

a year to be confirmed, 7 are women or minorities. On the 50th anniversary of President Truman's appointment of the first African American to the Court of Appeals—Judge William Hastie—the Republican leadership should be ashamed of this record, particularly given the caliber of the distinguished African American, Latino, and female nominees waiting for confirmation.

For example, Marsha Berzon, Richard Paez, and Ronnie White have waited too long—far too long—for a vote on the Senate floor. Ms. Berzon is an outstanding attorney with an impressive record. She has written more than 100 briefs and petitions to the Supreme Court, and has argued four cases there. When she was first nominated last year, she received strong recommendations and had a bipartisan list of supporters, including our former colleague, Senator Jim McClure, and Fred Alvarez, a Commissioner on the Equal Employment Opportunity Commission and Assistant Secretary of Labor under President Reagan. Her nomination is also supported by major law enforcement organizations, and by many of those who have opposed her in court.

Ms. Berzon was first nominated in January 1998—20 months later, the Senate has still not voted on her nomination.

The Senate is also irresponsibly refusing to vote on two other distinguished nominees—Judge Ronnie White, an African American Supreme Court judge in the state of Missouri, and California District Court Judge Richard Paez. Judge White was nominated to serve on the District Court for the Eastern District of Missouri more than two years ago. Judge Paez was first nominated three years ago—three years ago—to serve on the Court of Appeals for the Ninth Circuit.

It is true that some Senators have voiced concerns about these nominations. But that should not prevent a roll call vote which gives every Senator the opportunity to vote “yes” or “no.” These nominees and their families deserve a decision by the Senate. Parties with cases, waiting to be heard by the federal courts deserve a decision by the Senate. Ms. Berzon, Judge White, and Judge Paez deserve a decision by this Senate.

While Republican leaders play politics with the federal judiciary, countless individuals and businesses across the country are forced to endure needless delays in obtaining the justice they deserve. Justice is being delayed and denied in courtrooms across the country because of the unconscionable tactics of the Senate Republican majority.

It is long past time to act on these and other nominations. I urge my Republican colleagues to end this partisan stall and allow the President's nominees to have the vote by the Senate that they deserve.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, there are now 2 hours for debate on the DOD authorization conference report. I ask unanimous consent the vote occur on adoption of the conference report at 9:45 a.m. on Wednesday and there be 15 minutes equally divided prior to the vote for closing statements.

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

Mr. LOTT. Therefore there will be no further votes this evening. The next vote will occur at 9:45.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000—CONFERENCE REPORT—Continued

Mr. WARNER. Mr. President, the distinguished majority leader has laid before the Senate the DOD authorization bill, and I inquire of the Chair if that is the pending business.

The PRESIDING OFFICER. That is the pending business.

Mr. WARNER. Mr. President, I am prepared to stay here for the remainder of the evening. This is a very important subject. I am joined by the distinguished ranking member, Mr. LEVIN.

However, I observed our distinguished colleague from New Mexico in the Chamber. It was my understanding he desired to lead off the comments on this bill tonight since the bill incorporates a very important provision which was sponsored by Senator DOMENICI, Senator MURKOWSKI, and Senator KYL. Seeing Senator DOMENICI I yield the floor to him.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to my fellow Senators, this bill is a very important bill. The part I worked on is very small. It has to do with reforming the Department of Energy as it pertains to the handling and maintenance of nuclear weapons and everything that goes with them.

I compliment those who prepared the overall bill. It is a very good bill for the defense of our Nation, and it deserves the overwhelming support of the Senate.

We had no other way to accomplish something very important with reference to a Department of Energy that was found to be totally dysfunctional, not by those who have tried over the years to build some strength into that Department, some assurance that things would be handled well, but rather by a five-member select board that represented the President of the United States, headed by the distinguished former Senator Warren B. Rudman.

Those five members of the President's commission, with reference to serious matters that pertain to our national security, concluded that the Department of Energy could not handle

the work of maintaining our weapons systems, maintaining them safe from espionage and spying, and could not handle an appropriate counterintelligence approach because there was no one responsible and, thus, everybody pinned the blame on someone else and we would get nowhere in terms of accountability.

I ask unanimous consent that the names of the five members of that board be printed in the RECORD, with a brief history of who they are and what they have done in the past.

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

PANEL MEMBERS

The Honorable Warren B. Rudman, Chairman of the President's Foreign Intelligence Advisory Board. Senator Rudman is a partner in the law firm of Paul, Weiss, Rifkind, Wharton, and Garrison. From 1980 to 1992, he served in the U.S. Senate, where he was a member of the Select Committee on Intelligence. Previously, he was Attorney General of New Hampshire.

