEN. Mr. President, will the Senator from Michigan yield me 2 minutes?

Mr. LEVIN. I would be happy to yield. May I inquire of the Chair how much time the opponents have?

The PRESIDING OFFICER. Thirty-two minutes 11 seconds.

Mr. LEVIN. I am happy to yield to the Senator.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. The Senator from Arizona, Mr. MCCAIN, and I had an amendment to attempt to preauthorize the use of ground forces. The Congress debated, as the Parliamentarian can tell us, in the context of the War Powers Act, having been triggered by a letter sent by the President to the Congress.

We have already spoken. We have already spoken as a Congress. We have made it clear to the President of the United States, unfortunately, in my view, that under the War Powers Act, we believe he should not at this moment be introducing ground forces because the McCain-Biden amendment was defeated, which was an affirmative attempt to give him authority in advance to use ground forces. So we have already debated this issue of ground forces in the context of the War Powers Act, which was one of the two documents cited by the Senator from Pennsylvania, the other being the U.S. Constitution. I argue we have done that.

Second, I point out that I can't imagine a modern-day President, in the face of an overwhelming or even majority congressional decision, saying you should not use force and having the political will or courage to go ahead and use it anyway. I do not think such a circumstance exists. If you think this President is likely to do that, then you have a view of his willingness to take on the Congress that exceeds that of almost anyone I know.

The idea that this President, in this context, having said so many times that he would not and does not want to use ground forces, would fly in the face of a majority of the Members of the Congress saying he should not do it without coming here, in what everyone would acknowledge would be a difficult political decision to make in any instance and difficult military decision to make, and then if, in fact, he is not immediately successful, I believe everyone in this Chamber would acknowledge that it would probably effectively bring this Presidency down. I just can't imagine that being the matter.

Let me conclude by saying, Professor Corwin is credited with having said that the Constitution merely issues an invitation to the President and the Senate does battle over who controls the foreign policy. Seldom will Presidents take action that is totally contrary to the expressed views of the Congress which risk American lives and clearly would result in American body bags coming home.

I wish he had a view different than the one I am asserting, because I think we need to have that option open and real. I am not sure it is. I am almost positive there is no reasonable prospect this President, or for that matter the last President, would have moved in the face of the Congress having already stated its views that it was not willing to give him that power in advance, which is another way of saying: Mr. President, if you want this power, come and ask us.

So I think it is unnecessary. I think it is redundant. I think it has already been spoken to as it relates to the War Powers Act. I think it is a well-intended, mistaken notion as to how we should be limiting this President's use of ground forces.

I thank the Senator from Michigan for yielding me that time.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the Senator from Delaware for those comments. I think it all boils down to whether the President would feel compelled by a political situation, a statement by Congress, to not send in ground troops.

I acknowledged in my opening comments that he had made that commitment, which I heard and spoke about, on April 28. But I believe we ought to be bound by the rule of law, not be dependent upon a change of mind by the President, and memorialize it in this statute. Congress ought to assert its authority to declare war and have the United States engaged in war and to do it with the force of law with this kind of an amendment, perhaps somewhat modified.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I oppose the amendment. It would send the worst possible signal, I believe, to Milosevic at this time. A kind of ''don't worry'' signal, if you weather the storm, no matter how weakened your military is, the President isn't going to be able to go in even in a semipermissive environment in order to return the refugees, because Congress has tied his hands, tied the purse to say that only if Congress affirmatively approves the expenditure of funds, then and only then could ground forces go in, even in a semipermissive environment.

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

The PRESIDING OFFICER. Twenty-seven and a half minutes.

Mr. LEVIN. I yield myself 6 minutes.

I can't think of a worse signal to send to Milosevic in the middle of a conflict than this amendment would send to him. Congressional gridlock is not unheard of around here. We have plenty of examples of Congress being unable to act. We had a recent example

in the House where the House could not even agree to support an air campaign that is presently going on, a tie vote.

Under this funding cutoff approach, that air campaign presumably would not be able to continue under a comparable resolution applying to the use of military forces.

I know this only applies to ground forces and not to an air campaign, but that vote in the House of Representatives is a wonderful example of how Milosevic, when he looked at this resolution, would say, well, gee, this would require Congress to affirmatively act, and since the House can't even get a majority to act to support an ongoing operation, I could comfortably rely, he would say to himself, on the fact that they would never authorize in advance a ground campaign, even in a semipermissive environment.

The President has been criticized for taking the possibility of ground troops off the table. The argument is that Milosevic doesn't have to worry as much about that possibility, given the position of the administration. I think we ought to want Milosevic to worry and to worry more, not less. This is a ''worry less'' amendment, not a ''worry more'' amendment. This says Congress would have to affirmatively approve ground forces in advance, even in a semipermissive environment, and it seems to me Milosevic could quite comfortably say to himself that is not a very strong likelihood.

There are a lot of practical problems with the wording of this amendment. For instance, what happens if U.S. intelligence discovered that American forces in Albania or in Macedonia were about to be attacked by Yugoslav army forces and it was determined to be necessary for U.S. ground forces to conduct a preemptive attack into Kosovo in self-defense? We are just about ready to be attacked; can we hit the attacker? Not under this amendment. You have to come to Congress first.

Our military would be told, whoops, you are about to be attacked in Albania or Macedonia, but Congress passed a law saying they have to authorize the use of ground forces. Do we want to tie the hands of our commanders that way in the middle of a conflict, to tell our commanders that even in circumstances where they think they are about to be hit that they cannot preemptively go after the attackers in Kosovo with ground forces? They have to then just take it on the chin?

And what if U.S. forces in Albania or Macedonia were attacked by Yugoslav army forces, actually attacked in Macedonia or Albania. Would counterattacking U.S. forces have to stop at the Kosovo border, thereby giving the Yugoslav army a haven from which they could conduct ground attacks across the border but not be pursued by American ground forces? The commander would have to stop at the border and come to Congress? So it is the worst kind of signal we could give in the middle of a conflict to Mr. Milosevic, and it creates burdens on our commanders that are intolerable in the middle of a conflict.

We have been advised by the Department of Defense on this amendment that ''it is so restrictive of U.S. operations and so injurious to our role in the alliance that the President's senior advisers would strongly recommend that the final bill be vetoed if this language is included in the bill.'' That is information we have just received from the Department of Defense.

Gridlock. Fifty votes in the House. Now, under this amendment, we have to affirmatively approve something. What happens if a majority of us want to approve it but we are filibustered? The Senator from Pennsylvania said, well, those are the rules.

Those are the rules. But under his amendment, it would mean that even if a majority of the Senate wanted to give approval to ground forces, a minority in the Senate could thwart that action.

I think this is the kind of tying of our hands in the middle of a conflict that would tell Milosevic this country is not serious about the NATO mission. This NATO mission is so critical in terms of the future of Europe; it is so critical in terms of the stability not only of Europe but of the North Atlantic community that for us to adopt language that in advance says you can't do something without Congress acting, knowing, as we do, how difficult it is to get Congress to act even in the middle of a conflict, would be simply a terrible result for the success of our mission.

Mr. President, I yield myself an additional 3 minutes.

The PRESIDING OFFICER. The Senator may continue.

Mr. LEVIN. Mr. President, we want, I hope, to do two things. One is to tell the President, as we have, how important it is that there be consultation and that he seek support from the Congress, and he has committed to do so. But that is a very different thing from what this amendment provides. This is an advance funding cutoff, unless something happens that can be thwarted by gridlock.

We should not ever forget the likelihood of gridlock in this Congress. Even if a majority wanted to support the use of ground forces in a nonpermissive environment, a minority of the Senate could thwart that majority view. I believe the signal to Milosevic that he will be the beneficiary of gridlock, and only if gridlock can be overcome would he then have to fear the possibility of the use of ground forces, is a signal that would undermine the current mission in a very significant way.

Again, reading from the information paper the Department of Defense has shared with us this afternoon:

> The Department strongly opposes this amendment because it would unacceptably put at risk the lives of U.S. and NATO military personnel, jeopardize the success of Operation Allied Force, and inappropriately restrict the President's options as Commander in Chief.

These are now the words of the information paper shared with us by the Department:

> . . . effectively give Milosevic advance notice of ground action by NATO forces, should NATO commanders request consideration of this option.

While we have made no decision to use ground forces in a nonpermissive environment, it would be a mistake to hamstring this option with a legislative requirement for prior congressional approval. The Department says:

> This would be construed to prohibit certain intelligence or reconnaissance operations essential to a successful prosecution of Operation Allied Force. It would prohibit any preemptive attack by U.S. forces based on advance warning or suspicion of an impending attack by the Yugoslav forces. It would prohibit U.S. ground personnel from pursuing those forces, conducting hit and run, or similar attacks across international boundaries.

But the words that we should pay the most heed to in this memorandum from the Department of Defense—the words that I hope this Senate will think very carefully about before we consider adopting this amendment—are that the Department strongly opposes amendment No. 383 because it would ''unacceptably put at risk the lives of U.S. and NATO military personnel and jeopardize the success of Operation Allied Force.''

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, in listening to the comments of the Senator from Michigan, every single objection and argument he has raised applies equally to the President's commitment by letter to come to the Congress before he would use ground forces.

When he says it would be the worst signal to Milosevic, the President gave that signal personally when he said it gives Milosevic advance notice. That is exactly what the President would be doing in coming to Congress. When he says there could be no intelligence or reconnaissance, that is exactly what would happen by the President's commitment. When he says it would preclude a preemptive strike, that is exactly what the President has done. When he says it puts at risk U.S. military personnel, that is precisely what the President has done.

When they talk about a veto, it is the same old threat—senior advisers threatening to veto. I think this may be a better amendment than I had originally contemplated.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The opponents have 16 minutes 44 seconds. The proponents have 11 minutes.

Who yields time?

Mr. SPECTER. Mr. President, I yield 5 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. I thank the Chair, and I thank the Senator.

Mr. President, I commend the Senator from Pennsylvania for what he is trying to do with his amendment, to protect the prerogatives of the Senate and the requirements of the War Powers Resolution with respect to the actions of our armed services abroad. Although I understand it may be modified, I think I will be able to support this amendment. I share the Senator's commitment to protecting the war powers granted to the Congress by the Founding Fathers and reaffirmed in the War Powers Resolution.

That said, I hope that, should this amendment be adopted, the conferees will make an effort to better define the term ''peacekeeping,'' for which the Senator has made an exception in his amendment. I believe that all military deployments, subject to the exceptions laid out in the War Powers Resolution including peacekeeping operations, should receive authorization of the Congress. And, since there currently is no peace to keep in Kosovo—and in fact NATO continues air strikes to this day—I hope that the Congress will define the parameters of such an exception more specifically.

Mr. President, today is May 25, 1999, and in the context of the Senator's amendment I want to take the opportunity to remind the Senate of the significance of today's date.

Exactly 62 days ago, U.S. forces, as part of a NATO force, began air strikes against the Federal Republic of Yugoslavia.

Today marks the expiration of the 60-day time period after which the President—under the provisions of the War Powers Resolution—is required to withdraw our Armed Forces from their participation in the air strikes against the Federal Republic of Yugoslavia.

Exactly 60 days ago—48 hours after the air strikes began—the President was required under section 4(a)(1) of the War Powers Resolution to submit a detailed report to the Congress regarding the actions he ordered our troops to take.

No such report has been submitted. Rather, the Congress was notified of the U.S. participation in the NATO air strikes by a letter from the President that he says is—''consistent''—with the War Powers Resolution.''

''Consistent'' or not, I do not believe that the President's letter satisfies the requirements of the War Powers Resolution. Nevertheless, in my view, the War Powers Resolution stands as the law of the land, and the President should comply with it. So it follows, then, that if the President fails to withdraw our troops by midnight tonight—and of course it is clear that they will remain in the region long after the clock strikes twelve—the President will be in violation of the provisions of the War Powers Resolution.

I find it disturbing that this important date of May 25 will come and go with no action to remove our troops from the region. Indeed, I am afraid that this Congress is ignoring the significance of this date completely. In fact, I am not sure that the significance of this date has been noted by any of my colleagues during debate on this Specter amendment.

The War Powers Resolution provides that the President shall terminate the use of our Armed Forces for the purpose outlined in the report required under section 4(a)(1) of the Act after 60 days unless one of the three things has happened:

The Congress has declared war or has enacted a specific authorization for the use of the military; the Congress has extended by law the 60-day time period; or the President is not able to withdraw the forces because of an armed attack against the United States.

In addition, the President may extend this time period by 30-days if he certifies in writing to the Congress that it is unsafe to withdraw the forces at the end of the 60 days.

Sixty days have come and gone, Mr. President, and none of these things has happened.

The Congress has not declared war, nor has it authorized this action.

The Congress has not extended the 60-day time period.

The United States has not been attacked.

The President has not certified in writing to the Congress that an additional 30 days are necessary to ensure the safe withdrawal of our troops.

As my colleagues know, I voted against the ongoing NATO air strikes against the FRY, and I am deeply troubled that U.S. participation in them continues despite the fact that Congress was divided on whether to authorize them. In addition, the resolution which this body adopted and on which the other body deadlocked was not a joint resolution that would have authorized the military action, by law.

No, Mr. President, S. Con. Res. 21 is a sense-of-the-Congress resolution that does not carry the force of law.

The Senate also considered a joint resolution offered by the Senator from Arizona [Mr. MCCAIN] which, if adopted by both Houses of Congress, would have given the President the specific statutory authorization required under the War Powers Resolution to continue the use of our Armed Forces in the action against the FRY. In fact, Mr. President, that sweeping resolution would have allowed the President to expand this participation as he saw fit. While I opposed this resolution, I am pleased that the Senate debated it and voted on it as we unequivocally were obliged to do under the War Powers Resolution.

I am afraid that the debate and votes on the participation of the United States in Kosovo both here in the Senate, as well as in the other body, reflect the fact that there is no consensus in the Congress or in the country with regard to what we have already done in Kosovo, let alone a consensus on whether to expand the U.S. mission there.

Sixty days have come and gone since the President failed to submit the required report regarding U.S. participation in the air strikes against the FRY. Despite this regrettable inaction, the War Powers Resolution clock began to tick 48 hours after the first bombs fell—the date on which the President's report under section 4(a)(1) of the Act was required to have been submitted. That's right, Mr. President, the clock begins to tick whether the President fulfills his obligation to submit the report or not. The vitality of the War Powers Resolution is unmistakable because that law states that the troops must be removed ''. . . within 60 calendar days after a report is submitted or is required to be submitted pursuant to section 4(a)(1). . . .'' unless one of the actions I mentioned earlier has occurred.

As the clock draws closer to midnight today, the sixtieth day, our troops are performing admirably under hostile conditions. But time has almost run out on the President to fulfil this legal obligations under the War Powers Resolution.

Despite the fact that many in Congress oppose the current air campaign, and despite the fact that our troops will soon be participating in this campaign in violation of the War Power Resolution, members of this body last week adopted a massive spending package in support of a military action that many of them oppose. I support fully our efforts to give our men and women in the field everything they need to maximize their chances of success and to minimize the risks they face.

Still, I voted against that package, both because of my continuing concern over our unauthorized military involvement in the FRY and because of the non-emergency spending that was jammed into the so-called emergency bill.

So we are not at a critical juncture, Mr. President. The Congress has voted to fund a military mission that it has not authorized, and the President has signed this bill even though he knows, as we know, that the continued participation of our troops in this mission is in violation of the War Powers Resolution.

One way or the other, consistent with the safety of our troops, it is time for the President to comply with the War Powers Resolution by seeking—and gaining—the legal authorization of Congress to continue this war, or by withdrawing our forces.

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

Mr. SPECTER. Mr. President, I have not had an opportunity to read the letter from the President to the Speaker. It goes far short of the kind of commitment that has been represented—honestly represented. But the letter says in pertinent part: ''I can assure you

that I will fully consult with the Congress'', which doesn't amount to a whole lot. And then another line, ''I would ask for congressional support before introducing U.S. ground forces into Kosovo into a nonpermissive environment''.

The language of support here again goes far short of committing to congressional authorization such as is contained in this amendment.

I yield the floor.

I ask how much time I have left.

The PRESIDING OFFICER. Thirty-five minutes 30 seconds.

Mr. SPECTER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, on that point, we have been conducting a meeting for almost an hour in S–407, attended by the Secretary of State, the Secretary of Defense, and the National Security Adviser to the President, Mr. Berger, and the Chairman of the Joint Chiefs. In the course of their presentations to some 40-plus Senators, in response to questions and in direct presentation, they reiterated that the President will formally come before the Congress and ask for any changes he deems necessary involving ground troops before he would implement or agree to implement with other NATO nations such a plan. That has just been stated on two occasions up in S–407. There was no equivocation. It was very clear in their declaration on behalf of the President. I acquainted them with the amendment which is now being debated on the floor of the Senate.

Earlier indications from the Secretary of Defense to me today were that should this amendment as drawn now appear in a conference report, it would be the recommendation of the Secretaries of State and Defense to veto.

I am pointing out to the Senate that again we revisit many, many times this whole war powers concept. We acknowledge that both Republican Presidents and Democrat Presidents have absolutely steadfastly refused to comply with the letter of the law, but they have complied with the spirit of the law.

In this instance, the President has indicated to the Senate in that letter—and just now in the briefings by his principal Cabinet officers—that he would formally—I use the word ''formal'' to clarify—come to the Congress and request their concurrence for any departure from his preposition. That preposition was just moments ago restated by Secretaries Cohen and Albright in response to my question, which was, question No. 1, to allow me to return to the floor with regard to any nonpermissive force being put in place, which I favor, by the way, to send a signal. They said that would not be done. The President has no intention of doing it, nor do the NATO allies. And should the President decide at some later date, for whatever reason, to begin to preposition such forces, then he would come before the Congress prior thereto and get legislative approval.

I believe very strongly that this amendment would put this bill in severe jeopardy in terms of getting it signed, and that the President and his principal advisers have in the past and again today advised the Congress that the President is prepared to deal with the spirit of this amendment and to come before the Congress and seek its formal concurrence by legislative action should he and other NATO allies in the future make a decision to depart from the present policy.

I have just been handed a modification. It is one that the Senator from Pennsylvania and I have discussed. I don't know if my colleague has had an opportunity to see it.

If there are other Senators who wish to speak, I need time within which to consider this modification. Unless other Senators seek recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. WARNER. Mr. President, I yield to the Senator 3 or 4 minutes.

Mr. ROBB. I thank my distinguished senior colleague. One minute will be sufficient because I know the chairman of the committee is about to make a unanimous consent request.

I state to my good friend from Pennsylvania, I am very much opposed to this amendment. I cannot imagine a modification of this amendment that would cause me to be supportive. We have already debated this essential question twice.

Congress has the power to declare war. If we are concerned about consultation with the executive branch, as we speak consultation is taking place up in S–407 in a classified briefing where the Secretary of Defense, the Secretary of State, the National Security Adviser and the Chairman of the Joint Chiefs of Staff have been briefing all Senators on what is taking place, what has taken place, what will take place and have again reaffirmed the intention of the President to consult with the Congress before any change, particularly with respect to the implementation of any particular plan that might involve the commitment of ground troops, takes place.

With that, Mr. President, I ask our colleagues to look very seriously at the long-term implications. Think of the kind of message this sends to Milosevic. Think of the kind of message this sends to our 18 alliance partners, if we were to continue to try to take this type of action on the floor of the Senate.

Mr. President, I urge a rejection of this particular amendment and I yield the floor.

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

Mr. WARNER. Mr. President, I thank my colleague for that strong statement. I am certainly of the same view.

Mr. President, I ask unanimous consent that when all time is used on the pending Specter amendment, the amendment be temporarily set aside with a vote occurring on or in relation to the amendment—there will be a tabling motion.

Mr. SPECTER. Reserving the right to object, will the Senator repeat that?

Mr. WARNER. Let me repeat it in its entirety. I have not asked unanimous consent.

I ask unanimous consent that when all time is used on the pending Specter amendment, the amendment be temporarily set aside with a vote occurring on or in relation to the amendment following the debate on the Gramm amendment.

That is the time sequence. As I have indicated, I will move to table the Senator's amendment.

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

Mr. WARNER. For the information of all Senators, the Gramm amendment will be presented with a 1½-hour time agreement. Following that debate, the Senate will proceed to two stacked votes, first on the Specter amendment—and we have to reserve in here the amending of that amendment, which could be amended—to be followed by a vote on the Gramm amendment.

So we just have the sequencing of the debate, sequencing of the votes. And we will momentarily, Senator LEVIN and I—I am prepared to accept the amendment as amended. The Senator is waiting for just one Senator to get concurrence.

So we have the unanimous consent in place. I have given information to the Senate with respect to the sequencing of the Gramm amendment.

Mr. SPECTER. Reserving the right to object, I ask my colleague from Virginia to insert 2 minutes on each side to argue in advance of the vote.

Mr. WARNER. I have certainly no objection to that.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Is there objection to the request as modified? Without objection, it is so ordered.

The PRESIDING OFFICER. Do Senators yield back their time on the pending amendment? Who yields time on the pending amendment?

Mr. WARNER. Mr. President, does Senator SPECTER want to reserve his time, and I will reserve my time, and then we can proceed to the Gramm amendment and come back to Senator SPECTER's amendment? I am sure he will allow that.

Mr. SPECTER. That is agreeable. We will take up the Gramm amendment now and then come back with the time I have reserved at that time.

Mr. WARNER. And the time under the control of the Senator from Virginia, jointly shared with Senator LEVIN.

Mr. SPECTER. May the Record show I have made a request for a modification of the amendment and I will send a copy of the requested modification to the desk. I have already provided it to the Senator from Virginia and the Senator from Michigan.

The PRESIDING OFFICER. Is there objection to the modification of the time?

Mr. LEVIN. Reserving the right to object and we will have to object—

The PRESIDING OFFICER. Modifying the time?

Mr. LEVIN. The Chair just asked if there is objection to the modification.

The PRESIDING OFFICER. Modification of the time. Is there objection to the modification? Without objection, it is so ordered.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, just so everybody can figure out when we are likely to vote, how much time remains on the Specter amendment?

The PRESIDING OFFICER. The Senator from Pennsylvania has 5½ minutes, and the Senator from Virginia has 3 minutes 20 seconds.

Mr. GRAMM. Mr. President, hopefully, we can beat this 90-minute time limit and have this debate more quickly.

AMENDMENT NO. 392

(Purpose: To delete language which the Department of Justice has stated would ''. . . seriously undermine the safety and security of America's federal prisons'')

Mr. GRAMM. Mr. President, I send an amendment to the desk for myself, Senator HATCH, and Senator THURMOND and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Texas (Mr. GRAMM), for himself, Mr. HATCH, and Mr. THURMOND, proposes an amendment numbered 392.

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

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

The amendment is as follows:

On page 284, strike all on line 7 through line 14 on page 286.

Mr. GRAMM. Mr. President, Senator LEVIN and I every year or two have this debate. It is well known. We have debated it before. People have voted before. In fact, 61 Members of the Senate voted with me 2 years ago to substitute a study for the Levin amendment.

Let me add, the amendment is a little different than it was then. The thrust of it is basically the same. Two years ago, the Levin amendment applied to all procurement related to the prison industry system. This year, it applies to only defense procurement. But while its focus has narrowed, its impact on the work system within our prisons remains very broad.

I remind my colleagues that we took up this issue on July 10 of 1997. There was a vote at that time, and 62 Members—61 of whom are still Members of the Senate—voted on this issue on a different day in a slightly different version. But the thrust of the issue, in terms of procurement from the Federal prison industry system, is and was basically the same.

Let me set out what I want to do in my opening statement. I want to try to explain the problem in historical context, and I want to begin with Alexis de Tocqueville. Then I want to come to the Depression, which was really fork in the road with regard to prison labor in America. I want to talk about the fork we took, the wrong fork in my opinion. I want to talk about how the Levin amendment fits into the system which has evolved since then. I want to talk about why this provision by Senator LEVIN, which Senator HATCH and Senator THURMOND and I hope to strike from the bill, is so devastating to the prison industry system in America and why that, in turn, is harmful to every taxpayer, to every victim of crime, to everyone who wants prisoners rehabilitated when they go back out on the street. In fact, there is no good argument, it seems to me, when you fully understand this issue, for the Levin amendment. I then want to talk in some detail about each of these items and then, obviously, at that point we will begin the debate.

Let me start with de Tocqueville. As many of my colleagues will remember, de Tocqueville came to America in the 1830s. He wrote a book that has become the greatest critique of America ever written—''Democracy in America.'' We forget that de Tocqueville came to America not to study democracy but to study prisons. In fact, he wrote a book on prisons, together with a fellow named Beaumont. We have forgotten Beaumont, but we remember de Tocqueville.

In his analysis of American prisons, which were very much studied in the 1830s because they were part of the most enlightened prison system in the world, de Tocqueville praised at great length the fact that we required American prisoners to work. In that period, prison labor of 12 hours a day, 6 days a week was the norm. De Tocqueville says in his analysis on American prisons:

It would be inaccurate to say that in the Philadelphia penitentiary labor is imposed. We may say with more justice that the favor of labor is granted. When we visit this penitentiary, we successively conversed with all its inmates. There was not a single one among them who did not speak of labor with a kind of gratitude and who did not express the idea that without the relief of constant occupation, life would be insufferable.

The principal characteristic of the American prison system in the age that Alexis de Tocqueville wrote that remark was that prisoners worked and they worked hard. They helped pay for the cost of incarceration by working, and they produced things. Those products were sold on the open market in many cases. So the first obligation for feeding prisoners and incarcerating prisoners was borne not by the taxpayer but by the prisoner and, as de Tocqueville argues, I think quite impressively in the book and in the quote I used, prisoners actually benefited from labor because of the extreme boredom of being incarcerated with nothing to do. This was the norm in America from the 1830s, when Alexis de Tocqueville wrote, for 100 years, until the 1930s.

What happened in the 1930s was that we passed a series of laws driven by special interests, principally labor and business, and you cannot get bigger special interests than that. These laws consisted basically of the following laws: the Hawes-Cooper Act which authorized States to ban commerce in prison-made goods within their borders; the Sumners-Ashurst Act which made it a Federal crime to transport prison-made goods across State lines; and then another provision that said not only can you not sell what prisoners produce, not only can you not transport it for sale, but if you do force prisoners to work, you have to pay them the union scale set by the local union.

Guess what the result of those three laws was. The result of those three laws was that we destroyed the greatest prison industry system that the world had ever known. We destroyed that prison system by eliminating our ability to force people in prison to work; and in doing so, force them to pay for part of the cost of their incarceration; and we eliminated our ability to collect from them part of what they would earn working in prison or what would be earned by their work to pay for restitution to victims of crime.

What was left after we destroyed the ability of American prisons to force prisoners to work was the ability of prisoners to produce things that were used by Government. As a result, we now find ourselves in a situation where we have 1,100,000 Americans in prison. They are almost all male. They are almost all of prime working age. We spend $22,000 a year keeping people in prison, which is nearly the cost of sending somebody to the University of Chicago or to Harvard, and the cost of keeping Americans in prison costs the average American taxpayer $200 a year in taxes—just to keep people in prison.

The impact of the Levin amendment—I am sure he is going to gild this lily with lots of gold around the edges—but the impact of his amendment is to take another major step in destroying prison labor in America. What his bill would do is, for all practical purposes, take away about 60 percent of the work that Federal prisoners do now.

There are, obviously, two sides to these arguments. You can argue that

when people are working in prison that there is someone else who might benefit from getting the job if the prisoner were not working. It is hard to make that argument in America today when we have the lowest unemployment rate in 30 years and when, in towns like my hometown of College Station, college students go out and relax after classes and impressment gangs come and virtually knock them in the head and drag them off to a factory. So if there ever was an argument here that we needed to take away prison work to protect American jobs, it is very hard to make that argument in May of 1999.

But here is the system we have now. We have a system called Federal Prison Industries where the Federal Government has work programs for prisoners. It pays them a very small incentive payment. It withholds about 20 percent of that payment as restitution to victims of the crimes they have committed. It produces component parts for various things used by the Government. It produces furniture, it produces some electronic components. Through this system, we have about 20,000 Federal prisoners who work.

Under this amendment, about 60 percent of that work would be taken away. Not only do I oppose this amendment, but the administration, in its Statement of Administration Policy on this defense bill, on page 3, ''Federal Prison Industries Mandatory Source Exemption,'' opposes the Levin amendment.

I have a letter here from the Attorney General. Among other things, she says:

> I am extremely concerned about this legislation because it could have a negative impact on [the Federal Prison Industries], which is the Bureau of Prisons most important, efficient, and cost-effective tool for managing inmates and for preparing them to be productive, law abiding citizens upon release from prison.

I also have a letter from the National Center for Victims of Crime. And they say, among other things:

> Dollars that go to the crime victims through the [Federal Prison Industries] program are coming out of criminal offenders' pockets—the notion that the offender must be held accountable and pay for the harm caused by crimes he [or] she committed is at the heart of jurisprudence. Crime victims often tell us that the amount of restitution an offender pays is far less important to them than the fact that their offender is paying restitution. Financial assistance from offenders has a tremendous healing and restorative power for criminal victims.

No. 1, the administration opposes the Levin amendment, supports our effort to knock it out of the bill. The Attorney General, the Director of Federal Prisons, and the National Center for Victims of Crime all oppose this amendment. They all oppose it basically for the same reason; and that is, it will end up raising the cost of incarceration. It will end up lowering the amount of restitution going to victims. It will idle prisoners, and you do not get rehabilitated sitting around in air-conditioning watching color television.

If there is anything we know about the Federal prison work system, and about the work system in States, it is that working is an important part of rehabilitation. I personally would support proposals that would force every able prisoner in America to work. I would like them to work 10 hours a day, 6 days a week, and go to school at night. But I know with the vested interest that is built up against that, that we cannot succeed in changing it today. I hope we will someday. But I do not want to destroy what we have now.

Let me talk about recidivism.

In South Carolina—and you are going to hear from the distinguished former chairman of the Armed Services Committee, Senator THURMOND, a very active member of the Judiciary Committee. In South Carolina, the probability that a person who serves in a penitentiary in South Carolina, when they will be released, will ever come back into a State or Federal penitentiary again is 17 times higher for those who did not work while they were in prison than it is for those who did work in prison. Part of the reason is that people acquire skills in working that allow them to go out into the private sector and get a job when they get out of prison.

In Florida, the probability that a person in prison, when they are released, will ever come back to prison is three times as high for people who did not work while they were in the penitentiary in Florida as it is for those who did work while they were in the penitentiary in Florida.

For Wisconsin, it is twice as high; for Kentucky, it is almost twice as high.

In the Federal system, the recidivism rate, the chances that someone will come back to Federal prison, after having been released, is 24 percent lower for those who participate in work programs. We have estimates that a 10-percent reduction in recidivism rates would lower the overall social cost of crime and incarceration by $6.1 billion.

So another strong argument against the Levin amendment is that we have hard data, not just from the Federal Government, but from many States, that indicate conclusively if people work when they are in prison, the probability that they will go out and commit another crime that will get them sent back to prison is substantially, markedly lower if they work than if they do not work.

You are going to hear Senator LEVIN argue that, well, this is not price competition. And it is not. Let's make it clear, this is not a competitive issue. I would defy anyone to pick up this defense authorization bill and hold it out as a paragon of virtue in terms of defense procurement efficiency. The defense procurement system is full of protectionism and special interests, where we give all kinds of special deals to all kinds of producers in selling things to the Defense Department.

I say competition in procurement is a good thing. I swear by it. I support it. But when you have page after page of acquisition rules that say we pay inflated prices to buy things domestically rather than buying them on the world market, it is hard to suddenly be concerned about competition in prices with regard to prison-made goods.

This is not about competition. This is about using a resource we have with 1.1 million people in prison.

Now, having said that, the GAO recently did a study of the Federal Prison Industries of 20 different products that were bought by the Defense Department. What the GAO concluded was the Federal Prison Industries prices were within the market range for virtually every product that was bought by the Defense Department. So it is true that in the strictest terms, we don't have competitive bidding on goods produced in prison, but we have market surveys. We have negotiations between the Defense Department and the prison, and we have a simulation of what the market system would look like if you had a competitive bidding system.

Also, the Department of Defense Inspector General recently completed a study of the Federal Prison Industries prices and concluded that DOD could have saved millions of dollars by buying more items from the Federal Prison Industries if it had bought more items from them rather than buying them in the open market.

Now, let me remind my colleagues—I know Senator THURMOND is here and is very busy; I want to give him an opportunity to speak—that 2 years ago, when we debated this same issue in a slightly different form with the thrust identical, I offered a substitute amendment that mandated a study be done by the Department of Defense and by the Federal Prison Industries and Department of Justice. That study has just been completed, and it was reported to the Armed Services Committee and then to Members of the Senate. I draw my colleagues' attention to page 4 of the executive summary to the conclusions that were reached in the study.

The question was what recommendations did they have as to changes we might make in current law with regard to the Defense Department buying things produced in Federal prisons. They concluded, the recommendations can be made within existing statutory authority and will not require legislative action. Department of Defense and Federal Prison Industries say they believe that implementing the recommendations will improve the efficiency and reduce the cost of procurement transactions between the two agencies. Implementation of the administrative actions should facilitate and enhance the working relationship between the two agencies.

So in short, 2 years ago when we debated this issue and we decided to study the problem that was raised by Senator LEVIN, we had that study completed jointly by the Defense Department and the Department of Justice,

the Federal Bureau of Prisons, and they have concluded that they should undertake a modernization system, but they do not need any legislative authority to do it.

I urge my colleagues to remember, if we adopt this amendment and we kill off 60 percent of the remaining prison labor in America, we are going to spend more money to incarcerate prisoners. We are going to have less money go to victims. We are going to have a higher recidivism rate as people come out of prison and commit crimes again. And the net result will be that we will have taken work that was being done in prison, and we will have put it into the private sector. But in a period when we have an acute labor shortage and in a period when we have 1.1 million people in prison, 1 percent of the labor force, it makes absolutely no sense, it is destructive of our criminal justice system to destroy the remnants of prison labor.

I remind my colleagues that when you bring Senator THURMOND, Senator HATCH and myself into an alliance with the administration, into an alliance with Janet Reno, the Attorney General, and then you have the support of victims' rights groups all over the country, that is a pretty broad coalition. What each and every one of these entities is saying is, do not kill off prison labor.

When we have 130 million Americans who go to work every day and struggle to make ends meet, I do not understand what is wrong with forcing prisoners to work. I want prisoners to work. It is good for them. It is good for the taxpayer. It is good policy, and we should not allow that system to be destroyed.

I reserve the remainder of my time, but I yield whatever time he might need to our distinguished colleague, Senator THURMOND, who today was recognized for the 75th anniversary of being commissioned an officer and a gentleman in the U.S. Army. For 75 years, three quarters of a century, Senator THURMOND has borne that commission to uphold, protect and defend the Constitution against all enemies, foreign and domestic, and whether it was on D-Day in Normandy or whether it was on the Supreme Court of South Carolina or whether it was Governor or whether it is our most distinguished Member of the Senate, STROM THURMOND is truly a man to hold against the mountain and the sky.

I yield whatever time he might need to Senator THURMOND.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I thank the able Senator from Texas, Mr. GRAMM, for the magnificent remarks he made on this important subject and also thank him for the kind remarks he made about me.

I rise in strong support of the amendment to strike section 806 of S. 1059, the Defense Authorization Act, which was added in Committee by Senator LEVIN. This provision could endanger Federal Prison Industries or UNICOR, which is the most important inmate program in the Federal Bureau of Prisons.

To protect our citizens, America is placing more and more dangerous and violent criminals in prison. Indeed, one of the main reasons crime rates in America are going down is because the number of criminals we are putting behind bars is increasing. The Bureau of Prisons has an extremely important and complex task in housing and, to the extent possible, rehabilitating these inmates. FPI is critical to this task.

Prisoners must work. Idleness and boredom in prison leads to mischief and violence. FPI keeps inmates productively occupied, which helps maintain the safety and security for staff, other inmates, and the law-abiding public outside.

Moreover, prisoners who work in FPI develop job skills and learn a work ethic. As a result, they adjust better in prison and are better prepared to become productive members of society when they leave.

Mr. President, the program works. Studies show that inmates who worked in Prison Industries are 24 percent more likely to find and hold jobs and remain crime-free after they are released. Inmates in FPI are more likely to become responsible, productive citizens.

I am very concerned that section 806, the Levin provision, could threaten this essential program. FPI may sell its products only to Federal agencies, and the Department of Defense represents almost 60 percent of its sales. Yet, the Levin provision would make it much easier for Defense purchasers not to use FPI based on a very vague and nuclear standard. Further, this provision would eliminate entirely the mandatory source preference for any Defense order under $2,500. Purchases under this amount account for 78 percent of FPI orders. Also, the amendment would exempt Defense purchases in a wide range of telecommunications or information systems under the broad name of national security. This could be very harmful to FPI's production of electronic products.

Drastic changes of this nature are not warranted, as even the Department of Defense recognizes. The DoD and BoP have just completed a joint study that we ordered in a previous Defense Authorization Bill. In a survey taken as part of the study, DoD customers generally rated FPI in the good to excellent or average ranges in all categories, including price, quality, delivery, and service. As the report states, the working relationship between FPI and DoD remains strong and vital.

The study concludes that no legislative changes are warranted in Defense purchases from FPI. It made some recommendations for improvements that are currently being implemented. We should give the study time to work.

Indeed, the Administration strongly opposes the Levin provision. The Statement of Administration Policy on S. 1059 explains that this provision ''would essentially eliminate the Federal Prison Industries mandatory source with the Defense Department. Such action could harm the FPI program which is fundamental to the security in Federal prisons.''

FPI does not have an advantage over the private sector. Although inmates make less money than other workers, FPI must deal with many hidden costs and constraints that do not apply to the private sector.

Working inmates must be closely supervised, adding to labor costs, and extensive time-consuming security procedures must be followed. For example, when inmates go to work, they must pass through a metal detector and check their tools in and out, even if they just leave for lunch.

While the private sector often specializes in certain products, FPI by law must diversity its product lines to lessen its impact on any one industry. Also, the private sector tries to keep labor costs low, while FPI intentionally keeps its factories as labor-intensive as possible. Moreover, inmate workers generally have little education and training and often have never held a steady job. Indeed, the productivity rate of an employee with the background of an average inmate has been estimated at one-fourth that of a civilian worker.

FPI is not used for every Federal purchase. In fact, it only constitutes a small minority. If a customer does not feel that FPI can meet its delivery, price, or technical requirements, then the customer can request a waiver of the mandatory source. Last year, 90 percent of waiver requests were approved, generally within four days.

Moreover, some private businesses depend on FPI for their existence. FPI purchased over $418 million in raw materials and component parts from private industry in 1998. Contracts for such purchases are awarded in nearly every state, and more than half go to small businesses.

Further, Prison Industries helps crime victims recover the money they are due. The program requires that 50 percent of all inmate wages be used for victim restitution, fines, child support, or other court-ordered payments. Last year, FPI collected nearly $2 million for this purpose.

The Levin provision falls within the jurisdiction of the Judiciary Committee and should be evaluated there. Indeed, my Judiciary Subcommittee on Criminal Justice Oversight held a hearing yesterday on Prison Industries. We discussed in detail the importance of the program and how damaging the changes we are considering in this bill could be.

FPI is a correctional program that is essential to the safe and efficient operation of our increasingly overcrowded Federal prisons. While we are putting

more and more criminals in prison, we must maintain the program that keeps them occupied and working.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I am authorized by Senator LEVIN to speak at this time. But I am going to ask Mr. GRAMM if he will yield me some time.

Mr. GRAMM. Mr. President, I yield 10 minutes to the distinguished Senator from West Virginia.

Mr. BYRD. I thank the Senator.

Mr. President, the distinguished ranking member, Mr. LEVIN, knew my position on this matter, but he accommodated me by suggesting that I might proceed at this time while he is away from his chair. I thank the distinguished Senator from Texas for yielding time to me.

I am strongly opposed to the inclusion of section 806 in the fiscal year 2000 Defense authorization bill. This section would substantially undermine Federal Prison Industries—the Bureau of Prisons' most important skill-developing program for inmates.

I believe that this matter should not be included in the defense authorization bill. It is a matter that is being considered by the Senate Judiciary Committee. I am advised that the Criminal Justice Oversight Subcommittee of the Senate Judiciary Committee, chaired by the senior Senator from South Carolina, Mr. THURMOND, conducted an oversight hearing on this matter on May 24—yesterday.

The Attorney General of the United States, in a letter addressed to the chairman of the Senate Judiciary Committee, has indicated that she is concerned about this legislative provision. The Attorney General's letter asserts that the legislative provision would have a negative impact on Federal Prison Industries,

> . . . which is the Bureau of Prisons' most important, efficient, and cost-effective tool for managing inmates and for preparing them to be productive, law-abiding citizens upon release from prison.

I am also advised that the administration has taken a strong position in opposition to section 806 because of the harm it would do to the FPI program, which is fundamental to the security in Federal prisons. The administration believes that to ensure Federal inmates are employed in sufficient numbers, the current mandatory source requirement should not be altered until an effective alternative program is designed and put into place.

Mr. President, in the State of West Virginia there are three Federal prisons—the Federal prison at Alderson, the Robert C. Byrd Federal Correctional Institution at Beckley, and the Robert F. Kennedy Prison at Morgantown. And each of these has an FPI operation. At these three Federal prisons alone, the Bureau of Prisons is able to keep more than 500 inmates productively occupied, and employ nearly 40 staff at no cost to the taxpayer. How about that! That sounds like a good deal to me.

Mr. President, a somewhat similar amendment was offered to the Defense Authorization Bill for Fiscal Year 1998. The Senate instead adopted a substitute amendment offered by the distinguished senior Senator from Texas (Mr. GRAMM), which required a joint study by the Department of Defense and FPI on this matter. That study has recently been completed and transmitted to the Senate Armed Services Committee. The joint study made several recommendations that could be accomplished within existing authority, without requiring legislative action.

In summary, I am opposed to section 806 to the Defense authorization bill because it is unwarranted, and not only is it unwarranted, but it would have a debilitating effect on Federal Prisons Industries. This is a matter within the jurisdiction of the Senate Judiciary Committee and should not be included in this bill.

Mr. President, I ask unanimous consent that the Statement of Administration Position on Section 806 of the Defense authorization bill be printed in the RECORD at this point.

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

STATEMENT OF ADMINISTRATION POSITION ON SECTION 806 OF THE DEFENSE AUTHORIZATION BILL (S. 1059)

FEDERAL PRISON INDUSTRIES MANDATORY SOURCE EXEMPTION

The Administration opposes Section 806 which would essentially eliminate the Federal Prison Industries (FPI) mandatory source with the Defense Department. Such action could harm the FPI program which is fundamental to the security in Federal prisons. In principle, the Administration believes that the Government should support competition for the provision of goods and services to Federal agencies. However, to ensure that Federal inmates are employed in sufficient numbers, the current mandatory source requirement should not be altered until an alternative program is designed and put in place. Finally, this provision would only address mandatory sourcing for the Defense Department, without regard to the rest of federal government.

Mr. BYRD. Mr. President, I again thank the distinguished Senator from Texas, Mr. GRAMM, and I likewise express my appreciation to the distinguished Senator from Michigan, Mr. LEVIN, for his leadership overall on this bill. He is very dedicated, very able, and he works very hard. I am proud to serve with him on the Armed Services Committee. But in this case, I regret that I have to oppose his position.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I yield the remainder of my 10 minutes that was yielded to me from that side to Mr. HATCH, if I may ask unanimous consent.

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

Mr. HATCH. I thank the President and I thank the Senator.

The PRESIDING OFFICER. The Senator has 4 minutes 20 seconds.

Mr. HATCH. Mr. President, I rise to speak in support of this amendment, which I am pleased to cosponsor. I congratulate Senators GRAMM, THURMOND, and BYRD for their excellent statements on this matter, and for their leadership on this issue.

This amendment strikes section 806 of the bill, a provision that would effectively eliminate the Department of Defense purchasing preference for products supplied by Federal Prison Industries (FPI), also known by its trade name of UNICOR.

FPI is the federal corporation charged by Congress with the mission of training and employing federal prison inmates.

For more than 60 years, this correctional program has provided inmates with the opportunity to learn practical work habits and skills. It has enjoyed broad, bipartisan support in Congress and from each Republican and Democrat administration. An important part of this support has been the cooperative relationship between FPI and the Department of Defense—a relationship that has helped supply our armed forces in every war since 1934.

FPI is an irreplaceable corrections program. FPI and its training programs at federal prisons across the nation have been credited with helping to lower recidivism and ensuring better job-related success for prisoners upon their release—a result that all of us applaud.