Ms. Ann Z. Caracristi, board member. Ms. Caracristi, of Washington, DC, is a former Deputy Director of the National Security Agency, where she served in a variety of senior management positions over a 40-year career. She is currently a member of the DCI/Secretary of Defense Joint Security Commission and recently chaired a DCI Task Force on intelligence training. She was a member of the Aspin/Brown Commission on the Roles and Capabilities of the Intelligence Community.

Dr. Sidney D. Drell, board member. Dr. Drell, of Stanford, California is an Emeritus Professor of Theoretical Physics and a Senior Fellow at the Hoover Institution. He has served as a scientific consultant and advisor to several congressional committees, The White House, DOE, DOD, and the CIA. He is a member of the National Academy of Sciences and a past President of the American Physical Society.

Mr. Stephen Friedman, board member. Mr. Friedman is Chairman of the Board of Trustees of Columbia University and a former Chairman of Goldman, Sachs, & Co. He was a member of the Aspin/Brown Commission on the Roles and Capabilities of the Intelligence Community and the Jeremiah Panel on the National Reconnaissance Office.

PFIAB STAFF

Randy W. Deitering, Executive Director; Mark F. Moynihan, Assistant Director; Roosevelt A. Roy, Administrative Officer; Frank W. Fountain, Assistant Director and Counsel; Brendan G. Melley, Assistant Director; Jane E. Baker, Research/Administrative Officer.

PFIAB ADJUNCT STAFF

Roy B., Defense Intelligence Agency; Karen DeSpiegelaere, Federal Bureau of Investigation; Jerry L., Central Intelligence Agency; Christine V., Central Intelligence Agency; David W. Swindle, Department of Defense, Naval Criminal Investigative Service; Joseph S. O'Keefe, Department of Defense, Office of the Secretary of Defense.

Mr. DOMENICI. Mr. President, I am just going to address three issues as it pertains to the reform of the Department of Energy as it pertains to nuclear weapons development.

Mr. WARNER. Will the Senator yield?

Mr. DOMENICI. Yes.

Mr. WARNER. You opened by saying that this was a way to have the Senate

address this important subject. Of course, the Senator is aware that the Armed Services Committee oversees about 70 percent of the budget of the Department of Energy, so this is a very logical piece of legislation on which to put the important provision. And, of course, you and I worked together on it.

Mr. DOMENICI. Absolutely.

Mr. President, what I want to do is dispel any notion that the amendment that created a semiautonomous agency within the Department, to be headed by an assistant secretary who would be in charge of everything that has to do with nuclear weapons development—and they would do things in a semi-autonomous way, not in the way that the rest of the Department of Energy does its business—is taking away the authority of the Secretary; that is, the Secretary of Energy.

The Department of Energy is an amorphous Department put together at a point in history when a lot of things were dumped in there. Some have no relationship to other matters in the Department. And, yes, we put the nuclear defense activities in that Department.

No one could contend that if the Congress of the United States, and the President concurring, wanted to take all of the nuclear weapons out of that Department and put them in an independent agency—which was one of the recommendations of the five-member panel—that that would be unconstitutional, illegal. And there would be no Secretary of Energy involved at all.

The other suggestion was, rather than make it totally independent, to leave it within the Department and make it semiautonomous. We did that.

The Secretary, and some of those arguing on behalf of a different approach, chose to say that the Secretary does not have enough to do and enough say-so about nuclear weapons development, and therefore it is wrong.

I want to read from the bill's two provisions.

In carrying out the functions of the administrator—

That is the new person in charge of the semiautonomous agency—the undersecretary shall be subject to the authority, direction, and control of the Secretary.

Second:

The Secretary shall be responsible for establishing policy for the National Nuclear Security Administration.

It goes on with two other provisions assuring that the overall policy is under the jurisdiction of the Secretary.

But I remind everyone, had we chosen not to do that, it would have been legal. We could have taken it all out and had no Energy Secretary involved. We chose not to. We chose to say: Leave it there so there can be some cross-fertilization between the Energy Department's work and the nuclear activities on behalf of our military and our defense.

We got this finished, and we made accommodation on the floor of the Sen-

ate with reference to the environment. Never was it intended that the semi-autonomous agency would be immune from any environmental law. In fact, the first writing of this bill had a legal opinion that if you do not mention it, it is subject to all environmental laws.

We came to the floor and some Members on the other side, I think quite properly, said: Why don't you specifically mention that the new semi-autonomous agency is subject to the environmental laws? We did that. In fact, it says:

The administrator shall ensure that the administration complies with all applicable environmental, safety, health statutes, and substantive requirements. Nothing in this title shall diminish the authority of the Secretary of Energy to ascertain and ensure that compliance occurs.

Because we wrote it in, some quibble with the words that we used to write it in. Now they are saying: Are you sure you included everything? We thought we included everything by mentioning nothing; then we tried to include everything verbally and some said: You have to change the words because you really don't mean it.

There is nothing to indicate that we have exempted or immunized any of our environmental laws in this statute. They are totally applicable. It is just that the new administrator applies them to the nuclear weapons department separate and distinct from the rest of the activities of the Department of Energy—and it is high time, in my opinion.

There are some letters from attorneys general, and I just want to say I read some of them. I have no idea how they came to their conclusions. I will just cite one. The attorney general of Texas, in responding after he received an explanation of the bill from the distinguished chairman, Senator WARNER, wrote a letter saying:

After reading your letter, I am satisfied that this legislation was neither intended to affect existing waivers of Federal sovereign immunity nor to exempt in any way the NSAA—

The new semiautonomous agency—from the same environmental laws and regulations applied before the reorganization.

For those attorneys general who are worried about Hanford out on the west coast—and it might be difficult for attorneys general in the States to be involved—let me remind them that facility does not even come under the jurisdiction of the new semiautonomous agency. It is not considered to be part of the current ongoing nuclear weapons activities.

In closing, I just want to make sure that my fellow Senators understand that some people working in the Department of Energy will say almost anything about us trying to reform it. Secretary Richardson is doing a good job for a department that is dysfunctional. He wakes up every week with something that has gone wrong.

We ought to start fixing it with the passage of this bill with a new semi-

autonomous agency in control. But there is a general that was hired named Habiger. He is the Secretary's czar for the Department right now. He went to the State of New Mexico and said—I am paraphrasing: I never involve myself in politics. Those are secret and private between me and my wife. However, in this case, I suggest that the creation of this semiautonomous agency is political.

I tried to find out who was playing politics. Was it the five-member commission that I just cited, headed by Warren Rudman, with one of the members, Dr. Sidney Drell, one of the most refined and articulate and knowledgeable people on this whole subject matter? Were they playing politics? Was the Senate playing politics when we got an overwhelming vote? What is the politics of it?

If you think the only way to preserve and maintain our nuclear weapons development and to maximize the opportunity for accountability and less opportunity for spying is to have a Secretary of Energy who runs that part of it, then you will not be happy. Because the truth of the matter is, the Secretary will be in charge overall, but there will be a single administrator in charge of this department in the future, with everything that has to do with nuclear, including its security; although in counterintelligence we have agreed with the administration, with the Secretary, and have permitted the counterintelligence to be in two places. There is a czar under the Secretary, and there will be somebody running the counterintelligence within the new semiautonomous agency.

I ask unanimous consent that the story in the Albuquerque Journal regarding the distinguished general, who I suggested knows nothing about the Department of Energy—he has been there 3 or 4 months, and maybe he ought to learn a little more about it before he goes to New Mexico and elsewhere and mouths off about the independent semiautonomous agency—be printed in the RECORD.

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

[From the Albuquerque Journal, Sept. 17, 1999]

SECURITY CHIEF PANS NEW NUKE AGENCY
(By Ian Hoffman)

The Security chief for the U.S. Department of Energy says legislation creating a new nuclear-weapons agency inside DOE is being driven by politics and could impair, rather than promote, tighter security at the nation's nuclear weapons labs.

Gen. Eugene Habiger, the new DOE security czar, acknowledges the Energy Department needs reform to fix "organizational disarray" and a longstanding lack of accountability.

But the latest version of a bill to create the new National Nuclear Security Administration actually will insulate the new weapons agency from oversight of security for nuclear secrets, he said.

"What you're doing is creating a bureaucracy within a bureaucracy that's going to perpetuate the problems of the past—lack of

focus on security, lack of awareness of security and lack of accountability," Habiger said Thursday at Sandia National Laboratories while presiding over hearings on proposed polygraph testing for weapons workers.

House lawmakers approved the new weapons agency Wednesday by voting overwhelmingly in favor of the 2000 Defense Authorization Bill. Congress has billed the new agency as a way to increase security and accountability in the wake of China's alleged theft of U.S. nuclear-warhead designs.

The new agency is largely the handiwork of Sen. Pete Domenici, R-N.M., but the original legislation underwent changes last month in a closed-door conference of select Senate and House members. Habiger sees some of the changes as dramatically reducing his authority to ensure security at the nuclear-weapons labs.