Finally, FPI is an essential tool for ensuring a safe and secure correctional environment for staff, guards, and inmates in the federal prison system. Simply put, FPI keeps inmates productively occupied. And since the limited number of FPI jobs are coveted by inmates, getting and keeping these jobs are important incentives for good behavior by inmates.

These are important considerations as the federal inmate population continues to rise. In the last ten years, the federal inmate population has more than doubled, from 51,153 in 1989 to 108,207 in 1998. As Philip Glover, President of the Council of Prison Locals, AFGE, testified before the Judiciary Committee yesterday, ''We cannot afford to simply warehouse inmates.''

Any corrections officer will tell you that the most dangerous inmate is the idle inmate. Idleness breeds frustration, and provides ample time to plan mischief—a volatile combination. Yet, despite the references to the costs imposed by FPI by my colleagues who oppose this amendment, I have heard no one suggest how the taxpayers will pay for the new prison programs and the additional prison guards that might be needed if FPI factories are forced to close.

Section 806 of this bill, which our amendment strikes, puts the FPI program at substantial risk, and would certainly result in the shuttering of some FPI factories. Section 806 exempts from the FPI mandatory source

requirement products priced below $2,500, products integral to or embedded in another product not made by FPI, or products which are components of a larger product used for military intelligence or weaponry. Together, these categories make up over 80 percent of DoD's purchases from FPI. FPI, in turn, depends on sales to the Pentagon for nearly 60 percent of its business.

Some may reasonably ask, why should there be a government procurement preference for FPI goods? The answer is simply this: when FPI was established, in perhaps an unnecessary effort ensure the program did not affect private sector jobs, FPI was barred from selling its products in the commercial market. This is still the law. Thus, under current law, FPI may sell its products and services only to the federal government. Section 806 does not alter this sales restriction, and I do not understand the Senator from Michigan to be supporting such a change.

To ensure that FPI has adequate work to keep inmates occupied, congress created a special FPI ''procurement preference,'' under which federal agencies are required to make their purchases from FPI instead of other vendors, as long as FPI can meet price, quality, and delivery requirements.

Section 806 would remove this procurement preference, as it relates to the vast majority of sales to the Department of Defense. Without this preference, FPI could be crippled. Again, FPI is not permitted to compete for sales in the private market. It may *only* sell to the federal government, and then *only* if it can meet price, quality, and delivery requirements. And even then, waivers are available.

Nothing short of the viability of Federal Prison Industries is at issue here. Under full competition for federal contracts, combined with market restrictions, FPI could not survive.

My colleagues should remember that the primary mission of FPI is not profit. The primary mission of FPI is the safe and effective incarceration and rehabilitation of federal prisoners. Needless to say, FPI operates under constraints on its efficiency no private sector manufacturer must operate under. For example:

Most private sector companies invest in the latest, most efficient technology and equipment to increase productivity and reduce labor costs. Because of its different mission, FPI frequently must make its manufacturing processes as labor-intensive as possible—in order to keep as many inmates as possible occupied.

The secure correctional environment FPI in which FPI operates requires additional inefficiencies. Tools must be carefully checked in and out before and after each shift, and at every break. Inmate workers frequently must be searched before returning to their cells. And FPI factories must shut down whenever inmate unrest or institutional disturbances occur. No private sector business operates under these competitive disadvantages.

The average federal inmate is 37 years old, has only an 8th grade education, and has never held a steady legal job. Some studies have estimated that the productivity of a worker with this profile is about one-quarter of that of the average worker in the private sector. This is another disadvantage that, by and large, private companies do not have to operate under.

Finally, FPI is required to diversify its product line to minimize the impact on any one industry. Moreover, FPI can only enter new lines of business, or expand existing lines, after an exhaustive review has been undertaken to the impact on the private sector. Again, this is a restraint that most other businesses do not have imposed on them.

All of us share the goal of ensuring that FPI does not adversely impact private business. FPI has made considerable efforts to minimize any adverse impact on the private sector. Over the past few years, it has transferred factory operations from multiple factory locations to new prisons, in order to create necessary inmate jobs without increasing FPI sales. FPI has also begun operations such as a mattress recycling factory, a laundry, a computer repair factory, and a mail bag repair factory, among others, to diversify its operations and minimize its impact on the private sector, while providing essential prison jobs.

Furthermore, there is substantial evidence that FPI actually creates a substantial number of private sector jobs. In FY 1998, thousands of vendors nationwide registered with FPI, and supplied nearly $419 million in purchases to FPI. And at the same time FPI trained and employed 20,200 federal inmates at no expense to the taxpayer in FY 1998, it also directly supported 4,600 jobs outside prison walls.

Every dollar FPI receives in revenue is recycled into the private sector. Out of each dollar, 76 cents goes to the purchase of raw materials, equipment, services, and overhead, all supplied by the private sector; 18 cents goes to salaries of FPI staff; and 6 cents goes to inmate pay, which in turn if passed along to pay victim restitution, child support, alimony, and fines. Incidentally, FPI inmates are required to apply 50 percent of their earnings to these costs.

Thus, while I have some sympathy for the intent of Senator LEVIN, who sponsored this provision in the bill, I must join Senator GRAMM in offering this amendment to strike Section 806. I would like to remind my colleagues that the Senate has addressed this matter before. Two years ago, Senator LEVIN offered a similar amendment. Mr. President, 62 members of the Senate voted instead for an amendment offered by Senator GRAMM and myself, requiring the Departments of Defense and Justice to undertake a joint study of the procurement and purchase processes governing FPI sales to the Department of Defense.

Just last month, this study was delivered to Congress. Interestingly, the report does not support the action proposed by section 806. To the contrary, the Departments of Defense and Justice jointly concluded that the report's ''recommendations can be made within existing statutory authority, and will not require legislative action.''

In fact, neither of the Departments affected by section 806 support its inclusion in this bill. The Administration's official Statement of Administration policy is equally clear, stating that ''the Administration opposes Section 806.''

In summary, either we want Federal inmates to work, or we do not. I believe that we do want inmates to work, and therefore I must oppose section 806. I say to my colleagues, if you believe in maintaining good order and discipline in prisons, or if you believe in the rehabilitation of inmates when possible, you should support this amendment.

I agree with those of my colleagues who believe that we must address the issues raised by prison industries nationwide. As we continue, appropriately, to incarcerate more serious criminals in both Federal and State prisons, productive work must be found for them. At the same time, we must ensure that jobs are not taken from law-abiding workers. Under the leadership of Senator THURMOND, the Judiciary Committee's Subcommittee on Criminal Justice Oversight yesterday held a hearing on this issue. Witnesses at that hearing urged Congress not to gut FPI without addressing the broader need for productive prison work.

FPI is a proven correctional program. It enhances the security of federal prisons, helps ensure that federal inmates work, furthers inmate rehabilitation when possible, and provides restitution to victims. Section 806 would do immense harm to this highly successful program, and I urge my colleagues to support our amendment to strike it.

I also ask unanimous consent a letter to me from the Office of the Attorney General be printed in the RECORD with the accompanying documents.

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

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, May 25, 1999.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: The Fiscal Year 2000 Defense Authorization bill that was recently reported out of the Armed Services Committee includes a provision regarding Department of Defense (DoD) purchases from Federal Prison Industries (FPI). We believe that the statutory changes required by this provision are premature in light of the recommendations of the congressionally mandated two-year study recently completed by the Department of Defense and FPI that explored the procurement relationship between these two agencies. For the reasons stated in the Deputy Attorney General's letter (copy attached), I am extremely concerned about

this legislation because it could have a negative impact on FPI, which is the Bureau of Prisons most important, efficient, and cost-effective tool for managing inmates and for preparing them to be productive, law abiding citizens upon release from prison.

Federal Prison Industries is first and foremost a correctional program intended to train the Federal inmate population and minimize adverse impact on the private sector business community. As such, it adheres to several statutorily mandated principles, including diversifying its product line to avoid hurting any particular industry and remaining as labor intensive as possible. These practices render FPI less competitive than private sector manufacturers. The mandatory source status (which would be effectively eliminated as a result of provision) helps ameliorate these circumstances by achieving customer contact which reduces competitive advertising costs. It also assists FPI in its efforts to partner with private sector manufacturers who are attracted to the steady work flow provided by this preference. These partnerships are essential to FPI since it cannot, on its own, produce many complicated products such as systems furniture.

This provision would alter the requirement that the Department of Defense purchase products from FPI, and it could require FPI to compete with the private sector for sales of products that are components of products not produced by FPI, are part of a national security system, or the total cost of which is less than $2,500. Even with respect to other products, DoD is no longer required to purchase from FPI, rather the Secretary of Defense must ''conduct market research'' to determine whether the FPI product is ''comparable in price, quality, and time of delivery'' to products available from the private sector before making purchases. If the Secretary concludes that the FPI product is not comparable, the purchase may be made from any source.

Purchases by the Department of Defense account for almost 60% of FPI's sales. Moreover, 78 percent of the DoD orders are for small purchases of less than $2,500, and much of the remaining 22 percent is made up of products or components of products made by other manufacturers and products used in national security systems. Accordingly, if this provision is enacted into law, the continued existence of FPI will depend in large part on its ability to compete with the private sector for the limited Department of Defense market.

A recently completed report conducted by the Department of Defense and FPI concluded that no legislative changes were warranted by the investigation of procurement transactions between these two entities. Rather, while the study, entitled ''A Study of the Procurement, Procedures, Regulations and Statutes that Govern Procurement Transactions between the Department of Defense and Federal Prison Industries,''[1] made a number of recommendations for facilitating and enhancing the working relationship between the two agencies that could be accomplished within existing statutory authority, the study recommends the FPI and DoD create a pilot program at eight DoD locations to test the effectiveness of administrative waivers for purchases of less than $2,500 where expedited delivery is required. Additionally, FPI will continue to monitor and evaluate delivery performance.

Issues surrounding FPI, such as the mandatory source status affect all agencies, not just the Department of Defense. Therefore, this issue should be reviewed in the broader context.

If you should have any questions or if we may provide further information about FPI, please feel free to contact the Department. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

JANET RENO.

OFFICE OF THE
DEPUTY ATTORNEY GENERAL,
Washington, DC, May 11, 1999.

Hon. JOHN WARNER,
Chairman, Committee on Armed Services,
U.S. Senate, Washington DC.

DEAR MR. CHAIRMAN: We anticipate that an amendment will be offered to the Defense Authorization bill that would eliminate mandatory source status for Federal Prison Industries (FPI). We believe that the amendment would have a devastating impact upon FPI, a program that is critical to the safe and orderly operations of federal prisons.

FPI is the Bureau of Prisons most important, efficient, and cost-effective tool for managing inmates. It keeps inmates productively occupied and reduces inmate idleness and the violence and disruptive behavior associated with it. Thus, it is essential to the security of the Federal Prison System, its staff, inmates, and the communities in which they are located. By eliminating FPI's mandatory source status, the amendment would dramatically reduce the number of inmates FPI would be able to employ. The inmate idleness this would create would seriously undermine the safety and security of America's federal prisons.

In addition to being a tool for managing the growing inmate population,[1] FPI programs provide inmates with training and experience that develop job skills and a strong work ethic. Bureau of Prisons' research has confirmed the value of FPI as a correctional program. Findings demonstrate that inmates who work in FPI, compared to similar inmates who do not have FPI experience, have better institutional adjustment. Moreover, after release, they are more likely to be employed and significantly less likely to commit another crime. A long-term post-release employment study by the Bureau of Prisons has found that inmates who were released as long as 8 to 12 years ago and who participated in industries work or vocational training programs were 24 percent less likely to be recommitted to federal prisons than a comparison group of inmates who had no such training. Clearly, the FPI program contributes to public safety by enhancing the eventual reintegration of offenders into the community after release.

Opponents of FPI have asserted that FPI is an unfair competitor and that it is damaging the private sector. This is not accurate. Throughout its history, FPI has followed a number of practices deliberately designed to reduce its impact on the private sector, such as diversifying its product line to avoid hurting any particular industry and remaining as labor intensive as possible. Further, far from taking jobs from the private sector, FPI actually creates jobs in the private sector by purchasing over $418 million annually in supplies from the private sector.

It is important to explain why FPI's status as a mandatory source is critical to FPI's viability. The mandatory source status was established as a means of creating a steady flow of work for the employment of inmates. FPI views the mandatory source status as a method of not only maintaining this work flow but also achieving customer contact which reduces competitive advertising costs.

FPI does not abuse its mandatory source status. If a customer feels that FPI cannot meet its delivery, price, or technical requirements, the customer may request a waiver of the mandatory source. These waivers are processed quickly (an average of 4 days) and, in 1998, FPI approved over 80 percent of the requests from federal agencies for waivers.

FPI does not have the capability to produce many sophisticated products, such as systems furniture, independently. It relies on the private sector to provide space planning, design, engineering, installation and customer service. By entering into partnerships with private companies through the use of federal acquisition procedures, FPI vertically integrates the manufacturing of a company's product using inmate labor. In order to attract a private sector partner, there must be some incentive. That incentive is the mandatory source. Without the mandatory source status, FPI would be unable to attract the private sector partners necessary for it to diversify its product offerings and to offer products which are contemporary and attractive to its federal customers.

Last week, the report of a congressionally mandated study conducted by the Department of Defense (DoD) and FPI concluded that no legislative changes were warranted by the investigation of procurement transactions between these two entities. The study, entitled ''A Study of the Procurement, Procedures, Regulations and Statutes that Govern Procurement Transactions between the Department of Defense and Federal Prison Industries,'' was mandated by Section 855 of the National Defense Authorization Act for Fiscal Year 1998 (P.L. 105–85), and was released to the Senate and House Armed Services Committee last week. The report noted that some steps could be taken to improve the procurement relationship between DoD and FPI, but such steps are most appropriately accomplished within the executive branch.

FPI is a law enforcement issue more than a government supply issue because it is essential to the management of federal prisons and because FPI is operated as a correctional program, not as a for-profit business. As a result, we continue to develop pilot programs that will make FPI a more efficient and cost competitive source. We believe that the amendment would benefit from consideration by the Judiciary Committee to consider the mandatory source issue in the context of the full FPI program. Simply considering the amendment as affecting a source of goods for the federal sector would completely overlook the law enforcement significance of FPI and threaten a program that is fundamental to public safety.

We are enclosing a copy of the study report conducted by DoD and FPI for your review. If you should have any questions or if we may provide further information about FPI, please feel free to contact the Department.

Sincerely,

ERIC H. HOLDER, JR.,
Deputy Attorney General.

OFFICE OF THE DEPUTY ATTORNEY
GENERAL,
WASHINGTON, DC, MAY 11, 1999.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We anticipate that an amendment will be offered to the Defense Authorization bill that would eliminate mandatory source status for Federal Prison

[1] This study was mandated by Section 855 of the National Defense Authorization Act for Fiscal Year 1998 (P.L. 105–85), and was released to the Senate and House Armed Services Committee several weeks ago.

[1] The federal inmate population is growing at an unprecedented rate and crowding at secure institutions is already at critical levels and expected to increase in the near term.

Industries (FPI). We believe that the amendment would have a devastating impact upon FPI, a program that is critical to the safe and orderly operations of federal prisons.

FPI is the Bureau of Prisons most important, efficient, and cost-effective tool for managing inmates. It keeps inmates productively occupied and reduces inmate idleness and the violence and disruptive behavior associated with it. Thus, it is essential to the security of the Federal Prison System, its staff, inmates, and the communities in which they are located. By eliminating FPI's mandatory source status, the amendment would dramatically reduce the number of inmates FPI would be able to employ. The inmate idleness this would create would seriously undermine the safety and security of America's federal prisons.

In addition to being a tool for managing the growing inmate population,[1] FPI programs provide inmates with training and experience that develop job skills and a strong work ethic. Bureau of Prisons' research has confirmed the value of FPI as a correctional program. Findings demonstrate that inmates who work in FPI, compared to similar inmates who do not have FPI experience, have better institutional adjustment. Moreover, after release, they are more likely to be employed and significantly less likely to commit another crime. A long-term post-release employment study by the Bureau of Prisons has found that inmates who were released as long as 8 to 12 years ago and who participated in industries work or vocational training programs were 24 percent less likely to be recommitted to federal prisons than a comparison group of inmates who had no such training. Clearly, the FPI program contributes to public safety by enhancing the eventual reintegration of offenders into the community after release.

Opponents of FPI have asserted that FPI is an unfair competitor and that it is damaging the private sector. This is not accurate. Throughout its history, FPI has followed a number of practices deliberately designed to reduce its impact on the private sector, such as diversifying its product line to avoid hurting any particular industry and remaining as labor intensive as possible. Further, far from taking jobs from the private sector, FPI actually creates jobs in the private sector by purchasing over $418 million annually in supplies from the private sector.

It is important to explain why FPI's status as a mandatory source is critical to FPI's viability. The mandatory source status was established as a means of creating a steady flow of work for the employment of inmates. FPI views the mandatory source status as a method of not only maintaining this work flow but also achieving customer contact which reduces competitive advertising costs.

FPI does not abuse its mandatory source status. If a customer feels that FPI cannot meet its delivery, price, or technical requirements, the customer may request a waiver of the mandatory source. These waivers are processed quickly (an average of 4 days) and, in 1998, FPI approved over 80 percent of the requests from federal agencies for waivers.

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Sincerely,

ERIC H. HOLDER, Jr.,
Deputy Attorney General.

STATEMENT OF ADMINISTRATION POSITION ON SECTION 806 OF THE DEFENSE AUTHORIZATION BILL (S. 1059)

FEDERAL PRISON INDUSTRIES MANDATORY SOURCE EXEMPTION

The Administration opposes Section 806 which would essentially eliminate the Federal Prison Industries (FPI) mandatory source with the Defense Department. Such action could harm the FPI program which is fundamental to the security in Federal prisons. In principle, the Administration believes that the Government should support competition for the provisions goods and services to Federal agencies. However, to ensure that Federal inmates are employed in sufficient numbers, the current mandatory source requirement should not be altered until an alternative program is designed and put in place. Finally, this provision would only address mandatory sourcing for the Defense Department, without regard to the rest of federal government.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Michigan controls the remaining time.

Mr. LEVIN. Mr. President, section 806 of the defense authorization bill which is before the Senate is a commonsense provision. It was adopted by the Armed Services Committee. Basically, it says the private sector ought to be allowed to bid on items that the Department of Defense is buying, if the Department of Defense declares that it is necessary that the private sector be allowed to bid.

That may sound so obvious that people may be scratching their heads saying, well, obviously the private sector ought to be allowed to bid if the Department of Defense believes the product which is offered by the private sector is what is needed by the Department of Defense. But that is not the way it is now. The way it is now is that Federal Prison Industries can make a unilateral decision that it is going to supply the Department of Defense with a product, and the private business people out there who want to just simply compete for a product can be prohibited from doing so. That, it seems to me, is the height of unfairness in a society which has a private sector, has private businesses, has labor that is working in those private businesses, and where a Government agency says that product, produced by that private company, is a product that we want because it is a better product than FPI can give us or it is a product that can be given to us more cheaply than the prisons can give it to us.

What an extraordinary way it is to run a Government, that we have agencies in this Government that want to buy a product, be it textiles or furniture or what have you, that are told they cannot compete that product with the private sector competing; they have to buy it from Federal Prison Industries even though it costs the agency more or it is of lower quality. What an extraordinary way to be inefficient, to waste taxpayers' money, and to force agencies that are supposed to be protecting taxpayers' money to spend it on lesser quality items or on more expensive items—just because Federal Prison Industries unilaterally has decided it is going to supply the Department of Defense. That is not fair. That is not fair and we have to eliminate it.

Section 806 simply says that the Department of Defense—not Federal Prison Industries—should determine whether or not a product manufactured by Federal Prison Industries meets the needs of the Department of Defense.

The approach that is taken by Section 806 is consistent with the basic tenet of how our whole procurement system works, which is the people who buy and use products should be the ones who decide whether the quality, price, and delivery of those products meet their needs. Yet amazingly enough, the FPI, Federal Prison Industries' current rules prohibit Federal agencies from even looking at private sector products to determine whether they might be superior to what Federal Prison Industries has.

The regulations of Federal Prison Industries say:

A contracting activity should not solicit bids, proposals, quotations or otherwise test the market for the purpose of seeking alternative sources to the Federal Prison Industries.

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[1] The federal inmate population is growing at an unprecedented rate and crowding at secure institutions is already at critical levels and expected to increase in the near term.

If that is not absolutely extraordinary, that Federal Prison Industries is telling the Department of Defense, when they go and buy textiles or shoes or whatever they are buying, that they may not even test the market, seeking alternative sources to Federal Prison Industries.

They may not solicit bids, proposals, quotations, or test the market for the purpose of seeking alternative sources to Federal Prison Industries.

What kind of an upside-down situation is this? What kind of a topsy-turvy situation is it that the Department of Defense cannot even solicit a quote from somebody to supply a product if Federal Prison Industries says they may not do so? Unilaterally, the seller is telling the buyer: You can't even go out and seek other quotes or seek competition.

Boy, that sure turns the purchasing process of the Department of Defense and our other agencies right on its head.

What the Department of Defense is required to do, instead of doing what ordinary buyers do, which is to seek the best product at the best price, is to accept Federal Prison Industries' determination. Federal Prison Industries is the sole arbiter of whether its products meet the requirements of the Department of Defense.

Section 8104 of the Federal Acquisition Streamlining Act requires the Department of Defense and other agencies to conduct market research before soliciting bids or proposals for products that may be available in the commercial marketplace. They are supposed to solicit bids, but they do not do that. They are not allowed to do that. Under the FPI rules, they have to buy it from Federal Prison Industries if the Industries on their own, unilaterally, decide they are going to force the Department of Defense to buy a product.

All that the provision does is to reverse the rule which prohibits the Department of Defense from conducting market research and permits the Department of Defense to look at what private sector companies have to offer, as it would do in the case of any other procurement.

If Federal Prison Industries offers a product that is comparable in price, quality, and time of delivery to products available from the private sector, the Department would still be required to purchase that product on a sole-source basis from Federal Prison Industries. But if the DOD determines that Federal Prison Industries' product was not competitive, then it would be permitted to conduct a competition and go to another source.

That seems to me to be the least that we can do to protect the taxpayers from the misuse of Federal funds on products that fail to meet the needs of the Department of Defense.

Federal Prison Industries has repeatedly claimed that it provides quality products at a price that is competitive with current market prices. The statute, indeed, is intended to do exactly that, provided Federal Prison Industries will provide the Federal agencies products that meet their requirements and prices that do not exceed current market prices. But the FPI is unwilling to permit agencies to compare their products at prices with those available in the private sector.

Under Federal Prison Industries' current interpretation of the law, it need not offer the best product at the best price. It is sufficient for it to offer an adequate product at an adequate price and insist on its right to make the sale. When Federal Prison Industries sets the price, it then seeks to charge what it calls a market price, which means that at least some vendors in the private sector charge a higher price, and the FPI's proposed regulation specifies that the determination of what constitutes the current market price, the methodology employed to determine the current market price and the conclusion that a product of Federal Prison Industries does not exceed that price is—you got it—the sole responsibility of Federal Prison Industries.

That is the situation. They are supposed to buy at market price, but they make a determination as to whether or not, in fact, what they are forcing an agency to buy is being set at a market price.

The General Accounting Office reported in August of 1998:

> The only limit the law imposes on Federal Prison Industries' price is that it may not exceed the upper end—
>
> Upper end—
>
> of the current market price range.

Moreover, the manner in which Federal Prison Industries seeks to establish the current market price range appears calculated to result in a price far higher than the Department of Defense would pay under any other circumstances. According to the proposed regulation codifying FPI's pricing policies, ''a review of commercial catalog prices will be used to establish a 'range' for current market price.''

The contrast is very sharp because when the Department of Defense buys from commercial vendors, it seeks to negotiate, and generally obtains, a steep discount from catalog prices.

FPI appears to have difficulty even matching the undiscounted catalog prices. Last August, the General Accounting Office compared Federal Prison Industries' prices for 20 representative products to private vendors' catalog prices for the same or comparable products and found that for four of these products, FPI's price was higher than the price offered by any private vendor. That is 4 out of 20. In 4 out of 20 cases, GAO found that the price FPI charged was higher than the price offered by any private vendor. For five of the remaining products, the FPI price was at the ''high end of the range.'' Those are the words of the General Accounting Office. FPI's price was at the ''high end of the range'' of prices offered by private vendors—ranking sixth, seventh, seventh, eighth, and ninth of the 10 vendors reviewed. In other words, for almost half of the FPI products reviewed, the FPI approach appeared to be to charge the highest price possible rather than the lowest price possible to the Federal consumer.

We have complaint after complaint from frustrated private sector vendors asking us: Why can't we compete? Why are we in the private sector precluded from bidding on an item?

Here is one vendor's letter:

> Federal Prison Industries bid on this item, and simply because Federal Prison Industries did, it had to be given to Federal Prison Industries. FPI won the bid at $45 per unit. My company bid $22 per unit. The way I see it, the Government just overspent my tax dollars to the tune of $1,978. Do you seriously believe that this type of procurement is cost-effective? I lost business, my tax dollars were misused because of unfair procurement practices mandated by Federal regulations. This is a prime example, and I'm certain not the only one, of how the procurement system is being misused and small businesses in this country are being excluded from competition with the full support of Federal regulations and the seeming approval of Congress. It is far past time . . . to require [FPI] to be competitive for the benefit of all taxpayers.

A third frustrated vendor, who had been driven out of business by FPI, told a House committee:

> Is it justice that Federal Prison Industries would step in and take business away from a disabled Vietnam veteran who was twice wounded fighting for our country . . . therefore effectively destroying and bankrupting that . . . business which the Veterans' Administration suggested he enter?

There is a very fundamental unfairness which exists in this system. It is one that we need to correct. The Department of Defense took a survey recently of DOD customers for Federal Prison Industries' products. The results are eye-opening. The survey provided DOD customers five categories in which to rate Federal Prison Industries' products: excellent, good, average, fair, or poor.

According to the data reported jointly by the Department of Defense and the Federal Prison Industries in April, a majority of Department of Defense customers rated FPI as average, fair, or poor in price, delivery, and as an overall supplier.

On price: 54 percent of the Department of Defense's electronics customers, 70 percent of DOD clothing and textile customers, 46 percent of DOD dorm and quarters furniture customers, 53 percent of DOD office case goods customers, 57 percent of DOD systems furniture customers rated FPI prices as average, fair, or poor.

On delivery, the same kind of figures: 50 percent of DOD electronics customers rated FPI delivery as averaged, fair, or poor; 62 percent of DOD clothing and textile customers rated FPI delivery as average, fair, or poor. That did not make any difference. FPI said it was going to sell, and once FPI made

that determination, the Department had no alternative. It does not make any difference whether the delivery is lousy, whether the price is too high, whether the overall performance is poor. It makes no difference. Forget competition. FPI said: We are going to sell. Forget fairness to a business with workers in that business. FPI said: Tough. You have to buy from us.

So the bottom line is that fully 35 percent of the Department of Defense customers indicated they have had a problem with an FPI product delivered in the last 12 months. The reason they are having problems is because there is a lack of competition.

We think, given the fact that such a small amount of money is paid to prisoners for their labor, that Federal Prison Industries could supply these products much more cheaply than the private sector. But that is not the case. The case is that the private sector very often can supply these products to our agencies more cheaply than can the prison industries. But if the Federal Prison Industries decides in its unilateral, sole, exclusive judgment that it is going to supply the Department of Defense, that is it. That is it. This is an injustice to the people who have worked hard to put together a business. It is an injustice to the people who work for those businesses.

This is one of those weird cases where you have business and labor coming together before us on the same side of an issue. The American Federation of Labor, AFL–CIO, urges that this section remain in the bill. We have the alert from the Chamber of Commerce as well. Members of the Senate, business and labor—our good friend from Texas calls those special interests, business and labor. People who have worked hard to put together a business and people who work in those businesses are not being allowed to compete. Sorry. Federal Prison Industries says you are going to buy that product. That is what they tell the DOD. You are going to buy it. You may not like the price, you may not like the delivery, you may not like the quality, but we are not going to let anybody else compete for that sale.

So that is the fundamental unfairness that this language would correct. It does not tell the Department of Defense they cannot buy it from Federal Prison Industries. It simply says that if the Department of Defense determines on price or quality that the private sector can do as well, then it—not the FPI; the Department of Defense—may compete and determine whether or not they can save the taxpayers any money.

I am going to close and then turn this over to my friend and my colleague from Michigan for his comments. But I just want to read one additional quote from the Master Chief Petty Officer of the Navy before the National Security Committee of the House a couple years ago. He said that the FPI monopoly on Government furniture contracts has undermined the Navy's ability to improve living conditions for its sailors.

Master Chief Petty Officer John Hagan said:

> Speaking frankly, the [FPI] product is inferior, costs more, and takes longer to procure. [The Federal Prison Industries] has, in my opinion, exploited their special status instead of making changes which would make them more efficient and competitive. The Navy and other Services need your support to change the law and have FPI compete with [private sector] furniture manufacturers. Without this change, we will not be serving Sailors or taxpayers in the most effective and efficient way.

Mr. President, I yield the floor. I am happy to yield time to my distinguished colleague from Michigan.

The PRESIDING OFFICER. The Senator from Michigan has 24 minutes 48 seconds.

Mr. LEVIN. How much time would the Senator wish?

Mr. ABRAHAM. No more than 10 minutes.

Mr. LEVIN. I am happy to yield 10 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 10 minutes.

Mr. ABRAHAM. Thank you, Mr. President.

I suspect I will not use all of the time that I have been allotted, but I do want to speak here today in opposition to the amendment before us offered by the Senator from Texas.

Especially in light of the grave concerns that all of us share about the readiness of our Armed Forces and the significant steps that Congress took in the supplemental appropriations bill to address this problem, as well as in the budget which we passed earlier this year, I strongly believe that section 806 of the defense reauthorization bill should be retained.

This is not because I think that having Federal prisoners working is not important. To the contrary, I think it is very important. I firmly believe that the development through work, self-discipline and other virtues that enable people to lead productive lives is probably the single greatest hope for rehabilitation in a prison setting. Indeed, it is disappointing that, according to the May 20 Wall Street Journal, only 17 percent of Federal prisoners work under the current Federal Prison Industries program.

But providing for national defense is the Federal Government's paramount responsibility. Given the very serious problems we are facing with respect to our military readiness, we need to take every possible step to rectify these problems as quickly and as effectively as possible.

There is no question in my mind that the requirement that the Department of Defense contract with FPI for certain products, and giving FPI a veto over the Defense Department's going elsewhere, is an obstacle to our efforts to fix these problems. The routine, significant failure by FPI to provide goods that the Defense Department has contracted for on a timely basis—almost half of the time in 1995, and over a third of the time in 1996—is simply unacceptable. To have the Defense Department depend on FPI for over 300 different products under these circumstances is also simply unacceptable.

Finally, in this era of tight budgets, to be spending precious defense resources on FPI goods that we could be obtaining at lower prices from the private sector is also unacceptable.

We should obviously address these problems by allowing the Department of Defense to go elsewhere and to do so without getting advance permission from FPI. I am glad the Armed Services Committee, at the prompting of my colleague, the senior Senator from Michigan, Senator LEVIN, has so provided in the reauthorization bill that recently passed out of committee.

I would add that the provision adopted by the Armed Services Committee still requires the Department of Defense to give FPI the opportunity to compete for contracts for almost all products and only permits the Department of Defense to go elsewhere if it determines that the product being offered by FPI is not comparable in price, quality, and time of delivery to products available from the private sector.

The only exceptions are for national security systems, products integral to or embedded in a product not available from FPI, or products that cost less than $2,500. In those instances, under section 806, the Department of Defense does not have to seek a bid from FPI, but in all other instances DOD would continue to be required to do so.

It will be argued that we cannot follow this course without jeopardizing another important Federal policy, that of putting Federal inmates to work. But if that were really our only option, we would be facing a much harder choice, since we would arguably be having to choose between pursuing a course critical to securing tranquility abroad and a course important to securing domestic tranquility. I do not believe we are really faced with that dilemma.

Rather, I am convinced that the limits this legislation imposes on the FPI monopoly can plainly be offset by expanding other opportunities for prisoners to work. This could be done, for example, by having the FPI focus on products that we do not produce domestically and that we are now importing from abroad. Or it could be done by putting prisoners to work on functions that are currently being assigned to government entities such as recycling.

It will be argued that we should come up with the new opportunities first and then consider proposals along the lines of section 806 if the other options prove workable. I disagree. I believe we should put the needs of our national defense ahead of the needs of prisoners. I have no real question that if we do so,

we will discover that in fact we are able to devise policies that adequately address both sets of needs.

I will just close by restating what I said last year in a similar debate. None of us who are advocating a change in policy here are advocating the elimination of work requirements for Federal prisoners. But when Federal prisoners in the work they do are taking jobs away from law-abiding Americans who have never committed a crime, then I think we have to reexamine our policy.

To me, it makes sense to devise a prison work policy that does not injure law-abiding citizens. I believe that requiring the FPI to be competitive in its bidding process and not granting it a monopoly are the right way to achieve this end. That way the taxpayers are protected from paying excessively for furniture or other items that are produced by the Prison Industries, and those individuals working in the private sector in competition with the Prison Industries have a legitimate opportunity to secure government contracts. To me, that is the American way, the competitive process.

To me, if the Federal Prison Industries can't be competitive in that setting, where it has so much of a subsidy advantage to begin with, then it seems to me that the system isn't working the way it should be.

I hope that we will vote to retain in place section 806 and that, at least in the specific context of the Department of Defense, we will follow the lead that has already been laid out by Senator LEVIN in the authorization bill as it comes to the floor.

To me, that is a sensible course for us to pursue. It strikes the right balance. It by no means eliminates the work requirement for prisoners, but it does provide people who are law-abiding citizens, companies that are law-abiding companies, a chance to do business with the government in a very vital and sensitive area, specifically that of national security. To me, that is a sensible middle ground. Therefore, I hope that our colleagues will vote in opposition to this amendment.

I yield the floor.

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

Mr. WARNER. This is a matter which the Armed Services Committee considered with some care and considerable debate. It is not as if we just accepted it. There was discussion, and our former chairman spoke very strongly on behalf of the other side of the issue.

I am just astonished that we cannot seem to convince the prison group that competition would be good. It would raise the quality. That is what concerns so many of us on the committee. It would provide incentives for the Federal Prison Industries to deliver quality goods in a timely fashion and at a reasonable price. That is what this whole country is predicated on.

This is interesting. The Department of the Air Force gets 2 million plus in launchers, guided-missile launchers, fiber optic cable assemblies. People think they are doing little, simple things, crafts and so forth, but there is a lot of high-tech equipment at the Department of Defense.

Here is the Army, another guided-missile remote control; the Army, launchers, rocket and pyrotech; the Army, fiber rope, cordage; the Army, radio and TV communications equipment; the Army, antennas, wave guides and related; the Army, fiber optic cable assemblies.

I mean, these are hardly simple matters. These are very complicated systems. We simply have to have quality for the Department of Defense. This is what concerns me.

I could go on into some of the Navy engine electrical systems, all kinds of high-tech stuff listed in here. You see the office furniture, the office supplies. Here is one for some armor. In other words, we are talking about serious business for the Department of Defense. It is very serious business. We cannot be giving the strong disadvantage in the competitive world to the prisons and have them supply inferior equipment. I strongly urge Senators to vote against this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I have a unanimous consent request. I had the good fortune of having Senator BYRD, Senator HATCH and Senator THURMOND speak on behalf of my amendment, and those are riches you don't turn down. But there have been many points made that I have not had an opportunity to respond to. If the Senator is not going to use the rest of his time, I would like about 4 minutes to respond. I ask unanimous consent that I might have it.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, I am sorry. I was discussing something with the chairman. I know that he is conscience of the time. I am wondering whether he might repeat the unanimous consent request so that we could both hear it.

Mr. GRAMM. I am sorry. I didn't hear.

Mr. LEVIN. I apologize. I was discussing something with the chairman. We didn't hear the unanimous consent request relative to time, at least I didn't.

Mr. GRAMM. I do not want to throw off the vote, but I made an opening statement. I had several other of my colleagues speak on behalf of my amendment more articulately than I was able to, and I am grateful, but I would like to have 4 minutes to sort of answer some of the points that have been made. It just turned out, because people that were for the amendment came to the floor, that they all spoke before any of those that were opposed to it had the opportunity to speak. So if it doesn't mess up our timetable, I would like to have 4 minutes to respond to some of the issues that have been raised.

Mr. WARNER. We certainly can accede to that. It is a perfectly reasonable request. I think my colleague and I will be just about ready to yield back the balance of our time. Then we will turn to the amendment by the distinguished Senator from Pennsylvania. The first order of business will be for him to amend the amendment that is at the desk. Then we will complete the debate on that, and we should meet the target of about 7:00 to have two stacked votes.

Mr. LEVIN. Reserving the right to object, how much time is left to the opponents of Senator GRAMM's amendment?

The PRESIDING OFFICER. The opponents have 12 minutes 30 seconds. The proponents' time has been exhausted.

Mr. LEVIN. How many seconds?

The PRESIDING OFFICER. Thirty seconds, 12 minutes 30 seconds.

The Senator from Texas is recognized for 4 minutes.

Mr. GRAMM. Mr. President, first of all, let me make it clear, the Defense Department does not support this amendment. The Defense Department issued a joint report with the Department of Prisons, the Federal Bureau of Prisons, outlining ways of improving the system that required no legislation. The administration, on behalf of the Defense Department and the Department of Justice, opposes the Levin provision and supports the amendment that we have offered to strike it.

The Attorney General supports our motion to strike the Levin amendment, as do many groups such as the National Center for Victims of Crime.

It is obviously a very strong argument with me to talk about, ''why not competition?'' The problem is, you have to understand the history that competition was the rule prior to the Depression. Prior to the Depression, virtually everyone in prison in America worked on average 12 hours a day, 6 days a week. But during the Depression, we passed three pieces of legislation, all of them driven by special interests, triggered by the Depression, which made it illegal for prisoners to work to sell goods in the market. There had been previous provisions so that they didn't glut the market in one area, but the problem is, now it is criminal for prisoners to work to produce anything to sell in America.

When my colleagues say why not have competition, my answer is, yes, let's have it. But you cannot have it without letting prison labor compete, and now that is prohibited all over America. The only thing left for prisoners today is to produce things that the Government uses. That is the only thing that we have not prohibited by law. As a result, we have 1.1 million prisoners and about 900,000 of them have no work to do.

If the amendment of Senator LEVIN passed, 60 percent of the prison labor at

the Federal level in America would be eliminated because there would be no work for these people to do. So this is an argument about competition that sounds great until you understand that Government, driven by the same groups that support this amendment, eliminated the ability to use prison labor to produce and sell anything.

When you are talking about the taxpayer, it sounds great. But what about the taxpayer that is spending $22,000 a year to keep somebody in prison and we are not allowing them to work? If taxpayers are working, why are they better than taxpayers? Why should they not have to work? Why can't we find things in the private sector for them to produce? If we can do that, I would support this amendment. I know that many of the people who support it would never do that.

The Defense Department is not for this amendment. They are not for the Levin amendment. They are not objecting to the provisions. In fact, they just put out a joint report saying the Defense Department supports the program with these reforms, which they can undertake without legislation.

So, basically, I believe that the system is not perfect, but it is basically a good system where prices are negotiated and the Defense Department gets 90 percent of the waivers that they seek. If they don't think the quality is right or the price is right or the delivery is right, they can ask for a waiver. In 90 percent of the cases, they get the waiver.

This is basically an amendment, I am sad to say, that would idle 60 percent of Federal prisoners. It would allow private companies to come in and take the business. But the point is, when we have full employment in America and we have a million prisoners idle, how does it make sense to prohibit them from working? I thank my colleague for giving me this time.

The PRESIDING OFFICER. Who seeks time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the language in the bill that the Senator from Texas seeks to strike makes it possible for the private sector to compete. That sounds so fundamental in our country that maybe it comes as a shock that I would even suggest that you need to have language in a bill to permit the private sector to do this. But we do.

We just want to make it legal for the private sector to offer a product to its Government, our Government, and not to have Federal Prison Industries say: Sorry, you cannot bid. It is almost bizarre to me that we would have to pass any kind of legislation for that to come about, but we do because under the current law and regulations, Federal Prison Industries has the sole, exclusive determining voice. If it says that its product is within a range in the market—maybe at the high end of that range, and they may be wrong—but once FPI says that, that is it; private business cannot compete.

In a hearing before the Senate Judiciary Committee earlier this week, the Deputy Under Secretary of Defense for Acquisition, David Oliver, described the results of the survey we referred to.

He said the following:

> I think if you looked at the study, you would see that people were generally not satisfied with Federal Prison Industries as a provider. Essentially, with regard to efficiency, timeliness, and best value, they found that Federal Prison Industries was worse than the other people they bought from.

Now, we know that the administration has decided to oppose this change, to prohibit the private sector from bidding on things that Federal Prison Industries says it wants to supply exclusively. So we understand what the Department of Defense's official position is. But I also understand what the testimony of their acquisition people is. The study shows that people were generally not satisfied with Federal Prison Industries as a provider with regard to efficiency, timeliness, and best value. They found that Federal Prison Industries was worse than the other people they bought from.

I don't believe for one minute that Federal Prison Industries is going to be able to sell anything to the Department of Defense just because they are going to have to compete. They have such a huge advantage in terms of cost and price of labor that they are going to be able to sell a huge amount. But they are going to have to compete.

If a private company can outbid them or provide the same product at a cheaper price, then the private company is going to get it. But for the Senator from Texas to say, suddenly, that wipes out all of the sales to the Department of Defense, that is a terrible indictment about what Federal Prison Industries is now doing. That would mean they can't compete on anything they are selling to the Department of Defense. That is a huge exaggeration. It is not the case.

But it is the case that now they don't have to compete when they decide that the Department of Defense must buy that missile part. If Federal Prison Industries says the Department of Defense must buy that missile part Senator WARNER referred to, that has to happen—even though a private contractor can sell a better quality at a better price. Once FPI, in its unilateral judgment, says we can supply it within a price range of what the private sector can do, that is it, no competition. DOD can't bid it out—the opposite of what we should be doing in this free enterprise society of ours.

Mr. President, I hope the language in the Senate bill will be retained and that the amendment of the Senator from Texas to strike that language will be defeated.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I join my colleague. Again, it was carefully considered by the committee. It has very fundamental objectives: competition, fairness, and to get quality.

Mr. President, I am anxious to complete this amendment. I believe the Senator from Texas has finished his presentation?

Mr. GRAMM. Yes, I have.

Mr. LEVIN. I yield back our time.

Mr. WARNER. I yield back our time.

The PRESIDING OFFICER. All time is yielded back.

AMENDMENT NO. 383

The PRESIDING OFFICER. The Senate returns to the amendment of the Senator from Pennsylvania. The Senator from Pennsylvania controls 5 minutes 30 seconds, and the Senator from Virginia controls 3 minutes 20 seconds.

Mr. WARNER. Mr. President, I note that will bring us very close, if not precisely, to the hour of 7 o'clock, at which time the managers represented to the leadership and other Senators that two back-to-back votes would commence.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this amendment provides, simply stated, that there shall be no funds expended for ground forces in Yugoslavia, in Kosovo, unless specifically authorized by the Congress.

This amendment is designed to uphold the Constitution of the United States, which grants the exclusive authority to declare war to the Congress of the United States. Regrettably, there has been a significant erosion of this constitutional authority, as Presidents have taken over this power without having the Congress stand up. The one place where the Congress clearly has authority to determine military action is by controlling the purse strings. This amendment goes to the heart of that issue by prohibiting that spending.

It has been a lively and spirited debate. Now we will have an opportunity to say whether the Senate will seek to uphold the Constitution and whether the Senate will seek to uphold its own institutional authority—the institutional authority of the Congress to determine whether the United States should be involved in war.

A few of the problems which have been raised have been clarified. The amendment has been modified, and I ask that it formally be approved with the concurrence of the managers.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, there is no objection to the Senator sending to the desk the amendment as modified.

Mr. SPECTER. I thank the general counsel of the committee for helping me on the modification that we have worked out so that the restriction will not apply to intelligence operations, to

rescue operations, or to military emergencies.

Mr. LEVIN. Mr. President, there is no objection on this side.

Mr. THURMOND. Will the Senator from Pennsylvania add me as a cosponsor?

Mr. SPECTER. Mr. President, I ask unanimous consent that Senator THURMOND be added as a cosponsor.

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

Mr. SPECTER. I thank the Senator from South Carolina.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 383), as modified, is as follows:

At the appropriate place in title X, insert the following:

SEC. . LIMITATION ON DEPLOYMENT OF GROUND TROOPS IN THE FEDERAL REPUBLIC OF YUGOSLAVIA.