"I'm not political. Nobody knows my politics except my wife," said Habiger, former commander in chief over the U.S. Strategic Command. "What's going on now—It's not about security. It's about politics."

He declined to speculate on the political motivations in Congress behind the new agency.

Habiger's comments add to mounting criticism of the legislation, which is being promoted by its authors as the answer to lax security and poor accountability in the U.S. nuclear-weapons program.

The leading critics are states that host DOE facilities, environmental watchdog groups and Energy Secretary Bill Richardson.

The National Governors Association and the National Association of Attorneys General urged Congress earlier this month to reconsider the legislation as written. They were joined by 46 state attorneys general, including New Mexico's Patricia Madrid. They say the bill stands to harm the environment and the safety of workers and the public by curtailing or eliminating oversight by the states, as well as by the remainder of DOE itself.

The bill would package DOE weapons work into its own semi-autonomous agency, with its own internal security, environmental and safety apparatus. As such, the bill codifies a more independent and insulated version of DOE's Office of Defense Programs, a politically well-connected office renowned for its resistance to outside oversight of security, safety and environmental protection.

In separate letters to Congress, the governors' association and the attorneys general said the new agency would preserve the self-regulation of the nuclear weapons complex that has left a legacy of more than 10,000 contaminated sites. Cleanup or fencing off of those sites could take 75 years, at a DOE estimated cost of at least \$147 billion.

"For over four decades, DOE and its predecessors operated with no external (and little internal) oversight of environment, safety and health," the attorneys general wrote. "Over the past 12 years or so, the disastrous consequences of this self-regulation have become plain . . . Much of this land and water will never be cleaned up."

To date, many of the nation's toughest environmental and safety laws and regulations still contain explicit exemptions for the U.S. nuclear-weapons complex, its wastes and worker safety.

Richardson forced the resignation in May of former Assistant Secretary for Defense Programs Vic Reis, partly for Reis' role in pressing lawmakers for the new agency and partly for his failure to attend to security at the weapons labs.

Habiger took Richardson's offer to become director of DOE's newly formed Office of Security and Emergency Operations on several

conditions. Habiger insisted he work directly with Richardson and report solely to him. He also requested full control of the department's security apparatus and its entire \$800 million security budget.

The new bill transfers emergency operations to the deputy administrator of the new weapons agency. And it provides the agency with its own security and counterintelligence authority and funding, Habiger said.

The changes threaten to roll back the tightened security measures that he and Richardson have taken in recent months, Habiger said.

"Unfortunately, the National Nuclear Security Administration Act would derail this progress," he said. "The bill would negate the president's ability to hold the Secretary of Energy responsible for managing the nation's nuclear defense and production complex. It would strip the secretary's responsibility to determine and manage sensitive classified programs. And it would shield DOE's nuclear defense work from the rest of the department's regimens, insulating it from secretarial oversight, supervision and scrutiny. . . . To continue our work, we need expanded oversight at the nuclear labs, not the insulated system this bill proposes."

Mr. DOMENICI. With that, I yield the floor and say I hope the Senate, by bipartisan, overwhelming majorities, passes this bill with this amendment on it, which is going to be good for America, good for nuclear weapons, and it will diminish the chances for spying and counterintelligence to work against our nuclear weapons in the secrets that are so imperative. Let's look back on this day and say we finally did something to move in the right direction.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I have had the real privilege of working with Senator DOMENICI on this particular amendment from its inception. Together with Senators MURKOWSKI and KYL, we crafted this very carefully.

The original concept was adopted by the Senate in the consideration of the intelligence bill. We then incorporated it in our bill, and we worked it with the House. I will go into further details.

Throughout, Senator DOMENICI has been really the leader of this effort. The Senate owes Senator DOMENICI a deep debt of gratitude for his perseverance on this provision. I am sure that America will recognize that service because it is in the best interests of the country. It was not motivated by politics. It was crafted carefully on the report of our distinguished colleague, Senator Rudman, who, of course, is one of the principal advisors to the President on intelligence and other matters. He was selected by the President to do this report. So we thank you, I say to the Senator.

Last night, Senator DOMENICI took the initiative of going down to see the President. I was privileged to accompany him and join in that meeting. We were going to have a meeting for, I suppose, 20 minutes or so. The President

had just arrived. He still had a little mud on his boots from visiting a flood area and was in his clothes from the trip, his casual clothes. He was preparing his address to the United Nations.