(a) None of the funds authorized or otherwise available to the Department of Defense may be obligated or expended for the deployment of ground troops of the United States Armed Forces in the Federal Republic of Yugoslavia, except for peacekeeping personnel, unless authorized by a declaration of war or a joint resolution authorizing the use of military force.

(b) The prohibition in subsection (a) shall not apply to intelligence operations, or to missions to rescue United States military personnel or citizens of the United States, or otherwise meet military emergencies, in the Federal Republic of Yugoslavia.

Mr. SPECTER. Mr. President, the main argument against this amendment has been that the President has said that he would come to Congress in advance of deploying ground troops. He made that commitment in a meeting at the White House on April 28. Then he sent a letter, which is substantially equivocal, saying that he will fully consult with the Congress, and that he would ask for congressional support before introducing U.S. ground forces into Kosovo, into a nonpermissive environment.

That doesn't go far enough.

The distinguished chairman has reported that the Secretary of Defense, the Secretary of State, and the Chairman of the Joint Chiefs of Staff have confirmed that there would be congressional authorization.

That doesn't go far enough.

We are a government of laws—not a government of men. And minds may be changed. We ought to be sure we have this nailed down.

This amendment is entirely consistent with what the Senate has heretofore done—58 to 41 to authorize air strikes but no ground forces. Seventy-seven Senators voted not to grant the President authority to use whatever force he chose. To remain consistent, those 77 Senators would have to say, we are not going to allow you to use ground forces unless you come to us for approval, just as we said we will not allow you to use whatever force you choose, in effect, without coming to us for prior approval. Consistency may be the hobgoblin of small minds, but consistency and the institutional prerogatives of the Congress and the Senate call for an affirmative vote, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SPECTER. Mr. President, how much time remains for me?

The PRESIDING OFFICER. The Senator from Pennsylvania has 50 seconds.

Mr. SPECTER. I reserve the remainder of my time.

Mr. WARNER. Mr. President, the Senator from Michigan wishes to address the amendment. We are together on it in the strongest possible opposition.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, very briefly, this amendment would send the worst possible signal to Milosevic, which is don't worry, weather the storm—that even though there is going to be gridlock in the Congress, you will be the beneficiary of any gridlock and any effort that authorizes in advance the use of ground forces. This is not the message which we should be sending to Milosevic—that he would be the beneficiary of the congressional gridlock, which would almost certainly occur before any such resolutions could be passed.

I hope we will not send that signal to Milosevic. I think our troops deserve better. Our commanders deserve better.

The administration believes so strongly in this that a veto would almost certainly occur, if this provision were in, and understandably so, because the hands of our commanders in the field would be tied by this resolution. They would have to come to Congress to see whether or not the terms were met. That is not the way to fight either a war or to engage in combat.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, in the course of the afternoon, as I said to my good friend and colleague, some 40 Senators have received the benefit of a full debate with the Secretaries of State and Defense, and the President's National Security Adviser, Mr. Berger, and with the Chairman of the Joint Chiefs. Three times—twice by this Senator, one by another Senator—this very issue was posed to the national security team. They said without any equivocation whatsoever that the President would formally come to the Congress and seek legislation, not unlike what is described in this amendment prior to any change. In other words, the President of the United States is presently unchanged in the course of action that he is recommending to other leaders of the NATO nations, and the matter remains and will not be changed with reference to ground troops unless the President comes up and seeks from the Congress of the United States formal legislative action.

I say to my good friend that I think we have achieved, in essence, what he seeks. As I pointed out in my first comments this morning and, indeed, in the title to the first amendment prior to the amending by the Senator from Pennsylvania, he referred to the War Powers Act, this is precisely what this debate is—a debate over the War Powers Act. That debate has not in my 21 years in this body ever been resolved, and I doubt it is going to be resolved on this vote.

I yield the floor and yield back the time.

Mr. SPECTER. Mr. President, I reject the argument of the Senator from Virginia who wants to rely on assurances. This is a government of laws, and not men, and you get it done by this amendment.

I reject the argument of the Senator from Michigan who says it is a bad signal to Milosevic. Whatever signal goes to Milosevic from this amendment has already been sent by the assurances of the President.

It is a bad signal to America to tell the Country that the Congress is delegating its authority to involve this Nation in war to the President. We don't have the authority to delegate our constitutional authority. Our job is to analyze the facts and let the President come to us to state a case for the use of ground forces. I am prepared to listen. But, on this record, we ought to maintain the institutional authority of Congress and uphold the Constitution.

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

Mr. LEVIN. Mr. President, does any time remain on our side?

The PRESIDING OFFICER. Yes, 10 seconds.

Mr. LEVIN. Could I use the 10 seconds?

Mr. WARNER. The Senator from Michigan can use 5, and I will use 5. Take 5.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the Department of Defense strongly opposes the amendment because it would unacceptably put at risk the lives of U.S. military personnel.

Mr. WARNER. Mr. President, a vote against this amendment is consistent with the provisions of the Constitution of the United States.

I move to table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 383, as modified. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—52

Akaka	Harkin	McConnell
Baucus	Hatch	Mikulski
Bayh	Inouye	Moynihan
Biden	Kennedy	Murray
Bingaman	Kerrey	Reed
Boxer	Kerry	Reid
Breaux	Kohl	Robb
Bryan	Kyl	Rockefeller
Burns	Landrieu	Roth
Chafee	Lautenberg	Sarbanes
Cochran	Leahy	Schumer
Daschle	Levin	Sessions
DeWine	Lieberman	Shelby
Dodd	Lincoln	Smith (OR)
Edwards	Lott	Warner
Feinstein	Lugar	Wyden
Graham	Mack	
Hagel	McCain	

NAYS—48

Abraham	Dorgan	Jeffords
Allard	Durbin	Johnson
Ashcroft	Enzi	Murkowski
Bennett	Feingold	Nickles
Bond	Fitzgerald	Roberts
Brownback	Frist	Santorum
Bunning	Gorton	Smith (NH)
Byrd	Gramm	Snowe
Campbell	Grams	Specter
Cleland	Grassley	Stevens
Collins	Gregg	Thomas
Conrad	Helms	Thompson
Coverdell	Hollings	Thurmond
Craig	Hutchinson	Torricelli
Crapo	Hutchison	Voinovich
Domenici	Inhofe	Wellstone

The motion was agreed to.

Mr. WARNER. Mr. President, 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.

VOTE ON AMENDMENT NO. 392

Mr. WARNER. Mr. President, we yield back time on both sides.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

Mr. GRAMM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 392. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—49

Ashcroft	Feinstein	McConnell
Bennett	Fitzgerald	Murkowski
Biden	Gorton	Nickles
Bond	Graham	Roberts
Brownback	Grams	Rockefeller
Burns	Gregg	Roth
Byrd	Harkin	Santorum
Campbell	Hatch	Sessions
Chafee	Hollings	Shelby
Cochran	Hutchison	Snowe
Coverdell	Jeffords	Specter
Craig	Kerrey	Stevens
Crapo	Kohl	Thompson
DeWine	Kyl	Thurmond
Domenici	Lott	Voinovich
Dorgan	Mack	
Durbin	McCain	

NAYS—51

Abraham	Bayh	Bryan
Akaka	Bingaman	Bunning
Allard	Boxer	Cleland
Baucus	Breaux	Collins
Conrad	Inouye	Murray
Daschle	Johnson	Reed
Dodd	Kennedy	Reid
Edwards	Kerry	Robb
Enzi	Landrieu	Sarbanes
Feingold	Lautenberg	Schumer
Frist	Leahy	Smith (NH)
Gramm	Levin	Smith (OR)
Grassley	Lieberman	Thomas
Hagel	Lincoln	Torricelli
Helms	Lugar	Warner
Hutchinson	Mikulski	Wellstone
Inhofe	Moynihan	Wyden

The amendment (No. 392) was rejected.

Mr. GRAMM. Mr. President, I have a motion to reconsider. I enter a motion to reconsider the vote, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative assistant proceeded to call the roll.

Mr. WARNER. 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 Senator from Virginia.

Mr. WARNER. Mr. President, to advise the Senate with regard to the important business remaining to be performed tonight, I ask unanimous consent that the Senate now proceed to an amendment to be offered by Senators MCCAIN and LEVIN re: BRAC and that there be 3½ hours of debate equally divided between the proponents and opponents.

I further ask consent that all debate time be consumed during Tuesday, May 25, except for 2 hours, to be equally divided, and to resume at 11:45 a.m. on Wednesday.

I further ask consent that the vote occur on or in relation to the BRAC amendment on Wednesday at 1:45 p.m. and no amendments be in order to the amendment prior to the 1:45 p.m. vote.

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

Mr. WARNER. Now, Mr. President, in light of this agreement, there will be no reinstitution of a vote tonight. It is not the leader's desire; I wish to make that clear.

Mr. GRAMM. My intention would be to try to have the reconsideration tomorrow.

Mr. WARNER. I thank the Senator.

Mr. LEVIN. Mr. President, I wonder whether or not we might be able to schedule an amendment earlier in the morning for Senator KERREY.

Mr. WARNER. We are working on that.

Mr. LEVIN. At 10:30; is that the effort?

Mr. WARNER. That is correct. Let me just finish this and then I think it will be clear.

Now, Mr. President, if I may continue, in light of this agreement, there will be no further votes this evening. Senators interested in the BRAC debate should remain this evening. The Senate will resume the DOD bill at 9:30 a.m. on Wednesday, and two amendments are expected to be offered prior to the 11:45 a.m. resumption of the BRAC debate. Therefore, at least one vote, if not more votes, will occur beginning at 1:45 p.m. on Wednesday.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I wonder if I could inquire of the chairman as to the two amendments he is referring to.

Mr. WARNER. One under consideration is Senator BROWNBACK's, and it relates to India and Pakistan and the current sanctions.

Mr. LEVIN. What was the other amendment?

Mr. WARNER. Senator ROBERT KERREY on strategic nuclear delivery systems.

Mr. LEVIN. And it is the hope of the chairman that both of those be debated in the morning?

Mr. WARNER. I would hope so, together with the remainder of BRAC.

Mr. LEVIN. I hope that during this evening we will be able to try to schedule timing for those amendments, if possible.

Mr. WARNER. I would be happy to——

Mr. LEVIN. I do not know the status, particularly, of the first one, but I would like to work on that this evening.

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

The PRESIDING OFFICER. Who seeks recognition?

AMENDMENT NO. 393

Mr. MCCAIN. Mr. President, on behalf of myself and Senator LEVIN, Senator BRYAN, Senator LEAHY, Senator KOHL, Senator LIEBERMAN, Senator ROBB, Senator KYL, Senator HAGEL, and Senator CHAFEE, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. LEVIN, Mr. BRYAN, Mr. LEAHY, Mr. KOHL, Mr. LIEBERMAN, Mr. ROBB, Mr. KYL, Mr. HAGEL, and Mr. CHAFEE, proposes an amendment numbered 393.

Mr. MCCAIN. 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 450, below line 25, add the following:

SEC. 2822. AUTHORITY TO CARRY OUT BASE CLOSURE ROUND COMMENCING IN 2001.

(a) COMMISSION MATTERS.—

(1) APPOINTMENT.—Subsection (c)(1) of section 2902 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(A) in subparagraph (b)—

(i) by striking ''and'' at the end of clause (ii);

(ii) by striking the period at the end of clause (iii) and inserting ''; and''; and

(iii) by adding at the end the following new clause (iv):

''(iv) by no later than May 1, 2001, in the case of members of the Commission whose

terms will expire on September 30, 2002.''; and

(B) in subparagraph (C), by striking ''or for 1995 in clause (iii) of such subparagraph'' and inserting '', for 1995 in clause (iii) of that subparagraph, or for 2001 in clause (iv) of that subparagraph''.

(2) MEETINGS.—Subsection (e) of that section is amended by striking ''and 1995'' and inserting ''1995, and 2001, and in 2002 during the period ending on September 30 of that year''.

(3) FUNDING.—Subsection (k) of that section is amended by adding at the end the following new paragraph (4):

''(4) If no funds are appropriated to the Commission by the end of the second session of the 106th Congress for the activities of the Commission that commence in 2001, the Secretary may transfer to the Commission for purposes of its activities under this part that commence in that year such funds as the Commission may require to carry out such activities. The Secretary may transfer funds under the preceding sentence from any funds available to the Secretary. Funds so transferred shall remain available to the Commission for such purposes until expended.''.

(5) TERMINATION.—Subsection (1) of that section is amended by striking ''December 31, 1995'' and inserting ''September 30, 2002''.

(b) PROCEDURES.—

(1) FORCE-STRUCTURE PLAN.—Subsection (a)(1) of section 2903 of that Act is amended by adding at the end the following: ''The Secretary shall also submit to Congress a force-structure plan for fiscal year 2002 that meets the requirements of the preceding sentence not later than March 30, 2001.''.

(2) SELECTION CRITERIA.—Subsection (b) of such section 2903 is amended—

(A) in paragraph (1), by inserting ''and by no later than March 1, 2001, for purposes of activities of the Commission under this part that commence in 2001,'' after ''December 31, 1990,''; and

(B) in paragraph (2)(A)—

(i) in the first sentence, by inserting ''and by no later than April 15, 2001, for purposes of activities of the Commission under this part that commence in 2001,'' after ''February 15, 1991,''; and

(ii) in the second sentence, by inserting '', or enacted on or before May 15, 2001, in the case of criteria published and transmitted under the preceding sentence in 2001'' after ''March 15, 1991''.

(3) DEPARTMENT OF DEFENSE RECOMMENDATIONS.—Subsection (c) of such section 2903 is amended—

(A) in paragraph (1), by striking ''and March 1, 1995,'' and inserting ''March 1, 1995, and September 1, 2001,'';

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(C) by inserting after paragraph (3) the following new paragraph (4):

''(4)(A) In making recommendations to the Commission under this subsection in 2001, the Secretary shall consider any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation.

''(B) Notwithstanding the requirement in subparagraph (A), the Secretary shall make the recommendations referred to in that subparagraph based on the force-structure plan and final criteria otherwise applicable to such recommendations under this section.

''(C) The recommendations made by the Secretary under this subsection in 2001 shall include a statement of the result of the consideration of any notice described in subparagraph (A) that is received with respect to an installation covered by such recommendations. The statement shall set forth the reasons for the result.''; and

(D) in paragraph (7), as so redesignated—

(i) in the first sentence, by striking ''paragraph (5)(B)'' and inserting ''paragraph (6)(B)''; and

(ii) in the second sentence, by striking ''24 hours'' and inserting ''48 hours''.

(4) COMMISSION REVIEW AND RECOMMENDATIONS.—Subsection (d) of such section 2903 is amended—

(A) in paragraph (2)(A), by inserting ''or by no later than February 1, 2002, in the case of recommendations in 2001,'' after ''pursuant to subsection (e),'';

(B) in paragraph (4), by inserting ''or after February 1, 2002, in the case of recommendations in 2001,'' after ''under this subsection.''; and

(C) in paragraph (5)(B), by inserting ''or by no later than October 15 in the case of such recommendations in 2001,'' after ''such recommendations,''.

(5) REVIEW BY PRESIDENT.—Subsection (e) of such section 2903 is amended—

(A) in paragraph (1), by inserting ''or by no later than February 15, 2002, in the case of recommendations in 2001,'' after ''under subsection (d),'';

(B) in the second sentence of paragraph (3), by inserting ''or by no later than March 15, 2002, in the case of 2001,'' after ''the year concerned,''; and

(C) in paragraph (5), by inserting ''or by April 1, 2002, in the case of recommendations in 2001,'' after ''under this part,'';

(c) CLOSURE AND REALIGNMENT OF INSTALLATIONS.—Section 2904(a) of that Act is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) carry out the privatization in place of a military installation recommended for closure or realignment by the Commission in a report in 2002 only if privatization in place is a method of closure or realignment of the installation specified in the recommendation of the Commission in the report and is determined to be the most cost effective method of implementation of the recommendation;''.

(d) RELATIONSHIP TO OTHER BASE CLOSURE AUTHORITY.—Section 2909(a) of that Act is amended by striking ''December 31, 1995,'' and inserting ''September 30, 2002,''.

(e) TECHNICAL AND CLARIFYING AMENDMENTS.—

(1) COMMENCEMENT OF PERIOD FOR NOTICE OF INTEREST IN PROPERTY FOR HOMELESS.—Section 2905(b)(7)(D)(ii)(I) of that Act is amended by striking ''that date'' and inserting ''the date of publication of such determination in a newspaper of general circulation in the communities in the vicinity of the installation under subparagraph (B)(i)(IV)''.

(2) OTHER CLARIFYING AMENDMENTS.—

(A) That Act is further amended by inserting ''or realignment'' after ''closure'' each place it appears in the following provisions:

(i) Section 2905(b)(3).

(ii) Section 2905(b)(4)(B)(ii).

(iii) Section 2905(b)(5).

(iv) Section 2905(b)(7)(B)(iv).

(v) Section 2905(b)(7)(N).

(vi) Section 2910(10)(B)

(B) That Act is further amended by inserting ''or realigned'' after ''closed'' each place it appears in the following provisions:

(i) Section 2905(b)(3)(C)(ii).

(ii) Section 2905(b)(3)(D).

(iii) Section 2905(b)(3)(E).

(iv) Section 2905(b)(4)(A).

(v) Section 2905(b)(5)(A).

(vi) Section 3910(9).

(vii) Section 2910(10).

(C) Section 2905(e)(1)(B) of that Act is amended by inserting '', or realigned or to be realigned,'' after ''closed or to be closed'.

Mr. MCCAIN. Mr. President, this amendment authorizes a single round of U.S. military installation realignment and base closures to occur in the year 2001.

It is an argument and a debate that we have had several times in the past few years, but obviously the argument deserves to be ventilated again. I am reminded, in considering this amendment, of a comment made by my old dear and beloved friend, Morris Udall, of my home State of Arizona, who once said after a long discussion of an issue that had been fairly well ventilated:

Everything that could possibly be said on this issue has been said, only not everyone has said it.

I think that, again, will be the case with this base closing amendment, because we have been around this track on several occasions. But I do have to credit the imagination and inventiveness of the opponents of the base closing round because they continue to invent new reasons to oppose a round of base closings. They are charming ideas. One of them you will probably hear is that base closings don't save money. That is a very interesting and entertaining argument. I wish we had held to that argument after World War II was over, because we would still have some 150 bases in my State of Arizona, which I am sure would be a significant benefit to our economy.

Another aspect of this debate you will hear is that the issue of base closings has been politicized and, therefore, we can't have one. I think my friend, the distinguished chairman, has come up with a new and entertaining argument that every time we go through a base closing, every town, city, and State goes through a very difficult period of time. I agree with him. I certainly agree with him as he will pose that argument. But that doesn't in the slightest change the requirement that we need to close some bases.

I have to tell my friend, the chairman, it doesn't ring true to stand and lament the state of the military, our declining readiness, our lack of modernization of the force, all of the evils, the recruitment problems, and the failure to fund much-needed programs, and then not support what is clearly most needed, according to the Chairman of the Joint Chiefs of Staff and according to the Secretary of Defense—and according, really, to every objective observer of our military establishment.

Why is it that it took us a month to get Apache helicopters from Germany to Albania? Why is it that we are now hearing if we decided tomorrow to prepare for ground troops—an idea which was soundly rejected by this body—but if finally the recognition came about that we are really not winning this conflict, that Mr. Milosevic is achieving all of his objectives, and we continue to hear great reports about how we have destroyed so much of their capability, yet, the ethnic cleansing is nearing completion and Mr. Milosevic has more troops now than less, why is

it that it would take many, many weeks, if not months, to get a force in place in order to move into Kosovo to help right the atrocities that have been committed there? It is because we have not restructured our military establishment. It is that simple.

The military establishment in the cold war, very correctly, was structured for a massive conventional tank war on the plains of Europe, the central plains of Europe. That was what our military was all about, and that was the major threat to our security. And now we have a military, which we have failed to restructure, we have failed to make mobile, we have failed to become capable to move anyplace in the world—in this case rather a short distance, from Germany to Albania—and, once there, decisively impact the battlefield equation. There are many reasons for this.

There was a great article in the Wall Street Journal a few weeks ago about how the Army had plans to restructure; yet, at the end of the day, they failed to do so for various reasons—by the way, the lesson being that the military will not restructure itself. It has to be done with an active role by the Congress.

But to sit here, as we are today, with all these shortages, where all of us are lamenting the incredible problems we have; yet, we then support a base structure which cannot be justified for any logical reason, is something that I think causes us great credibility problems—first, with people who pay attention to these kinds of things, and, second, at the end of the day with the American people.

I say this with full realization and appreciation that there are bases in my home State that may be in danger of being closed. There was a base closed in the round of base closings before the last one, which, by the way, is now generating more revenue for the State of Arizona than it did while it was a functioning military base. But setting that aside, when the base was closed, of course, there was great trauma. There was great dislocation among many civilians who worked out at Williams Air Force Base. But the fact is that we have to reduce the size of our base structures or we will continue to not be able to fund the much-needed improvements that are absolutely vital to us being able to conduct a conflict or war.

Our former colleague, Secretary Cohen, says.

Nevertheless, no other reform even comes close to offering the potential savings afforded by even a single round of BRAC. There simply is no substitute for base closure and realignment.

The two additional rounds under consideration will ultimately save $20 billion and generate $3.6 billion annually,

Moreover, the Department continues to streamline the process, making it even easier for communities to dispose of base property and to create new jobs in the future.

The Chairman of the Joint Chiefs of Staff wrote:

We are writing to you to express our strong and unified support for authorization for additional rounds of base closures . . . .

* * * * *

The importance of BRAC goes beyond savings, however. BRAC is the single most effective tool available to the Services to realign their infrastructure to meet the needs of changing organizations and to respond to new ways of doing business. No other initiative can substitute for BRAC in terms of ability to reduce and reshape our infrastructure. Simply stated, our military judgment is that further base closures are absolutely necessary.

Signed by all of the members of the Joint Chiefs of Staff.

I ask unanimous consent that the letter from Secretary Cohen and the letter from the Joint Chiefs of Staff be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
1000 DEFENSE PENTAGON,
Washington, DC, May 11, 1999.

Hon. CARL LEVIN,
Ranking Member, Armed Services Committee, Washington, DC.

DEAR CARL: As I have on many occasions, I want to convey my strong support for approval of additional rounds of Base Realignment and Closure (BRAC) authority as part of the FY 2000 Department of Defense Authorization Bill, which the Senate Armed Services Committee is marking up this week.

As you are aware, the first three rounds of BRAC have already yielded some $3.9 billion net savings in FY 1999 and will generate more than $25 billion by the year 2003. These savings have proven absolutely critical to sustaining ongoing operations and current levels of military readiness, modernization and the quality of life of our men and women in uniform. Even still, the General Accounting Office (GAO) points out that the Department of Defense continues to retain excess infrastructure, which we estimate at roughly 23 percent beyond our needs.

As you know, we are aggressively reforming the Department's business operations and support infrastructure to realize savings wherever possible. Nevertheless, no other reform even comes close to offering the potential savings afforded by even a single round of BRAC. There simply is no substitute for base closure and realignment.

The two additional rounds under consideration by the Committee will ultimately save $20 billion and generate $3.6 billion dollars annually. Both the Congressional Budget Office and the GAO affirm the reasonableness and credibility of our estimates for savings from BRAC. In exchange for property that we neither want nor need, we can direct $3.6 billion on an annual basis into weapons that give our troops a life-saving edge, into training that keeps our forces the finest in the world, and into the quality of life of military families.

I well appreciate both the difficult decision you and your colleagues now face, as well as the legitimate concerns of bases and communities potentially affected by additional rounds of BRAC. At the same time, many success stories across the nation prove that base closure and realignment can actually lead to increased economic growth. In fact, the GAO recently noted that in most post-BRAC communities incomes are actually rising faster and unemployment rates are lower than the national average. Moreover, the Department continues to streamline the process, making it even easier for communities to dispose of base property and to create new jobs in the future.

The Department's ability to properly support America's men and women in uniform today and to sustain them into the future hinge in great measure on realizing the critical savings that only BRAC can provide. As such, the Chairman and Joint Chiefs are unanimous in their support of our legislative proposals, and I most strongly solicit your support and that of your colleagues.

BILL COHEN.

CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, DC, May 10, 1999.

Hon. JOHN WARNER,
Chairman, Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to you to express our strong and unified support for authorization for additional rounds of base closures when the Senate Armed Services Committee marks up the FY 2000 Department of Defense Authorization Bill next week.

Previous BRAC rounds are already producing savings—$3.9 billion net in 1999 and $25 billion thorugh 2003. We believe that two additional rounds of BRAC will produce even more savings—an additional $3.6 billion each year after implementation. This translates directly into the programs, forces, and budgets that support our national military strategy. Without BRAC, we will not have the maximum possible resources to field and operate future forces while protecting quality of life for our military members. We will also be less able to provide future forces with the modern equipment that is central to the plans and vision we have for transforming the force.

The Department's April 1998 report to Congress demonstrates that 23 percent excess capacity exists. The Congressional Budget Office agrees that our approach to estimating excess capacity yields a credible estimate. The General Accounting Office also agrees that DOD continues to retain excess capacity.

The importance of BRAC goes beyond savings, however. BRAC is the single most effective tool available to the Services to realign their infrastructure to meet the needs of changing organizations and to respond to new ways of doing business. No other initiative can substitute for BRAC in terms of ability to reduce and reshape infrastructure. Simply stated, our military judgment is that further base closures are absolutely necessary.

BRAC will enable us to better shape the quality of the forces protecting America in the 21st century. As you consider the 2000 budget, we ask you to support this proposal.

GENERAL HENRY H. SHELTON, USA,
Chairman, Joint Chiefs of Staff.
GENERAL DENNIS J. REIMER, USA,
Chief of Staff, US Army.
GENERAL MICHAEL E. RYAN, USAF,
Chief of Staff, US Air Force.
GENERAL JOSEPH W. RALSTON, USAF,
Vice Chairman, Joint Chiefs of Staff.
ADMIRAL JAY L. JOHNSON, USN,
Chief of Naval Operations.
GENERAL CHARLES C. KRULAK, USMC
Commandant of the Marine Corps.

Mr. MCCAIN. Mr. President, as I said at the beginning of my remarks, we have been over this many, many times. The annual net savings from previous BRAC rounds will grow from almost $4 billion this year to $5.67 billion per year by 2001. The savings are real. They are coming sooner and are greater than anticipated.

GAO recently noted that in most communities where bases were closed incomes are actually rising faster and unemployment rates are lower than the national average. Additionally, a provision in the bill allows for the no-cost transfer of property from the military to the community in areas that are affected by the closures.

Our Armed Services are carrying the burden of managing and paying for an estimated 23 percent of excess infrastructure that will cost $3.6 billion this year alone, $3.6 billion that could be spent in efforts to retrain our pilots who are getting out faster than we can train them. It could be spent on recruiting qualified men and women of which there are significant shortfalls, especially in the U.S. Navy. It could be spent on retaining the highly qualified men and women who are leaving the Armed Forces in droves. There are so many things we can do with an additional $3.6 billion. But it will probably not happen.

I want to tell my colleagues that occasionally we lose credibility around here because of some of the things we do—the pork barrel spending, for example, that seems to be on the rise rather than decreasing, if you had the chance to examine the supplemental emergency bill we just passed. That, of course, is not pleasant for me to contemplate.

But when we are fooling around with national security, when we are fooling around with our Nation's ability to defend our vital national interests in these very unsettling times, then I would argue that we bear a heavy responsibility.

This is a simple amendment—one round, year 2001. The Commission is not appointed until May 2001. So this President does not have any hand in the appointment of a base closing commission. We really need two rounds. But this is at the request of the Senator from Michigan. It will only be one round.

Savings over the next 4 years are conservatively estimated to reach $25 billion. We probably won't do it. We probably won't do it. We couldn't do it in the Armed Services Committee, the committee that is supposed to have the most knowledgeable people on national defense.

Again, there are really some of the most interesting arguments I have ever heard. We save money by not closing bases. That is an interesting argument. Again, I wish we had never closed a base after World War II, using that logic. Or perhaps we should build more bases. The fact is that this causes discomfort to towns, communities, and States around the country when a base closing commission is appointed. I agree with that. I am sorry that happens. I stack that discomfort up against the fact that we still have 11,000 enlisted men and women on food stamps.

I hope we will have the American people at least weigh in on this issue, because they understand. They get it. They get what is going on here. They get why we are not having a base closing round when we need it. They know why it is being done. It will not pass but for one simple reason; that is, strictly parochial concerns that somehow there may be some political backlash associated with the closure of a base. I find that disgraceful.

I appeal again to the better angels of our nature, and recognize that every military expert within the military establishment, both within the Government and without, says that we need to close bases. We need to have a base closing round, and we do not have to make it political.

We have put in every possible constraint to prevent there being so many. We need to do it soon. Otherwise, we will continue to suffer in our capability. We will continue to suffer in our readiness. We will continue to suffer in our modernization. But most of all, these brave young men and women who serve our country will be shortchanged because we will not have adequate funds.

I know a lot of these young people do not vote. I know a lot of them don't even get absentee ballots. Many of them are stationed far away. But I think perhaps we ought to have concern about them in how these funds can improve their lives and keep many of them in the military and keep our Nation ready to defend itself.

I yield the floor.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. REED. Mr. President, will the Senator from Arizona yield 10 minutes?

Mr. MCCAIN. Mr. President, I yield such time as he may consume to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I thank the Senator from Arizona.

Mr. President, I rise in support of this amendment that would authorize a single round of base closures during the year 2001. I commend both the Senator from Arizona and the Senator from Michigan for presenting this amendment to the Senate today.

I am well aware that we all recognize this is a very sensitive issue, because it potentially impacts the constituents of each and every one of the Members of the Senator.

My home State of Rhode Island is no exception to this. We are the proud home to a significant presence of the U.S. Navy, both at the Naval War College and the Naval Undersea Warfare Center in Newport.

We have a tradition of Naval service in Rhode Island. As in every other State, we are sensitive to the potential vulnerabilities of another round of base closures. But I, for one, recognize the imperative nature of doing this, for many of the reasons that were so well outlined by the Senator from Arizona.

We have already in the past in Rhode Island—and I suspect in other places around the country—suffered from cutbacks. In fact, before the base closing process was established back in the early 1970s, one of our major bases, Quonset Point Air Station, was closed and, indeed, we lost effectively all of the surface ships that used to regularly be stationed in Newport. The result was traumatic to my home State.

Rhode Island is the smallest State in the country. Every family in Rhode Island either had some connection to Quonset Point Air Station or knew someone who worked there. Whole families had to leave the State. Many moved down to Wilmington, NC, where there was another naval aviation center. It caused great trauma and it set our economy back tremendously. In fact, we are still trying to reestablish and regenerate that site.

But despite all of that—despite the real costs to individuals, the real costs to families—we have to do this in order to maintain a national defense that will truly be efficient and effective.

It is difficult to talk about this issue and to tell constituents that there might be another round of base closings, but it is absolutely necessary. We are maintaining a cold war military structure in terms of bases. Yet, we know we need to reform and to reorganize. We will face new threats in the century beyond with a cold war military structure.

As the Senator from Arizona said, we organized so much of our military to support a huge landforce that was designed to counterattack a threat from the former Soviet Union. That has mercifully evaporated with the demise of the Soviet Union. The new threats to our national security are different. Yet, we still have the same cold war base infrastructure which we must reform, and the only practical way to do that is to organize another round of base closings.

It is a difficult decision, but it is a decision that we must make.

The numbers speak for themselves. This is almost a mathematical equation in terms of what we must do. We are maintaining approximately 23 percent extra capacity in the Department of Defense in terms of our bases. If you look at our force structure, the troops in the field, the men and women who are actually the war-fighters who defend the Nation every day, we have reduced those numbers by 36 percent since 1989. Yet, we have only been able to reduce our infrastructure by 21 percent. There is an imbalance. We have a smaller force structure. Yet we still have much of the old real estate that we accumulated from World War II all the way through the cold war.

We already embarked on limited base reductions in previous base closing rounds. We have saved approximately

$3.9 billion to date. It is estimated that the base closing process that has already taken place will yield $25 billion by the year 2003.

Those are the significant savings. Yet, we hear lots of folks disputing the savings. I think everyone in America recognizes that when you close unnecessary bases, you save money. That is what corporate America has been doing now for the last 10 years. That is, in fact, one of the reasons why American productivity and American corporate profits are soaring and Wall Street is reflecting those results. It is because American businesses have the flexibility to close unwanted facilities, many times painfully so, to small communities.

But in the military establishment, we have denied our managers—the Secretary of Defense and the Chairman of the Joint Chiefs and his colleagues—that same type of flexibility. We have done it in a way which has retarded our ability to save billions of dollars which we need for other priorities in the Department of Defense.

Another charge was raised in this discussion about why base closings shouldn't be pursued at this moment. It said that there is no effective audit of these savings. In many respects, what we have saved, if you will, are costs that would have been incurred. They are foregone. They won't be incurred. It is difficult to audit some things you won't spend money on, but those savings are equally real.

We have a situation where we know we have saved money in previous base closing rounds—billions of dollars. And we know through estimates that we will save in this round additional money if we authorize an additional round of base closings. This is an estimate that has been agreed to by both the Congressional Budget Office and the General Accounting Office. They estimated there is excess capacity, that we can save money by another round of base closings.

There is another argument that has been raised to try to defeat the notion of a new round of base closings: That the environmental cleanup costs associated with closing bases eats up all the savings.

The reality, legally, is that the Department of Defense is responsible for these cleanup costs regardless of whether they keep the bases open or they close them. The only difference is an accounting difference. When you close a base, there is much more of an accelerated cleanup so the property can be turned over to civilian authority. In terms of the dollar responsibility, the contingent liabilities out there for cleanup of military bases remain the same, regardless of whether we have a base closing round or we just simply let these excess bases continue to operate. That, too, is not a reason to defeat the notion of a base closing round today.

As the Senator from Arizona pointed out, this is the top priority of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Service Secretaries, the uniformed heads of our military services. They all know that they need additional dollars for higher priority items than some of these bases.

Last September, the Service Chiefs came to the Senate Armed Services Committee and said they needed more resources to do the job. We were quite forthcoming. In fact, we authorized $8.3 billion over the President's budget request. Yet, when they say they equally need the closing of excess bases, we ignore their plea—equally fervent, equally important, equally necessary for the success of the Department of Defense, yet we ignore this plea.

Some of this has been a result of claims that the last base closing round was politicized. This proposal is that the process be conducted in the year 2001, which is beyond the term of this administration. I think the argument of politicization is false because whatever confidence or lack of confidence you have in this current administration, this proposal, this amendment, would carry it beyond this administration into the next administration.

Mr. WARNER. Will the Senator yield?

Mr. REED. I am happy to yield to the Senator.

Mr. WARNER. That is the problem that troubles the Senator from Virginia the most—the California and Texas experiences.

As I listened to my good friend from Arizona, he made rational positions and I agree with him; the Senator from New Jersey made rational positions.

However, the practical thing that will happen if the Congress of the United States were to enact a base closure bill—this bill—the day after the signature is affixed by the President, the work begins in the Department of Defense down at the level of the services to work up the list of communities which, in the judgment of the Army, the Navy, the Air Force and certain DOD facilities is to be boarded up, and eventually it goes to the BRAC Commission.

True, the next President would appoint that BRAC Commission. But the staff work would have been done.

The communities all across America, as my good friend from Arizona pointed out in repeating my statement, become suddenly on full alert that it could be their base. They have a long tradition in this country of embracing that base. It is not just because of economic reasons and jobs. It is also, as the Senator well knows, because of the tradition in the community.

Does the Senator realize I was the Secretary of the Navy who closed the largest naval base and destroyer base in your State? Your predecessor, Senator Pastore, brought this humble public servant, the Secretary of the Navy, down to the caucus room of the Senate of the Russell Building before more cameras than I have ever seen and grilled me for hour after hour after hour, together with the Chief of Naval Operations. That convinced me that we had to have a process called BRAC.

I say with humility I was the coauthor of the first BRAC statute, coauthor of the second BRAC statute. Then I lost confidence in BRAC because of what the Senator just said—the politicization of the process as it related to decisions in California and Texas. If we were to pass this all over America, these communities would suddenly begin to wonder: Will politics play as the bureaucrats in the Department of Defense begin their assigned task to work up those lists that slowly go to the top and eventually to the BRAC Commission?

Mr. President, that is the problem. That is a problem shared by so many of our colleagues. That was the problem that was shared by the majority of our committee, the Armed Services Committee, on which we all serve with great pride. In two instances, that committee turned down the proposal which the Senators bring before the Senate tonight. That is the process.

Mr. MCCAIN. Will the Senator yield?

Mr. REED. I yield.

Mr. MCCAIN. If the Senator doesn't like the fact that it upsets the communities but believes that we need to close bases, does the Senator have another solution?

Mr. WARNER. Yes, the solution, regrettably, I say to my good friend, is that we have to wait until the next President determines whether or not in his judgment we should have a BRAC Commission and he comes before the Congress and he requests it.

I will commit right now, no matter who wins the office of the Presidency, including, if I may say with great respect, yourself, I would be the first to sponsor a BRAC Commission under the McCain administration and I will work relentlessly to get it through the Senate.

But that would be the moment that the bureaucracy begins to work up the list of the communities.

Mr. MCCAIN. May I just say with all due respect, if I may, the amendment calls for a base closing commission to be appointed in May of 2001. The election takes place in November of the year 2000, as I seem to recollect; some 5 or 6 months later is when the commission is appointed.

The logic of the Senator from Virginia, in all due respect to my chairman, escapes me. There will be a new President of the United States, there will be a new Secretary of Defense. Obviously, the chairman doesn't trust or have confidence in the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, both of whom sent over compelling statements and letters. So if it is a new President that you want, there will be a new President.

If I get this right, what the distinguished chairman is saying is that we will just put everything on hold for a year or two until we get a new President, then we can start a process?

This amendment says there will be a new President, there will be a new Secretary of Defense, there will be a new Chairman of the Joint Chiefs of Staff, as a matter of fact, and that is what this amendment contemplates.

Mr. WARNER. Mr. President, I reply to both friends, this is a very interesting colloquy.

First, I hope my good friend would amend it that the Secretary of Defense—perhaps he could stay on and I would join at that point; I have the highest confidence in the Secretary of Defense.

Mr. MCCAIN. The Senator has a strange way of displaying that confidence if you don't agree with his primary and most important recommendation.

Mr. WARNER. But, I say to my good friend, it is not the Secretary. The work begins literally down in the bowels of that building, in which I was privileged to remain for 5½ years, down at the low level of the staff beginning to work up those lists. And that political problem that arose in California and Texas could begin to creep into those basement and lower areas in the Pentagon, begin to influence those decisions which would gravitate to the top.

Mr. LEVIN. Will the Senator from Rhode Island yield?

Mr. REED. If I can retain my time.

Mr. MCCAIN. In all due respect to my friend from Virginia, he knows where that California and Texas thing came from. It didn't come from the bowels of the Pentagon; it came from the White House. That is why, as he knows, we are saying this Commission should only convene after there is a new President of the United States.

Mr. WARNER. I agree with that. That is precisely why I object, because that same White House could begin to communicate down with those good, honest, hard-working GS–14 employees of the Department of Defense. That is where it could start.

Mr. LEVIN. If the Senator will yield, the Senator from Virginia said how much confidence he has in the Secretary of Defense. Is the Senator suggesting that the Secretary of Defense is going to stand by while some political person from somewhere reaches around him into the bowels of the Pentagon to give a signal that some base should not be considered?

It is because our good friend from Virginia did not want there to be any possibility of any political involvement by anybody that we delayed the date for the Secretary of Defense to transmit the base closure recommendations to September 1, 2002.

The new President and the new Secretary of Defense—or the current one, if he is continued—will have until September 1 to transmit the base closure recommendation. We delayed it 6 months because the Senator, in committee, said he was concerned that the preliminary work could be done now and somehow or other, unbeknownst to an honest Secretary of Defense—who I think our good friend would concede is an honest one——

Mr. WARNER. Mr. President, I do.

Mr. LEVIN. This work would begin and somehow or other it would take hold.

So we delayed the transmittal to September 1 of the year after the new President is elected, 6 months—more than that, 8 months after the new President is in office.

It seems to me at this point that the argument about politicization is now being used as an excuse not to act. We have done everything we possibly can to eliminate any possibility of that. The new President is not required to transmit names for a base closure commission. As the good Senator from Virginia knows, if the new President does not want a base closing round, he or she need not have it. That is the law. All the new President has to do is not nominate anybody.

So you have total control in the new President. You have 9 months to submit the recommendations. At this point, the politicization argument, it seems to me—talking about reaching down? I think the good Senator, my good friend, is reaching back.

Mr. MCCAIN. Could I ask my friend from Virginia, would he agree to an amendment which had the base closing round begin in the year 2002?

Mr. WARNER. Mr. President, the answer is very simple: No. Because the moment the ink is dry and this becomes law—would the Senator not agree with me that the staff work begins on this the day it becomes law? The decisions begin to be made. The communities all across America go on full alert. The communities begin to hire expensive consultants to help them in the process, to prepare their case so that community is not struck. Am I not correct? Does any one of the three wish to dispute that the work begins at the bureaucratic level, by honest, conscientious individuals——

Mr. MCCAIN. I ask my friend——

The PRESIDING OFFICER. The Chair reminds the Members of the Senate, the Senator from Rhode Island controls the time.

Mr. MCCAIN. I ask unanimous consent that we continue this colloquy and maybe, to make the sides even, the Senator from Maine would like to engage us as well.

Mr. WARNER. I would welcome the Senator from Maine. That resonant voice will reverberate through this Chamber with a reasonable approach to this.

Mr. LEVIN. May I suggest, if the Senator will yield, that the Senator needs the support and help of the Senator from Maine. But before that suggestion resonates through this Chamber, I will say just one other thing. Would the Senator accept an amendment that says no staff work can begin until January 21 of the year 2000? If we added that language in the bowels of the Pentagon, nobody——

Mr. WARNER. Or at any level.

Mr. MCCAIN. There would be no movement.

Mr. LEVIN. I want the Record to be clear, that comment came from the prime sponsor of this legislation.

That there would not be a computer keyboard touched in the bowels or any level of the Pentagon prior to January 21 of next year—would the Senator accept that amendment?

Mr. WARNER. Mr. President, in the course of the deliberation in the Armed Services Committee I came up with a phrase. I said there was no way to write into law the word ''trust.'' Therefore, my answer to my good friend is: No.

The PRESIDING OFFICER. The Senator from Rhode Island controls the time.

Mr. REED. Briefly, because I know my colleagues are eager to continue in colloquy, but in response to the chairman, most of what I think was the initiative, if you will, involved in the last base closing, came after the particular bases were identified for closing by the Commission. It was not a question where political decisions were made to close bases. I think, rather, political decisions were made to try to avoid and go around the work of the Commission. So the Commission process is, I think we would all agree, as unpolitical as you can get. The research in the bowels of the Pentagon is, I think, similarly nonpolitical. If it is not, then we have more worries than a base closing commission, if we have GS–14s doing political deeds for anyone rather than looking rationally and logically at the needs of the service and the infrastructure to support those needs.

If the administration was guilty of politicization, then shame on them. But we are running the risk of, ourselves, politicizing this process. We are running the risk of rejecting the logic.

The overwhelming conclusion I think any rational person could draw is that we have to start closing bases. The base closing mechanism is the best way to do that, and we are in a situation where, if we resist this, if we cannot find a formulation, we are going to politicize it worse than anything that is purported to have been done by the administration.

I strongly support the measure offered by the Senator from Arizona and the Senator from Michigan. We have an opportunity to align our force structure and our base structure to give resources to the Department of Defense, to support the really pressing needs of our troops, to retain them, to train them, to provide them a quality of life they deserve.

When you go out to visit troops—I know everyone here on this floor today does that frequently—what those young troops are worried about is: Do they have the best training, best equipment, and are their families well taken care of? They do not worry about whether we have a base in Oregon or a base in Texas or a base in Rhode Island. They worry about their training,

their readiness for the mission, their weapons, and whether their families are taken care of. If we listen to them, we will support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Rhode Island for the very strong and, I think, thoughtful statement. He is a much valued member of the committee. I appreciate his efforts in this area.

I do not like to belabor my old and dear friend, the former Secretary of the Navy and chairman of the committee. Our respect and friendship is mutual. It has been there for many, many years.

Mr. WARNER. Mr. President, if I may say, it will be there for an eternity.

Mr. MCCAIN. I thank my friend from Virginia.

I do have to mention one other aspect of this issue that is important, and then I know the Senator from Maine has been patiently waiting.

We do have a credibility problem here. We are asking these young people to do without. Some of them right now are in harm's way. We ask them to spend time in the middle of the desert and the middle of Bosnia under very difficult, sometimes nearly intolerable conditions. We have an Air Force that is half the size of what it was at the time of Desert Storm, and it has four times the commitments. We simply do not have a military that we can sustain under the present conditions.

If we are not willing to make a sacrifice of the possibility of a base closure in our home State, how in the world can we ask these young people to risk their lives? This is an issue of credibility. If we are going to make the kind of changes necessary to restructure the military, there are going to have to be some very tough decisions made. Base closing is just one of them. But if we cannot even make a decision to have a base closing commission, on the recommendation of every expert inside and outside the defense establishment of the United States of America, then I do not think we have any credibility in other decisions that the committee or the Senate will make.

I realize that bases are at risk. I realize there can be economic dislocation. I recommend and I recognize all those aspects of a base closing commission. But for us to tell these young men and women, whom we are asking to sacrifice and take risks, that we will not take the political risk of approving the base of the base closing commission that would convene under the tenure of the next President of the United States under the most fair and objective process that we know how to shape, then, Mr. President, we deserve neither our credibility with them nor their trust.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I rise in opposition to the amendment that has been offered by Senator MCCAIN and Senator LEVIN concerning the establishment of another Base Closing Commission process in the year 2001.

It is not a matter of when it is established. It is not a matter by whom it is appointed. I think the question is whether or not the Department of Defense and this administration has answered the questions that have been raised time and time again in the committee and on the floor of this Senate with respect to a number of issues that justify having another base closing round. Having been involved in the four previous rounds, I can tell you it raises a number of issues with respect to the efficiency and the effectiveness of base closings.

We are seeing already with our commitment in Kosovo the Defense Department cannot continue to decide which installations to downsize or close by making arbitrary comparisons to personnel reductions. Just since the hostilities began in March, we have seen the Pentagon divert a carrier battle group to the Adriatic leaving the western Pacific without a carrier for the first time in decades.

It has contributed more than 400 aircraft to the NATO campaign against Yugoslavia.

It has nearly depleted the Nation's air-launched precision missile stocks, exhausted our tanker fleet, and called up 33,000 reservists.

Now we have a situation where we are conducting a campaign regarding Kosovo and it has been revealed that the air and sea bridges required to ''swing'' forces into one major theater war to support a second conflict makes the risk of prevailing in the latter engagement too high because of the operational strains on personnel, weapons, and maintenance schedules. Yet, the Pentagon persists with the position that we must close more bases. But who is really making these assumptions about the volatile and complex nature of warfare as we approach the 21st century?

The standard the administration is putting forth is personnel reductions; that closing 36 percent of our bases is absolutely essential, if 36 percent of all our people have left the military since the peak of the cold war. But the standard must remain if we are to be truly honest about what kinds of assumptions and determinations we must make. We should be making a decision of adapting our infrastructure to the mix of security threats that we anticipate into the 21st century. I do not think that we have to project that far out to recognize what we can expect for the types of conflicts that we will be facing in the future.

As it did last year and in 1997, the administration rests its argument for more base closings primarily on the claim that facility cuts have lagged behind personnel reductions by more than 15 percent. I do not happen to think that a simple percentage can answer the types of questions that we need to determine the future of our military bases.

What systems, what airfields, and what ports do we need to sustain in light of our engagement in the Balkans and considering the fact that the Pentagon planners thought that the Nation's two simultaneous conflicts would likely occur in Asia and the Persian Gulf?

What depots can provide competition for the private sector?

What shipyards can provide the Navy with a diversified industrial base to sustain the next generation of submarines that will maneuver in our waters?

What airbases must stay active to support long-range power projection capabilities we now have with the diminished forward presence overseas?

What configuration of domestic bases does the country require to project a smaller force over long distances that we now lack because we have a diminished presence in Asia and Europe?

This fact means at a minimum the country has to stabilize a number of domestic facilities to prepare forces once deployed abroad for long-range projections from this country. How has DOD calculated the vulnerability of political uncertainties of gaining access to our Middle Eastern military assets in the event of another regional crisis?

These are the unanswered questions. These are the questions that need answers, not some isolated percentages that should determine the size and the shape of our basing network. These are the answers that we do not have.

We have discrepancies in the numbers that have been provided to us by the Department of Defense. We do not have the assessments. We do not have the matching infrastructure to the security threat. We have not made a determination with respect to the assets, and even the national defense plan indicated in its own report that it was necessary to make that determination based on a report. In fact, the panel said it strongly urges Congress and the Department to look at these issues.

They talked about if there is going to be a next round, it might be preceded by an independent, comprehensive inventory of all facilities and installations located in the United States. This review would provide the basis for a long-term installation master plan that aligns infrastructure assets with future military requirements and provides a framework for investment and reuse strategies.

We raised this issue time and time again in the committee and in the Senate over the last 2 years to those individuals who are propounding this amendment and raising the fact that we should have another base closing round. Yet, how can we make those decisions and on what basis are we making those decisions? Are they going to be arbitrary determinations? Are they going to be politicized?

I know people argue: Oh, this is a depoliticized process in the Base Closing

Commission procedure. I argue to the contrary. Having been through this procedure on four different occasions since 1988, I can tell you we just moved politics from one venue to another.

I think we have to very carefully consider whether or not we want to initiate another base closing round for the future, absent the kinds of decisions and determinations that need to be made in order to make a reasonable decision.

Even in the Department's own report in April of 1998, it exposed the apparent base closure savings as a frustrating mystery rather than a confirmed fact. To its credit, the Department actually admitted in its own study that there was no audit trail for tracking the end use of each dollar saved through the BRAC process. They admitted in their own report that they did not have a procedure for determining the actual savings that they projected from the base closing rounds and how they were used, so that we could not correlate the savings and whether or not they were used for any purpose or, in fact, were there any savings.

So now the Department of Defense has said: Yes, there are savings from the four previous base closing rounds; and, yes, we are using them for readiness and modernization; and that is what we will do in the future. But they never established a process that we could document those savings that ostensibly occurred in the four previous rounds, and that they were invested in modernization and in the readiness accounts. The fact is, it never happened.

The General Accounting Office, in fact, recommended, in their 1997 report, and, in fact, documented what the DOD report said, that there is no process by which to track the savings which the Department of Defense claims occurred as a result of the base closings over the last 10 years. So we have no way of knowing if, in fact, we have realized real savings.

The Department claims that over the last four rounds there were savings of $21 billion, $22 billion. Yet, in their 1999 report, they admitted that the cost of closing bases was $22.5 billion. Their savings, in their 1999 report, from the four previous rounds is $21 billion. So they have $1.5 billion more than the estimated savings through 2015. So that is what we are talking about here. The Department of Defense is spending more to close these bases than they are actually saving. They have had more costs as a result of environmental remediation. In fact, they project to spend $3 billion more.

They said they would realize $3 billion from the first base closing round, to give you an example, from the sale of the property to the private sector, when in fact they only realized $65 million. That gives you an idea of the discrepancy that has occurred from their projected savings to the actual revenue that was realized through their sale process.

So that is the problem we have. We have been given promises by the Department of Defense that we will have the savings, and yet these savings have not really materialized. So we do not have a picture of what we need for the future in terms of domestic bases because we have closed so many abroad as well as at home.

Because we do not have the presence in other countries, it is all the more important that we have the necessary domestic bases to do the kinds of things we have to do, as we have seen in Kosovo.

It is interesting that back in 1991, when we went through a base closing round, we had Loring Air Force Base up in northern Maine. It was a B–52 base. We were told at the time B–52s were going to go out. They were old. They were aging. They were going to be rapidly removed from the defense program.

What are we seeing? B–52s are being used in Kosovo. No, we do not have the base in northern Maine that is closest to Europe, to the Middle East, to the former Soviet Union, to Africa. We are having to launch those B–52s from other bases that are not as close to Europe. So that is the problem we are seeing, because of the miscalculations and the underestimation of what we might need for the future. It has not been the kind of documentation that I happen to think is necessary.

In fact, it was interesting to hear—when talking about B–52s—what a former Air Force Secretary said a few weeks ago, that the current crises are proving the enormous value of the Nation's long-range bomber force of B–52s. That is what it is all about.

So what we were told in 1991: No; they are going to be out of commission because they are simply too old, we find is not the case.

So I think we have to be very circumspect about how we want to proceed. That is why I think we have to be reticent about initiating any base closing process for the future until we get the kinds of answers that are necessary to justify proceeding with any additional base closing rounds.

We have had the miscalculations of the costs in the Balkans. In fact, that is why there is such great pressure within the Pentagon to try to find additional savings, because we have spent so much money in Bosnia. When we were only supposed to spend $2 billion, we are now beyond $10 billion. We will probably spend $10 billion in Kosovo by the end of this fiscal year. That has placed granted, inordinate pressures on the defense budget.

But as QDR said, and even the Pentagon has admitted, there are many ways, in which to achieve their savings. They could follow up on the management reforms that have been proposed by the Department of Defense through technology upgrades. They could obviously require the services to determine their budget priorities. We can obviously look even at the deployment in Bosnia, which has far exceeded the original estimates, as I said earlier.

So those are the kinds of challenges we face in the future. I think we have to be very, very cautious about suggesting that somehow we should close more bases—subject to another arbitrary process, subject to more arbitrary percentages—without the kind of analysis that I think is necessary to make those kinds of decisions.

We have to be very selective. We have to make decisions for the future in terms of what interests are at stake, what we can anticipate for the future, because it seems that we are going to have more contingency operations like the ones we are confronting now in the Balkans. Therefore, we will have to look at what we have currently within the continental United States. It is important to be able to launch these missions, simply because we cannot depend on a presence in foreign countries.

So I hope Members of the Senate will vote against the amendment which has been offered by the Senator from Arizona about initiating another base closing round, because we have raised these questions before. We have asked the Department: Please document what bases you are talking about. What bases do you need? What bases don't you need? Why don't you need them? How does that comport with the anticipated security threats for the future?

Of course, finally, the Department claims that they have made enormous savings from the previous base closing rounds, but now we find that the cost of closing those bases—of which more than 152 were either realigned or closed—was greater than the savings that have been realized to date and into the future.

So I think we have an obligation and, indeed, a responsibility to evaluate what has happened. I think it is also interesting that the Department of Defense has not responded to the General Accounting Office or to the National Defense Plan in terms of coming up with an analysis of what is actually necessary for our domestic military infrastructure, and then, secondly, setting up a mechanism by which we can evaluate whether or not savings have, indeed, been realized as a result of the four previous base closing rounds, because on the basis of what we have currently from the Pentagon, they cannot suggest in any way that they have made any savings. If anything, it has cost them more money.

Then when you look at what we are facing in Kosovo, what we can project in the future for additional asymmetric threats, we may want to be very careful about closing down any more bases in this country without knowing whether or not they are going to be necessary for the future, because once you lose that infrastructure, it is very difficult to recoup.

So I hope the Senate will reject this amendment.

I yield the floor.

POSITION ON LANDRIEU-SPECTER AMENDMENT NO. 384

Mr. FEINGOLD. Mr. President, had I been present for the vote on the

Landrieu-Specter amendment No. 384 to the FY 2000 Defense Authorization, S. 1059, bill regarding the need for vigorous prosecution of war crimes and crimes against humanity in the former Yugoslavia, I would have voted in favor of the amendment. My vote would not have changed the outcome of the vote on the amendment which passed by a vote of 90–0.

I was unable to reach the Capitol in time for the vote because of air travel delays due to weather conditions. I am disappointed that, though I and other Members notified the Senate leadership about our travel difficulties hours before the vote began, they were unwilling to reschedule the time of the vote.

AVAILABILITY OF CLASSIFIED ANNEX

Mr. SHELBY. Mr. President, I ask unanimous consent to have printed in the RECORD a letter to the Honorable TRENT LOTT dated May 17, 1999, signed by myself and Senator KERREY.

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

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, May 17, 1999.

Hon. TRENT LOTT,
U.S. Senate, Washington, DC.

DEAR SENATOR: The Select Committee on Intelligence has reported a bill (S. 1009) authorizing appropriations for U.S. intelligence activities for fiscal year 2000. The Committee cannot disclose the details of its budgetary recommendations in its public report (Senate Report 106–48), because our intelligence activities are classified. The Committee has prepared, however, a classified annex to the report which describes the full scope and intent of the Committee's actions.

In accordance with the provisions of Section 8(c)(2) of Senate Resolution 400 of the 94th Congress, the classified annex is available to any member of the Senate and can be reviewed in room SH–211. If you wish to do so, please have your staff contact the Committee's Director of Security, Mr. James Wolfe, at 224–1751 to arrange a time for such review.

Sincerely,

RICHARD C. SHELBY,
Chairman.
J. ROBERT KERREY,
Vice Chairman.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, May 24, 1999, the federal debt stood at $5,597,942,875,397.10 (Five trillion, five hundred ninety-seven billion, nine hundred forty-two million, eight hundred seventy-five thousand, three hundred ninety-seven dollars and ten cents).

Five years ago, May 24, 1994, the federal debt stood at $4,591,881,000,000 (Four trillion, five hundred ninety-one billion, eight hundred eighty-one million).

Ten years ago, May 24, 1989, the federal debt stood at $2,781,133,000,000 (Two trillion, seven hundred eighty-one billion, one hundred thirty-three million).

Fifteen years ago, May 24, 1984, the federal debt stood at $1,489,236,000,000 (One trillion, four hundred eighty-nine billion, two hundred thirty-six million).

Twenty-five years ago, May 24, 1974, the federal debt stood at $471,902,000,000 (Four hundred seventy-one billion, nine hundred two million) which reflects a debt increase of more than $5 trillion—$5,126,040,875,397.10 (Five trillion, one hundred twenty-six billion, forty million, eight hundred seventy-five thousand, three hundred ninety-seven dollars and ten cents) during the past 25 years.

HONORING ROBERT SUTTER

Mr. BIDEN. Mr. President, I want to take this opportunity today to salute a distinguished servant of the legislative branch of the U.S. Congress in the field of foreign affairs. In June 1999, Dr. Robert Sutter will leave the Congressional Research Service after 22 highly productive years as a source of expertise on China and the Asia-Pacific region. Dr. Sutter is resigning from his current position as a Senior Specialist in Asia and International Politics in the Foreign Affairs, Defense, and Trade Division of CRS to become the National Intelligence Officer for East Asia, a critical intelligence community assignment.

Since 1977, when he first came to work at CRS as a China specialist, Dr. Sutter has provided Members of Congress and their staffs with authoritative, in-depth analysis and policy options covering a broad range of foreign policy issues involving China, East Asia, and the Pacific. It should be a matter of pride to this body to know that Dr. Sutter is well known both here and in the Asia-Pacific region as one of the most authoritative and productive American Asia hands.

In his government career to date of over 30 years, Dr. Sutter has held a variety of analytical and supervisory positions including service with the Foreign Broadcast Information Service and temporary details with the Senate Foreign Relations Committee, the Central Intelligence Agency, and the Department of State. It is in service to Congress, however, specifically with the Congressional Research Service, that Dr. Sutter has spent most of his distinguished career. I want to make a few comments that illustrate the strengths and great contributions of both the institution and the man himself.

The first point to make concerns one of the great institutional strengths that CRS offers to the congressional clients it serves, and which Dr. Sutter's tenure and contributions here epitomize perfectly: institutional memory. Dr. Sutter's first published report at CRS was entitled U.S.-PRC Normalization Arguments and Alternatives. Published first as a CRS Report for general congressional use, on August 3, 1977, it soon became a Committee Print of the House International Relations Committee's Subcommittee on Asian and Pacific Affairs. The report and subsequent Committee Print addressed a number of highly controversial issues arising out of President Carter's decision to normalize relations with China. Congressional concern about the consequences of derecognition of the Republic of China, and dissatisfaction with the terms of the agreement negotiated with the People's Republic of China, directly led to the landmark Taiwan Relations Act, which still governs our policy decisions today, and which continues in 1999 to be a factor in debates in this very chamber.

Besides Bob Sutter, only 48 Members of Congress serving today, in the 106th Congress, were here in 1977 and 1978 to witness these initial steps of U.S.-China relations. In the more than 20 years since then, both U.S.-China relations and the U.S. Congress itself have undergone tremendous change, both for the better and for worse. Bob Sutter has been an active participant in congressional deliberations on China policy, and in the U.S. national debate over these issues, from normalization of relations, to the Tiananmen Square crackdown, to the recent tragic bombing of the Chinese Embassy in Belgrade. Dr. Sutter's two decades of service spanned the tenures for four U.S. presidents and some ten Congresses. Despite several shifts of party control in the Senate, and one in the House, Dr. Sutter continued to deliver timely, accurate, objective, and non-partisan analysis. The institutional memory represented by CRS analysts, which Dr. Sutter so perfectly exemplifies, is of incalculable value to the work of the Congress.

The second point I want to make concerns Dr. Sutter himself. He has, for one thing, consistently demonstrated an astonishing capacity for work. In 1974 Dr. Sutter received his Ph.D. in History and East Asian Languages from Harvard University, writing his Ph.D. thesis while maintaining a full-time job. Routinely, he has been one of—perhaps the most in terms of sheer output of written work—productive analysts in CRS. In the last 5 years alone, Dr. Sutter has been called on for advice from Members of Congress and their staffs nearly 6,000 times—an average of 1,140 times each year. He has regularly maintained six or more ongoing, continually updated products, and his output of CRS written reports for Congress totals at least 90 since late 1987 alone. As is evident in these products, he excels at providing accurate, succinct, and well-organized analysis of congressional policy choices and their likely consequences. His work always reflects up to date knowledge of issues, usually based on personal research in East Asia and/or close contact with the U.S. private and official community of Asian analysts and scholars.

Even more to the point, Dr. Sutter has always understood the powers and special needs of Congress, including its legislative and oversight responsibilities, and our obligation to represent

the interests of our constituents. In his research and writing, Dr. Sutter never forgets the unique role of Congress and the importance of reflecting the full range of competing viewpoints.

Reflecting his commitment to service and cheerful willingness to assume responsibility, Dr. Sutter has fulfilled a number of roles in the CRS. He has served as Chief of the Foreign Affairs Division in CRS, as well as Chief of the Government Division in CRS, in both cases maintaining a full research work load for Congress in the midst of significant management duties. He has frequently conceived, coordinated, and moderated Asia policy seminars and workshops for Members of Congress and their staffs. He routinely serves on special advisory groups in CRS and the Library of Congress. As a well-known and respected analyst, he has been a sought-after speaker at dozens of foreign policy seminars, panels, and conferences in Washington and around the world.

In recent years, he has maintained this outstanding record of productivity for the Congress while managing in his spare time to teach several college courses per year at Washington area universities. He has also found time to write more than a dozen books on foreign policy issues during his tenure at CRS.

Finally, Dr. Sutter's simple decency, modesty, engaging manner, and professionalism set a high standard for others and make it a great pleasure to work with him. He cheerfully volunteers for onerous tasks. He is pleasant and good-humored. Moreover, in the midst of the pressured environment of Washington and Capitol Hill, he has always found time to serve as a mentor, counselor, and friend to others, whether they be his own students, younger colleagues, or new congressional staff. And, a fact known only to close friends, he has a record of community service, including Church work and teaching of English to native Spanish speakers, that is nearly as impressive as his professional contribution.

Dr. Sutter will be greatly missed, but the loss of his service to the Congress will be partly compensated for by bringing to the Executive branch his knowledge of the Congress and its special role in the making and oversight of U.S. foreign policy. When he comes back to Capitol Hill for one-on-one meetings, briefings, and testimony, he will bring with him a high degree of credibility and a special awareness of congressional needs for information and analysis.

THE ADMINISTRATION'S VISION FOR EDUCATION IN AMERICA

Mr. GORTON. Mr. President, over the weekend Vice President Gore outlined his vision for American education if he becomes President. The speech was billed by the Washington Post as the Vice President's ''vision for American education in the 21st Century''. Unfortunately for our children, the Vice President's vision for American education in the 21st century looks a lot like the failed policies of the last 35 years.

The VP's speech laid out seven new proposals for American education—seven proposals that all say AL GORE knows more about educating children than do parents, teachers, principals, superintendents and school board members all across America. Seven proposals to add to the hundreds upon hundreds of education programs run by the federal government, so many in fact that no one, not the Department of Education, the General Accounting Office or even the Vice President, is sure how many there are. Seven proposals that will add to a system of top down control of education that puts a higher priority on adults filling out forms correctly than on children passing a math or a spelling test.

Today, President Clinton unveiled his proposal to reauthorize the Elementary and Secondary Education Act. Unfortunately, the President's proposal is filled with more of the ''D.C. knows best'' programs he has touted for the past 6½ years. For example, the President's proposal for reducing class size is filled with requirements for states and districts to comply with, but does not address the issue of children learning.

For most of this half century Washington, D.C., has been dominated by people who believe that centralized decisions and centralized control exercised by Washington, D.C., is the best way to solve problems, including those in the classroom. This approach has not worked. As Washington, D.C., has taken power and authority from local school districts, our schools have not improved. But, old habits die hard. The belief in centralized power is still very much alive, and embodied by the President's and Vice President's proposals.

I don't believe AL GORE or Bill Clinton know more about what America's schools and communities need than they do. In fact, I don't believe that I or any other member of Congress or the Administration knows more about educating children than do parents or local educators. Unfortunately, AL GORE and Bill Clinton have indicated that they will continue on the path they've trod throughout their administration—a path that begins and ends in Washington, D.C.

In 1997 I first proposed an amendment to the fiscal year Education funding bill. It was stated clearly in that amendment that I believe that those closest to our children—their parents, teachers, superintendents and school board members—are best able to make decisions about their children's education. Last year, I refined that legislation to include a ''triple option'' that would allow a state to decide where the federal education dollars should go. Both proposals passed this body by slim margins and were immediately met with a veto threat by the Administration.

This year, I have worked with a bipartisan coalition of members and groups to devise legislation that will allow states maximum flexibility in return for increased accountability for the academic achievement of their students. My bill, the Academic Achievement for All Act, or Straight A's, will be introduced after the Memorial Day recess. I am hopeful that this time my colleagues in the Senate will join me in giving back to states and local communities the ability to make critical decisions about the education of their children.

This issue boils down to each Senator asking if he or she believes schools will be improved through more control from Washington, D.C., or by giving more control to parents, teachers, principals, superintendents and school board members? I believe our best hope for improving the education of our children is to put the American people in charge of their local schools.

VOTE ON AMENDMENT 384

Mr. LIEBERMAN. Mr. President, I wanted to indicate to the Senate why I was unavoidably absent, as was recorded in yesterday's RECORD, at the time of the vote on amendment 384 to S. 1059. I was in Connecticut yesterday. Because of serious thunderstorm and wind conditions my flight from Connecticut to Washington was delayed for several hours, causing me to miss the vote on the amendment.

As yesterday's RECORD indicates, had I been able to return to vote, I would have voted for the amendment, which passed 90 to 0.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3254. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112(r); Amendments to the Worst-Case Release Scenario Analysis for Flammable Substances (FRL# 6348–2)'', received May 18, 1999; to the Committee on Environment and Public Works.

EC–3255. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting (FRL# 6345–8)'', received May 18, 1999; to the Committee on Environment and Public Works.

EC–3256. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Portland Cement Manufacturing Industry (FRL#

6347–2)'', received May 18, 1999; to the Committee on Environment and Public Works.

EC–3257. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing Industry (FRL# 6345–3)'', received May 18, 1999; to the Committee on Environment and Public Works.

EC–3258. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants: Oil and Natural Gas Production and National Emissions Standards for Hazardous Air Pollutants: Natural Gas Transmission and Storage (FRL# 6346–8)'', received May 18, 1999; to the Committee on Environment and Public Works.

EC–3259. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Steel Pickling-HCI Process Facilities and Hydrochloric Acid Regeneration Plants (FRL# 6344–5)'', received May 18, 1999; to the Committee on Environment and Public Works.

EC–3260. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Promulgation of National Emission Standards for Hazardous Air Pollutants (NESHAP) for Pesticide Active Ingredient Production (FRL# 6345–4)'', received May 18, 1999; to the Committee on Environment and Public Works.

EC–3261. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–600, –700, and –800 Series Airplanes; Docket No. 99–NM–38–AD; Amendment 39–11107; AD 99–08–03'' (RIN2120–AA64), received April 6, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3262. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Series Airplanes; Docket No. 97–NM–326–AD; Amendment 39–11105; AD 99–08–01'' (RIN2120–AA64), received April 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3263. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Raytheon Aircraft Company Beech Models 1900, 1900C, and 1900D Airplanes; Docket No. 96–CE–60–AD'' (RIN2120–AA64), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3264. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Puritan–Bennett Aero Systems Company C351–2000 Series Passenger Oxygen Masks and Portable Oxygen Masks; Docket No. 98–CE–29–AD'' (RIN2120–AA64), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3265. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model DHC–8–100, –200, and –300 Series Airplanes; Docket No. 97–NM–04–AD; Amendment 39–11109; AD 99–08–04'' (RIN2120–AA64), received April 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3266. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Request for Comments; Eurocopter France Model SA. 3160, SA. 316B, SA. 31C, and SA 319B Helicopters; Docket No. 98–SW–58–AD'' (RIN2120–AA64), received April 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3267. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Request for Comments; Bell Helicopter Textron Canada Model 222, 222B, and 222U Helicopters; Docket No. 98–SW–49–AD'' (RIN2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3268. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–10 and MD–11 Series Airplanes, and KC–10 (Military) Series Airplanes; Docket No. 98–NM–55–AD; Amendment 39–11072; AD 99–06–08'' (RIN2120–AA64), received April 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3269. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–9 and C–9 [Military) Series Airplanes; Docket No. 98–NM–110–AD; Amendment 39–11110; AD 99–08–05'' (RIN2120–AA64), received April 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3270. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–10 Series Airplanes and KC–10 (Military) Airplanes; Docket No. 98–NM–197–AD; Amendment 39–11131; AD 99–08–22'' (RIN2120–AA64), received April 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3271. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes; Docket No. 99–NM–42–AD; Amendment 39–11133; AD 99–09–01'' (RIN2120–AA64), received May 3, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3272. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Docket No. 99–ANE–45–AD; Amendment 39–11123; AD 99–08–17 Directives; General Electric Company GE90 Series Turbofan Engines'', received April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3273. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Docket No. 98–ANE–41–AD; Amendment 39–11124; AD 99–08–18 General Electric Company CF6–6, CF6–45, and CF6–50 Series Turbofan Engines'', received April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3274. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Docket No. 98–ANE–49–AD; Amendment 39–11119; AD 99–08–13 General Electric Company CF6–80A, CF6–80C2 and CF6–80E1 Series Turbofan Engines'', received April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3275. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Docket No. 98–ANE–39–AD; Amendment 39–11123; AD 99–08–17 General Electric Company GE90 Series Turbofan Engines'', received April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3276. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Docket No. 98–ANE–66–AD; Amendment 39–11121; AD 99–08–15 Pratt and Whitney PW4000 Series Turbofan Engines'', received April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3277. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Docket No. 98–ANE–47–AD; Amendment 39–11118; AD 99–08–12 Pratt and Whitney JT9D Series Turbofan Engines'', received April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3278. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Docket No. 99–ANE–61–AD; Amendment 39–11120; AD 99–08–14 Pratt and Whitney PW2000 Series Turbofan Engines'', received April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3279. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Docket No. 98–ANE–38–AD; Amendment 39–11122; AD 99–08–16 CFM International (CFMI) CFM56–2, –2A, –2B, –3, –3B, and –3C Series Turbofan Engines'', received April 15, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3280. A communication from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of

a rule entitled ''Docket No. 99–ANE–08–AD; Amendment 39–11103; AD 99–07–19 Allied Signal Inc. TFE731–40R–200G Turbofan Engines'', received April 9, 1999; to the Committee on Commerce, Science, and Transportation.

EC–3281. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to shrimp harvested with technology; to the Committee on Commerce, Science, and Transportation.

EC–3282. A communication from the Director, Office of Congressional Affairs, Office of Enforcement, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Federal Register Publication of Change to NRC Enforcement Policy by Adding Examples of Violations Involving the Compromise of an Application, Test, or Examination Required by 10 CFR Part 55'', received May 20, 1999; to the Committee on Environment and Public Works.

EC–3283. A communication from the Administrator, General Services Administration, transmitting, a report relative to alterations to 1724 F Street, NW, Washington, DC; to the Committee on Environment and Public Works.

EC–3284. A communication from the Director, Office of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Generic Letter 98–01, Supplement 1, 'Year 2000 Readiness of Computer Systems at Nuclear Power Plants' '', received May 20, 1999; to the Committee on Environment and Public Works.

EC–3285. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of New Mexico and County of Bernalillos, New Mexico; State Boards (FRL # 6350–1)'', received May 24, 1999; to the Committee on Environment and Public Works.

EC–3286. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri (FRL # 6350–3)'', received May 24, 1999; to the Committee on Environment and Public Works.

EC–3287. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Kansas (FRL # 6350–4)'', received May 24, 1999; to the Committee on Environment and Public Works.

EC–3288. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Wisconsin (FRL # 6336–8)'', received May 24, 1999; to the Committee on Environment and Public Works.

EC–3289. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Kentucky; Revised Format for Materials Being Incorporated by Reference (FRL # 6343–3)'', received May 24, 1999; to the Committee on Environment and Public Works.

EC–3290. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Finding of Failure to Submit Required State Implementation Plans for Ozone; Texas; Dallas/Fort Worth Ozone Nonattainment Area (FRL # 6349–3)'', received May 24, 1999; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–134. A concurrent resolution adopted by the Legislature of the State of Arizona relative to Medicare reimbursement rates; to the Committee on Finance.

SENATE CONCURRENT MEMORIAL 1001

Whereas, access to affordable health care services has been greatly reduced for Medicare health maintenance organization recipients in thirty states due to cutbacks in Medicare reimbursement by the federal government; and

Whereas, because of recent changes by the federal government, the Medicare reimbursement rates in rural areas are lower than those in urban areas. This results in HMOs reimbursing physicians at the lower rates, which in turn causes the physician networks to disintegrate and many HMOs to stop offering service in those areas; and

Whereas, although health insurance will remain available to seniors in rural areas through traditional Medicare coverage, the cutbacks will significantly restrict their options for health care coverage, the number of services covered and the affordability of those services in general; and

Whereas, two major HMOs have withdrawn service altogether in six rural Arizona counties, leaving nearly ten thousand elderly individuals with only one or two HMOs from which to choose; and

Whereas, individuals who previously were covered under HMOs received greater benefits not covered by Medicare, including additional services and lower copayments that offered seniors thorough and comprehensive services at more affordable rates. Now that many will be left with the more expensive Medicare system as their primary health insurance option, low-income and disabled seniors may be forced to pay more out-of-pocket costs for their health care services or may forego receiving these services because they are unable to afford the higher payments; and

Whereas, the financial and health problems that many rural seniors around the country are likely to face as a result of the Medicare reimbursement cuts are directly attributable to the Medicare reimbursement rates differential between rural and urban areas.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the Congress of the United States take steps to address the problem of the Medicare reimbursement rates differential between urban and rural areas and attempt to establish a reimbursement system that will result in more equitable health care coverage for seniors in rural areas of the country.

2. That the Secretary of State of the State of Arizona transmit a copy of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and to each Member of Congress from the State of Arizona.

POM–135. A concurrent resolution adopted by the Legislature of the State of Arizona relative to the 2000 census; to the Committee on Governmental Affairs.

HOUSE CONCURRENT MEMORIAL 2003

Whereas, the Constitution of the United States requires an enumeration of the population every ten years and entrusts the Congress with overseeing all aspects of each decennial census, and

Whereas, the sole constitutional purpose of the decennial census is to apportion the seats in Congress among the several states; and

Whereas, an accurate and legal decennial census is necessary to properly apportion the United States House seats among the fifty states and to create legislative districts within the states; and

Whereas, an accurate and legal decennial census is necessary to enable states to comply with the constitutional mandate of drawing state legislative districts within the states; and

Whereas, to ensure an accurate count and to minimize the potential for political manipulation, article I, section 2 of the United States Constitution mandates an ''actual enumeration'' of the population, which requires a physical head count of the population and prohibits statistical guessing or estimates of the population; and

Whereas, consistent with this constitutional mandate, title 13, section 195 of the United States Code expressly prohibits the use of statistical sampling to enumerate the United States population for the purpose of reapportioning the United States House; and

Whereas, legislative redistricting that is conducted by the states is a critical subfunction of the constitutional requirement to apportion representatives among the states; and

Whereas, in Department of Commerce, et al. v. United States Representatives, et al., No. 98–404, and in Clinton, President of the United States, et al. v. Glavin, et al., No. 98–564, the United States Supreme Court ruled on January 25, 1999 that the Census Act prohibits the Census Bureau's proposed uses of statistical sampling in calculating the population for purposes of apportionment; and

Whereas, in reaching its findings, the United States Supreme Court found that the use of statistical procedures to adjust census numbers would create a dilution of voting rights for citizens in legislative redistricting, thus violating the legal guarantees of ''one person, one vote''; and

Whereas, consistent with this ruling and the constitutional and legal relationship between legislative redistricting by the states and the apportionment of the United States House, the use of adjusted census data woud raise serious questions of vote dilution and would violate ''one person, one vote''; legal protections, and would expose the State of Arizona to protracted litigation over legislative redistricting plans at great cost to the taxpayers of this state and would likely result in a court ruling that invalidates any legislative redistricting plan that uses census numbers that have been determined in whole or in part by the use of random sampling techniques or other statistical methodologies that add or subtract persons to or from the census counts based solely on statistical inference; and

Whereas, consistent with these principles, no person enumerated in the census should ever be deleted from the census enumeration; and

Whereas, consistent with this ruling, every reasonable and practicable effort should be

made to obtain the fullest and most accurate possible count of the population, including appropriate funding for state and local census outreach and education programs as well as provisions for post-census local review; and

Whereas, the members of the Forty-fourth Legislative oppose census numbers for state legislative redistricting that have been determined in whole or in part by the use of random sampling techniques of other statistical methodologies that and or subtract persons to the census counts based solely on statistical inference.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the United States Bureau of the Census conduct the 2000 census consistent with the United States Supreme Court's ruling and establish constitutional and legal mandates, which require a physical head count of the population and bar the use of statistical sampling to create or in any way adjust the count.

2. That Public Law 94–171 data not be used for state legislative redistricting if it is based on census numbers that have been determined in whole or in part by the use of statistical inferences derived by means of random sampling techniques or other statistical methodologies that add or subtract persons to or from the census counts.

3. That it receive Public Law 94–171 data for legislative redistricting that is identifical to the census tabulation data used to apportion the seats in the United States House consistent with the United States Supreme Court ruling and constitutional mandates that require a physical head count of the population and bar the use of statistical sampling to create or in any way adjust the count.

4. That the Congress of the United States, as the branch of government assigned with the responsibility of overseeing the decennial census, take any steps necessary to ensure that the 2000 census is conducted fairly and legally.

5. That the Secretary of the State of Arizona transmit a copy of this Memorial to the Speaker of the United States House of Representatives, the President of the United States Senate, the Director of the United States Bureau of the Census and each Member of Congress from the State of Arizona.

POM–136. A joint resolution adopted by the Legislature of the State of Arizona relative to the Endangered Species Act of 1973; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION 2001

Whereas, the endangered species act of 1973 (P.L. 93–205; 87 Stat. 884; 16 United States Code sections 1531 et seq.), as amended, was enacted for the purpose of the conservation and recovery of endangered and threatened species by protecting and conserving habitat and related ecosystems; and

Whereas, in pursuing that policy, the endangered species act provides for no consideration or accommodation of human activities, requirements or interests; and

Whereas, the United States fish and wildlife service of the department of the interior has shown little regard or willingness to make administrative adjustments to accommodate human activities, requirements or interests in administering and enforcing the endangered species act; and

Whereas, much of the enforcement pursuant to the endangered species act is based on dubious scientific research and outcome-oriented analysis; and

Whereas, the Arizona game and fish department is charged with managing the fish and wildlife resources of this state in the best interests of the present and future generations of Arizonans; and

Whereas, the Arizona game and fish department has recommended against the listing of several species of animals as threatened or endangered based on sound biological information, only to have their recommendation ignored by the United States fish and wildlife service and the secretary of the interior; and

Whereas, the endangered species act allows the courts no discretion in imposing the requirements of the act over all human activity that may remotely affect the species; and

Whereas, the result of the implementation and enforcement of the endangered species act is to threaten and endanger the economy and way of life throughout the west; and

Whereas, the industries that depend on harvesting, extracting or otherwise using natural resources are particularly endangered; and

Whereas, harvesting trees for timber and pulp wood is threatened throughout the western states and has been all but eliminated in Arizona, except on Indian reservations, thereby eliminating much needed rural employment and causing a dangerous buildup of wildfire fuel; and

Whereas, livestock ranching is endangered by massive reductions in federal grazing allotments leaving ranches and ranch families near bankruptcy with no option but that of selling their private land for development thereby losing the traditional responsible stewardship for the land and other resources; and

Whereas, the mining industry is endangered to the brink of extinction and the loss of quality employment for thousands of mine workers and the collapse of an important component of the economy of the state of Arizona and other western states; and

Whereas, certain single issue special interest groups are able to abuse the endangered species act to achieve their narrow personal agenda by litigating against productive economic activities, as well as hunting, fishing and other recreational activities, all to the detriment of our heritage, our culture and our society; therefore be it

Resolved by the Legislature of the State of Arizona:

1. That the policy of the State of Arizona, its governor and the legislature is to preserve and protect our way of life, our heritage and our culture, including the economic base of the rural areas of this state.

2. That the endangered species act must be modified to: (a) Recognize, protect and conserve human interests at the same time and on the same priority level as environmental interests. (b) Provide for a more flexible and accommodating administration and enforcement system, based on sound scientific analysis and research, so that the United States fish and wildlife service and other federal agencies work with, rather than impose on, the people of this state. (c) Allow the courts flexibility to issue rulings that protect human interests as well as environmental interests.

3. That the Secretary of State transmit copies of this Resolution to the President of the United States, the Secretary of the United States Department of the Interior, the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Arizona Congressional delegation.

POM–137. A concurrent resolution adopted by the Legislature of the State of West Virginia relative to the Appalachian Development Highway System; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 14

Whereas, The construction of the Coalfields Expressway in Southern West Virginia is due to begin in 1999; and

Whereas, The Coalfields Expressway needs approximately 1.5 billion dollars for completion; and

Whereas, Motorists in West Virginia pay into the Highway Trust Fund at the rate of 18.4 cents tax for each gallon of gasoline purchased and 24.4 cents tax on each gallon of diesel fuel purchased; and

Whereas, The Appalachian Development Highway system was conceived by the United States Congress with the intention of aiding the economy of the entire Appalachian Region and is now funded directly though the Highway Trust Fund; and

Whereas, A recent study on the Appalachian Development Highway System has concluded that upon completion, this system would provide 42,000 new jobs, 84,000 new residents, 2.9 billion dollars in new wages and 6.9 billion dollars in value-added business in the region served by the system; and

Whereas, The Coalfields Expressway, when completed, would traverse the counties of Raleigh, Wyoming and McDowell, and would greatly benefit these counties in the form of increased employment opportunities and economic growth; and

Whereas, Two of these three counties, Wyoming and McDowell, consistently place near the top of state and national unemployment lists; and

Whereas, The Coalfields Expressway is not a part of the Appalachian Development Highway System, instead receiving funding through special appropriations from the United States Congress at irregular intervals; and

Whereas, The funding received by the Coalfields Expressway has thus far consisted of a single appropriation of 50 million dollars in 1991 and a single appropriation of 22.7 million dollars in 1998; and

Whereas, Incorporation of the Coalfields Expressway into the Appalachian Development Highway System would allow for additional funding to complete the Coalfields Expressway from the Highway Trust Fund; therefore, be it

Resolved by the Legislature of West Virginia: That the members of the West Virginia delegation to the United States Congress are hereby requested to make all possible efforts to support and assist the incorporation of the Coalfields Expressway into the Appalachian Development Highway System; and, be it

Further Resolved, That the Clerk of the House of Delegates is hereby directed to forward a copy of this resolution to all members of the West Virignia delegation to the United States Congress, to the Clerk of the United States House of Representatives, to the Clerk of the United States Senate and to the Executive Director of the Coalfields Expressway.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations: Special Report entitled ''Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2000'' (Rept. No. 106–52).

By Mr. STEVENS, from the Committee on Appropriations, without amendment:

S. 1122: A original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes (Rept. No. 106–53).

By Mr. STEVENS, from the Committee on Appropriations, with amendments and an amendment to the title:

H.R. 1664: A bill making emergency supplemental appropriations for military operations, refugee relief, and humanitarian assistance relating to the conflict in Kosovo, and for military operations in Southwest Asia for the fiscal year ending September 30, 1999, and for other purposes.

EXECUTIVE REPORTS OF A COMMITTEE

The following executive reports of a committee were submitted:

By Mr. WARNER, for the Committee on Armed Services:

Ikram U. Khan, of Nevada, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring May 1, 1999.

Ikram U. Khan, of Nevada, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring May 1, 2005. (Reappointment)

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Paul V. Hester, 2071

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Roger A. Brady, 6581

IN THE ARMY

The following named officer for appointment as the Vice Chief of Staff, United States Army, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 3034:

To be general

Lt. Gen. John M. Keane, 9856

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Robert A. Harding, 6107

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Robert R. Blackman, Jr., 0141
Brig. Gen. William G. Bowdon, III, 2940
Brig. Gen. James T. Conway, 2270
Brig. Gen. Arnold Fields, 0640
Brig. Gen. Jan C. Huly, 6184
Brig. Gen. Jerry D. Humble, 2378
Brig. Gen. Paul M. Lee, Jr., 3948
Brig. Gen. Harold Mashburn, Jr., 6435
Brig. Gen. Gregory S. Newbold, 6783
Brig. Gen. Clifford L. Stanley, 4000

The following named officer for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 5046:

To be brigadier general

Col. Joseph Composto, 3413

The following named officers for appointment in the Reserve of the United States Marine Corps to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Thomas J. Nicholson, 4342
Col. Douglas V. Odell, Jr., 0212
Col. Cornell A. Wilson, Jr., 9123

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Raymond P. Ayres, Jr., 5986

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Earl B. Hailston, 8306

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Frank Libutti, 7426

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

to be rear admiral (lower half)

Capt. Craig R. Quigley, 1769

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) John B. Cotton, 2052
Rear Adm. (lh) Vernon P. Harrison, 2188
Rear Adm. (lh) Robert C. Marlay, 9681
Rear Adm. (lh) Steven R. Morgan, 1542
Rear Adm. (lh) Clifford J. Sturek, 3187

The following named officers for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) John F. Brunelli, 8026
Rear Adm. (lh) John N. Costas, 6461
Rear Adm. (lh) Joseph C. Hare, 2723
Rear Adm. (lh) Daniel L. Kloeppel, 8985

Mr. WARNER. Mr. President, for the Committee on Armed Services, I also report favorably nomination lists which were printed in full in the RECORDs of March 18, 1999 and May 12, 1999, at the end of the Senate proceedings, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

In the Navy nomination of Don A. Frasier, which was received by the Senate and appeared in the Congressional Record of March 18, 1999.

In the Air Force nomination of Donna R. Shay, which was received by the Senate and appeared in the Congressional Record of May 12, 1999.

In the Army nominations beginning Joseph B. Hines, and ending *Peter J. Molik, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

In the Army nomination of Timothy P. Edinger, which was received by the Senate and appeared in the Congressional Record of May 12, 1999.

In the Army nomination of Chris A. Phillips, which was received by the Senate and appeared in the Congressional Record of May 12, 1999.

In the Army nominations beginning Robert B. Heathcock, and ending James B. Mills, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

In the Army nominations beginning Paul B. Little, Jr., and ending John M. Shepherd, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

In the Army nominations beginning Bryan D. Baugh, and ending Jack A. Woodford, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

In the Marine Corps nominations beginning Dale A. Crabtree, Jr, and ending Kevin P. Toomey, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

In the Marine Corps nominations beginning James C. Addington, and ending David J. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

In the Marine Corps nominations beginning James C. Andrus, and ending Philip A. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

In the Navy nomination of Norberto G. Jimenez, which was received by the Senate and appeared in the Congressional Record of May 12, 1999.

In the Navy nominations beginning Neil R. Bourassa, and ending Steven D. Tate, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

In the Navy nominations beginning Basilio D. Bena, and ending Harold T. Workman, which nominations were received by the Senate and appeared in the Congressional Record of May 12, 1999.

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ASHCROFT:

S. 1113. A bill to amend title XXIV of the Revised Statutes, relating to civil rights, to prohibit discrimination against nongovernmental organizations and certain individuals on the basis of religion in the distribution of government funds to provide government assistance and the distribution of the assistance, to allow the organizations to accept the funds to provide the assistance to the individuals without impairing the religious character of the organizations or the religious freedom of the individuals, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ENZI:

S. 1114. A bill to amend the Federal Mine Safety and Health Act of 1977 to establish a more cooperative and effective method for rulemaking that takes into account the special needs and concerns of smaller miners; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER:

S. 1115. A bill to require the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Pittsburgh, Pennsylvania, area; to the Committee on Veterans Affairs.

By Mr. NICKLES:

S. 1116. A bill to amend the Internal Revenue Code of 1986 to exclude income from the transportation of oil and gas by pipeline from subpart F income; to the Committee on Finance.

By Mr. LOTT (for himself, Mr. COCHRAN, Mr. ROBB, and Mr. JEFFORDS):

S. 1117. A bill to establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi, and in the State of Tennessee, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself, Mrs. FEINSTEIN, Mr. CHAFEE, Mr. GREGG, Mr. SANTORUM, and Mr. MOYNIHAN):

S. 118. A bill to amend the Agricultural Market Transition Act to convert the price support program for sugarcane and sugar beets into a system of solely recourse loans to provide for the gradual elimination of the program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BREAUX:

S. 1119. A bill to amend the Act of August 9, 1950, to continue funding of the Coastal Wetlands Planning, Protection and Restoration Act; to the Committee on Environment and Public Works.

By Mr. TORRICELLI (for himself, Mr. REED, Mr. LAUTENBERG, Mr. BRYAN, Mrs. BOXER, Mrs. FEINSTEIN, Mr. DODD, Mr. ROCKEFELLER, Mr. BIDEN, Mr. SCHUMER, Mrs. MURRAY, Mr. DURBIN, and Mr. KERRY):

S. 1120 A bill to ensure that children enrolled in medicaid and other Federal meanstested programs at highest risk for lead poisoning are identified and treated, and for other purposes; to the committee on Finance.

Mr. LEAHY:

S. 1121. A bill to amend the Clayton Act to enhance the authority of the Attorney General to prevent certain mergers and acquisitions that would unreasonably limit competition; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 1122. An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Ms. COLLINS (for herself, Mr. FRIST, Mr. ABRAHAM, Ms. SNOWE, Mr. JEFFORDS, and Mr. COVERDELL):

S. 1123. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of imported food, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SMITH of New Hampshire (for himself, Mr. FRIST, Mr. BOND, Ms. LANDRIEU, Mr. ROBB, Mr. HAGEL, Mr. BREAUX, Mr. TORRICELLI, Mr. HELMS, Mr. INHOFE, Mr. DURBIN, and Mr. EDWARDS):

S.J. Res. 25. A joint resolution expressing the sense of Congress with respect to the court-martial conviction of the late Rear Admiral Charles Butler McVay, III, and calling upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis*; to the Committee on Armed Services.

By Mr. SMITH of New Hampshire (for himself, Mr. FRIST, Mr. BOND, Ms. LANDRIEU, Mr. ROBB, Mr. HAGEL, Mr. BREAUX, Mr.. TORRICELLI, Mr. HELMS, Mr. INHOFE, Mr. DURBIN, Mr. EDWARDS, Mrs. BOXER, and Mr. INOUYE):

S.J. Res. 26. A joint resolution expressing the sense of Congress with respect to the courtmartial conviction of the late Rear Admiral Charles Butler McVay, III, and calling upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis;* read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER:

S. Con. Res. 34. A concurrent resolution relating to the observance of ''In Memory'' Day; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ASHCROFT:

S. 1113. A bill to amend title XXIV of the Revised Statutes, relating to civil rights, to prohibit discrimination against nongovernmental organizations and certain individuals on the basis of religion in the distribution of government funds to provide government assistance and the distribution of the assistance, to allow the organizations to accept the funds to provide the assistance to the individuals without impairing the religious character of the organizations or the religious freedom of the individuals, and for other purposes; to the Committee on Governmental Affairs.

CHARITABLE CHOICE EXPANSION ACT OF 1999

Mr. ASHCROFT. Mr. President, America's best ideas for helping the poor have come from grassroots communities and private organizations of people who know and care about their neighbors. These groups see people and their life experiences, not theories or statistics. We have known for years that government solutions have failed miserably in moving people from dependency and despair to responsibility and independence. For years America's churches and charities have been leading the way in helping the poor achieve dignity and self-sufficiency. This is why I have been advocating that government should find ways to help these organizations unleash the cultural remedy our society so desperately needs.

Therefore, it was with great interest that I heard about Vice President GORE's statements Monday in Atlanta expressing his support for Charitable Choice. The Vice President's interest in Charitable Choice is welcome news. Governor Bush is in the forefront of Charitable Choice solutions. Truly, where once there was contention and debate, there now is swelling bipartisan agreement on the promise of Charitable Choice.

Congress has been in the forefront of encouraging the type of faith-based solutions that the Vice President was promoting yesterday in Atlanta. The 1996 welfare reform law contains the Charitable Choice provision I authored, which encourages states to partner with faith-based organizations to serve welfare recipients with federal dollars.

Last fall, we expanded Charitable Choice to cover services provided under the Community Services Block Grant program, which provides funds to local agencies to alleviate poverty in their communities. And just last week, the Senate approved a juvenile justice bill containing Charitable Choice for services provided to at-risk juveniles, such as counseling for troubled youth.

The Charitable Choice provision in the 1996 welfare reform law was one way to achieve the goal of inviting the greater participation of charitable and faith-based organizations in providing services to the poor. The provision allows charitable and faith-based organizations to compete for contracts and voucher programs on an equal basis with all other non-governmental providers when the state or local government chooses to use private sector providers for delivering welfare services to the poor under the Temporary Assistance for Needy Families (TANF) program.

In the past three years, we have begun to hear about how Charitable Choice is opening doors for the government and communities of faith to work together to help our nation's poor and needy gain hope and self-sufficiency. For example, shortly after passage of the federal welfare law, Governor George Bush of Texas signed an executive order directing ''all pertinent executive branch agencies to take all necessary steps to implement the 'charitable choice' provision of the federal welfare law.'' Cookman United Methodist Church, a 100 member parish in Philadelphia, received a state contract to run its ''Transitional Journey Ministry,'' which provides life and job skills to welfare mothers and places them into jobs with benefits. In less than a year, the church placed 22 welfare recipients into jobs. Payne Memorial Outreach Center, an affiliate of a Baltimore church, has helped over 450 welfare recipients find jobs under a state contract.

In light of these success stories around the nation, more and more states and counties are beginning to see what a critical role the faith-based community can play in helping people move off of welfare. They are eager to put the Charitable Choice concept into action in their communities.

We have always known that Charitable Choice is truly bipartisan in nature, and has the support of over 35 organizations that span a wide political and social spectrum. Members from both sides of the aisle here in the Senate have voted in support of this provision. And now, with the Vice President's support for Charitable Choice, I am reintroducing legislation that I introduced in the 105th Congress, the ''Charitable Choice Expansion Act,'' which would expand the Charitable Choice concept across all federally funded social service programs.

The substance of the Charitable Choice Expansion Act is virtually identical to that of the original Charitable Choice provision of the welfare reform law. The only real difference between the two provisions is that the new bill covers many more federal programs than the original provision.

While the original Charitable Choice provision applies mainly to the new welfare reform block grant program, the Charitable Choice Expansion Act applies to all federal government programs in which the government is authorized to use nongovernmental organizations to provide federally funded services to beneficiaries. Some of the programs that would be covered under this legislation include housing, substance abuse prevention and treatment, seniors services, the Social Services Block Grant, abstinence education and child welfare services.

With this recent expression of bipartisan support for Charitable Choice from the Vice President, now is the time for Congress to move quickly to pass the Charitable Choice Expansion Act, so that we can empower the organizations that are best equipped to instill hope and transform lives to expand their good work across the nation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROVISION OF ASSISTANCE UNDER GOVERNMENT PROGRAMS BY RELIGIOUS ORGANIZATIONS.

Title XXIV of the Revised Statutes is amended by inserting after section 1990 (42 U.S.C. 1994) the following:

''SEC. 1994A. CHARITABLE CHOICE.

''(a) SHORT TITLE.—This section may be cited as the 'Charitable Choice Expansion Act of 1999'.

''(b) PURPOSE.—The purposes of this section are—

''(1) to prohibit discrimination against nongovernmental organizations and certain individuals on the basis of religion in the distribution of government funds to provide government assistance and distribution of the assistance, under government programs described in subsection (c); and

''(2) to allow the organizations to accept the funds to provide the assistance to the individuals without impairing the religious character of the organizations or the religious freedom of the individuals.

''(c) RELIGIOUS ORGANIZATIONS INCLUDED AS NONGOVERNMENTAL PROVIDERS.—For any program carried out by the Federal Government, or by a State or local government with Federal funds, in which the Federal, State, or local government is authorized to use nongovernmental organizations, through contracts, grants, certificates, vouchers, or other forms of disbursement, to provide assistance to beneficiaries under the program, the government shall consider, in the same basis as other nongovernmental organizations, religious organizations to provide the assistance under the program, so long as the program is implemented in a manner consistent with the Establishment Clause of the first amendment to the Constitution. Neither the Federal Government nor a State or local government receiving funds under such program shall discriminate against an organization that provides assistance under, or applies to provide assistance under, such program, on the basis that the organization has a religious character.

''(d) EXCLUSIONS.—As used in subsection (c), the term 'program' does not include activities carried out under—

''(1) Federal programs providing education to children eligible to attend elementary schools or secondary schools, as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801) (except for activities to assist students in obtaining the recognized equivalents of secondary school diplomas);

''(2) the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

''(3) the Head Start Act (42 U.S.C. 9831 et seq.); or

''(4) the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

''(e) RELIGIOUS CHARACTER AND INDEPENDENCE.—

''(1) IN GENERAL.—A religious organization that provides assistance under a program described in subsection (c) shall retain its independence from Federal, State, and local governments, including such organization's control over the definition, development, practice, and expression of its religious beliefs.

''(2) ADDITIONAL SAFEGUARDS.—Neither the Federal Government nor a State or local government shall require a religious organization—

''(A) to alter its form of internal governance; or

''(B) to remove religious art, icons, scripture, or other symbols;

in order to be eligible to provide assistance under a program described in subsection (c).

''(f) EMPLOYMENT PRACTICES.—

''(1) TENETS AND TEACHINGS.—A religious organization that provides assistance under a program described in subsection (c) may require that its employees providing assistance under such program adhere to the religious tenets and teachings of such organization, and such organization may require that those employees adhere to rules forbidding the use of drugs or alcohol.

''(2) TITLE VII EXEMPTION.—The exemption of a religious organization provided under section 702 or 703(e)(2) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1, 2000e–2(e)(2)) regarding employment practices shall not be affected by the religious organization's provision of assistance under, or receipt of funds from, a program described in subsection (c).

''(g) RIGHTS OF BENEFICIARIES OF ASSISTANCE.—

''(1) IN GENERAL.—If an individual described in paragraph (3) has an objection to the religious character of the organization from which the individual receives, or would receive, assistance funded under any program described in subsection (c), the appropriate Federal, State, or local governmental entity shall provide to such individual (if otherwise eligible for such assistance) within a reasonable period of time after the date of such objection, assistance that—

''(A) is from an alternative organization that is accessible to the individual; and

''(B) has a value that is not less than the value of the assistance that the individual would have received from such organization.

''(2) NOTICE.—The appropriate Federal, State, or local governmental entity shall ensure that notice is provided to individuals described in paragraph (3) of the rights of such individuals under this section.

''(3) INDIVIDUAL DESCRIBED.—An individual described in this paragraph is an individual who receives or applies for assistance under a program described in subsection (c).

''(h) NONDISCRIMINATION AGAINST BENEFICIARIES.—

''(1) GRANTS AND CONTRACTS.—A religious organization providing assistance through a grant or contract under a program described in subsection (c) shall not discriminate, in carrying out the program, against an individual described in subsection (g)(3) on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to actively participate in a religious practice.

''(2) INDIRECT FORMS OF DISBURSEMENT.—A religious organization providing assistance through a voucher certificate, or other form of indirect disbursement under a program described in subsection (c) shall not deny an individual described in subsection (g)(3) admission into such program on the basis of religion, a religious belief, or a refusal to hold a religious belief.

''(i) FISCAL ACCOUNTABILITY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), any religious organization providing assistance under any program described in subsection (c) shall be subject to the same regulations as other nongovernmental organizations to account in accord with generally accepted accounting principles for the use of such funds provided under such program.

''(2) LIMITED AUDIT.—Such organization shall segregate government funds provided under such program into a separate account. Only the government funds shall be subject to audit by the government.

''(j) COMPLIANCE.—A party alleging that the rights of the party under this section have been violated by a State or local government may bring a civil action pursuant to section 1979 against the official or government agency that has allegedly committed such violation. A party alleging that the rights of the party under this section have been violated by the Federal Government may bring a civil action for appropriate relief in an appropriate Federal district court against the official or government agency that has allegedly committed such violation.

''(k) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.—No funds provided through a grant or contract to a religious organization to provide assistance under any program described in subsection (c) shall be expended for sectarian worship, instruction, or proselytization.

''(l) EFFECT ON STATE AND LOCAL FUNDS.—If a State or local government contributes State or local funds to carry out a program described in subsection (c), the State or local government may segregate the State or local funds from the Federal funds provided to carry out the program or may commingle the State or local funds with the Federal funds. If the State or local government commingles the State or local funds, the provisions of this section shall apply to the commingled funds in the same manner, and to the same extent, as the provisions apply to the Federal funds.

''(m) TREATMENT OF INTERMEDIATE CONTRACTORS.—If a nongovernmental organization (referred to in this subsection as an 'intermediate organization'), acting under a contract or other agreement with the Federal Government or a State or local government, is given the authority under the contract or agreement to select non-governmental organizations to provide assistance under the programs described in subsection (c), the intermediate organization shall have the same duties under this section as the government but shall retain all other rights of a nongovernmental organization under this section.''.

By Mr. ENZI:

S. 1114. A bill to amend the Federal Mine Safety and Health Act of 1977 to establish a more cooperative and effective method for rulemaking that takes into account the special needs and concerns of smaller miners; to the Committee on Health, Education, Labor, and Pensions.

THE SMALL MINE ADVOCACY REVIEW PANEL ACT

Mr. ENZI. Mr. President, I rise to introduce the Small Mine Advocacy Review Panel Act, or ''Small Mine,'' Act of 1999.

Achieving mine safety starts with cooperation. Cooperation is at the heart of the safest workplaces, where employers and employees strive to establish open lines of communication on safety, to provide and wear the right protective equipment, and to give and follow effective training. But cooperation can't stop there. To have safe work sites, there must also be an understanding of what safety rules mean, how they are to be implemented, and what results should be expected. This is the cooperation that should exist between operators and the Mine Safety and Health Administration, or MSHA, and it cannot be ignored or undervalued.

The bill I am introducing today inserts a new level of cooperation into MSHA's rulemaking. Called the Small Mine Advocacy Review Panel Act, or ''Small Mine'' Act, this bill would mandate that MSHA and panels of small operators discuss newly proposed rules and their potential impact early in the regulatory process. This practice is currently employed by OSHA and EPA and has been of great benefit both for the smaller employers and the agency because it forces both parties to comment and respond in an open forum. I have always believed that the simple act of talking about safety actually leads to safety, and I embrace any approach that forces those who write the rules and those who must comply with them to sit down together and find solutions.

The Subcommittee on Employment, Safety and Training has a strong interest in MSHA's rulemaking procedure as it relates to small operators. In addition, I am well aware that the Senate Committee on Governmental Affairs shares this interest as it relates to the Administrative Procedure Act and the Regulatory Flexibility Act. In light of this, as this bill is centered on MSHA's responsiveness to smaller operators on matters of safety and health, Chairman THOMPSON has agreed to allow this bill to be referred to the Health, Education, Labor and Pensions Committee.

MSHA has had great success when its rulemakings have been cooperative with operators and miners. MSHA's draft Part 46 Training rule was developed in collaboration with over fifteen industry representatives, the Teamsters, the Boilermakers, and the Laborers Health & Safety Fund of North America. By working together, the coalition came up with a draft that everyone agreed on and that was completed by MSHA's internal deadline. A true rulemaking success story.

But other MSHA rules, such as MSHA's proposed Noise Rule, have abandoned cooperative partnerships with smaller operators and instead embraced the old ''big brother'' style of regulation. It is in such rulemakings that the Small Miner bill would make a world of difference. The Noise Rule would have so severe an impact on smaller mine operators that it is seriously questionable whether those who wrote this rule have ever actually been to a small mine. The bottom line is that this rule prohibits small operators from supplying miners with personal protective equipment, such as ear plugs, until after they have tried to lower the noise level by buying new and ''quieter'' machines at incredible cost, tinkering with old machines, rotating employees around to different stations, and implementing all other ''feasible'' engineering and administrative controls. All this despite the fact that many routinely-used machines can never be made to run as quietly as MSHA mandates no matter how much money is spent, and that miners will have to be rotated outside their areas of training and expertise.

This proposed rule is in strict opposition to both MSHA's and OSHA's current rules which allow miners to wear ear plugs in the first instance. It also totally abandons logic. It's like proposing a rule outlawing employees from using steel-toed shoes and instead regulating that nothing may ever fall on a worker's foot. It just doesn't make any sense.

By discussing this rule with small operators early in the rulemaking process, cooperative approaches could have been flushed out and solutions achieved which satisfy both MSHA's regulatory objectives and minimize the burden on small operators. As evidenced by this proposed rule, it is clearly insufficient to have a one time ''comment period'' or even hold public hearings, because the small operator's perspective is so noticeably absent from the rulemaking process. It is not enough to claim that safety is paramount while simultaneously operating in a vacuum to pump out regulations that no one can understand or implement. Compliance must be based on an effective working relationship where the goals set by the regulators are understood and achievable by the industry being regulated. If operators are responsible for complying with MSHA's regulations, then there is no excuse for failing to include them in the process from Day One. By passing the ''Small Mine'' bill, operators and MSHA would be responsible for working together to craft rules that will actually improve safety.

Mr. President. I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Mine Advocacy Review Panel Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to establish a more cooperative and effective method for rulemaking with respect to mandatory health or safety standards that takes into account the special needs and concerns of small mine operators.

SEC. 3 AMENDMENT TO FEDERAL MINE SAFETY AND HEALTH ACT OF 1997.

(a) IN GENERAL.—Section 101(a)(2) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 811(a)(2)) is amended by inserting before the last sentence the following: ''The procedures for gathering comments from small entities as described in section 609 of title 5, United States Code, shall apply under this section and small mine operators shall be considered to be small entities for purposes of such section. For purposes of the preceding sentence, the term 'small mine operator' has the meaning given the term 'small business concern' under section 3 of the Small Business Act (including any rules promulgated by the Small Business Administration) as such term relates to a mining operation.''.

(b) CONFORMING AMENDMENT.—Section 609(d) of title 5, United States Code, is amended by striking ''Agency and'' and inserting ''Agency, the Mine Safety and Health Administration and''.

By Mr. SPECTER:

S. 1115. A bill to require the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Pittsburgh, Pennsylvania, area; to the Committee on Veterans' Affairs.

NATIONAL CEMETERY IN WESTERN PENNSYLVANIA

Mr. SPECTER. Mr. President, today I introduce legislation which will direct the Secretary of Veterans Affairs (VA) to establish a national cemetery in the Pittsburgh area of Western Pennsylvania.

As chairman of the Committee on Veterans' affairs, I make it my responsibility to see that our nation's veterans are cared for after serving honorably in the Armed Forces. Part of this care involves honoring the memory of their service upon death. Our nation's veterans are an aging population. At present, 46% of the area's veterans population is over age 65. The General Accounting Office (GAO) has estimated that by the year 2008, the number of veterans' deaths will peak and remain at a high level for years afterward. To anticipate the increased demand for burial space and to accommodate family and friends wanting nearby cemeteries at which to honor and remember their loved ones, the Congress and VA must act now.

The legislation that I introduce today will alleviate the long overdue wait for a national cemetery which the veterans in the western Pennsylvania area have had to endure. Such a cemetery is necessary due to the over 750,000 veterans who reside in the area, including veterans in parts of the neighboring states of Ohio, Maryland, and West Virginia. I should also point out that Pennsylvania, a state with the fifth highest veteran population in the country, has only one national cemetery within its borders open for new burials. This cemetery, at Indiantown Gap, serves veterans in the eastern portion of the Commonwealth and is more than 225 miles from Pittsburgh.

In 1987, VA ranked the Pittsburgh-area among the top ten population centers most in need of a national cemetery. In 1991, VA began the process of cemetery site-selection and Congress appropriated $250,000 for an Environmental Impact Statement. Four potential sites were identified in the Pittsburgh area. Despite this headway, construction on a national cemetery never commenced.

The high veteran population of this region has waited far too long to see the creation of this national cemetery. Our nation's veterans, having given so much for us, deserve a proper burial site in the proximity of their homes. Veterans elsewhere around this country take for granted the availability of a nearby national cemetery. If passed, this legislation will ensure that what began over a decade ago will now become reality.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 1115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 24 of title 38, United States Code, a national cemetery in the Pittsburgh, Pennsylvania, area to serve the needs of veterans and their families.

(b) CONSULTATION IN SELECTION OF SITE.—Before selecting the site for the national cemetery established under subsection (a), the Secretary shall consult with appropriate officials of the State of Pennsylvania and local officials of the Pittsburgh, Pennsylvania, area.

(c) REPORT.—As soon as practicable after the date of the enactment of this act, the Secretary shall submit to Congress a report on the establishment of the national cemetery under subsection (a). The report shall set forth a schedule for the establishment of the cemetery and an estimate of the costs associated with the establishment of the cemetery.

By Mr. NICKLES:

S. 1116. A bill to amend the Internal Revenue Code of 1986 to exclude income from the transportation of oil and gas by pipeline from subpart F income; to the Committee on Finance.

THE FOREIGN PIPELINE TRANSPORTATION INCOME ACT

Mr. NICKLES. Mr. President, I rise today to introduce legislation which will right a wrong that has been in the tax code for too long. This legislation will clarify the U.S. tax treatment of foreign pipeline transportation income. This legislation is needed because current tax law causes active foreign pipeline transportation income to be unintentionally trapped within the anti-abuse tax rules of Subpart F. These anti-abuse rules were originally established to prevent companies from avoiding payment of U.S. tax on easily movable and passive income. Pipeline transportation income, however, is neither passive nor easily movable. Pipes are located where the natural resources and energy needs are—they cannot be placed just anywhere. Further, one a pipe is in the ground, it is tough to move.

Referring to the legislative history, we find that Congress did not intend these anti-abuse rules to target foreign pipeline transportation income. Rather, these rules were intended to reach the significant revenues derived by highly profitable oil related activities that were sourced to a low-tax country as opposed to the country in which the oil or gas was extracted or ultimately consumed. Furthermore, it is important to note that when these anti-abuse rules were being considered and then put into place, pipeline companies were not engaged in international development activities, rather they were focused solely on domestic infrastructure development.

Today, pipeline companies are continuing to actively pursue all development opportunities domestically, yet they are somewhat limited. The real growth for U.S. pipeline companies, however, is in the international arena. These new opportunities have arisen from fairly recent efforts by foreign countries to privatize their energy sectors.

Enabling U.S. pipeline companies to engage in energy infrastructure projects abroad will result in tremendous benefits back home. For example, more U.S. employees will be needed to craft and close deals, to build the plants and pipelines, and to operate the facilities. New investment overseas also will bring new demands for U.S. equipment. Yet before any of these benefits can be realized, U.S. companies must be able to defeat their foreign competitors and win projects. Unfortunately, current U.S. tax laws significantly hinder the ability of U.S. companies to win such projects.

We must act now if we are to ensure that U.S. companies remain competitive players in the international marketplace. There are incremental, low cost, reforms that we can and must make. My legislation—to clarify that U.S. tax treatment of foreign pipeline transportation income—is one such low-cost reform.

I urge my colleagues to join me in this effort to bring current U.S. tax law in line with good tax policy. It is up to us to do all we can to keep America competitive in the global economy.

By Mr. LOTT (for himself, Mr. COCHRAN, Mr. ROBB, and Mr. JEFFORDS):

S. 1117. A bill to establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi, and in the State of Tennessee, and for other purposes; to the Committee on Energy and Natural Resources.

CORINTH BATTLEFIELD PRESERVATION ACT OF 1999

Mr. LOTT. Mr. President, 137 years ago today, Major General Henry W. Halleck and his 120,000 man strong Union Army commenced the siege of Corinth, Mississippi. The ensuing six month battle between General Halleck's federal troops and General P. G. T. Beauregard's 53,000 Confederate defenders marked a turning point in the war between the states. It was a fierce engagement over a mere 16 square feet parcel. This small piece of real estate was of critical strategic importance to both the North and the South.

It was in Corinth, Mississippi that the Memphis and Charleston and Mobile and Ohio Railroads crossed paths. This vital east-west and north-south railroad junction served as a passageway for troops and supplies moving from Illinois to Alabama and from Tennessee to points further east such as South Carolina and Virginia.

Ed Bearss, Chief Historian Emeritus of the National Park Service, stated that ''during the Spring of 1862, Corinth was the most important city in the Confederacy and almost the length of the War . . . because of the railroads.'' In fact, because of its status as a vital rail hub, the town was occupied by either Confederate or Union forces from 1861 to 1865. It also served as a springboard for the careers of over 200 leading Confederate and Federal generals who were stationed in Corinth at one time or another. A figure matched by few other locations.

Corinth is a city that exemplifies the trials and tribulations experienced by soldiers and civilians throughout the Civil War. A town whose railways lied at the center of a grand military chess match. An area, like many others north and south of the Mason-Dixon line, racked by the ravages of war.

Even with its new status as a National Historic Landmark, Corinth is still considered a ''Civil War Landmark At Risk.'' The Civil War Sites Advisory Commission, chartered by Congress to assess threats to America's premier historic sites, identified Corinth as a priority one battlefield in critical need of coordinated nationwide action by the year 2000. Local, state, and national preservation groups agree. And, so do I.

Mr. President, today, I am proud and honored to introduce the Corinth Battlefield Preservation Act of 1999. This much needed legislation would provide further protection for one of America's most important Civil War sites by establishing Corinth as a unit of the Shiloh National Military Park.

The 106th Congress needs to add the Corinth Battlefield and its surrounding sites to the National Park System given the area's pivotal role in American history. It is also appropriate for Congress to establish Corinth as a unit of the Shiloh National Military Park as these two sites were indelibly linked during the Civil War. The 1862 battle of

Shiloh was actually the first strike in the Union force's overall Corinth Campaign. It was in April 1862, that federal and southern forces competing for control over Corinth first struggled in the Battle of Shiloh/Pittsburg Landing. The battle for Corinth also had international implications. As a result of the Union's victory, the British government chose not to officially recognize the Confederacy.

The conflict in and around Corinth eventually included the Battles of Iuka, Tupelo, and Brices' Crossroads, as well as engagements in Booneville, Rienzi, Ripley, and numerous skirmishes in southwest Tennessee and northeast Alabama.

In 1862, Union General Halleck said ''Richmond and Corinth . . . are the greatest strategic points of the war, and our success at these points should be insured at all hazards.'' Halleck's subordinate, General Ulysses S. Grant, regarded Corinth as ''the great strategic position in the west between the Tennessee and Mississippi Rivers and between Nashville and Vicksburg.'' In arguing for the defense of Corinth, Confederate General Beauregard stated to General Samual Cooper, Adjutant and Inspector General of the Confederate States Army that, ''if defeated here [in Corinth,] we lose the Mississippi Valley and probably our cause, whereas we could even afford to lose for a while Charleston and Savannah for the purpose of defeating Buell's army, which would not only insure us the valley of the Mississippi, but our independence.'' Corinth's strategic importance to both armies led to some of the bloodiest battles in the Western Theater. Tens of thousands of soldiers were killed or wounded in this bitter offensive.

It was also here that thousands of war refugees, mostly African-Americans from Mississippi, Tennessee, and Alabama, sought shelter with the Union Army in Corinth. After President Lincoln's Emancipation Proclamation, the federal army created a model ''Contraband Camp.'' By the Spring of 1863, the camp housed around 4,000 freedmen. Almost half of these freedmen joined the ''First Alabama Infantry of African Descent'' which later became the ''55th Colored Infantry.''

Corinth is also one of the few existing Civil War sites that boasts extraordinary earthworks and fortifications—many of which remain in pristine condition. A National Park Service studying authority stated that, ''today the surviving [Corinth] earthworks are one of the largest and best preserved groups of field fortifications, dating to 1862 in the United States.'' Unfortunately, many of these historic resources, undisturbed for over 130 years, are now threatened. For example, a 500-yard section of earthworks was specifically sold for development. These earthworks are important to our national heritage because they helped shape the face of war from the 1860's to today. In fact, trench warfare evolved from the battle for Corinth. These earthworks and fortifications are symbolic reminders of the epic struggle that ensued between friends and neighbors and the Civil War's lasting impact on modern warfare.

Although, the Battle of Shiloh has been etched into American history as part of the Shiloh National Military Park, a number of important historic sites and resources relating to the prebattle and the rest of the Corinth Campaign have not been adequately protected or interpreted. Establishing the Shiloh Nationally Military Park as the nation's second Military Park back in 1894 was a good start. Now it is time for the 106th Congress to complete the preservation effort. Congress needs to give a lasting presence to the Corinth Battlefield, a key component of the historic Shiloh-Corinth Corridor.

Corinth remains a central transportation gateway. It serves as a junction intersecting Highways 72, running east and west, and Highway 45, which runs north and south. It is also a mecca for dedicated history buffs given the town's close proximity to Shiloh and other Civil War sites and its connection to the Corinth Campaign.

I am sure that my colleagues will agree that the sixteen Corinth Civil War sites designated as National Historic Landmarks are far too important to be relegated solely to review in history books or by professional historians. Americans need to see it.

The 106th Congress can and must highlight the importance of the Siege and Battle of Corinth for the millions of adults and children, both American and foreign, interested in learning about an essential facet of Americana.

For over one hundred years, the United States Congress has advanced the notion that our national interest is best served by preserving America's historic treasures. Not only by ensuring the proper interpretation of important historic events, but also the places—the properties where pivotal military milestones occurred.

As Ed Bearss proclaimed, ''the Battle of Corinth was the bloodiest battle in the State of Mississippi. Troops were brought from New Orleans, Mobile, Texas and Arkansas because Corinth was such an important place. With the fall of Corinth, Perryville, Kentucky, and Antietam, Maryland the Confederacy was lost.'' We owe it to our ancestors and to future generations to protect Corinth and the wealth of Civil War history that exudes from this small town.

Mr. President, the measure offered today is vital to the successful interpretation and preservation of Corinth. It builds upon previous efforts and gives Corinth its proper status as one of America's most significant Civil War sites.

Mr. President, I ask my colleagues to join with me in support of the Corinth Battlefield Preservation Act of 1999. A bipartisan measure which is widely supported by local, state, regional, national, and international preservation organizations.

Along with the strong local support shown by the residents and local officials of Corinth and Alcorn County as well as assistance from several Civil War preservation groups, I would also like to take a moment to thank Rosemary Williams of Corinth, Woody Harrel, Superintendent of the Shiloh Military Park, and Anne Thompson, Manager of the Interim Corinth Civil War Interpretive Center. They were instrumental in assisting with the preparation of this important historic preservation legislation.

Mr. President, I also want to thank my colleagues, Senator COCHRAN, Senator ROBB, and Senator JEFFORDS, for their formal support of this pro-parks, pro-history measure.

I hope that the rest of my colleagues will join with us in taking this necessary step to protect our heritage so that our children and grandchildren can gain an understanding of the struggles of this great nation. Struggles that have help shaped our American democracy and transformed our diverse states and peoples into a cohesive and prosperous union better prepared to meet the challenges and opportunities of the next millennium. Corinth has a story to tell Americans today and in the future. Corinth merits inclusion in the Shiloh National Military Park.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1117

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the ''Corinth Battlefield Preservation Act of 1999''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in 1996, Congress authorized the establishment and construction of a center—

(A) to facilitate the interpretation of the Siege and Battle of Corinth and other Civil War actions in the area in and around the city of Corinth, Mississippi; and

(B) to enhance public understanding of the significance of the Corinth campaign and the Civil War relative to the western theater of operations, in cooperation with—

(i) State or local governmental entities;

(ii) private organizations; and

(iii) individuals;

(2) the Corinth Battlefield was ranked as a priority 1 battlefield having critical need for coordinated nationwide action by the year 2000 by the Civil War Sites Advisory Commission in its report on Civil War Battlefields of the United States;

(3) there is a national interest in protecting and preserving sites of historic significance associated with the Civil War; and

(4) the States of Mississippi and Tennessee and their respective local units of government—

(A) have the authority to prevent or minimize adverse uses of these historic resources; and

(B) can play a significant role in the protection of the historic resources related to

the Civil War battles fought in the area in and around the city of Corinth.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish the Corinth Unit of the Shiloh National Military Park—

(A) in the city of Corinth, Mississippi; and

(B) in the State of Tennessee;

(2) to direct the Secretary of the Interior to manage, protect, and interpret the resources associated with the Civil War Siege and the Battle of Corinth that occurred in and around the city of Corinth, in cooperation with—

(A) the State of Mississippi;

(B) the State of Tennessee;

(C) the city of Corinth, Mississippi;

(D) other public entities; and

(E) the private sector; and

(3) to authorize a special resource study to identify other Civil War sites area in and around the city of Corinth that—

(A) are consistent with the themes of the Siege and Battle of Corinth;

(B) meet the criteria for designation as a unit of the National Park System; and

(C) are considered appropriate for including in the Unit.

SEC. 3. DEFINITIONS.

In this Act:

(1) MAP.—The term ''Map'' means the map entitled ''Corinth Unit'', numbered 304/80,007, and dated October 1998.

(2) PART.—The term ''Park'' means the Shiloh National Military Park.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) UNIT.—The term ''Unit'' means the Corinth Unit of Shiloh National Military Park established under section 4.

SEC. 4. ESTABLISHMENT OF UNIT.

(a) IN GENERAL.—There is established in the States of Mississippi and Tennessee the Corinth Unit of the Shiloh National Military Park.

(b) COMPOSITION OF UNIT.—The Unit shall be comprised of—

(1) the tract consisting of approximately 20 acres generally depicted as ''Park Boundary'' on the Map, and containing—

(A) the Battery Robinett; and

(B) the site of the interpretive center authorized under section 602 of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 430f–5); and

(2) any additional land that the Secretary determines to be suitable for inclusion in the Unit that—

(A) is under the ownership of a public entity or nonprofit organization; and

(B) has been identified by the Siege and Battle of Corinth National Historic Landmark Study, dated January 8, 1991.

(c) AVAILABILITY OF MAP.—The Map shall be on file and available for public inspection in the office of the Director of the National Park Service.

SEC. 5. LAND ACQUISITION.

(a) IN GENERAL.—The Secretary may acquire land and interests in land within the boundary of the Park as depicted on the Map, by—

(1) donation;

(2) purchase with donated or appropriated funds; or

(3) exchange.

(b) EXCEPTION.—Land may be acquired only by donation from—

(1) The State of Mississippi (including a political subdivision of the State);

(2) the State of Tennessee (including a political subdivision of the State); or

(3) the organization known as ''Friends of the Siege and Battle of Corinth''.

SEC. 6. PARK MANAGEMENT AND ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the Unit in accordance with this Act and the laws generally applicable to units of the National Park System, including—

(1) the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1 et seq.); and

(2) the Act entitled ''An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes'', approved August 21, 1935 (16 U.S.C. 461 et seq.).

(b) DUTIES.—In accordance with section 602 of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 430f–5), the Secretary shall—

(1) commemorate and interpret, for the benefit of visitors and the general public, the Siege and Battle of Corinth and other Civil War actions in the area in and around the city of Corinth within the larger context of the Civil War and American history, including the significance of the Civil War Siege and Battle of Corinth in 1862 in relation to other operations in the western theater of the Civil War; and

(2) identify and preserve surviving features from the Civil War era in the area in and around the city of Corinth, including both military and civilian themes that include—

(A) the role of railroads in the Civil War;

(B) the story of the Corinth contraband camp; and

(C) the development of field fortifications as a tactic of war.

(c) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—To carry this Act, the Secretary may enter into cooperative agreements with entities in the public and private sectors, including—

(A) colleges and universities;

(B) historical societies;

(C) State and local agencies; and

(D) nonprofit organizations.

(2) TECHNICAL ASSISTANCE.—To develop cooperative land use strategies and conduct activities that facilitate the conservation of the historic, cultural, natural, and scenic resources of the Unit, the Secretary may provide technical assistance, to the extent that a recipient of technical assistance is engaged in the protection, interpretation, or commemoration of historically significant Civil War resources in the area in and around the city of Corinth, to—

(A) the State of Mississippi (including a political subdivision of the State);

(B) the State of Tennessee (including a political subdivision of the State);

(C) a governmental entity;

(D) a nonprofit organization; and

(E) a private property owner.

(d) RESOURCES OUTSIDE THE UNIT.—Nothing in subsection (c)(2) authorizes the Secretary to own or manage any resource outside the Unit.

SEC. 7 AUTHORIZATION OF SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—To determine whether certain additional properties are appropriate for inclusion in the Unit, the Secretary shall conduct a special resource study of land in and around the city of Corinth, Mississippi, and nearby areas in the State of Tennessee that—

(1) have a relationship to the Civil War Siege and Battle of Corinth in 1862; and

(2) are under the ownership of—

(A) the State of Mississippi (including a political subdivision of the State);

(B) the State of Tennessee (including a political subdivision of the State);

(C) a nonprofit organization; or

(D) a private person.

(b) CONTENTS OF STUDY.—The study shall—

(1) identify the full range of resources and historic themes associated with the Civil War Siege and Battle of Corinth in 1862, including the relationship of the campaign to other operations in the western theater of the Civil War that occurred in—

(A) the area in and around the city of Corinth; and

(B) the State of Tennessee;

(2) identify alternatives for preserving features from the Civil War era in the area in and around the city of Corinth, including both military and civilian themes involving—

(A) the role of the railroad in the Civil War;

(B) the story of the Corinth contraband camp; and

(C) the development of field fortifications as a tactic of war;

(3) identify potential partners that might support efforts by the Secretary to carry out this Act, including—

(A) State entities and their political subdivisions;

(B) historical societies and commissions;

(C) civic groups; and

(D) nonprofit organizations;

(4) identify alternatives to avoid land use conflicts; and

(5) include cost estimates for any necessary activity associated with the alternatives identified under this subsection, including—

(A) acquisition;

(B) development;

(C) interpretation;

(D) operation; and

(E) maintenance.

(c) REPORT.—Not later than 1 year and 180 days after the date on which funds are made available to carry out this section, the Secretary shall submit a report describing the findings of the study under subsection (a) to—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, including $3,000,000 for the construction of an interpretive center under section 602(d) of title VI of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 430f–59d)).

By Mr. SCHUMER (for himself, Mrs. FEINSTEIN, Mr. CHAFEE, Mr. GREGG, Mr. SANTORUM, and Mr. MOYNIHAN):

S. 1118. A bill to amend the Agricultural Market Transition Act to convert the price support program for sugarcane and sugar beets into a system of solely recourse loans to provide for the gradual elimination of the program; to the Committee on Agriculture, Nutrition, and Forestry.

SUGAR PROGRAM PHASE OUT LEGISLATION

Mr. SCHUMER. Mr. President, today I join with my colleagues Senators FEINSTEIN, CHAFEE, GREGG, and SANTORUM to introduce legislation that phases out the federal sugar program. Remember that old story, if you believe this, I've got some swampland to sell you in Florida? Boy, I wish I bought some of that swampland and became a sugar grower.

It is a can't miss, can't lose proposition where all of the risk is absorbed by the federal government and all of the reward goes to the sugar barons. It is one of the last vestiges of a centralized, subsidized U.S. farm sector which has mostly gone by the wayside.

Ten years after the collapse of the Berlin Wall, Odessa on the Okeechobee with its generous price supports somehow still survives. This is a special interest program that benefits a handful of sugar barons at the expense of every man, woman and child in America.

Several years ago, the GAO estimated that consumers paid $1.4 billion more at the cash register because of the sugar price support. Today, because the world price for sugar is lower and the price paid in the U.S. is higher, the cost to consumers could be twice as high.

And let's not forget. It has already cost America thousands of refinery jobs. And it has already cost the Everglades hundreds of acres of pristine wilderness. In Brooklyn and in Yonkers, we have lost one-third of our refinery jobs in the last decade. Why? Because the sugar program is such a bitter deal, refiners cannot get enough raw cane sugar to remain open.

Four years ago, when we came within five votes in the House of terminating the sugar program, the world market price for sugar was about ten cents and the U.S. price about 20 cents. Today the world price is less than a nickel and the U.S. price is almost a quarter. In other words, the gulf between the free market and the sugar program is getting wider.

Under any reasonable and rational measure the sugar program should be repealed. If the issue is jobs, the environment or the consumer—then we have no choice but to repeal. At all ends of the political spectrum the answer is the same—it's time to repeal the sugar program.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECOURSE LOANS FOR PROCESSORS OF SUGARCANE AND SUGAR BEETS AND REDUCTION IN LOAN RATES.

(a) GRADUAL REDUCTION IN LOAN RATES.—

(1) SUGARCANE PROCESSOR LOANS.—Section 156(a) of the Agricultural Market Transition Act (7 U.S.C. 7272(a)) is amended by striking ''equal to 18 cents per pound for raw cane sugar.'' and inserting the following: '', per pound for raw cane sugar, equal to the following:

''(1) In the case of raw cane sugar processed from the 1996, 1997, or 1998 crop, $0.18.

''(2) In the case of raw cane sugar processed from the 1999 crop, $0.17.

''(3) In the case of raw cane sugar processed from the 2000 crop, $0.16.

''(4) In the case of raw cane sugar processed from the 2001 crop, $0.15.

''(5) In the case of raw cane sugar processed from the 2002 crop, $0.14.''.

(2) SUGAR BEET PROCESSOR LOANS.—Section 156(b) of the Agricultural Market Transition Act (7 U.S.C. 7272(b)) is amended by striking ''equal to 22.9 cents per pound for refined beet sugar.'' and inserting the following: '', per pound of refined beet sugar, that reflects—

''(1) an amount that bears the same relation to the loan rate in effect under subsection (a) for a crop as the weighted average of producer returns for sugar beets bears to the weighted average of producer returns for sugarcane, expressed on a cents per pound basis for refined beet sugar and raw cane sugar, for the most recent 5-year period for which data are available; and

''(2) an amount that covers sugar beet processor fixed marketing expenses.''.

(b) CONVERSION TO RECOURSE LOANS.—Section 156(e) of the Agricultural Market Transition Act (7 U.S.C. 7272(e)) is amended—

(1) in paragraph (1), by inserting ''only'' after ''this section''; and

(2) by striking paragraphs (2) and (3) and inserting the following:

''(2) NATIONAL LOAN RATES.—Recourse loans under this section shall be made available at all locations nationally at the rates specified in this section, without adjustment to provide regional differentials.''.

(c) CONVERSION TO PRIVATE SECTOR FINANCING.—Section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272) is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

''(i) CONVERSION TO PRIVATE SECTOR FINANCING.—Notwithstanding any other provision of law—

''(1) no processor of any of the 2003 or subsequent crops of sugarcane or sugar beets shall be eligible for a loan under this section with respect to the crops; and

''(2) the Secretary may not make price support available, whether in the form of loans, payments, purchases, or other operations, for any of the 2003 and subsequent crops of sugar beets and sugarcane by using the funds of the Commodity Credit Corporation or other funds available to the Secretary.''; and

(3) in subsection (j) (as redesignated by paragraph (1)) by striking ''subsection (f)'' and inserting ''subsections (f) and (i)''.

(d) TERMINATION OF MARKETING QUOTAS AND ALLOTMENTS.—

(1) TERMINATION.—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa et seq.) is repealed.

(2) CONFORMING AMENDMENT.—Section 344(f)(2) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1344(f)(2)) is amended by striking ''sugar cane for sugar, sugar beets for sugar,''.

(e) OTHER CONFORMING AMENDMENTS.—

(1) PRICE SUPPORT FOR NONBASIC AGRICULTURAL COMMODITIES.—

(A) DESIGNATED NONBASIC AGRICULTURAL COMMODITIES.—Section 201(a) of the Agricultural Act of 1949 (7 U.S.C. 1446(a)) is amended by striking ''milk, sugar beets, and sugarcane'' and inserting '', and milk''.

(B) OTHER NONBASIC AGRICULTURAL COMMODITIES.—Section 301 of the Agricultural Act of 1949 (7 U.S.C. 1447) is amended by inserting ''(other than sugarcane and sugar beets)'' after ''title II''.

(2) POWERS OF COMMODITY CREDIT CORPORATION.—Section 5(a) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(a)) is amended by inserting ''(except for the 2003 and subsequent crops of sugarcane and sugar beets)'' after ''agricultural commodities''.

(3) SECTION 32 ACTIVITIES.—Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), is amended in the second sentence of the first paragraph by inserting ''(other than sugarcane and sugar beets)'' after ''commodity'' the last place it appears.

(f) ASSURANCE OF ADEQUATE SUPPLIES OF SUGAR.—Section 902 of the Food Security Act of 1985 (7 U.S.C. 1446g note; Public Law 99–198) is amended by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—Beginning with the quota year for sugar imports that begins after the 1998/1999 quota year, the President shall use all authorities available to the President as may be necessary to enable the Secretary of Agriculture to ensure that adequate supplies of raw cane sugar are made available to the United States market at prices that are not greater than the higher of—

''(1) the world sugar price (adjusted to a delivered basis); or

''(2) the raw cane sugar loan rate in effect under section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272), plus interest.''.

Mrs. FEINSTEIN. Mr. President, I rise in support of legislation sponsored by Senator SCHUMER to phase out the antiquated sugar subsidy. The sugar program is nothing than a system of import restrictions, subsidized loans, and price supports that benefit a limited number of sugar growers.

I find it incredible that the federal government continues to support a subsidy program that is driving the domestic refinery industry out of existence and costing thousands of good jobs. The US Department of Agriculture restricts the amount of sugar available to domestic refineries. Without sugar, a sugar refinery cannot operate and that is the result of this misguided program.

It is clear that the U.S. sugar policy has served to strangle this country's sugar refining industry. By limiting the amount of raw cane sugar available for production, there has been a 40 percent decline in jobs in the sugar-cane refining industry. Since 1982, nine out of twenty one cane sugar refineries in the U.S. have been forced out of business. Those that have remained open are struggling to survive under onerous import restrictions.

I first became involved with this issue in 1994 when David Koncelik, the President and CEO of the California and Hawaiian Sugar Company, informed me that his refinery was forced to temporarily cease operations because it had no sugar.

This 93 year old refinery is the Nation's largest refinery and the only such facility on the West Coast. C&H refines about 15 percent of the total cane sugar consumed in the U.S.

C&H is capable of producing and selling 700,000 tons of refined sugar annually. Therefore, the company requires in excess of 700,000 tons of raw cane sugar to meet its sales demand.

Hawaii is C&H's sole source for its domestic raw cane sugar needs, but Hawaii's cane sugar industry has been in decline for over 10 years. This has meant that C&H is forced to cover over half its annual consumption through imports from other countries.

The highly restrictive sugar import system forces C&H to pay an inflated price for raw sugar from both domestic and foreign suppliers. Even more devastating, however, the quota system limits the amount of sugar available to the refinery. Simply put, C&H has been unable to get enough sugar to refine and it has been forced to close it doors on several occasions.

The reduced production capacity has resulted in a severe downsizing of the workforce. As recently as 1987, C&H employed over 1,400 people. These are not minimum wage jobs we are talking about: the average employee in the cane refining industry earns nearly $43,000 a year. In 1995, C&H had to eliminate 30 percent of its workforce just to remain viable under the quota system mandated by the sugar program.

C&H now employees just over 500 people. These jobs and many others around the nation are at risk if reforms are not made to the sugar program.

The overly restrictive manner that the USDA administers the sugar program has a number of other flaws. The sugar program's existing quota system was put in place in 1982, using trading patterns dating as far back as 1975. The system has remained largely unchanged over the past 17 years despite major alterations in the international sugar market. As a result, the current import quota system assigns export rights to countries that don't grow enough sugar to export or, in some cases, are net importers themselves.

For example, the Philippines are granted one of the largest export privileges under the sugar import quota system. It, however, does not even grow enough sugar to meet it own domestics needs. What this means is that the Philippines sell their homegrown sugar crop to the United States at about 22 cents a pound. It then buys raw sugar on the world market at around 5 cents a pound. This is ridiculous. We are in effect giving money to foreign countries and forcing domestic consumers to pay the price.

Beginning in September of 1994, I have asked the Administration on eight separate occasions to reform the sugar program. Simply increasing the amount of sugar available through the import program would provide immediate relief to C&H and the other domestic refineries. To date, no such permanent reform of the program has been made.

In addition to choking off the refineries' access to sugar, the US sugar policy also has an adverse impact on US consumers. The General Accounting Office has found that the program costs sugar users an average of $1.4 billion annually. That equates to $3.8 million a day in hidden sugar taxes.

The report found that ''Although the sugar program is considered a no-net-cost program because the government does not make payments directly to producers, it places the cost of the price supports on sweetener users—consumers and manufacturers of sweetener-containing products—who pay higher sugar and sweetener prices.''

What this means is that unlike traditional subsidy programs, the funds do not come directly from the Treasury. Instead, the sugar program places the cost consumers by restricting the supply of available sugar which causes higher domestic market prices.

The legislation we are introducing will eliminate the sugar subsidy program by 2002. This is a simple, straight-forward, and fair way to end a program that has not worked for U.S. consumers or workers.

Congress has had opportunities in the past to kill this program and we have not taken them. As a result, workers have lost jobs and consumers have lost money. I am pleased to join my colleagues in saying that enough is enough. It is time to end the sugar subsidy program once and for all.

By Mr. TORRICELLI (for himself, Mr. REED, Mr. LAUTENBERG, Mr. BRYAN, Mrs. BOXER, Mrs. FEINSTEIN, Mr. DODD, Mr. ROCKEFELLER, Mr. BIDEN, Mr. SCHUMER, Mrs. MURRAY, Mr. DURBIN, and Mr. KERRY):

S. 1120. A bill to ensure that children enrolled in medicaid and other Federal means-tested programs at highest risk for lead poisoning are identified and treated, and for other purposes; to the Committee on Finance.

CHILDREN'S LEAD SAFE ACT

● Mr. TORRICELLI. Mr. President, today I rise with Senator REED to introduce legislation that will ensure that children enrolled in federal health care programs receive screening and appropriate care for lead poisoning. Our bill, the ''Children's Lead SAFE Act of 1999'' would go a long way to eliminate childhood lead poisoning.

We know lead exposure is one of the most dangerous health hazards for young children because their nervous systems are still developing. Lead poisoning in children causes damage to the brain and nervous systems, which leads to IQ loss, impaired physical development and behavioral problems. High levels of exposure can cause comas, convulsions, and even death.

Despite our success over the past twenty years to reduce lead poisoning in the U.S., it continues to be the number one environmental health threat to children, with nearly one million preschoolers affected. Poor and minority children are most at-risk because of diet and exposure to environmental hazards such as old housing. These children frequently live in older housing which contains cracked or chipped lead paint, where children primarily contract lead poisoning by ingesting paint chips or lead dust.

Mr. President, 75 percent of At-Risk children are enrolled in federal health care programs. Kids in these programs are five times more likely to have high blood levels. In 1992, Congress instructed Health Care Financing Adm. (HCFA) to require States to lead screen Medicaid children under the age of two. Despite this, the GAO report shows that mandatory screening isn't happening. Two-thirds of Medicaid children have never been screened (as required). And only 20 percent of all children in federal programs have been screened.

In fact, only half the States have screening policies consistent with federal law. In my own state of New Jersey, the GAO report showed that only 39 percent of Medicaid children have been screened. Despite federal requirements, for whatever reason—insufficient outreach, lax government oversight or parental ignorance, too many kids are not getting screened.

The Children's Lead SAFE Act would address this problem by establishing clear and consistent standards for screening and treatment and by involving all relevant federal health programs in this battle. Our legislation is modeled on the recommendations made by the GAO.

It requires all federal programs serving at-risk kids to be involved in screening. It requires State Medicaid contracts to explicitly require providers (HMO's) to follow federal rules for screening and treatment. It expands Medicaid coverage to include treatment services and environmental investigations to determine the source of the poisoning. WIC centers (with 12 percent of the at-risk population) will be required to assess whether a child has been screened and if they have not to provide the necessary referral and follow-up to ensure that screening occurs. Head Start facilities would similarly have the responsibility for ensuring that their children are screened.

In addition, our legislation would improve data so we can identify problems and use that information to educate providers about the extent of the problem. CDC would develop information-sharing guidelines for State and local health departments, the labs that perform the test and federal programs. It would also require each State to report on the percent of the Medicaid population they are screening.

Finally, our legislation would make sure agencies have sufficient resources to do screening by reimbursing WIC and Head Start for costs they incur in screening. The legislation would also create a bonus program whereby a state will receive a per child bonus for every child it screens above 65 percent of its Medicaid population.

Mr. President, the health and safety of our children would be greatly enhanced with the passage of this important legislation. Childhood lead poisoning is easily preventable, and there is no excuse for not properly screening and providing care to our kids. Our bill would accomplish this and ensure adequate care. I ask my colleagues to join me in recognizing this problem and supporting its solution.●

Mr. REED. Mr. President, I rise today to introduce legislation with Senator TORRICELLI that would ensure that children enrolled in federal health care programs receive screening and appropriate follow-up care for lead poisoning. Our bill, the ''Children's Lead SAFE Act of 1999'' is an effort to eliminate a disease that continues to wreak irreversible damage upon our nation's children.

Despite our success over the past twenty years to reduce lead poisoning

in the U.S., it continues to be the number one environmental health threat to children, with nearly one million preschoolers affected. This problem is particularly severe among African American children who are at five times higher risk than white children and low-income children are at eight times higher risk than children from well-to-do families.

Minorities and low-income children are disproportionately affected by lead poisoning because they frequently live in older housing which contains cracked or chipped lead paint, where children primarily contract lead poisoning by ingesting paint chips or lead dust.

If undetected, lead poisoning can cause brain and nervous system damage, behavior and learning problems and possibly death.

Research shows that children with elevated blood-lead levels are seven times more likely to drop out of high school and six times more likely to have reading disabilities. It costs an average of $10,000 more a year to educate a lead-poisoned child. We will continue to pay for our failure to eradicate this preventable tragedy through costs to our education and health care system, and losses in lifetime earnings, unless we act now to protect our children.

As I mentioned, this disease is entirely preventable, making its prevalence among children all the more frustrating. We do have solutions—parents who are aware, housing that is safe, and effective screening and treatment for children who are at risk—to name a few.

Unfortunately, our current system is not adequately protecting our children. In January 1999, the General Accounting Office reported that children in federally funded health care programs such as Medicaid, Women Infant and Child (WIC) and the Health Centers program, are five times more likely to have elevated blood lead levels. The report also found that despite longstanding federal requirements, two-thirds of the children in these programs—more than 400,000—have never been screen and, consequently, remain untreated.

Early detection of lead poisoning is critical to ensure that a child is removed from the source of exposure and to determine whether other children, such as siblings or friends, have also been exposed. Screening is also important to determine whether a child's lead poisoning is so severe as to require medical management to mitigate the long-term health and developmental effects of lead.

Mr. President, our comprehensive legislation is designed to make sure no child falls through the cracks, by establishing clear and consistent standards for screening and treatment and by holding accountable those who are responsible for carrying out the requirements. The legislation supports improved management information systems to provide state- and community-level information about the extent to which children have elevated blood lead levels. It also expands and coordinates lead screening and treatment activities through other federal programs serving at-risk children such as WIC, Early Head Start, and the Maternal and Child Health Block Grant programs. Finally, the bill ties incentives for screening to additional federal funding for cleaning up lead-contaminated houses.

Mr. President, we propose this legislation in an effort to rid children of the detrimental effects of lead poisoning. Every child has a right to screening and follow-up care. This bill will significantly increase the number of poisoned children who are screened and treated and help communities, parents, and physicians to take advantage of every opportunity that they have to detect and treat lead poisoning before its irreversible effects set in.

I ask by unanimous consent that the text of this bill be printed in the RECORD.

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

The bill was not available for printing. It will appear in a future issue of the RECORD.

By Mr. LEAHY:

S 1121. A bill to amend the Clayton Act to enhance the authority of the Attorney General to prevent certain mergers and acquisitions that would unreasonably limit competition; to the Committee on the Judiciary.

ANTITRUST IMPROVEMENTS ACT OF 1999

Mr. LEAHY. Mr. President, we are living in a time of mega-mergers, and they are coming from all directions. Chrysler and Daimler-Benz automobile companies finalized their merger last year. In the computer world, AOL completed its purchase of Netscape just a few months ago. And in the largest corporate merger ever, Exxon Corporation announced its plan to acquire Mobil at a price tag of over $75 billion, thus creating the world's biggest private oil company, Exxon Mobil Corporation.

While these mega-mergers have cut a swath across a number of industries, the consolidations that continue to raise the most questions in my mind are those that involve incumbent monopolies. For example, the mergers among Regional Bell Operating Companies, which continue to have a virtual stranglehold on the local telephone loop, pose a great threat to healthy competition in the telecommunications industry.

Indeed, incumbent telephone companies still control more than 99% of the local residential telephone markets.

As I said last Congress, and it is still the case today, at my farm in Middlesex and at my home here in Virginia, I have only one choice for dialtone and local telephone service. That ''choice'' is the Bell operating company or no service at all.

The Telecommunications Act of 1996 passed with the promise of bringing competition to benefit American consumers. However, this promise has yet to materialize.

Since passage of the Telecommunications Act, Southwestern Bell has merged with PacTel into SBC Corporation, Bell Atlantic has merged into NYNEX, and AT&T has acquired IBM's Global Network, just to name a few. Just last week it was reported that U.S. West reached an agreement to merge with the telecommunications company Global Crossing.

The U.S. Justice Department didn't spend years dividing up Ma Bell just to see it grow back together again under the guise of the 1996 Telecommunications Act.

I am very concerned that the concentration of ownership in the telecommunications industry is proceeding faster than the growth of competition. Old monopolies are simply regrouping and getting bigger and bigger.

Before all the pieces of Ma Bell are put together again, Congress should revisit the Telecommunications Act. To ensure competition between Bell Operating Companies and long distance and other companies, as contemplated by passage of this law, we need clearer guidelines and better incentives. Specifically, we should ensure that Bell Operating Companies do not gain more concentrated control over huge percentages of the telephone access lines of this country through mergers, but only through robust competition.

Today I am reintroducing antitrust legislation that will bar future mergers between Bell Operating Companies or GTE, unless the federal requirements for opening the local loop to competition have been satisfied in at least half of the access lines in each State.

The bill provides that a ''large local telephone company'' may not merge with another large local telephone company unless the Attorney General finds that the merger will promote competition for telephone exchange services and exchange access services. Also, before a merger can take place, the Federal Communications Commission must find that each large local telephone company has for at least one-half of the access lines in each State served by such carrier, of which as least one-half are residential access lines, fully implemented the requirements of sections 251 and 252 of the Communications Act of 1934.

The bill requires that each large local telephone company that wishes to merge with another must file an application with the Attorney General and the FCC. A review of these applications will be subject to the same time limits set under the Hart-Scott-Rodino Antitrust Improvements Act of 1976.

The bill also provides that nothing in this Act shall be construed to modify, impair, or supersede the applicability of the antitrust laws of the United States, or any authority of the Federal Communications Commission, or any

authority of the States with respect to mergers and acquisitions of large local telephone companies.

The bill is effective on enactment and has no retroactive effect. It is enforceable by the Attorney General in federal district courts.

This bill has the potential to make the 1996 Telecommunications Act finally live up to some of its promises.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1121

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Antitrust Improvements Act of 1999''.

SEC. 2. PURPOSE

The purpose of this Act is to enhance the authority of the Attorney General to prevent certain mergers and acquisitions that would unreasonably limit competition in the telecommunications industry in any case in which certain Federal requirements that would enhance competition are not met.

SEC. 3. RESTRAINT OF TRADE.

The Clayton Act (15 U.S.C. 12 et seq.) is amended—

(1) by redesignating section 27 (as designated by section 2 of Public Law 96–493) as section 29; and

(2) by inserting after section 27 (as added by the Curt Flood Act of 1998 (Public Law 105–297)) the following new section:

''SEC. 28. (a) In this section, the term 'large local telephone company' means a local telephone company that, as of the date of a proposed merger or acquisition covered by this section, serves more than 5 percent of the telephone access lines in the United States.

''(b) Notwithstanding any other provision of law, a large local telephone company, including any affiliate of such a company, shall not merge with or acquire a controlling interest in another large local telephone company unless—

''(1) the Attorney General finds that the proposed merger or acquisition will promote competition for telephone exchange services and exchange access services; and

''(2) The Federal Communication Commission finds that each large local telephone company that is a party to the proposed merger or acquisition, with respect to at least ½ of the access lines in each State served by that company, of which at least ½ are residential access lines, has fully implemented the requirements of sections 251 and 252 of the Communications Act of 1934 (47 U.S.C. 251, 252), including the regulations of the Commission and of the States that implemented those requirements.

''(c) Not later than 10 days after the Attorney General makes a finding described in subsection (b)(1), the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the finding, including an analysis of the effect of the merger or acquisition on competition in the United States telecommunications industry.

''(d)(1) Each large local telephone company or affiliate of a large local telephone company proposing the merge with or acquire a controlling interest in another large local telephone company shall file an application under this section with respect to the merger or acquisition with both the Attorney General and the Federal Communication Commission on the same day.

''(2) The Attorney General and the Federal Communication Commission shall issue a decision regarding the application within the time period applicable to review of mergers under section 7A.

''(e)(1) The district courts of the United States are vested with jurisdiction to prevent and restrain any mergers or acquisitions described in subsection (d) that are inconsistent with a finding under paragraph (1) or (2) of subsection (b).

''(2) The Attorney General may institute proceedings in any district court of the United States in the district in which the defendant resides or is found or has an agent and that court shall order such injunctive, and other relief, as may be appropriate if—

''(A) the Attorney General makes a finding that a proposed merger or acquisition covered by an application under subsection (d) does not meet the condition specified in subsection (b)(1); or

''(B) The Federal Communications Commission makes a finding that 1 or more of the parties to the proposed merger or acquisition do not meet the requirements specified in subsection (b)(2).''.

SEC. 4 PRESERVATION OF EXISTING AUTHORITIES.

(1) IN GENERAL.—Nothing in this Act or the amendment made by section 3(2) shall be construed to modify, impair, or supersede the applicability of the antitrust laws, or any authority of the Federal Communication Commission under the Communication Act of 1934 (47 U.S.C. 151 et. seq.), with respect to mergers, acquisitions, and affiliations of large local exchange carriers.

(b) ANTITRUST LAWS DEFINED.—In this section, the term ''antitrust laws'' has the meaning given that term in the first section of the Clayton Act (15 U.S.C. 12).

SEC 5. APPLICABILITY

This Act and the amendment made by section 3(2) shall apply to a merger or acquisition of a controlling interest of a large local telephone company (as that term is defined in section 27 of the Clayton Act, as added by such section 3(2)), occurring on or after the date of the enactment of this Act.

By Ms. COLLINS (for herself, Mr. FRIST, Mr. ABRAHAM, Ms. SNOWE, Mr. JEFFORDS, and Mr. COVERDELL):

S. 1123. A bill to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of imported food, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

IMPORTED FOOD SAFETY IMPROVEMENT ACT

● Ms. COLLINS. Mr. President, food safety is a serious and growing public health concern. According to the General Accounting Office (GAO), as many as 81 million cases of foodborne illness and 9,000 related deaths occur in the U.S. every year. Most at risk are the very old, the very young, and the very ill. While these statistics refer to all cases of foodborne illness, recent outbreaks demonstrate that tainted imported foods have increased the incidence of illness and have exposed American consumers to new pathogens.

The volume of imported foods continues to grow, yet our current food import system is riddled with holes which allow unsafe food to penetrate our borders. Contaminated food imports have caused illnesses rarely seen in the United States and can be extremely difficult, if not impossible, for consumers to detect.

I first became interested in this issue when I learned that fruit from Mexico and Guatemala was associated with three multi-state outbreaks of foodborne illesses—one of hepatitis A and two of Cyclospora infection—that sickened thousands of Americans. These outbreaks included victims in my home State of Maine.

In my State's grocery stores, as in any typical American grocery store, the fresh fruit and vegetables that are available during the winter months come from many other countries. In many ways, imported food is a blessing for American consumers. Fruit and vegetables that would normally be unavailable in our local grocery stores during the winter months are now available all year long, making it easier and more enjoyable to eat the five servings of fruit and vegetables a day the National Cancer Institute recommends. But, it's only a blessing if the food is safe. Even one serving of tainted food can cause sickness and even death.

The Food and Drug Administration (FDA) reports that the increasing importation of produce is a trend that is expected to continue. In 1996, the U.S. imported $7.2 billion worth of fruit and vegetables from at least 90 different countries, a dramatic increase from the 1990 level of $4.8 billion. Total food imports have increased from 1.1 million shipments in 1992 to 2.7 million in 1997. And, of all the fish and shellfish consumed in the U.S., more than half is imported.

Yet, the FDA annually inspects less than 2 percent of the 2.7 million shipments of food that arrive in the U.S. And of the small number of shipments that are inspected, only about a third are tested for some of the most significant pathogens. What's more, even when the FDA does catch contaminated food, the system often fails to dispose of it adequately. Indeed, according to one survey conducted by the Customs Service in 1997, as many as 70 percent of the imported food shipments the FDA ordered re-exported or destroyed may have ended up in U.S. commerce any way. Unscrupulous food importers can easily circumvent the inspection system.

Mr. President, to respond to these problems, I am introducing the Imported Food Safety Improvement Act, with Senator FRIST, Senator ABRAHAM, Senator COVERDELL, Senator JEFFORDS, and Senator SNOWE as original cosponsors.

Our legislation is an effort designed to strengthen the existing food import system to help ensure that unsafe food does not enter the United States. Our goal is to reduce the incidence of foodborne illnesses and to ensure that American families can enjoy a variety of foods year-round without the risk of illness when they sit down to the dinner table.

This legislation is the product of an extensive investigation by the Permanent Subcommittee on Investigations, which I chair. During the 105th Congress, the Subcommittee undertook a 16-month, in-depth investigation into the safety of food imports. During five days of Subcommittee hearings, we heard testimony from 29 witnesses, including scientists, industry and consumer representatives, government officials, the General Accounting Office, and two persons with first-hand knowledge of the seamier side of the imported food industry, a convicted Customs broker and a convicted former FDA inspector. As a result of the compelling testimony that we heard, I have worked with my colleagues in drafting the legislation we introduce today—the Imported Food Safety Improvement Act—to address a broad array of problems uncovered during the Subcommittee's investigation.

My Subcommittee's investigation has revealed much about the food we import into this country and the government's flawed food safety net. Let me briefly recount some of our findings which make it clear why this legislation is so urgently needed:

In the worlds of the GAO, ''federal efforts to ensure the safety of imported food are inconsistent and unreliable.'' Federal agencies have not effectively targeted their resources on imported foods posing the greatest risks;

Weaknesses in FDA import controls, specifically the ability of importers to control the food shipments from the port to the point of distribution, makes the system vulnerable to fraud and deception;

The bonds required to be posted by importers who violate food safety laws are so low that they are considered by some unscrupulous importers at the cost of doing business;

Maintaining the food safety net for imported food is an increasingly complex task, made more complicated by previously unknown foodborne pathogens, like Cyclospora, that are difficult to detect;

Because some imported food can be contaminated by organisms that cannot be detected by visual inspection or laboratory tests, placing additional federal inspectors at ports-of-entry alone will not protect Americans from unsafe food imports; and

Since contamination of imported food can occur at many different places from the farm to the table, the ability to trace-back outbreaks of foodborne illnesses to the source of contamination is a complex process that requires a more coordinated effort among the federal, state, and local agencies as well as improved education for health care providers so that they can better recognize and treat foodborne illnesses.

The testimony that I heard during my Subcommittee's hearings was troubling. The United States Customs Service told us of one particularly egregious situation that I would like to share. It involves contaminated fish and illustrates the challenges facing federal regulators who are charged with ensuring the safety of our nation's food supply.

In 1996, federal inspectors along our border with Mexico opened a shipment of seafood destined for sales to restaurants in Los Angeles. The shipment was dangerously tainted with life-threatening contaminants, including botulism, Salmonella, and just plain filth. Much to the surprise of the inspectors, this shipment of frozen fish had been inspected before by federal authorities. Alarmingly, in fact, it had arrived at our border two years before, and had been rejected by the FDA as unfit for consumption. Its importers then held this rotten shipment for two years before attempting to bring it into the country again, by a different route.

The inspectors only narrowly prevented this poisoned fish from reaching American plates. And what happened to the importer who tried to sell this deadly food to American consumers? In effect, nothing. He was placed on probation and asked to perform 50 hours of community service.

I suppose we should be thankful that the perpetrators were caught and held responsible. After all, the unsafe food might have escaped detection and reached our tables. But it worries me that the importer essentially received a slap on the wrist. I believe that forfeiting the small amount of money currently required for the Custom's bond, which importers now consider no more than a ''cost of doing business,'' does little to deter unscrupulous importers from trying to slip tainted fish that is two years old past overworked Customs agents.

All too often, unscrupulous importers are never discovered. The General Accounting Office testified about a special operation known as Operation Bad Apple, conducted by Customs at the Port of San Francisco in 1997, identified 23 weaknesses in the controls over FDA-regulated imported food. For example, under current law, importers retain custody of their shipments from the time they arrive at the border. The importers must also put up a bond and agree to ''redeliver'' the shipment to Customs, for reexport or destruction, if ordered to do so or forfeit the bond. However, Operation Bad Apple revealed a very disturbing fact. Of the shipments found to violate U.S. standards, thereby requiring redelivery to Customs for destruction or re-export, a full 40 percent were never returned. The Customs Service believes an additional 30 percent of shipments that the FDA required to be returned contained good products that the importers had substituted for the original bad products. Customs further believes that the violative products were on their way to the marketplace. This means that a total of 70 percent of products ordered returned, because they were unsafe, presumably entered into U.S. commerce.

Weak import controls make our system all too easy to circumvent. After all, FDA only physically inspects about 17 of every 1,000 food shipments and, of the food inspected, only about a third is actually tested. That is why we have worked with the FDA, the Customs Service, and the Centers for Disease Control (CDC) to ensure that our legislation addresses many of the issues explored over the course of the Subcommittee's investigation and hearings. Let me describe what this bill is designed to accomplish.

Our legislation will fill the existing gaps in the food import system and provide the FDA with certain stronger authority to protect American consumers against tainted food imports. First and foremost, this bill gives the FDA the authority to stop such food from entering our country. This authority allows the FDA to deny the entry of imported food that has caused repeated outbreaks of foodborne illnesses, presents a reasonable probability of causing serious adverse health consequences, and is likely without systemic changes to cause disease again.

Second, this legislation includes the authority for the FDA to require secure storage of shipments offered by repeat offenders prior to their release into commerce, to prohibit the practice of ''port-shopping,'' and to mark boxes containing violative foods as ''U.S.—Refused Entry.'' This latter authority, which would allow the FDA to clearly mark boxes containing contaminated foods, is currently used with success by the U.S. Department of Agriculture, and has been requested specifically by the FDA. Our bill also will require the destruction of certain imported foods that cannot be adequately reconditioned to ensure safety. Third, the legislation directs the FDA to develop criteria for use by private laboratories used to collect and analyze samples of food offered for import. This will ensure the integrity of the testing process.

Fourth, the bill will give ''teeth'' to the current food import system by establishing two strong deterrents—the threats of high bonds and of debarment—for unscrupulous importers who repeatedly violate U.S. law. No longer will the industry's ''bad actors'' be able to profit from endangering the health of American consumers.

Finally, our bill will authorize the CDC to award grants to state and local public health agencies to strengthen the public health infrastructure by updating essential items such as laboratory and electronic-reporting equipment. Grants will also be available for universities to develop new and improved tests to detect pathogens and for professional schools and professional societies to develop programs to increase the awareness of foodborne illness among healthcare providers and the public.

We believe the measures provided for in this legislation will help to curtail

the risks that unsafe food imports currently pose to our citizens, particularly our elderly, our children and our sick. I appreciate the advice and input we have received from scientists, industry and consumer groups, and the FDA, the CDC and the U.S. Customs Service in drafting this legislation.

We are truly fortunate that the American food supply is one of the safest in the world. But, our system for safeguarding our people from tainted food imports is flawed and poses needless risks of serious foodborne illnesses. I believe it is the responsibility of Congress to provide our federal agencies with the direction, authority, and resources necessary to keep unsafe food out of the United States and off American dinner tables.●

By Mr. SMITH of New Hampshire (for himself, Mr. FRIST, Mr. BOND, Ms. LANDRIEU, Mr. ROBB, Mr. HAGEL, Mr. BREAUX, Mr. TORRICELLI, Mr. HELMS, Mr. INHOFE, Mr. DURBIN, and Mr. EDWARDS).

S.J. Res. S. 25. A joint resolution expressing the sense of Congress with respect to the court-marital conviction of the late Rear Admiral Charles Butler McVay III, and calling upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis*; to the Committee on Armed Services.

Mr. SMITH of New Hampshire. Mr. President, I rise today to share with my colleagues a brief story from the closing days of World War II, the war in the Pacific.

It is a harrowing story, with many elements. Bad timing, bad weather. Heroism and fortitude. Negligence and shame. Bad luck. Above all, it is the story of some very special men whose will to survive shines like a beacon decades later.

I should point out that it is because of the efforts of a 13 year old boy in Florida that I introduce this bill today. Hunter Scott, working for nearly two years on what started as a history project, compiled a mountain of clippings, letters, and interviews that ultimately led Congressman JOE SCARBOROUGH to introduce this bill in the House, and for me to do so in the Senate. Hunter, on behalf of the survivors of the U.S.S. *Indianapolis*, the family of Captain McVay, and your country, I thank you for your courageous efforts.

Mr. President, we have the opportunity to redeem the reputation of a wronged man, and salute the indomitable will of a courageous crew. I had the distinct honor and priviledge of hosting two distinguished members of that courageous crew just this morning; Richard Paroubek, of Williamsburg, VA, who was a Yeoman 1st Class, and Woodie James of Salt Lake City, UT, who was a Coxswain. The bill I introduce today will honor these two men, and their fellow shipmates of the U.S.S. *Indianapolis*, and redeem their Captain, Charles McVay.

A 1920 graduate of the U.S. Naval Academy, Charles Butler McVay III was a career naval officer with an exemplary record, including participation in the landings in North Africa and award of the Silver Star for courage under fire earned during the Soloman Islands campaign. Before taking command of the *Indianapolis* in November 1944, Captain McVay was chairman of the Joint Intelligence Committee of the Combined Chiefs of Staff in Washington, the Allies' highest intelligence unit.

Captain McVay led the ship through the invasion of Iwo Jima, then the bombardment of Okinawa in the spring of 1945 during which *Indianapolis*' antiaircraft guns shot down seven enemy planes before the ship was severely damaged. McVay returned the ship safely to Mare Island in California for repairs.

In 1945, the *Indianapolis* delivered the world's first operational atomic bomb to the island of Tinian, which would later be dropped on Hiroshima by the *Enola Gay* on August 6. After delivering its fateful cargo, the *Indianapolis* then reported to the naval station at Guam for further orders. She was ordered to join the battleship U.S.S. *Idaho* in the Philippines to prepare for the invasion of Japan.

It was at Guam that the series of events ultimately leading to the sinking of the *Indianapolis* began to unfold. Hostilities in this part of the Pacific had long since ceased. The Japanese surface fleet was no longer considered a likely threat, and attention instead had turned 1,000 miles to the north where preparations were underway for the invasion of the Japanese mainland. These conditions led to a relaxed state of alert on the part of those who decided to send the *Indianapolis* across the Philippine Sea unescorted, and consequently, Captain McVay's orders to ''zigzag at his discretion.'' Zigzagging is a naval maneuver used to avoid torpedo attack, generally considered most effective once the torpedoes have been launched.

The *Indianapolis*, unescorted, departed Guam for the Philippines on July 28. Just after midnight on 30 July 1945, midway between Guam and the Leyte Gulf, she was hit by two torpedoes fired by the ''I–58,'' a Japanese submarine. The first blew away the bow, the second struck near mid-ship on the starboard side adjacent to a fuel tank and a powder magazine. The resulting explosion split the ship in two.

Of the 1,196 men aboard, about 900 escaped the sinking ship and made it into the water in the twelve minutes before she sank. Few life rafts were released. Shark attacks began at sunrise on the first day, and continued until the men were physically removed from the water, almost five days later.

Shortly after 11:00 A.M. of the fourth day, the survivors were accidentally discovered by an American bomber on routine antisubmarine patrol. A patrolling seaplane was dispatched to lend assistance and report. En route to the scene the pilot overflew the destroyer U.S.S. *Cecil Doyle* (DD–368), and alerted her captain to the emergency. The captain of the *Doyle*, on his own authority, decided to divert to the scene.

Arriving hours ahead of the *Doyle*, the seaplane's crew began dropping rubber rafts and supplies. While doing so, they observed men being attacked by sharks. Disregarding standing orders not to land at sea, the plane landed and began taxiing to pick up the stragglers and lone swimmers who were at greatest risk of shark attack.

As darkness fell, the crew of the seaplane waited for help to arrive, all the while continuing to seek out and pull nearly dead men from the water. When the plane's fuselage was full, survivors were tied to the wing with parachute cord. The plane's crew rescued 56 men that day.

The *Cecil Doyle* was the first vessel on the scene, and began taking survivors aboard. Disregarding the safety of his own vessel, the *Doyle*'s captain pointed his largest searchlight into the night sky to serve as a beacon for other rescue vessels. This beacon was the first indication to the survivors that their prayers had been answered. Help had at last arrived.

Of the 900 who made it into the water only 317 remained alive. After almost five days of constant shark attacks, starvation, terrible thirst, and suffering from exposure and their wounds, the men of the *Indianapolis* were at last rescued from the sea.

Curiously, the Navy withheld the news of the sunken ship from the American people for two weeks, until the day the Japanese surrendered on August 15, 1945, thus insuring minimum press coverage for the story of the *Indianapolis*' loss.

Also suspicious, conceding that they were ''starting the proceedings without having available all the necessary data,'' less than two weeks after the sinking of the *Indianapolis*, before the sinking of the ship had even been announced to the public, the Navy opened an official board of inquiry to investigate Captain McVay and his actions. The board recommended a general court-martial for McVay.

Admiral Nimitz, Commander in Chief of Pacific Command, did not agree—he wrote the Navy's Judge Advocate General that at worst McVay was guilty of an error in judgment, but not gross negligence worthy of court-martial. Nimitz recommended a letter of reprimand.

Overriding both Nimitz and Admiral Raymond Spruance who commanded the Fifth Fleet, Secretary of the Navy James Forrestal and Admiral Ernest King, Chief of Naval Operations, directed that court-martial proceedings against Captain McVay proceed.

Captain McVay was notified of the pending court-martial, but not told what specific charges would be brought against him. The reason was simple. The Navy had not yet decided what to

charge him with. Four days before the trial began they did decide on two charges: the first, failing to issue orders to abandon ship in a timely fashion; and the second, hazarding his vessel by failing to zigzag during good visibility.

It's difficult to understand why the Navy brought the first charge against McVay. Explosions from the torpedo attacks had knocked out the ship's communications system, making it impossible to give an abandon ship order to the crew except by word of mouth, which McVay had done. He was ultimately found not guilty on this count.

That left the second charge of failing to zigzag. Perhaps the most egregious aspect however, was in the phrasing of the charge itself. The phrase was ''during good visibility.'' According to all accounts of the survivors, including written accounts only recently declassified and not made available to McVay's defense at the trial, the visibility that night was severely limited with heavy cloud cover. This is pertinent for two reasons. First, no Navy directives in force at that time or since recommended, much less ordered, zigzagging at night in poor visibility. Secondly, as Admiral Nimitz pointed out, the rule requiring zigzagging would not have applied in any event, since McVay's orders gave him discretion on that matter and thus took precedence over all other orders. Thus, when he stopped zigzagging, he was simply exercising his command authority in accordance with Navy directives. Unbelievably, this point was never made by McVay's defense counsel during the subsequent court-martial.

Captain McVay was ultimately found guilty on the charge of failing to zigzag, and was discharged from the Navy with a ruined career. In 1946, at the specific request of Admiral Nimitz who had become Chief of Naval Operations, Secretary Forrestal, in a partial admission of injustice, remitted McVay's sentence and restored him to duty. But, Captain McVay's court-martial, and personal culpability for the sinking of the *Indianapolis* continued to stain his Navy records. The stigma of his conviction remained with him always, and he ultimately took his own life in 1968. To this day Captain McVay is recorded in history as negligent in the deaths of 870 sailors.

We need to restore the reputation of this honorable officer. In the decades since World War II, the crew of the *Indianapolis* has worked tirelessly in defending their Captain, and trying to ensure that his memory is properly honored. It is at the specific request of the survivors of the *U.S.S. Indianapolis* that I introduce this resolution.

Since McVay's court-martial, a number of factors, including once classified documents not made available to McVay's defense, have surfaced raising significant questions about the justice of the conviction.

Although naval authorities at Guam knew that on July 24, four days before the *Indianapolis* departed for Leyte, the destroyer escort U.S.S. *Underhill* had been sunk by a Japanese submarine within range of the *Indianapolis*' path, McVay was not told.

Although a code-breaking system called ULTRA had alerted naval intelligence that a Japanese submarine (the I–58, which ultimately sank the *Indianapolis*) was operating in his path, McVay was not told. Classified as top secret until the early 1990s, this intelligence—and the fact it was withheld from McVay before he sailed from Guam—was suppressed during his court-martial.

Although the routing officer at Guam was aware of the ULTRA intelligence report, he said a destroyer escort for the *Indianapolis* was ''not necessary'' and, unbelievably, testified at McVay's court-martial that the risk of submarine attack along the *Indianapolis*' route ''was very slight''.

Although McVay was told of ''submarine sightings'' along his path, he was told none had been confirmed. Such sightings were commonplace throughout the war and were generally ignored by Navy commanders unless confirmed. Thus, the *Indianapolis* set sail for Leyte on July 26, 1945, sent into harm's way with its captain unaware of dangers which shore-based naval personnel know were in his path.

The U.S.S. *Indianapolis* was not equipped with submarine detection equipment, and therefore Captain McVay requested a destroyer escort. Although no capital ship without submarine detection devices had sailed between Guam and the Philippines without a destroyer escort throughout all of World War II, McVay's request for such an escort was denied.

The Navy failed to notice when the ship did not show up in port in the Philippines. U.S. authorities intercepted a message from the I–58 to its headquarters in Japan informing them that it had sunk the U.S.S. *Indianapolis.* This message was ignored and the Navy did not initiate a search. The *Indianapolis* transmitted three distress calls before it sank, and one was received at the naval base in the Philippines. Again, no search was initiated and no effort was made to locate any survivors. It was not until four days after the ship had sunk, when a bomber inadvertently spotted sailors being eaten by sharks in the water below, that a search party was dispatched.

Although 700 navy ships were lost in combat in World War II, McVay was the only captain to be court-martialed as the result of a sunken ship.

Captain McVay was denied both his first choice of defense counsel and a delay to develop his defense. His counsel, a line officer with no trial experience, had only four days to prepare his case.

Incredibly, the Navy brought Mochitura Hashimoto, the commander of the Japanese I–58 submarine that sunk the *Indianapolis* to testify at the court-martial. Hashimoto testified that just after midnight the clouds cleared long enough to see and fire upon the *Indianapolis.* He also implied in pretrial statements that zigzagging would not have saved the *Indianapolis* because of his clear view, but this point was not raised by McVay's defense during the trial itself.

Another witness in the trial, veteran Navy submariner Glynn Donaho, a four-time Navy Cross winner was asked by McVay's defense counsel whether ''it would have been more or less difficult for you to attain the proper firing position'' if the *Indianapolis* had been zigzagging under the conditions which existed that night. His answer was, ''No, not as long as I could see the target.'' This testimony was either deliberately ignored by, or passed over the heads of, the court-martial board, and it was not pursued further by McVay's defense.

Many of the survivors of the *Indianapolis* believe that a decision to convict McVay was made before his court-martial began. They are convinced McVay was made a scapegoat to hide the mistakes of others. McVay was court-martialed and convicted of ''hazarding his ship by failing to zigzag'' despite overwhelming evidence that the Navy itself had placed the ship in harm's way, despite testimony from the Japanese submarine commander that zigzagging would have made no difference, despite the fact that although 700 Navy ships were lost in combat in World War II McVay was the only captain to be court-martialed, and despite the fact the Navy did not notice when the *Indianapolis* failed to arrive on schedule, thus costing hundreds of lives unnecessarily and creating the greatest sea disaster in the history of the United States Navy.

The resolution I am introducing corrects a 54 year old injustice, restores the honorable name of a decorated Navy combat veteran, and honors the wishes of his loyal and faithful crew. It will also honor the crew of the *Indianapolis* for their courage in surviving this awful tragedy.

I urge my colleagues to support this resolution and I am proud to offer it on behalf of Captain McVay and the wonderful and honorable men of the U.S.S. *Indianapolis,* two of whom are sitting with us in the gallery today, Mr. President.

Mr. DURBIN. Will the Senator yield for a question?

Mr. SMITH of New Hampshire. I will certainly yield to the Senator from Illinois.

Mr. DURBIN. I would like to first commend the Senator from New Hampshire. I was visited in my office by a gentleman named Michael Kuryla, Jr., of Poplar Grove, IL, one of the survivors of the U.S.S. *Indianapolis.* He recounted to me in detail what happened when that ship went down. As he talked about being in the ocean for days, not knowing whether they would be rescued, watching his shipmates who were literally dying around him

and being devoured by sharks, wondering if they would ever be rescued, tears came to his eyes. More than 50 years after, tears came to his eyes. He said it wasn't fair, what they did to Captain McVay; to court-martial him was wrong. He asked me for my help, if I would join the Senator from New Hampshire on this resolution, and I am happy to do so.

I think justice cries out that we agree to this resolution; that Captain McVay, who was singled out, out of all the captains of the fleet, to be court-martialed under these circumstances is just unfair. The men who served under him, those whose lives were under his care and those who survived this worst sea disaster in U.S. naval history—they have come forward. They have asked us to make sure that history properly records the contribution Captain McVay made to his country.

I am happy to join in this resolution. I hope other Members of the Senate, hearing this debate and reading this resolution, will cosponsor it as well and that we can close the right way this chapter in American naval history.

Mr. SMITH of New Hampshire. I thank the Senator from Illinois.

I ask unanimous consent that the roster of the final crew of the U.S.S. *Indianapolis* be printed in the RECORD.

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

THE FINAL CREW OF THE U.S.S. ''INDIANAPOLIS'' (CA–35)

CREW AND OFFICERS

ABBOTT, George S., S1. ACOSTA, Charles M., MM3. ADAMS, Leo H., S1*. ADAMS, Pat L., S2. ADORANTE, Dante W, S2. AKINES, William R., S2*. ALBRIGHT, Charles E., Jr., Cox. ALLARD, Vincent J., QM3*. ALLEN, Paul F., S1. ALLMARAS, Harold D., F2. ALTSCHULER, Allan H., S2*. ALVEY, Edward W., Jr., AerM2. AMICK, Homer I., S2. ANDERSEN, Lawrence J., SK2. ANDERSON, Erick T., S2*. ANDERSON, Leonard O., MM3. ANDERSON, Sam G., S2. ANDERSON, Vincent U., BMI. ANDERSON, Richard L., F2. ANDREWS, William R., S2*. ANNIS, James B. Jr., CEMA. ANTHONY, Harold R., PHM3. ANTONIE, Charles J., F2. ANUNTI, John M., M2*. ARMENTA, Lorenzo, SC2. ARMISTEAD, John H., S2*. ARNOLD, Carl L., AMM3. ASHFORD, Chester W., WT2. ASHFORD, John T. Jr., RT3*. ATKINSON, J.P., COX. AULL, Joseph H., S2. AULT, William F., S2*. AYOTT'E, Lester J., S2. BACKUS, Thomas H., LT. (jg). BAKER, Daniel A., S2. BAKER, Frederick H., S2. BAKER, William M. Jr., EM1. BALDRIDGE, Clovis R. EM2*. BALL, Emmet E., S2. BALLARD, Courtney J., SSM3. BARENTHIN, Leonard W. S2. BARKER, Robert C. Jr., RT1. BARKSDALE, Thomas L., FC3. BARNES, Paul C., F2. BARNES, Willard M., MM1. BARRA, Raymond J., CGMA. BARRETT, James B., S2. BARRY, Charles., LT. (jg). BARTO, Lloyd P., S1*. BARTON, George S., Y3. BATEMAN, Bernard B., F2*. BATENHORST, Wilfred J., MM3. BATSON, Eugene C., S2. BATTEN, Robert E., S1. BATTS, Edward D., STM1. BEANE, James A., F2*. BEATY, Donald L., S1*. BECKER, Myron M., WT2. BEDDINGTON, Charles E., S1. BEDSTED, Leo A., F1. BEISTER, Richard J., WT3. BELCHER, James R., S1*. BELL, Maurice G., S1*. BENNETT, Dean R., HA1. BENNETT, Ernest F., B3. BENNETT, Toney W., ST3. BENNING, Harry, S1. BENTON, Clarence U., CFCP*. BERNACIL, Concepcion P. FC3*. BERRY, Joseph, Jr., STM1. BERRY, William H., ST3. BEUKEMA, Kenneth J., S2. BEUSCHLEIN, Joseph C., S2. BIDDISON, Charles L., S1.

BILLINGS, Robert B., ENS. BILLINOSLEY, Robert F., GM3*. BILZ, Robert E., S2. BISHOP, Arthur, Jr., S2. BITONTI, Louis P., S1*. BLACKWELL, Fermon M. SSML3. BLANTHORN, Bryan, S1*. BLUM, Donald J., ENS. BOEGE, Raymond R., S2. BOGAN, Jack R., RM1. BOLLINGER, Richard H., S1. BOOTH, Sherman C., S1*. BORTON, Herheit E., SC2. BOSS, Norbert G., S2. BOTT, Wilbur M., S2. BOWLES, Eldridge W. S1. BOWMAN, Charles E., CTC. BOYD, Troy H., GM3. BRADLEY, William H., S2. BRAKE, John Jr., S2. BRANDT, Russell L., F2*. BRAUN, Neal F., S2. BRAY, Harold J. Jr., S2*. BRICE, R.V., S2. BRIDGE, Wayne A., S2. BRIGHT, Chester L., S2. BRILEY, Harold V., MAM3. BROOKS, Ulysess R., CWTA. BROPHY, Thomas D'Arcy Jr., ENS. BROWN, Edward A., WT3. BROWN, Edward J., S1*. BRUCE, Russell W., S2. BRULE, Maurice J., S2. BRUNDIGE, Robert H., S1*. BRUNEAU, Charles A., GM3. BUCKETT, Victor R., Y2*. BUDISH, David, S2. BULLARD, John K., S1*. BUNAI, Robert P., SM1*. BUNN, Horace G., S2. BURDORF, Wilbert J., COX*. BURKHARTSMEIER, Anton T., S1. BURKHOLTZ, Frank Jr., EM3.

BURLESON, Martin L., S1. BURRS, John W., S1. BURT, William George A., QM3. BURTON, Curtis H., S1*. BUSHONG, John R., GM3. CADWALLADER, John J., RT3. CAIN, Alfred B., RT3. CAIRO, William G., BUG1. CALL, James E., RM3. CAMERON, John W, GM2. CAMP, Garrison, STM2. CAMPANA, Paul, RDM3. CAMPBELL, Hamer E. Jr., GM3*. CAMPBELL, Louis D., AOM3*. CAMPBELL, Wayland D., SF3. CANDALINO, Paul L., LT.(jg). CANTRELL, Billy G., F2. CARNELL, Lois W., S2. CARPENTER, Willard A., SM3. CARR, Harry L., S2. CARROLL, Gregory K., S1. CARROLL, Rachel W., COX. CARSON, Clifford, F1. CARSTENSEN, Richard, S2. CARTER, Grover C., S1*. CARTER, Lindsey L., S2*. CARTER, Lloyd G., COX*. CARVER, Grover C., S1*. CASSIDY, John C., S1*. CASTALDO, Patrick P., GM2. CASTIAUX, Ray V., S2. CASTO, William H., S1. CAVIL, Robert R., MM2. CAVITT, Clinton C., WT3. CELAYA, Adolfo V., F2*. CENTAZZO, Frank J., SM3*. CHAMNESS, John D., S2*. CHANDLER, Lloyd N., S2. CHART, Joseph, EM3. CHRISTIAN, Lewis E. Jr., WO. CLARK, Eugene, CK3. CLARK, Orsen N., S2*. CLEMENTS, Harold P., S2. CLINTON, George W., S1*. CLINTON, Leland J., LT. (jg). COBB, William L., MOMM3. COLE, Walter H., CRMA. COLEMAN, Cedric F., LCFR. COLEMAN, Robert E., F2*. COLLIER, Charles R., RM2*. COLLINS, James, STM1. COLVIN, Frankie L., SSMT2. CONDON, Barna T., RDM1. CONNELLY, David F., ENS. CONRAD, James P., EM3. CONSER, Donald L., SC2. CONSIGLIO, Joseph W., FC2. CONWAY, Thomas M., Rev., LT. COOK, Floyd E., SF3. COOPER, Dale, Jr., F2. COPELAND, Willard J., S2. COSTNER, Homer J., COX*. COUNTRYMAN, Robert E., S2. COWEN, Donald R., FC3*. COX, Alford E., GM3. COX, Loel Dene, S2*. CRABB, Donald C., RM2. CRANE, Granville S. Jr., MM2*. CREWS, Hugh C., LT. (jg). CRITES, Orval D., WT1. CROUCH, Edwin M., CAPT. (Passenger). CRUM, Charles J., S2. CRUZ, Jose S., CCKA. CURTIS, Erwin E., CTCP. DAGENBART, Charles R. Jr., PHM2. DALE, Elwood R., F1. DANIEL, Harold W., CBMA*. DANIELLO, Anthony G., S1. DAVIS, James C. RM3. DAVIS, Kenneth G., F1. DAVIS, Stanley G., LT. (jg). DAVIS, Thomas E., SM2. DAY, Richard R. Jr., S2. DEAN, John T. Jr., S2. DeBERNARDI, Louie, BMI*.

DEFOOR, Walton, RDM3. DEMARS, Edgar J., CBMA. DEMENT, Dayle P., S1. DENNY, Lloyd, Jr., S2. DEWING, Ralph O., FC3*. DIMOND, John N., S2. DIZELSKE, William B., MM2*. DOLLINS, Paul, RM2. DONALD, Lyle H., EM1. DONEY, William Junior, F2. DONNER, Clarence W., RT3*. DORMAN, William B., S1. DORNETTO, Frank P, WT1. DOSS, James M., S2. DOUCETTE, Ronald O., S2. DOUGLAS, Gene D., F2*. DOVE, Bassil R., SKD2. DOWDY, Lowell S., CWO. DRANE, James A., GM2. DRAYTON, William H., EM2*. DRISCOLL, David L., LT. (jg). DRONET, Joseph E.J., S2*. DRUMMOND, James J., F2. DRURY, Richard E., S2. DRYDEN, William H., MM1*. DUFRAINE, Delbert E., S1. DUNBAR, Jess L., F2. DURAND, Ralph J., Jr., S2. DYCUS, Donald, S2. EAKINS, Morris B., F2. EAMES, Paul H. Jr., ENS. EASTMAN, Chester S., S2. ECK, Harold A., S2*. EDDINGER, John W, S1. EDDY, Richard L., RM3. EDWARDS, Alwyn C., F2. EDWARDS, Roland J., BM1. E'GOLF, Harold W., S2. ELLIOTT, Kenneth A., S1. ELLIOTT, Harry W., S2. EMERY, William F., S1*. EMSLEY, William J., S1. ENGELSMAN, Ralph, S2*. EPPERSON, Ewell, S2*.

EPPERSON, George L., S1. ERICKSON, Theodore M., S2*. ERNST, Robert C., F2. ERWIN, Louis H., COX*. ETHIER, Eugene E., EM3*. EUBANKS, James H., S1. EVANS, Arthur J., PHM2. EVANS, Claudus, GM3*. EVERETT, Charles N., EM2. EVERS, Lawrence L., CMMA. EYET, Donald A., S1. FANTASIA, Frank A., F2. FARBER, Sheldon L., S2. FARLEY, James W., S1. FARMER, Archie C., Cox*. FARRIS, Eugene F., S1*. FAST HORSE, Vincent, S2. FEAKES, Fred A., AOMI*. FEDORSKI, Nicholas W., S1*. FEENEY, Paul R., S2. FELTS, Donald J., BMI*. FERGUSON, Albert E., CMMA*. FERGUSON, Russel M., RT3. FIGGINS, Harley D., WT2. FIRESTONE, Kenneth F., FC2. FIRMIN, John A. H., S2. FITTING, Johnny W., GM1*. FLATEN, Harold J., WT2*. FELISCHAUER, Donald W., S1. FLESHMAN, Vern L., S2. FLYNN, James M., Jr., S1. FLYNN, Joseph A., CDR. FOELL, Cecil D., ENS. FORTIN, Verlin L., WT3*. FOSTER, Verne E., F2*. FOX, William H. Jr., F2*. FRANCOIS, Norbert E., F1*. FRANK, Rudolph A., S2. FRANKLIN, Jack R., RDM3. FREEZE, Howard B., LT. (jg). FRENCH, Douglas O., FC3. FRENCH, Jimmy Junior, QM3. FRITZ, Leonard A., MM3.

FRONTINO, Vincent F., MOMM3. FRORATH, Donald H., S2. FUCHS, Herman F., CWO. FULLER, Arnold A., F2. FULTON, William C., CRMA. FUNKHOUSER, Rober M., ART2*. GABRILLO, Juan, S2*. GAITHER, Forest M., FC2. GALANTE, Angelo., S2*. GALBRAITH, Norman S., MM2*. GARDNER, Roscoe W., F2*. GARDNER, Russel T., F2. GARNER, Glenn R., MM2. GAUSE, Robert P., QM1*. GAUSE, Rubin C., Jr., ENS. GEMZA, Rudolph A., FC3*. GEORGE, Gabriel V., MM3*. GERNGROSS, Frederick J., Jr., ENS. GETTLEMAN, Robert A., S2*. GIBSON, Buck W., GM3*. GIBSON, Curtis W., S2. GIBSON, Ganola F., MM3. GILBERT, Warner, Jr. S1. GILCREASE, James, S2*. GILL, Paul E., WT2. GILMORE, Wilbur A., S2. GISMONDI, Michael V., S1. GLADD, Millard, Jr., MM2*. GLAUB, Francis A., GM2. GLENN, Jay R., AMM3*. GLOVKA, Erwin S., S2. GODFREY, Marlo R., RM3. GOECKEL, Ernest S., LT. (jg). GOFF, Thomas G., SF3*. GOLDEN, Curry., STM1. GOLDEN, James L., S1. GONZALES, Ray A., S2. GOOCH, William L., F2*. GOOD, Robert K., MM3. GOODWIN, Oliver A., CRTA. GORE, Leonard F., S2. GORECKI, Joseph W., SK3. GOTTMAN, Paul J., S2.

GOVE, Carroll L., S2. GRAY, Willis L., S1*. GREATHOUSE, Bud R., S1. GREEN, Robert U., S2.

GREEN, Tolbert, Jr., S1*. GREENE, Samuel G., S1. GREENLEE, Charles I., S2*.

GREER, Bob E., S2. GREGORY, Garland G., F1. GREIF, Matthias D., WT3. GRIES, Richard C., F2. GRIEST, Frank D., GM3. GRIFFIN, Jackie D., S1. GRIFFITH, Robert S., S1*. GRIFFITHS, Leonard S., S2. GRIGGS, Donald R., F1. GRIMES, David E., S2. GRIMES, James F., S2. GROCE, Floyd V., RDM2. GROCH, John T., MM3. GUENTHER, Morgan E., EM3. GUERRERO, John G., S1. GUILLOT, Murphy U., F1. GUYE, Ralph L., Jr., QM3. GUYON, Harold L., F1. HABERMAN, Bernard, S2. HADUCH, John M., S1. HALE, Robert B., LT. HALE, William F., S2. HALL, Pressie, F1. HALLORAN, Edward G., MM3. HAM, Saul A., S1. HAMBO, William P., PHM3. HAMMEN, Robert, PHOM3. HAMRICK, James J., S2. HANCOCK, William A., GM3. HANKINSON, Clarence W., F2. HANSEN, Henry, S2. HANSON, Harley C., WO.* HARLAND, George A., S2. HARP, Charlie H., S1. HARPER, Vasco, STM1. HARRIS, James D., F2. HARRIS, Willard E., F2.

HARRISON, Cecil M., CWO.*. HARRISON, Frederick E., S2. HARRISON, James M., S1. HART, Fred Jr., RT2*. HARTRICK, Willis B., MM1. HATFIELD, Willie N., S2*. HAUBRICH, Cloud D., S2. HAUSER, Jack I., SK2. HAVENER, Harlan C., F2*. HAVINS, Otha A., Y3*. HAYES, Charles D., LCDR. HAYLES, Fleix, CK3. HAYNES, Lewis L., MC., LCDR.*. HANYES, Robert A., LT. HAYNES, William A., S1. HEERDT, Raymound E., F2. HEGGIE, William A., RDM3. HEINZ, Richard A., HA1. HELLER, John, S2*. HELLER, Robert J. Jr., S2. HELSCHER, Ralph J., S1. HELT, Jack E., F2. HENDERSON, Ralph L., S1. HENDRON, James R. Jr., F2. HENRY, Earl O., DC, LCDR. HENSCH, Erwin F., LT.*. HENLSEY, Clifford, SSMB2. HERBERT, Jack E., BM1. HERNDON, Duane, S2. HERSHBERGER, Clarence L., S1*. HERSTINE, James F., ENS. HICKEY, Harry T., RM3. HICKS, Clarence, S1. HIEBERT, Lloyd H., GM1. HILL, Clarence M., CWTP. HILL, Joe W., STM1. HIll, Nelson P. Jr., LT. HILL, Richard N., ENS. HIND, Lyle L., S2*. HINES, Lionel G., WT1. HINKEN, John R., Jr., F2*. HOBBS, Melvin D., S1. HODGE, Howard H., RM2.

HODGINS, Lester B., S2. HODSHIRE, John W., S2. HOERES, George J., S2. HOLDEN, Punciano A., ST1. HOLLINGSWORTH, Jimmie L., STM2. HOLLOWAY, Andrew J., S2. HOLLOWAY, Ralph H., COX. HOODERWERF, John Jr., F1. HOOPES, Gordon H., S2*. HOPPER, Prentice W., S1. HOPPER, Roy L., AMM1. HORNER, Durward R., WO.*. HORR, Wesley A., F2. HORRIGAN, John G., F1. HORVATH, George J., F1*. HOSKINS, William O., Y3*. HOUCK, Richard E., EM3*. HOUSTON, Robert G., F1. HOUSTON, William H., PHM2. HOV, Donald A., S1. HOWISON, John D., ENS.*. HUBELI, Joseph F., S2*. HUEBNER, Harry J. S1. HUGHES, Lawrence E., F2. HUGHES, Robert A., FC3. HUGHES, William E., SSML2. HUMPHREY, Maynard L., S2. HUNTER, Arthur R. Jr., QM1. HUNTLEY, Virgil C., CWO. HUPKA, Clarence E., BKR1*. HURLEY, Woodrow, GM2*. HURST, Robert H., LT. HURT, James E., S2. HUTCHISON, Merle B., S2. IGOU, Floyd, Jr., RM2. IZOR, Walter E., F1. JACKSON, Henry, STML. JACQUEMOT, Joseph A., S2*. JADLOSKI, George K., S2. JAKUBISIN, Joseph S., S2. JAMES, Woodie E., COX*. JANNEY, Johns Hopkins, CDR. JARVIS, James K., AM3*.

JEFFERS, Wallace M., COX. JENNEY, Charles I., LT. JENSEN, Chris A., S2. JENSEN, Eugene W., S2*. JEWELL, Floyd R., SK1. JOHNSON, Bernard J., S2. JOHNSON, Elwood W., S2. JOHNSON, George G., S2. JOHNSON, Harold B., S1. JOHNSON, Sidney B., S1. JOHNSON, Walter M. Jr., S1. JOHNSON, William A., S1*. JOHNSTON, Earl R., BM2. JOHNSTON, Lewis E., S1. JOHNSTON, Ray F., MM1. JOHNSTON, Scott A., F2. JONES, Clinton L., COX*. JONES, George E., S2. JONES, Jim, S2. JONES, Kenneth M., F1 MoMM. JONES, Sidney, S1*. JONES, Stanley F., S2. JORDAN, Henry, STM2. JORDON, Thomas H., S2. JOSEY, Clifford O., S2. JUMP, David A., ENS. JURGENSMEYER, Alfred J., S2. JURKIEWICZ, Raymond S., S1*. JUSTICE, Robert E., S2*. KARPEL, Dan L., BM1. KARTER, Leo C. Jr., S2. KASTEN, Stanley O., HA1. KAWA, Raymond P., SK3. KAY, Gust C., S1*. KAZMIERSKI, Walter, S1*. KEENEY, Robert A., ENS. KEES, Shalous E., EM2*. KEITH, Everette E., EM2. KELLY, Albert R., S2. KEMP, David P. Jr., SC3*. KENLY, Oliver W., RdM3*. KENNEDY, Andrew J. Jr., S2. KENNEDY, Robert A., S1. KENNY, Francis J.P., S2.

KEPHART, Paul, S1. KERBY, Deo E., S1*. KERN, Harry G., S1. KEY, S.T., EM2. KEYES, Edward H., COX*. KIGHT, Audy C., S1. KILGORE, Archie C., F2. KILLMAN, Robert E., GM3. KINARD, Nolan D., S1. KINCAID, Joseph E., FC2. KING, A.C., S1*. KING, Clarence Jr., STM2. KING, James T., S1. KING, Richard E., S2. KING, Robert H., S2. KINNAMAN, Robert L., S2. KINZLE, Raymond A., BKR2*. KIRBY, Harry, S1. KIRK, James R., SC3. KIRKLAND, Marvin F., S1*. KIRKMAN, Walter W., SF1. KISELICA, Joseph F., AMM2*. KITTOE, James W., F2*. KLAPPA, Ralph D., S2*. KLAUS, Joseph F., S1*. KLEIN, Raymond J., S1. KLEIN, Theil J., SK3. KNERNSCHIELD, Andrew N., S1. KNOLL, Paul E., COX. KNOTT, Elbern L., S1. KNUDTSON, Raymond A., S1. KNUPKE, Richard R., MM3. KOCH, Edward C., EM3*. KOEGLER, Albert, S1. KOEGLER, William, 5C3. KOLAKOWSKI, Ceslaus, SM3. KOLLINGER, Robert E., S1. KONESNY, John M., S1. KOOPMAN, Walter F., F2. KOPPANG, Raymond I., LT (jg). KOUSKI, Fred, GM3. KOVALICK, George R., S2. KOZIARA, George, S2*.

KOZIK, Raymond., S1. KRAWYVZ, Henry J., MM3. KREIS, Clifford E., S1*. KRON, Herman E. Jr., GM3. KRONENBERGER, Wm. M., GM3. KRUEGER, Dale F., F2*. KRUEGER, Norman F., S2*. KRUSE, Darwin G., S2. KRZYZEWSKI, John M., S2. KUHN, Clair J., S1. KULOVITZ, Raymond J., S2. KURLICH, George R., FC3*. KURYLA, Michael N. Jr., COX*. KUSIAK, Alfred M., S2. KWIATKOWSKI, Marion J., S2. LABUDA, Arthur A., QM3. LaFONTAINE, Paul S., S1. LAKATOS, Emil J., MM3. LAKE, Murl C., S1. LAMB, Robert D., EM3. LAMBERT, Leonard F., S1. LANDON, William W. Jr., FC2. LANE, Ralph, CMMA*. LANTER, Kenley M., S1*. LaPAGLIA, Carlos, GM2*. LaPARL, Lawrence E. Jr., S2. LAPCZYNSKI, Edward W., S1. LARSEN, Melvin R., S2. LATIGUE, Jackson, STM1. LATIMER, Billy F., S1. LATZER, Solomon, S2. LAUGHLIN, Fain H., SK3. LAWS George E., S1*. LEATHERS, Williams B., MM3. LeBARON, Robert W., S2. LeBOW, Cleatus A., FC03*. LEENERMAN, Arthur L., RDM3*. LELUIKA, Paul P., S2. LESTINA, Francis J., S1. LETIZIA, Vincencio, S2. LETZ, Willbert J., SK1. LeVALLEY, William D., EM2. LEVENTON, Mevin C., MM2. LeVIEUX, John J., F2. LEWELLEN, Thomas E., S2. LEWIS, James R., F2. LEWIS, John R., GM3. LINDEN, Charles G., WT2. LINDSAY, Norman L., SF3. LINK, George C., S1. LINN, Roy, S1. LINVILLE, Cecil H., SF2. LINVILLE, Harry J., S1. LIPPERT, Robert G., S1. LIPSKI, Stanley W., CDR. LITTLE, Frank E., MM2. LIVERMORE, Raymond I., S2. LOCH, Edwin P, S1. LOCKWOOD, Thomas H., S2*. LOEFFLER, Paul E. Jr., S2. LOFTIS, James B. Jr., S1*. LOFTUS, Ralph D., F2. LOHR, Leo W., S1. LOMBARDI, Ralph, S1. LONG, Joseph W., S1. LONGWELL, Donald J., S1. LOPEZ, Daniel B., F2*. LOPEZ, Sam, S1*. LORENC, Edward R., S2. LOYD, John F., WT2. LUCAS, Robert A., S2. LUCCA, Frank J., F2*. LUHMAN, Emerson D., MM3. LUNDGREN, Albert D., S1. Luttrull, Claud A., COX. LUTZ, Charles H., S1. MAAS, Melvin A., S1*. MABEE, Kenneth C., F2. MACE, Harold A., S2*. MacFARLAND, Keith I., LT (jg). MACHADO, Clarence J., WT2. MACK, Donald F., Bugler 1*. MADAY, Anthony F., AMM1*. MADIGAN, Harry F, BM2. MAGDICS, Steve Jr., F2. MAGRAY, Dwain F., S. MAKAROFF, Chester J., GM3*.

MAKOWSKI, Robert T., CWTA. MALDONADO, Salvador, BKR3*. MALENA, Joseph J. Jr., GM2*. MALONE, Cecil E., S2. MALONE, Elvin C., S1. MALONE, Michael L. Jr., LT (jg). MALSKI, Joseph J., S1*. MANESS, Charles F., F2. MANKIN, Howard J., GM3. MANN, Clifford E., S1. MANSKER, LaVoice, S2. MANTZ, Keith H., S1. MARCIULAITIS, Charles, S1. MARKMANN, Frederick H., WT1. MARPLE, Paul T., ENS. MARSHALL, John L., WT2. MARSHALL, Robert W., S2. MARTIN, Albert, S2. MARTIN, Everett G., S1. MASSIER, George A., S1. MASTRECOLA, Michael M., S2. MATHESON, Richard R., PHM3. MATRULLA, John, S1. MAUNTEL, Paul J., S2. MAXWELL, Farrell J., S1*. McBRIDE, Ronald G. S1. McBRYDE, Frank E., S2. McCALL, Donald C., S2*. McCLAIN, Raymond B., BM2*. McCLARY, Lester E., S2. McCLURE, David L., EM2. McCOMB, Everett A., F1. McCORD, Edward Franklin Jr., EM3. McCORKLE, Ray R., S1. McCORMICK, Earl W., MOMM2. McCOSKEY, Paul F., S1. McCOY, John S., Jr., M2. McCRORY, Millard V. Jr., WT2*. McDANIEL, Johnny A., S1. McDONALD, Franklin G. Jr., F2. McDONNER, David P. Jr., F1. McDOWELL, Robert E., S1. McELROY, Clarence E., S1*.

McFALL, Walter E., S2*. McFEE, Carl S., Sd. McGINNIS, Paul W., SM3*. McGINTY, John M., S1. McGUIGGAN, Robert M., S1*. McGUIRE, Denis, S2. McGUIRK, Philip A., LT (jg). McHENRY, Loren C. Jr., S1*. McHONE, Ollie, F1. McKEE, George E. Jr., S1. McKENNA, Michael J., S1. McKENZIE, Ernest E., S1*. McKINNON, Francis M., Y3. McKISSICK, Charles B., LT (jg)*. McKLIN, Henry T., S1*. McLAIN, Patrick J., S2*. McLEAN, Douglas B., EM3. McNABB, Thomas, Jr., F2. McNICKLE, Arthur S., F1. McQUITTY, Roy E., COX. McVAY, Charles Butler, III, CAPT.*. McVAY, Richard C., Y3*. MEADE, Sidney H., S1. MEHLBAUM, Raymond A., S1. MEIER, Harold E., S2. MELICHAR, Charles H., EM3. MELVIN, Carl L., F1. MENCHEFF, Manual A., S2. MEREDITH, Charles E., S1*. MERGLER, Charles M., RDM2. MESTAS, Nestor A., WT2*. METCALF, David W., GM3. MEYER, Charles T., S2*. MICHAEL, Bertrand F., BKR3. MICHAEL, Elmer O., S1. MICHNO, Arthur R., S2. MIKESKA, Willie W., S2. MIKOLAYEK, Joseph, COX*. MILBRODT, Glen L. S2*. MILES, Theodore K., LT. MILLER, Artie R., GM2. MILLER, George E., F1. MILLER, Glenn E., S2. MILLER, Samuel George Jr., FC3.

MILLER, Walter R., S2. MILLER, Walter W., B1. MILLER, Wilbur H., CMM. MILLS, William H., EM3. MINER, Herbert J. II, RT2*. MINOR, Richard L., S1. MINOR, Robert W., S2. MIRES, Carl E., S2. MIRICH, Wally M., S1. MISKOWIEC, Theodore F., S1. MITCHELL, James E., S2*. MITCHELL, James H. Jr., SK1. MITCHELL, Kenneth E., S1*. MITCHELL, Norval Jerry Jr., S1*. MITCHELL, Paul B., FC3. MICHELL, Winston C., S1. MITTLER, Peter John Jr., GM3. MIXON, Malcom L., GM2. MLADY, Clarence C., S1*. MODESITT, Carl E., S2*. MODISHER, Melvin W., MC, LTQ (jg)*. MONCRIEF, Mack D., S2. MONKS, Robert B., GM3. MONTOYA, Frank E., S1. MOORE, Donald G., S2. MOORE, Elbert, S2. MOORE, Harley E., S1. MOORE, Kyle C., LCDR. MOORE, Wyatt P., BKR1. MORAN, Joseph J., RM1*. MORGAN, Eugene S., BM2*. MORGAN, Glenn G., BGM3*. MORGAN, Lewis E.,

S2. MORGAN, Telford F., ENS. MORRIS, Albert O., S1*. MORSE, Kendall H., LT (jg). MORTON, Charles W., S2. MORTON, Marion E., SK2. MOSELEY, Morgan M., SC1*. MOULTON, Charles C., S2. MOWREY, Ted E., SK3*. MOYNELO, Harold C. Jr., ENS. MROSZAK, Frank A., S2.

MULDOON, John J., MM1*. MULVEY, William R., BM1*. MURILLO, Sammy, S2. MURPHY, Allen, S2. MURPHY, Paul J., FC3*. MUSARRA, Joseph, S1. MYERS, Charles Lee Jr., S2. MYERS, Glen A., MM2. MYERS, H.B., F1*. NABERS, Neal A., S2. NASPINI, Joseph A., F2*. NEAL, Charles K., S2. NEAL, George M., S2. NEALE, Harlan B., S2. NELSEN, Edward J., GM1*. NELSON, Frank H., S2*. NEU, Hugh H., S2. NEUBAUER, Richard, S2. NEUMAN, Jerome C., F1. NEVILLE, Bobby G., S2. NEWCOMER, Lewis W., MM3. NEWELL, James T., EM1. NEWHALL, James F., S1*. NICHOLS, James C., S2*. NICHOLS, Joseph L., BM2. NICHOLS, Paul V., MM3. NIELSEN, Carl Aage Chor Jr., F1. NIETO, Baltazar P, GM3. NIGHTINGALE, William O., MM1*. NISKANEN, John H., F2. NIXON, Daniel M., S2*. NORBERG, James A., CBMP*. NORMAN, Theodore R., GM2. NOWAK, George J., F2. NUGENT, William G., S2. NUNLEY, James P, F1. NUNLEY, Troy A., S2*. NUTT, Raymond A., S2. NUTTALL, Alexander C., S1*. OBLEDO, Mike G., S1*. O'BRIEN, Arthur J., S2. O'CALLAGHAN, Del R., WT2. OCHOA, Ernest, FC3.

O'DONNELL, James E., WT3*. OLDERON, Bernhard G., S1. OLIJAR, John, S1*. O'NEIL, Eugene E., S1. ORR, Homer L., HAI. ORR, John Irwin, Jr., LT. ORSBURN, Frank H., SSML2*. ORTIZ, Orlando R., Y3. OSBURN, Charles W., S2. OTT, Theodore G., Y1. OUTLAND, Felton J., S1*. OVERMAN, Thurman D., S2*. OWEN, Keith N., SC3*. OWENS, Robert Sheldon, Jr., QM3. OWENSBY, Clifford C., F2. PACE, Curtis, S2*. PACHECO, Jose C., S2*. PAGITT, Eldon E., F2. PAIT, Robert E., BM2. PALMITER, Adelore A., S2*. PANE, Francis W., S2. PARHAM, Fred, ST2. PARK, David E., ENS. PAROUBEK, Richard A., Y1*. PASKET, Lyle M., S2*. PATTERSON, Alfred T., S2. PATTERSON, Kenneth G., S1. PATZER, Herman L., EM1. PAULK, Luther D., S2*. PAYNE, Edward G., S2*. PAYNE, George D., S2. PENA, Santos A., S1*. PENDER, Welburn M., F2. PEREZ, Basilio, S2*. PERKINS, Edward C., F2*. PERRY, Robert J., S2. PESSOLANO, Michael R., LT. PETERS, Earl J., S2. PETERSON, Avery C., S2*. PETERSON, DARREL E., S1. PETERSON, Frederick A., MAM3. PETERSON, Glenn H., S1. PETERSON, Ralph R., S2. PETRINCIC, John Nicholas, Jr., FC3. PEYTON, Robert C., STM1. PHILLIPS, Aulton N. Sr., F2. PHILLIPS, Huie H., S2*. PIERCE, Clyde A., CWTA. PIERCE, Robert W., S2. PIPERATA, Alfred J., MM1. PITMAN, Robert F., S2. PITTMAN, Almire, Jr., ST3. PLEISS, Roger D., F2. PODISH, Paul, S2*. PODSCHUN, Clifford A., S2*. POGUE, Herman C., S2*. POHL, Theodore, F2. POKRYFKA, Donald M., S2. POOR, Gerald M., S2*. POORE, Albert F., S2. POTRYKUS, Frank P., F2. POTTS, Dale F., S2*. POWELL, Howard W., F1. POWERS, R. C. Ottis, S2. Poynter, Raymond L., S2. PRAAY, William T., S2. PRATHER, Clarence J., CMMA. PRATT, George R., F1. PRICE, James D., S1*. PRIESTLE, Ralph A., S2. PRIOR, Walter M., S2. PUCKETT, William C., S2. PUPUIS, John A., S1. PURCEL, Franklin W., S2. PURSEL, Forest V., WT2. PYRON, Freddie H., S1. QUEALY, William C. Jr., PR2*. RABB, John R., SC1. RAGSDALE, Jean O., S1. RAHN, Alvin W., SK3. RAINES, Clifford Junior, S2. RAINS, Rufus B., S1. RAMIREZ, Ricardo, S1*. RAMSEYER, Raymond C., RT3. RANDOLPH, Clco, STM1. RATHBONE, Wilson, S2*. RATHMAN, Frank Junior, S1.

RAWDON, John H., EM3*. REALING, Lyle O., FC2. REDMAYNE, Richard B., LT.*. REED, Thomas W., EM3. REEMTS, Alvan T., S1. REESE, Jesse E., S2. REEVES, Chester O. B., S1*. REEVES, Robert A., F2. REGALADO, Robert H., S1. REHNER, Herbert A., S1*. REID, Curtis F., S2*. REID, James E., BM2*. REID, John, LCDR*. REID, Tommy L., RDM38*. REILLY, James F., Y1. REINERT, Leroy, F1. REMONDET, Edward J. Jr., S2. REYNOLDS, Alford, GM28*. REYNOLDS, Andrew E., S1. REYNOLDS, Carleton C., F1. RHEA, Clifford, F2. RHODES, Vernon L., F1. RHOTEN, Roy E., F2. RICE, Albert, STM1. RICH, Garland L., S1. RICHARDSON, John R., S2. RICHARDSON, Joseph G., S2. RIDER, Francis A., RDM3. RILEY, Junior Thomas, BM2. RINEAY, Francis Henry, Jr., S28*. ROBERTS, Benjamin E., WT1. ROBERTS, Norman H., MM1*. ROBERTS, Charles, S1. ROBISON, Gerald E., RT3. ROBISON, John D., COX*. ROBISON, Marzie J., S2. ROCHE, Joseph M., LT. ROCKENBACH, Earl A., SC2. ROESBERRY, Jack R., S1. ROGELL, Henry T., F1. ROGERS, Ralph G., RDM3*. ROGERS, Ross, Jr., ENS*. ROLAND, Jack A., PHM1.

ROLLINS, Willard E., RM3. ROMANI, Frank J., HAI. ROOF, Charles W, S2. ROSE, Berson H., GM2. ROSS, Glen E., F2. ROTHMAN, Aaron, RDM3. ROWDEN, Joseph G., F1. ROZZANO, John, Jr., S2. RUDOMANSKI, Eugene W., RT2. RUE, William G., MM1. RUSSELL, Robert A., S2. RUSSELL, Virgil M., COX*. RUST, Edwin L., S1. RUTHERFORD, Robert A., RM2. RYDZESKI, Frank W., F1. SAATHOFF, Don W., S2*. SAENZ, Jose A., SC3. SAIN, Albert F., S1. SALINAS, Alfredo A., S1. SAMANO, Nuraldo, S2. SAMPSON, Joseph R., S2. SAMS, Robert C., STM2. SANCHEZ, Alejandro V., S2. SANCHEZ, Fernando S., SC3*. SAND, Cyrus H., BM1. SANDERS, Everett R., MOMM1. SASSMAN, Gordon W., COX. SCANLAN, Osceola C., S2*. SCARBROUGH, Fred R., COX. SCHAAP, Marion J., QM1. SCHAEFER, Harry W., S2. SCHAFFER, Edward J., S1. SCHARTON, Elmer D., S1. SCHECHTERLE, Harold J., RDM3*. SCHEIB, Albert E., F2. SCHEWE, Alfred P., S1. SCHLATTER, Robert L., AOM3. SCHLOTTER, James R., RDM3. SCHMUECK, John A., CPHMP*. SCHNAPPAUF, Harold J., SK3. SCHOOLEY, Dillard A., COX. SCHUMACHER, Arthur J., Jr., CEMA. SCOGGINS, Millard, SM2.

SCOTT, Burl D., STM2. SCOTT, Curtis M., S1. SCOTT, Hilliard, STM 1. SEABERT, Clarke W., S2*. SEBASTIAN, Clifford H., RM2. SEDIVI, Alfred J., PHOM2. SELBACH, Walter H., WT2. SELL, Ernest F., EM2. SELLERS, Leonard E., SF3. SELMAN, Amos, S2. SETCHFIELD, Arthur L., COX*. SEWELL, Loris E., S2. SHAFFER, Robert P., GM3*. SHAND, Kenneth W., WT2. SHARP, William H., S2*. SHAW, Calvin P., GM2. SHEARER, Harold J., S2*. SHELTON, William E. Jr., SM2. SHIELDS, Cecil N., SM2. SHIPMAN, Robert L., GM3. SHOWN, Donald H., CFC*. SHOWS, Audie B., COX*. SIKES, Theodore A., ENS. SILCOX, Burnice R., S1. SILVA, Phillip G., S1. SIMCOX, Gordon, W., EM3. SIMCOX, John A., F1. SIMPSON, William E., BM2,*. SIMS, Clarence, CK2. SINCLAIR, J. Ray, S2*. SINGERMAN, David, SM2. SIPES, John L., S1. SITEK, Henry J., S2*. SITZLAR, William C., F1. SLADEK, Wayne L, BM1*. SLANKARD, Jack C., S1*. SMALLEY, Howard E., S1. SMELTZER, Charles H., S2*. SMERAGLIA, Michael, RM3. SMITH, Carl M., SM2. SMITH, Charles A., S1. SMITH, Cozell Lee, Jr., COX*. SMITH, Edwin L., S2. SMITH, Eugene G., BM2.

SMITH, Frederick C., F2*. SMITH, George R., S1. SMITH, Guy N., FC2. SMITH, Henry A., F1. SMITH, Homer L., F2. SMITH, James W., S2*. SMITH, Kenneth D., S2. SMITH, Olen E., CM3. SNYDER, John N., SF2. SNYDER, Richard R., S1. SOLOMON, William, Jr., S2. SORDIA, Ralph, S2. SOSPIZIO, Andre, EM3*. SPARKS, Charles B., COX. SPEER, Lowell E., RT3. SPENCER, Daniel F., S1*. SPENCER, James D., LT. SPENCER, Roger, S1*. SPECNER, Sidney A., WO. SPINDLE, Orval A., S1. SPINELLI, John A., SC2*. SPOMER, Elmer 3., SF2. St. PIERRE, Leslie R., MM2. STADLER, Robert H., WT3. STAMM, Florian M., S2*. STANFORTH, David E., F2. STANKOWSKI, Archie J., S2. STANTURF, Frederick R., MM2. STEIGERWALD, Fred, GM2. STEPHENS, Richard P., S2*. STEVENS, George G., WT2*. STEVENS, Wayne A., MM2. STEWART, Glenn W., CFCP*. STEWART, Thomas A., SK2. STICKLEY, Charles B. GM3. STIER, William G., S1. STIMSON, David, ENS. STONE, Dale E., S2. STONE, Homer B., Y1. STOUT, Kenneth I., LCDR. STRAIN, Joseph M., S2. STREICH, Allen C., RM2*. STICKLAND, George T., S2.

STRIETER, Robert C., S2. STRIPE, William S., S2. STROM, Donald A., S2. STROMKO, Joseph A., F2. STRYFFELER, Virgil L., F2. STUECKLE, Robert L., S2. STURTEVANT, Elwyn L., RM2*. SUDANO, Angelo A., SSML3. SUHR, Jerome R., S2. SULLIVAN, James P., S2. SULLIVAN, William D., PTR2. SUTER, Frnak E., S1*. SWANSON, Robert H., MM2. SWART, Robert L., LT (jg). SWINDELL, Jerome H., F2. TAGGART, Thomas H., S1. TALLEY, Dewell E., RM2. TAWATER, Charles H., F1*. TEERLINK, David S., CWO. TELFORD, Arno J., RT3. TERRY, Robert W., S1. THELEN, Richard P., S2*. THIELSCHER, Robert T., CRTP. THOMAS, Ivan M., S1*. THOMPSON, David A., EM3*. THORPE, Everett N., WT3. THURKETTLE, William C., S2*. TIDWELL, James F., S2. TISTHAMMER, Bernard E., CGMA. TOCE, Nicolo, S2. TODD, Harold O., CM3. TORRETTA, John Mickey, F1*. TOSH, Bill H., RDM3. TRIEMER, Ernst A., ENS. TROTTER, Arthur C., RM2. TRUDEAU, Edmond A., LT. TRUE, Roger O., S2. TRUITT, Robert E., RM2. TRYON, Frederick B., BUG2. TULL, James A., S1. TURNER, Charles M., S2*. TURNER, William C., MM2. TURNER, William H., Jr., ACMMA. TWIBLE, Harlan M., ENS.*.

ULIBARRI, Antonio D., S2. ULLMANN, Paul E., LT (jg). UMENHOFFER, Lyle E., S1*. UNDERWOOD, Carey L., S1. UNDERWOOD, Ralph E., S1*. VAN METER, Joseph W., WT3*. WAKEFIELD, James N., S1. WALKER, A.W., STM1. WALKER, Jack E., RM2. WALKER, Verner B., F2*. WALLACE, Earl J., RDM3. WALLACE, John, RDM3. WALTERS, Donald H., F1. WARREN, William R., RT3. WATERS, Jack L., CYA. WATSON, Winston H., F2. WELLS, Charles O., S1*. WELLS, Gerald Lloyd, EM3. WENNERHOLM, Wayne L, COX. WENZEL, Ray G., RT3. WHALEN, Stuart D., GM2. WHALLON, Louis E, Jr., LT (jg). WHITE, Earl C., TC1. WHITE, Howard M., CWTP. WHITING, George A., F2*. WHITMAN, Robert T., LT. WILCOX, Lindsey Z., WT2* WILEMAN, Roy W., PHM3. WILLARD, Merrirnan D., PHM2. WILLIAMS, Billie J., MM2. WILLIAMS, Magellan, STM1. WILLIAMS, Robert L., WO. WILSON, Frank, F2. WILSON, Thomas B., S1. WISNIEWSKI, Stanley, F2*. WITMER, Milton R., EM2. WITZIG, Robert M., FC3*. WOJCIECHOWSKI, Maryian J., GM2. WOLFE, Floyd R., GM3. WOODS, Leonard T., CWO. WOOLSTON, John, ENS.*. YEAPLE, Jack T., Y3. ZINK, Charles W., EM2*. ZOBAL, Francis J., S2.

MARINE DETACHMENT

BRINKER, David A., PFC. BROWN, Orlo N., PFC. BUSH, John R., PVT. CROMLING, Charles J., Jr., PLTSGT. DAVIS, William H., PFC. DUPECK, Albert Jr., PFC. GREENWALD, Jacob, 1st SGT*. GRIMM, Loren E., PFC. HANCOCK, Thomas A., PFC.

HARRELL, Edgar A., CPL*. HOLLAND, John F. Jr., PFC. HUBBARD, Gordon R., PFC. HUBBRD, Leland R., PFC. HUGHES, Max M., PFC*. JACOB, Melvin C., PFC* KENWORTHY, Glenn W, CPL. KIRCHNER, John H., PVT. LARSEN, Harlan D., PFC. LEES, Henry W., PFC. MARTTILA, Howard W., PVT. McCOY, Giles G., PFC*. MESSENGER, Leonard J., PFC. MUNSON, Bryan C., PFC. MURPHY, Charles T., PFC. NEAL, William F., PFC. PARKE, Edward L., CAPT. REDD, Robert F., PVT. REINOLD, George, H., PFC. RICH, Raymond A., RIGGINS, Earl, PVT*. ROSE, Francis E., PFC. SPINO, Frank J., PFC. SPOONER, Miles L., PVT*. STAUFFER, Edward H., 1st LT. STRAUGHN, Howard V. Jr., CPL. THOMSEN, Arthur A., PFC. TRACY, Richard I. Jr., SGT. UFFELMAN, Paul R. PFC*. WYCH, Robert A. PFC.

*Indicates a survivor.

ADDITIONAL COSPONSORS

S. 42

At the request of Mr. HELMS, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 42, a bill to amend title X of the Public Health Service Act to permit family planning projects to offer adoption services.

S. 171

At the request of Mr. MOYNIHAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 171, a bill to amend the Clean Air Act to limit the concentration of sulfur in gasoline used in motor vehicles.

S. 242

At the request of Mr. JOHNSON, the names of the Senator from Nebraska (Mr. KERREY) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 242, a bill to amend the Federal Meat Inspection Act to require the labeling of imported meat and meat food products.

S. 327

At the request of Mr. HAGEL, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 327, a bill to exempt agricultural products, medicines, and medical products from U.S. economic sanctions.

S. 455

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 455, a bill to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage areas.

S. 459

At the request of Mr. BREAUX, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the medicare program, and for other purposes.

S. 495

At the request of Mr. BOND, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 495, a bill to amend the Clean Air Act to repeal the highway sanctions.

S. 506

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 506, a bill to amend the Internal Revenue Code of 1986 to permanently extend the provisions which allow nonrefundable personal credits to be fully allowed against regular tax liability.

S. 512

At the request of Mr. GORTON, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 514

At the request of Mr. COCHRAN, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 514, a bill to improve the National Writing Project.

S. 635

At the request of Mr. MACK, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 635, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of printed wiring board and printed wiring assembly equipment.

S. 676

At the request of Mr. CAMPBELL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 676, a bill to locate and secure the return of Zachary Baumel, a citizen of the United States, and other Israeli soldiers missing in action.

S. 684

At the request of Ms. COLLINS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 684, a bill to amend title 11, United States Code, to provide for family fishermen, and to make chapter 12 of title 11, United States Code, permanent.

S. 693

At the request of Mr. HELMS, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 693, a bill to assist in the enhancement of the security of Taiwan, and for other purposes.

S. 718

At the request of Ms. MIKULSKI, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 718, a bill to amend chapters 83 and 84 of title 5, United States Code, to extend the civil service retirement provisions of such chapter which are applicable to law enforcement officers, to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the United States Customs Service, and revenue officers of the Internal Revenue Service.

S. 800

At the request of Mr. BURNS, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 800, a bill to promote and enhance public safety through the use of 9–1–1 as the universal emergency assistance number, further deployment of wireless 9–1–1 service, support of States in upgrading 9–1–1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, and for other purposes.

S. 820

At the request of Mr. CHAFEE, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 870

At the request of Ms. COLLINS, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 870, a bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to increase the efficiency and accountability of Offices of Inspector General within Federal departments, and for other purposes.

S. 879

At the request of Mr. CONRAD, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 879, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain leasehold improvements.

S. 881

At the request of Mr. BENNETT, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 881, a bill to ensure confidentiality with respect to medical records and health care-related information, and for other purposes.

S. 908

At the request of Mr. DORGAN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 908, a bill to establish a comprehensive program to ensure the safety of food products intended for human

consumption that are regulated by the Food and Drug Administration, and for other purposes.

S. 1017

At the request of Mr. MACK, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1017, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on the low-income housing credit.

S. 1023

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1023, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 1024

At the request of Mr. MOYNIHAN, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 1024, a bill to amend title XVIII of the Social Security Act to carve out from payments to Medicare+Choice organizations amounts attributable to disproportionate share hospital payments and pay such amounts directly to those disproportionate share hospitals in which their enrollees receive care.

S. 1025

At the request of Mr. MOYNIHAN, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1025, a bill to amend title XVIII of the Social Security Act to ensure the proper payment of approved nursing and allied health education programs under the medicare program.

S. 1053

At the request of Mr. BOND, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 1053, a bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999.

S. 1057

At the request of Mr. MACK, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1057, a bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts.

S. 1070

At the request of Mr. BOND, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

SENATE JOINT RESOLUTION 21

At the request of Ms. SNOWE, the names of the Senator from New Mexico (Mr. DOMENICI), the Senator from Montana (Mr. BURNS), the Senator from Mississippi (Mr. LOTT), the Senator from Tennessee (Mr. THOMPSON), the Senator from Mississippi (Mr. COCHRAN), the Senator from Alabama (Mr. SESSIONS), the Senator from Tennessee (Mr. FRIST), the Senator from West Virginia (Mr. BYRD), and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of Senate Joint Resolution 21, a joint resolution to designate September 29, 1999, as ''Veterans of Foreign Wars of the United States Day.''

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. LEVIN), and the Senator from Indiana (Mr. BAYH) were added as cosponsors of Senate Resolution 59, a bill designating both July 2, 1999, and July 2, 2000, as ''National Literacy Day.''

SENATE RESOLUTION 103

At the request of Mr. HUTCHINSON, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of Senate Resolution 103, a resolution concerning the tenth anniversary of the Tiananmen Square massacre of June 4, 1989, in the People's Republic of China.

AMENDMENT NO. 377

At the request of Mr. ROBERTS, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Colorado (Mr. ALLARD), the Senator from Alabama (Mr. SESSIONS), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of amendment No. 377 proposed to S. 1059, an original bill to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 383

At the request of Mr. THURMOND, his name was added as a cosponsor of amendment No. 383 proposed to S. 1059, an original bill to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SENATE CONCURRENT RESOLUTION 34—RELATING TO THE OBSERVANCE OF ''IN MEMORY'' DAY

Mr. SPECTER submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 34

Whereas many of the individuals who served in the Armed Forces and in civilian roles in Vietnam during the Vietnam War have since died, in part as the result of illnesses and conditions associated with service in Vietnam during that war;

Whereas these men and women, whose ultimate health conditions had a basis in their service in Vietnam during the Vietnam War, sacrificed their lives for their country in a very real sense;

Whereas under criteria established by the Department of Defense, the deaths of these men and women do not qualify as Vietnam War deaths;

Whereas under Department guidelines, these men and women also do not meet the criteria for eligibility to have their names inscribed on the Memorial Wall of the Vietnam Veterans Memorial in the District of Columbia;

Whereas ''In Memory'' Day was established several years ago in order to honor the Americans who gave their lives in service to their country as a result of service in Vietnam but had not otherwise been honored for doing so;

Whereas ''In Memory'' Day is now a project of the Vietnam Veterans Memorial Fund;

Whereas to date 633 Americans have met the criteria for eligibility to be honored by the ''In Memory'' Program; and

Whereas the Americans who have been named by the ''In Memory'' Program are honored each year during a ceremony at the Vietnam Veterans Memorial: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that ''In Memory'' Day should be observed on the third Monday in April each year, the day on which Patriots Day is also observed, in honor of the men and women of the United States whose deaths had a basis in their service in Vietnam during the Vietnam War and who are thereby true examples to the Nation of patriotism and sacrifice.

Mr. SPECTER. Mr. President, today I submit a concurrent resolution which would express the Sense of the Congress that the third Monday in April be designated ''In Memory Day.'' In Memory Day will be a time for family and friends to gather and commemorate the supreme sacrifice made by their loved ones as their names are read from the In Memory Honor Roll at the Vietnam Veterans Memorial, as was done most recently on April 19, 1999. I feel this to be a small yet fitting tribute to those whose lives were ultimately claimed by the war in Vietnam.

The Vietnam Veterans Memorial is a solemn reminder that the defense of liberty is not without loss. The 58,214 servicemembers who gave their lives in Vietnam will forever be memorialized in a most fitting manner. Their names, inscribed in granite walls, symbolize the reality that our nation's military personnel protects America behind walls built with the blood of patriots. We must keep them in our memory always.

Not all of those who died, however, are commemorated on the Vietnam Veterans Memorial. Unaccounted for are those succumbed to the ravages of psychological wounds upon their return home. Unaccounted for are all those who died after war's end, yet whose deaths were intrinsically linked to wartime service. Their family members and loved ones have no wall to go to; no names to touch; no memorial to share.

The Vietnam Veterans Memorial Fund (VVMF) runs an ''In Memory Program'' to honor these silent fallen. As part of this program, the VVMF keeps an ''In Memory Honor Roll'' to commemorate those who served and

died prematurely, but whose deaths do not fit the parameters for inclusion upon the Wall. It it time for Congress to do its part in honoring these brave soldiers and their families.

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

HUTCHISON AMENDMENT NO. 389

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

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

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

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

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

(4) The United States has an additional 70,000 troops 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 permanently 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 missions in Haiti and the Western Sahara, and some missions that have continued for decades;

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

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

(10) Active Air Force fighter wings have gone from 22 to 13 since 1991, while 70 percent of air sorties in Operation Allied Force over the Balkans are U.S.-flown and the Air Force continues to enforce northern and southern no-fly zones in Iraq;

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

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

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

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

(b) SENSE OF CONGRESS:

(1) It is the sense of Congress that—

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

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

(c) REPORT REQUIREMENT.—

(1) Not later than July 30, 1999, the President shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives, and to the Committees on Appropriations in both Houses, a report prioritizing the ongoing global missions to which the United States is contributing troops. The President shall include in the report:

(I) a proposal for shifting resources from low priority missions in support of higher priority missions;

(II) a proposal for consolidating or reducing U.S. troop commitments where possible;

(III) a proposal to reduce U.S. troop commitments worldwide;

(IV) a proposal for ending low priority missions.

FRIST AMENDMENT NO. 390

(Ordered to lie on the table.)

Mr. FRIST submitted an amendment intended to be proposed by him to the bill, S. 1059, supra; as follows:

On page 254, between lines 3 and 4, insert the following:

SEC. 676. PARTICIPATION OF ADDITIONAL MEMBERS OF THE ARMED FORCES IN MONTGOMERY GI BILL PROGRAM.

(a) PARTICIPATION AUTHORIZED.—(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by inserting after section 3018C the following new section:

''§ 3018d. Opportunity to enroll: certain VEAP participants; active duty personnel not previously enrolled

''(a) Notwithstanding any other provision of law, an individual who—

''(1) either—

''(A) is a participant on the date of the enactment of this section in the educational benefits program provided by chapter 32 of this title; or

''(B) has made an election under section 3011(c)(1) or 3012(d)(1) of this title not to receive educational assistance under this chapter and has not withdrawn that election under section 3018(a) of this title as of such date;

''(2) is serving on active duty (excluding periods referred to in section 3202(1)(C) of this title in the case of an individual described in paragraph (1)(A)) on such date;

''(3) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

''(4) if discharged or released from active duty after the date on which the individual makes the election described in paragraph (5), is discharged with an honorable discharge or released with service characterized as honorable by the Secretary concerned; and

''(5) during the one-year period beginning on the date of the enactment of this section, makes an irrevocable election to receive benefits under this section in lieu of benefits under chapter 32 of this title or withdraws the election made under section 3011(c)(1) or 3012(d)(1) of this title, as the case may be, pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy;

is entitled to basic educational assistance under this chapter.

''(b)(1) Except as provided in paragraphs (2) and (3), in the case of an individual who makes an election under subsection (a)(5) to become entitled to basic education 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 $1,200; or

''(B) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty as specified in subsection (a)(4), the Secretary shall collect from the individual an amount equal to the difference between $1,200 and the total amount of reductions under subparagraph (A), which shall be paid into the Treasury of the United States as miscellaneous receipts.

''(2) In the case of an individual previously enrolled in the educational benefits program provided by chapter 32 of this title, the Secretary shall reduce the total amount of the reduction in basic pay otherwise required by paragraph (1) by an amount equal to so much of the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account under section 3222(a) of this title as do not exceed $1,200.

''(3) An individual may at any time pay the Secretary an amount equal to the difference between the total of the reductions otherwise required with respect to the individual under this subsection and the total amount of the reductions with respect to the individual under this subsection at the time of the payment. Amounts paid under this paragraph shall be paid into the Treasury of the United States as miscellaneous receipts.

''(c)(1) Except as provided in paragraph (3), an individual who is enrolled in the educational benefits program provided by chapter 32 of this title and who makes the election described in subsection (a)(5) shall be disenrolled from the program as of the date of such election.

''(2) For each individual who is disenrolled from such program, the Secretary shall refund—

''(A) to the individual in the manner provided in section 3223(b) of this title so much of the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account as are not used to reduce the amount of the reduction in the individual's basic pay under subsection (b)(2); and

''(B) to the Secretary of Defense the unused contributions (other than contributions made under section 3222(c) of this title) made by such Secretary to the Account on behalf of such individual.

''(3) Any contribution made by the Secretary of Defense to the Post-Vietnam Era Veterans Education Account pursuant to section 3222(c) of this title on behalf of an individual referred to in paragraph (1) shall remain in such account to make payments of benefits to the individual under section 3015(f) of this title.

''(d) The procedures provided in regulations referred to in subsection (a) shall provide for notice of the requirements of subparagraphs (B), (C), and (D) of section

3011(a)(3) of this title. Receipt of such notice shall be acknowledged in writing.''.

(2) The table of sections at the beginning of chapter 30 of that title is amended by inserting after the item relating to section 3018C the following new item:

''3018D. Opportunity to enroll: certain VEAP participants; active duty personnel not previously enrolled.''.

(b) CONFORMING AMENDMENT.—Section 3015(f) of that title is amended by striking ''or 3018C'' and inserting ''3018C, or 3018D''.

(c) SENSE OF CONGRESS.—It is the sense of Congress that any law enacted after the date of the enactment of this Act which includes provisions terminating or reducing the contributions of members of the Armed Forces for basic educational assistance under subchapter II of chapter 30 of title 38, United States Code, should terminate or reduce by an identical amount the contributions of members of the Armed Forces for such assistance under section of section 3018D of that title, as added by subsection (a).

(d) TERMINATION OF TRIANA PROGRAM OF NASA.—(1) The Administrator of the National Aeronautics and Space Administration shall terminate the Triana program.

(2) Notwithstanding any other provision of law, no funds authorized to be appropriated for the National Aeronautics and Space Administration fiscal year 2000 may be obligated or expended for the Triana program, except $2,500,000 which shall be available for obligation and expenditure in that fiscal year only for the costs of termination of the program.

THURMOND (AND OTHERS) AMENDMENT NO. 391

(Ordered to lie on the table.)

Mr. THURMOND (for himself, Mr. MCCAIN, Ms. COLLINS, Mr. HUTCHINSON, Mr. CLELAND, Mr. COCHRAN, Mr. BURNS, Mr. LOTT, Mr. MACK, and Ms. SNOWE) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra; as follows:

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

SEC. 659. COMPUTATION OF SURVIVOR BENEFITS.

(a) INCREASED BASIC ANNUITY.—(1) Subsection (a)(1)(B)(i) of section 1451 of title 10, United States Code, is amended by striking ''35 percent of the base amount.'' and inserting ''the product of the base amount and the percent applicable for the month. The percent applicable for a month is 35 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000, 40 percent for months beginning after such date and before October 2004, and 45 percent for months beginning after September 2004.''.

(2) Subsection (a)(2)(B(i)(I) of such section is amended by Striking ''35 percent'' and inserting ''the percent specified under subsection (a)(1)(B)(i) as being applicable for the month''.

(3) Subsection (c)(1)(B)(i) of such section is amended—

(A) by striking ''35 percent'' and inserting ''the applicable percent''; and

(B) by adding at the end the following: ''The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for the month.''.

(4) The heading for subsection (d)(2)(A) of such section is amended to read as follows: ''COMPUTATION OF ANNUITY.—''.

(b) ADJUSTED SUPPLEMENTAL ANNUITY.—Section 1457(b) of title 10, United States Code, is amended—

(1) by striking ''5, 10, 15, or 20 percent'' and inserting ''the applicable percent''; and

(2) by inserting after the first sentence the following: ''The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months beginning on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000, 15 percent for months beginning after that date and before October 2004, and 10 percent for months beginning after September 2004.''.

(c) RECOMPUTATION OF ANNUITIES.—(1) Effective on the first day of each month referred to in paragraph (2)—

(A) each annuity under section 1450 of title 10, United States Code, that commenced before that month, is computed under a provision of section 1451 of that title amended by subsection (a), and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that provision, as so amended, had been used for the initial computation of the annuity; and

(B) each supplemental survivor annuity under section 1457 of such title that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(2) The requirements for recomputation of annuities under paragraph (1) apply with respect to the following months:

(A) The first month that begins after the date of the enactment of this Act.

(B) October 2004.

(d) RECOMPUTATION OF RETIRED PAY REDUCTIONS FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—The Secretary of Defense shall take such actions as are necessitated by the amendments made by subsection (b) and the requirements of subsection (c)(1)(B) to ensure that the reductions in retired pay under section 1460 of title 10, United States Code, are adjusted to achieve the objectives set forth in subsection (b) of that section.

GRAMM (AND OTHERS) AMENDMENT NO. 392

Mr. GRAMM (for himself, Mr. HATCH, and Mr. THURMOND) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 284, strike all on line 7 through line 14 on page 286.

MCCAIN (AND OTHERS) AMENDMENT NO. 393

Mr. MCCAIN (for himself, Mr. LEVIN, Mr. BRYAN, Mr. LEAHY, Mr. KOHL, Mr. LIEBERMAN, Mr. ROBB, Mr. KYL, Mr. HAGEL, and Mr. CHAFEE) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 450, below line 25, add the following:

SEC. 2822. AUTHORITY TO CARRY OUT BASE CLOSURE ROUND COMMENCING IN 2001.

(a) COMMISSION MATTERS.—

(1) APPOINTMENT.—Subsection (c)(1) of section 2902 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(A) in subparagraph (B)—

(i) by striking ''and'' at the end of clause (ii);

(ii) by striking the period at the end of clause (iii) and inserting ''; and''; and

(iii) by adding at the end the following new clause (iv):

''(iv) by no later than May 1, 2001, in the case of members of the Commission whose terms will expire on September 30, 2002.''; and

(B) in subparagraph (C), by striking ''or for 1995 in clause (iii) of such subparagraph'' and inserting '', for 1995 in clause (iii) of that subparagraph, or for 2001 in clause (iv) of that subparagraph''.

(2) MEETINGS.—Subsection (e) of that section is amended by striking ''and 1995'' and inserting ''1995, and 2001, and in 2002 during the period ending on September 30 of that year''.

(3) FUNDING.—Subsection (k) of that section is amended by adding at the end the following new paragraph (4):

''(4) If no funds are appropriated to the Commission by the end of the second session of the 106th Congress for the activities of the Commission that commence in 2001, the Secretary may transfer to the Commission for purposes of its activities under this part that commence in that year such funds as the Commission may require to carry out such activities. The Secretary may transfer funds under the preceding sentence from any funds available to the Secretary. Funds so transferred shall remain available to the Commission for such purposes until expended.''.

(5) TERMINATION.—Subsection (l) of that section is amended by striking ''December 31, 1995'' and inserting ''September 30, 2002''.

(b) PROCEDURES.—

(1) FORCE-STRUCTURE PLAN.—Subsection (a)(1) of section 2903 of that Act is amended by adding at the end the following: ''The Secretary shall also submit to Congress a force-structure plan for fiscal year 2002 that meets the requirements of the preceding sentence not later than March 30, 2001.''.

(2) SELECTION CRITERIA.—Subsection (b) of such section 2903 is amended—

(A) in paragraph (1), by inserting ''and by no later than March 1, 2001, for purposes of activities of the Commission under this part that commence in 2001,'' after ''December 31, 1990,''; and

(B) in paragraph (2)(A)—

(i) in the first sentence, by inserting ''and by no later than April 15, 2001, for purposes of activities of the Commission under this part that commence in 2001,'' after ''February 15, 1991,''; and

(ii) in the second sentence, by inserting '', or enacted on or before May 15, 2001, in the case of criteria published and transmitted under the preceding sentence in 2001'' after ''March 15, 1991''.

(3) DEPARTMENT OF DEFENSE RECOMMENDATIONS.—Subsection (c) of such section 2903 is amended—

(A) in paragraph (1), by striking ''and March 1, 1995,'' and inserting ''March 1, 1995, and September 1, 2001,'';

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(C) by inserting after paragraph (3) the following new paragraph (4):

''(4)(A) In making recommendations to the Commission under this subsection in 2001, the Secretary shall consider any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation.

''(B) Notwithstanding the requirement in subparagraph (A), the Secretary shall make the recommendations referred to in that subparagraph based on the force-structure plan and final criteria otherwise applicable to such recommendations under this section.

''(C) The recommendations made by the Secretary under this subsection in 2001 shall include a statement of the result of the consideration of any notice described in subparagraph (A) that is received with respect

to an installation covered by such recommendations. The statement shall set forth the reasons for the result.''; and

(D) in paragraph (7), as so redesignated—

(i) in the first sentence, by striking ''paragraph (5)(B)'' and inserting ''paragraph (6)(B)''; and

(ii) in the second sentence, by striking ''24 hours'' and inserting ''48 hours''.

(4) COMMISSION REVIEW AND RECOMMENDATIONS.—Subsection (d) of such section 2903 is amended—

(A) in paragraph (2)(A), by inserting ''or by no later than February 1, 2002, in the case of recommendations in 2001,'' after ''pursuant to subsection (c),'';

(B) in paragraph (4), by inserting ''or after February 1, 2002, in the case of recommendations in 2001,'' after ''under this subsection.''; and

(C) in paragraph (5)(B), by inserting ''or by no later than October 15 in the case of such recommendations in 2001,'' after ''such recommendations,''.

(5) REVIEW BY PRESIDENT.—Subsection (e) of such section 2903 is amended—

(A) in paragraph (1), by inserting ''or by no later than February 15, 2002, in the case of recommendations in 2001,'' after ''under subsection (d),'';

(B) in the second sentence of paragraph (3), by inserting ''or by no later than March 15, 2002, in the case of 2001,'' after ''the year concerned,''; and

(C) in paragraph (5), by inserting ''or by April 1, 2002, in the case of recommendations in 2001,'' after ''under this part,''.

(c) CLOSURE AND REALIGNMENT OF INSTALLATIONS.—Section 2904(a) of that Act is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) carry out the privatization in place of a military installation recommended for closure or realignment by the Commission in a report in 2002 only if privatization in place is a method of closure or realignment of the installation specified in the recommendation of the Commission in the report and is determined to be the most-cost effective method of implementation of the recommendation;''.

(d) RELATIONSHIP TO OTHER BASE CLOSURE AUTHORITY.—Section 2909(a) of that Act is amended by striking ''December 31, 1995,'' and inserting ''September 30, 2002,''.

(e) TECHNICAL AND CLARIFYING AMENDMENTS.—

(1) COMMENCEMENT OF PERIOD FOR NOTICE OF INTEREST IN PROPERTY FOR HOMELESS.—Section 2905(b)(7)(D)(ii)(I) of that Act is amended by striking ''that date'' and inserting ''the date of publication of such determination in a newspaper of general circulation in the communities in the vicinity of the installation under subparagraph (B)(i)(IV)''.

(2) OTHER CLARIFYING AMENDMENTS.—

(A) That Act is further amended by inserting ''or realignment'' after ''closure'' each place it appears in the following provisions:

(i) Section 2905(b)(3).
(ii) Section 2905(b)(4)(B)(ii).
(iii) Section 2905(b)(5).
(iv) Section 2905(b)(7)(B)(iv).
(v) Section 2905(b)(7)(N).
(vi) Section 2910(10)(B).

(B) That Act is further amended by inserting ''or realigned'' after ''closed'' each place in appears in the following provisions:

(i) Section 2905(b)(3)(C)(ii).
(ii) Section 2905(b)(3)(D).
(iii) Section 2905(b)(3)(E).
(iv) Section 2905(b)(4)(A).
(v) Section 2905(b)(5)(A).
(vi) Section 2910(9).
(vii) Section 2910(10).

(C) Section 2905(e)(1)(B) of that Act is amended by inserting '', or realigned or to be realigned,'' after ''closed or to be closed''.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, June 10, 1999 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the report of the National Recreation Lakes Study Commission.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Kelly Johnson at (202) 224–4971.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, May 25, for purposes of conducting a full committee hearing which is scheduled to begin at 10 a.m. The purpose of this oversight hearing is to receive testimony on State Progress in Retail Electricity Competition.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing on reauthorization of the Comprehensive Environmental Response, Liability and Compensation Act of 1980, Tuesday, May 25, 10 a.m., Hearing Room (SD–406).

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

COMMITTEE ON FINANCE

Mr. ROBERTS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Tuesday, May 25, 1999 beginning at 10 a.m. in room 215 Dirksen.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 25, 1999 at 2:15 p.m. to hold a hearing.

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

COMMITTEE ON THE JUDICIARY

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, May 25, 1999 at 10 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on: ''Copyright Office Report on Distance Education in the Digital Environment.''

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

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, May 25, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:15 p.m. The purpose of this hearing is to receive testimony on S. 140, a bill to establish the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System, and for other purposes; S. 734, the National Discovery Trails Act of 1999; S. 762, a bill to direct the Secretary of the Interior to conduct a feasibility study on the inclusion of the Miami Circle Biscayne National Park; S. 938, a bill to eliminate restrictions on the acquisitions of certain land contiguous to Hawaii Volcanoes National Park, and for other purposes; S. 939, a bill to correct spelling errors in the statutory designations of Hawaiian National Parks; S. 946, a bill to authorize the Secretary of the Interior to transfer administrative jurisdiction over land within the boundaries of the Home of Franklin D. Roosevelt National Historic Site to the Archivist of the United States for the construction of a visitor center; and S. 955, a bill to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase.

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs be authorized to meet during the session of the Senate on Tuesday, May 25, 1999 at 10 a.m. to hold a hearing.

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

ADDITIONAL STATEMENTS

NATIONAL MISSING CHILDREN'S DAY

Mr. GRAMS. Mr. President, I rise today to promote awareness of missing children and honor those who selflessly work to search and rescue the thousands of children who disappear each year. As my colleagues may know, today is recognized as ''National Missing Children's Day.''

According to a recent U.S. Department of Justice study, annually there

are over 114,000 attempted abductions of children by nonfamily members, 4,500 child abductions reported to police, and 438,200 children who are lost, injured, or otherwise missing. These numbers are truly cause for concern by all Americans.

As a parent, I believe local communities, schools, faith-based organizations and law enforcement should be encouraged to work together to protect the most vulnerable members of our society—children. From a federal perspective, I am proud to be a cosponsor of legislation to reauthorize the National Center for Missing and Exploited Children and the Runaway and Homeless Youth Program through the next five years. The National Center for Missing and Exploited Children operates under a Congressional mandate and works in conjunction with the U.S. Department of Justice's Office of Juvenile Justice on Delinquency Prevention. I know my colleagues would agree that the Center has an outstanding record of safely recovering missing children across the country, and most recently achieved a 91 percent recovery rate.

Mr. President, as we remember the many missing children across the nation today, I want to especially recognize the relentless work and effort to protect our nation's children by Minnesota's Jacob Wetterling Foundation. The Foundation was established by Jerry and Patty Wetterling after their son, Jacob, was abducted by a masked man at gunpoint near the Wetterling home in St. Joseph, Minnesota. Today, the Jacob Wetterling Foundation is a national, non-profit foundation committed to preventing the exploitation of children through educating, raising awareness and responding to families who are victims of abduction.

Mr. President, our children represent our future and we must continue our work to keep them safe. Again, I commend the numerous volunteers, organizations, and government agencies who all work on a daily basis to find missing children and prevent others from disappearing.

TRIBUTE TO RUTH A. GELLER

● Mr. LIEBERMAN. Mr. President I rise today to pay a well-deserved tribute to Ruth A. Geller, MSW on the occasion of her retirement from the Connecticut Mental Health Center after 25 years of service as a psychiatric social worker supervisor.

Ruth has demonstrated exceptional compassion, dedication, and professionalism in caring for the severely, chronically mentally impaired of Connecticut. As a mentor and teacher, Ruth has trained a generation of mental health professionals with the same devotion she has brought to her clinical work. As a result, Ruth has instilled in them the ability to become respectful, empathetic mental health providers.

I am proud to stand before the Senate to congratulate Ruth Geller upon her retirement and thank her for an outstanding career which has enhanced the lives of so many. I wish her continued success in the years ahead.●

TRIBUTE TO IRENE AUBERLIN

● Mr. ABRAHAM. Mr. President, I rise today to pay tribute to the late Irene Auberlin, the ''Mother Teresa'' of Detroit.

Mrs. Auberlin is the founder of World Medical Relief (WMR), an organization which, to date, has distributed more than $500 million worth of medical goods both in Detroit area, where she lived, and abroad.

Mrs. Auberlin was a quiet homemaker until she saw a television program about orphans in Korea in 1953. She provided supplies to the nuns who ran the orphanage, thus beginning over 46 years of service to the poor. Since then, WMR has sent food, medical equipment, and supplies throughout the United States and to over 120 countries. In 1966, WMR began a monthly prescription program that still exists today, providing medicine to elderly poor in the Detroit area.

Mrs. Auberlin received over 60 awards and commendations, including The President's Volunteer Action Award and Silver Medal, presented to her by President Reagan.

On behalf of the residents of Michigan, the United States, and elsewhere, I want to thank Irene for all that she did to help those in need.●

NATIONAL BLUE RIBBON SCHOOLS IN MARYLAND

● Mr. SARBANES. Mr. President, I am pleased to announce that ten elementary schools throughout Maryland have been named Blue Ribbon School Award winners by the United States Department of Education. These schools are among only 266 elementary schools nationwide to be honored with this award, the most prestigious national school recognition for public and private schools.

The designation as a Blue Ribbon School is a ringing endorsement of the successful techniques which enable the students of these schools to succeed and achieve. Over the past few years, I have made a commitment to visit the Blue Ribbon Schools and have always been delighted to see first hand the interaction between parents, teachers, and the community, which strongly contributed to the success of the school. I look forward to visiting each of these ten schools and congratulating the students, teachers and staff personally for this exceptional accomplishment.

According to the Department of Education, Blue Ribbon Schools have been judged to be particularly effective in meeting local, state and national goals. These schools also display the qualities of excellence that are necessary to prepare our young people for the challenges of the next century. Blue Ribbon status is awarded to schools which have strong leadership; a clear vision and sense of mission that is shared by all connected with the school; high quality teaching; challenging, up-to-date curriculum; policies and practices that ensure a safe environment conducive to learning; a solid commitment to family involvement; evidence that the school helps all students achieve high standards; and a commitment to share the best practices with other schools.

After a screening process by each State Department of Education, the Department of Defense Dependent Schools, the Bureau of Indian Affairs, and the Council for American Private Education, the Blue Ribbon School nominations were forwarded to the U.S. Department of Education. A panel of outstanding educators from around the country then reviewed the nominations, selected schools for site visits, and made recommendations to Secretary of Education Richard Riley.

The ten winning Maryland elementary schools are as follows:

Ashburton Elementary School, located in Bethesda, is home to 515 students and 64 staff members which provide for a richly diverse school community with an exemplary record of student achievement and an outstanding academic program. This award also credits the SHINE Program—Successful, Helpful, Imaginative, Neighborly, and Enthusiastic—with recognizing students who participate positively in the school community.

Brook Grove Elementary School, located in Olney, not only has a commendable academic strategy, but also is recognized as a school that encourages excellence in the arts and in athletics, and values individuality and diversity as critical to the well-being of the student body.

Our Lady of Mercy School is a coeducational Catholic school in Potomac that combines traditions of academic excellence, intellectual curiosity and fundamental moral and religious values in a successful program that has almost half of its 283 students meeting the criteria of giftedness set by the Institute for the Academic Advancement of Youth.

Oak Hill Elementary School, the most culturally and economically diverse school in the Severna Park area, prioritizes parental involvement in the successful pursuit of quality education for its students. The concept of the ''Oak Hill School Family'' aims to provide a safe and nurturing school environment, a strong academic program and a philosophy that encourages community involvement.

Salem Avenue Elementary School, located in Hagerstown, has made great strides in the last decade and, as a leader in Washington County, is a school of many ''firsts,'' including being the first Title 1 school to receive a satisfactory or excellent rating in all areas of the Maryland School Performance Assessment Program (MSPAP);

the first elementary school to be named a Blue Ribbon School; the first to create and appoint the position of Curriculum Coordinator; and the first to be named a National Distinguished School.

Templeton Elementary School, located in Riverdale, is an award winning Prince George's County school which has made dramatic gains on the Maryland School Performance Assessment Program (MSPAP). Templeton's mission is to provide its diverse student body with the knowledge and skills to be productive members of society.

Vienna Elementary School, located in Vienna, is a small, rural school which draws from a large geographical area and is an integral part of the community. With virtually no staff turnover and a strong School Improvement Team, students, staff and parents form a close-knit community and serve as a model in the district for student achievement, staff commitment and participatory leadership, including development of character and ethical judgment.

West Annapolis Elementary School, situated in downtown Annapolis, was used as an example by the Maryland State Department of Education for two videotapes highlighting outstanding teachers. This award also credits West Annapolis' belief in the importance of a united school community as evident in its concept of TEAM/excellence which works to improve the teaching and learning environment in which students can excel.

The Summit School is a non-profit school that was created 10 years ago to promote literacy and school success among children with unique educational needs, namely bright students that are disabled readers. Summit, located in Edgewater, enables students to come to understand their own unique learning styles by identifying their strengths and weaknesses through a variety of individualized strategies.

The Trinity School, located in Ellicott City is an independent, co-ed Catholic school that was designated as an Exemplary School by the U.S. Department of Education in 1990. Trinity offers a challenging curriculum while also offering a variety of community outreach programs to involve students and their families in extracurricular activities.

These ten elementary schools in the State of Maryland represent a model for schools across the nation. Their hard work and dedication has resulted in a tremendous achievement for the students, teachers, parents and community. This committed partnership proves that a concerned community can produce excellent results.●

VIRGINIA CHAMBER OF COMMERCE CONGRESSIONAL DINNER

Mr. ROBB. Mr. President, Richard D. Fairbank, Chairman and Chief Executive Officer of Capital One Financial Corporation, delivered remarks at the Virginia Chamber of Commerce Congressional Dinner last month. Capital One, headquartered in Falls Church, Virginia, is one of the fastest growing private employers in my state. Mr. Fairbank's remarks offered invaluable insight into the challenges and opportunities the technology revolution is producing in both the private and public sectors, and I ask that they be printed in the RECORD.

The remarks follow:

REMARKS BY RICHARD D. FAIRBANK, VIRGINIA CHAMBER OF COMMERCE CONGRESSIONAL DINNER, APRIL 29, 1999

Members of Congress, distinguished guests, ladies and gentlemen. Let me first take the opportunity to thank the Virginia Chamber for supporting Virginia's business community. It is an honor to join you this evening to share a bit of the Capital One story and give you my thoughts about the challenges facing the Virginia business community as we move into the 21st Century.

First, a comment about Virginia. What a wonderful state we live in! I am reminded of that everyday. The irony is, Virginia was not where I was supposed to live. I grew up in California, and thought I would always live in California. When I graduated from business school, I applied only to California firms, except for one company in D.C., and only because they were just about to start a San Francisco office. When my wife and I came out here, we fell in love with Virginia, and never went to that San Francisco office. So now we've been Virginians for 18 years, and we're here to stay. My wife and I and our four children live right here in Fairfax County.

And our larger family—our COF family—now numbers 8,000 associates in Virginia—in Richmond, Chesterfield, Fredericksburg and Northern Virginia. Virginians have a wonderful blend of Southern charm and tradition mixed with a very positive spirit that believes in possibility. It's a magical combination. It's made Virginia a great home for COF. Capital One's growth has at times surpassed our capacity to hire here in Virginia, so we have expanded into Florida, Texas, Washington State, Massachusetts and the UK. But our first choice is always to grow as much as we can right here at home. Just last year, we added 3,500 new jobs here in Virginia. This year we've announced we're adding another 3,000 new jobs in Virginia, but truth be told, we'll probably exceed that number significantly.

Tonight I've been asked to talk about how the business world is changing, using Capital One as an example. I think the story of Capital One is a story of what happens when a band of believers fixates on a vision of how the world is changing, and pours everything they have into getting there. Today, Capital One is one of the fastest growing companies in the country. But it wasn't always that way. In fact if you had asked anyone 12 years ago to bet even one dime on Nigel Morris and myself and the dream we had, you wouldn't have found many takers. I know that for a fact. Because we were out there asking. And they weren't taking.

Our dream was this. We believed information technology could revolutionize the way marketing is done. The most basic truth of marketing is that every person has unique needs and wants. Yet from the beginning, companies have tended to respond to those needs with a one-size fits-all approach, because they can't accommodate the unique needs of thousands or millions of customers. But we saw the possibility to change all that. To use technology and scientific testing to deliver the right product to the right customer at the right time and at the right price—a strategy we call mass customization. And we saw the credit card as a perfect candidate for this strategy. Ten years ago, virtually every credit card in the U.S. was priced at 19.8 percent interest rate with a $20 fee. Yet people varied widely in their default risk, their financial circumstances and their needs.

Our dream was to build a high-tech information-based marketing company to change all that. The problem was we had no money and no experience in the credit card business. We needed a sponsor. So, Nigel and I embarked on a national journey to every financial institution that would talk to us. The good news is that we got audiences with the top management of 20 of the top 25 banks in America. The bad news is that every one of them rejected it. But finally, a year into our journey, we found a sponsor right here in our backyard. Signet Bank in Richmond.

And so Capital One was born. For years we worked to build the business, to build the technology and operations to customize decision-making at the individual account level. Four years into it, we still had no success. Yet Signet never lost faith, despite nearly going under themselves with real estate loan problems. Finally, we cracked the code of mass customizing credit cards. And in 1992 we launched credit cards at dramatically lower prices for consumers with good credit. And we've never looked back.

Today we have thousands of product variations for our customers. Including products like our Miles One card that gives mileage credit on any airline, with no blackout period, and with a 9.9 percent fixed interest rate. We can price this low because we use technology and information to make sure that our low-risk customers don't have to subsidize high-risk customers. By 1994, we had grown to 6 million customers. Signet Bank spun off Capital One, and we became a fully independent company.

But our dream was just beginning. Because we never defined ourselves as a credit card company. We're a technology-based marketing company. So, we have taken this very same strategy and expanded into other financial products like deposits, installment loans and auto loans. We've also taken our strategy internationally to the UK and Canada so far. And, we even entered the telecommunications industry, creating a company called America One, where we are marketing wireless phones. While everyone else markets wireless phones through stores, we are selling direct, tailoring each offer to our customers' needs. The strategy appears to be working. We are now in 41 states. And America One is now the largest direct marketer of wireless phones in the U.S. Our next frontier at Capital One is the Internet, which is a perfect medium for our strategy of information-based mass customization. We are mobilizing a major effort to be a big player in the Internet. So from credit cards to wireless phones, from the U.S. to the UK, and from the mailbox to the Internet, we've been able to keep the growth going at Capital One. We now have 18 million customers, and are growing by 15,000 customers a day.

Capital One's success in many ways has come simply from understanding and embracing the inexorable implications of the technology revolution. First, that marketing will be revolutionized. And second, that technology is changing the leverage of the human mind. This insight has massive implications for human resources. One hundred years ago, in factories and farms, the smartest or most educated workers were not necessarily the most productive. But the computer and the Internet can take the human

mind to a quantum new level. In the technology age, the key asset in a company is its knowledge capital.

And to us, this meant that our greatest imperative is recruiting and developing incredibly talented workers. If there's one thing that is talked about the most and delivered upon the least, it is this—recruiting the best people. At Capital One, we have made it the number one corporate imperative. In fact, I believe that the single biggest reason for Capital One's success is a totally fanatical commitment to recruiting. It is the most important job for every executive and manager in the company. The average executive at Capital One spends about one full day a week recruiting. It's an incredible commitment. Our future depends on it.

So that's the Capital One story. I believe that many of the things I've said about Capital One have direct relevance to Virginia and its challenges. Like Capital One, Virginia is enjoying exceptional growth, fueled significantly by being a leader in technology. The good news is that the entire Commonwealth is benefiting from the booming economy. It seems that economic expansions are announced every week in Virginia. But Virginia cannot rest on its laurels. While Virginia has done a good job at attracting high quality, high salaried jobs providing unprecedented opportunities for all Virginians, we continue to face many challenges that need attention from both our political and business leaders. Let me mention just a few . . .

The greatest challenge for Virginia's rapidly growing companies is to attract and retain the most talented employees who have the technical skills to lead our businesses into the 21st century. There are nearly 25,000 unfilled technology related jobs in Northern Virginia alone and the Department of Commerce predicts that nearly every new job created from now on will require some level of technology expertise. This poses the greatest threat to Virginia's economic growth.

We must start with quality education. Virginia already has world-class institutions of higher learning, and I am pleased that Capital One is tapped into this talent. Many companies, such as ours, are partnering with our university system to help design curriculum and training for a multitude of jobs. We also offer a full tuition reimbursement plan to every one of our 11,000 associates to encourage them to seek continuing education. Also, to help address our acute shortage of technology workers, we offer our non-technical associates the opportunity to be retrained and shifted into one of our many unfilled technology jobs. I am pleased that many of our associates have taken us up on these opportunities.

But Capital One can't get there from here simply by training and developing our associates. It certainly will not meet our long-term needs. We need to recruit on a massive scale. Simply put, Virginia's universities are not producing enough technology graduates to meet the demands of companies like Capital One. This forces companies to look elsewhere to meet their needs for technology workers. And elsewhere includes overseas. Nations like India and China are producing many more engineering and technology degrees than the United States. Many of the leading technology companies are building massive programming shops in those countries, sending the programming specifications from the US. We need to reverse that trend and work with our universities to produce more technology graduates here at home.

However, this will not happen overnight. In the interim, in order to meet our current needs, our immigration policies must be flexible. Congress provided a small measure of help last year by raising the cap on H1–B visas thereby allowing more high tech workers from outside the United States to come into the country. Clearly, this is a step in the right direction. But, much more must be done if we are going to meet the needs of Virginia's growing high-tech industry.

Growing up in the San Francisco mid-peninsula, I witnessed firsthand the development of Silicon Valley—now the technology capital of the world. The same thing can happen here. We are well underway. In fact, the Internet revolution has its roots in Virginia. Virginia is already the home to more than 2,500 technology businesses that employ more than 250,000 people. It includes AOL, UUNET, and P-S-I Net. With more than half the Internet traffic flowing through Virginia, we must continue to expand on our reputation as a technology center and the Internet hub of the United States. Let's build upon our fast start.

While Virginia owns the infrastructure of the Internet, with the exception of AOL and a few others, we do not have a major presence in marketing e-commerce. That means more dot/com companies. YAHOO!, Amazon.com, EBAY, Charles Schwab and most other leading e-commerce firms are not located here in Virginia. These businesses are redefining retail channels—and we must make certain that Virginia cultivates and attracts these types of companies. We need to be more than the infrastructure backbone of the Internet. The growth of e-commerce is just beginning. And already, it is affecting everyone, everywhere, everyday. Business will never be the same again.

And new economic realities lead to new political realities. Our public policies must give this new technology and way of doing business time to develop. For example, as the Internet revolution is exploding, some have suggested that we create taxes on Internet transactions. I believe that would be a big mistake. I know that Governor Gilmore is currently leading a Commission studying Internet taxation issues on the national level. Their decisions can have a lot of impact on a rapidly growing industry still in its infancy. With sound legislation, such as the Internet Tax Freedom Act, companies are better positioned to grow and attract consumers into this new business channel.

All these new technologies also bring a need to act responsibly with our customers' information. Information is the lifeblood of companies like Capital One, who use it to tailor products for the individual consumer at the best possible price. It's why we have been able to help bring down the cost of credit cards and other products—and simplify the process of obtaining them. The same is true for the Richmond-based grocery store UKROPS, Geico, EBAY and thousands of other companies. We must find a balance between the clear economic benefits that derive from access to information and the responsibility we all owe to our customers to safeguard their personal information. Companies need to lead the way. Like many companies, Capital One has developed a comprehensive privacy policy to ensure that our customers' personal information is used appropriately with very clear limitations. While we must be vigilant about consumers' privacy, I believe that restrictive legislation in this area would turn back the clock and actually hurt consumers.

We also must be prepared to meet the basic day-to-day demands that a fast-growing economy will place on Virginia and its communities. While technology and e-commerce are making the world a smaller place, the reality is that people will still need to get to work. With a booming national economy and low unemployment, our workers have choices. If they cannot get to and from their places of employment, these highly skilled individuals will relocate. You can read the survey results or simply talk to your employees: transportation is most often cited as the number one quality-of-life issue by most working people, especially here in Northern Virginia. Thanks to the hard work of the Virginia Delegation more Federal dollars are flowing to Virginia than ever before for transportation. We must continue to work together to address this issue.

So those are a few of my thoughts of the biggest challenges and opportunities we face as we move into the 21st century. The world is changing so fast, it's hard to make sense of it all, and to know where we all fit in. We can't predict the future. But, I believe that one can identify a few trends that are absolutely inexorable. The story of Capital One is an example of doing that. The key for Capital One has been to see a few of those inexorable trends and try to get there first. No matter what it took. Whether or not we had the skills or market portion to make it happen. Because we had destiny on our side.

Many people and many companies and many politicians don't think this way. They tend to think incrementally. That's a risky cause of action in a world that's changing so fast. Virginia is in a great position to the lead the way into the 21st century. Let's make sure we think big and do what it takes to get there. Thanks.●

MEASURE READ THE FIRST TIME—S.J. RES. 26

Ms. SNOWE. Mr. President, I understand that S.J. Res. 26, introduced earlier by Senator SMITH of New Hampshire, is at the desk, and I ask that it be read the first time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 26) expressing the sense of Congress with respect to the court-martial conviction of the late Rear Admiral Charles Butler McVay, III, and calling upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis.*

Ms. SNOWE. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The joint resolution will be read for the second time on the next legislative day.

FASTENER QUALITY ACT AMENDMENTS ACT OF 1999

Ms. SNOWE. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of H.R. 1183, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1183) to amend the Fastener Quality Act to strengthen the protection against the sale of mismarked, misrepresented, and counterfeit fasteners and eliminate unnecessary requirements, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. SNOWE. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 1183) was read the third time and passed.

ORDERS FOR MAY 26, 1999

Ms. SNOWE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, May 26. I further ask that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day. I further ask consent that the Senate then resume the DOD authorization bill.

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

PROGRAM

Ms. SNOWE. Mr. President, for the information of all Senators, the Senate will resume consideration of the Department of Defense authorization bill at 9:30 a.m. and expect to debate an amendment by Senator BROWNBACK regarding Pakistan, to be followed by an amendment by Senator KERREY of Nebraska regarding the strategic nuclear development system. Under a previous consent, at 11:45 a.m., the Senate will resume consideration of the BRAC amendment. At least one vote will occur in relation to the BRAC amendment at 1:45 p.m. Therefore, Senators should expect the next vote to occur at 1:45 p.m. on Wednesday. Senators who have amendments are urged to notify the two managers. It is the intention of the leadership to complete action on this bill prior to the scheduled Memorial Day recess.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Ms. SNOWE. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:52 p.m., adjourned until Wednesday, May 26, 1999, at 9:30 a.m.