But he stopped to take the time to carefully evaluate the concern of the Senator from New Mexico, and a meeting of 20 minutes lasted well over an hour on this and other subjects. But primarily he has a grasp of the issues. He asked specific questions. And the Senator from New Mexico, together with his able staff member, Alex Flint, who was also there with us, responded.

The Senator from New Mexico talked to one question tonight. But I wanted to raise the second question and put it in the RECORD.

He will recall the concern he had about the split provision and where it was. I went back, researched, and found in our record a letter dated July 29 from Jacob Lew, Director of the Executive Office of the President, Office of Management and Budget. Mr. Lew wrote me the following:

I understand that Representative Spence has proposed an amendment for the FY 2000 defense authorization bill conference concerning the creation of a National Nuclear Security Administration at the Department of Energy. The Administration strongly opposes this language because it does not provide sufficient authority to the Secretary of Energy to assure proper policy development for, and oversight of, the new organization at the Department of Energy. The language jeopardizes the creation of sound counterintelligence, intelligence, and security efforts, and environmental, safety, and health compliance activities at the new organization. If this legislation were presented to the President, his senior advisors would recommend that it be vetoed.

We carefully tried to take into consideration Mr. Lew's concerns. We drafted that provision for that specific reason. So we were trying to follow the directions of the Director of Budget.

I ask unanimous consent that there be printed in the RECORD a short letter from me to the President thanking him for the meeting last night, containing a copy of this letter and explaining just how we arrived at that provision. But I think it would be helpful for the Record if the Senator from New Mexico were to expand on the President's question and the response of the Senator.

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

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, September 21, 1999.

Hon. WILLIAM J. CLINTON,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: Thank you for meeting with Senator Domenici and me last night to discuss the Department of Energy (DOE) reorganization provisions in the National Defense Authorization Act for Fiscal Year 2000 Conference Report.

You expressed concern last night with the organization of counterintelligence functions within DOE and the National Nuclear Security Administration (NNSA). The provisions in the conference report were crafted in

response to a July 29, 1999, letter from Office of Management and Budget Director, Jacob Lew, which stated that the Administration would oppose language that does not "ensure that the Secretary is provided sufficient authority to assure proper policy development for, and oversight of, the new organization . . .". The letter identified "counterintelligence, intelligence, security, and environment, safety and health compliance activities" as the organizational areas of concern.

Chairman Spence and I took Director Lew's letter very seriously and modified the conference report specifically to address the concerns in his letter. We modified the conference report by establishing the Office of Counterintelligence, which would be responsible for establishing all counterintelligence policy for the Department and for integrating such policies across organizational lines. I would point out that the Senate-passed DOE reorganization framework placed all responsibility for counterintelligence in the National Nuclear Security Administration.

Mr. President, let me again convey the importance of the Defense Authorization Act to the men and women in uniform. The soldiers, sailors, airmen, marines, their families and veterans are aware of the increased benefits in the conference report and are looking to you to follow through on your promises to them. I strongly encourage you to sign the bill when it is sent to you.

Respectfully,

JOHN WARNER.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT
AND BUDGET,

Washington, DC, July 29, 1999.

Hon. JOHN W. WARNER,

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

DEAR MR. CHAIRMAN: I understand that Representative Spence has proposed an amendment for the FY 2000 defense authorization bill conference concerning the creation of a National Nuclear Security Administration at the Department of Energy. The Administration strongly opposes this language because it does not provide sufficient authority to the Secretary of Energy to assure proper policy development for, and oversight of, the new organization at the Department of Energy. The language jeopardizes the creation of sound counterintelligence, intelligence, and security efforts, and environmental, safety, and health compliance activities at the new organization. If this legislation were presented to the President, his senior advisors would recommend that it be vetoed.

Sincerely,

JACOB J. LEW, DIRECTOR.

Mr. DOMENICI. Mr. President, I will not take much time because there are so many people who want to speak to this bill and its many other ramifications.

My assessment was that the President was concerned about the environmental provisions. We went through it very carefully. I believe the President was satisfied that what we had done was intended to keep this semi-autonomous agency totally within the purview of every environmental law of this land.

The second issue, obviously, had to do with counterintelligence because the Department under Bill Richardson had gone to a great deal of effort to create a policymaking mechanism for counterintelligence and had appointed

somebody to be in charge of it. The amendment in its original form did not account for that. It put all of the counterintelligence within the new, semi-autonomous agency.

That issue was raised with Chairman Rudman as he testified, and, as the distinguished chairman of the full committee indicates, it was raised to the committee by Mr. Lew from the OMB. Perhaps the good point was made. I think it could have gone either way. But I am certain that everybody involved in security will say it is all right the way it is.

Secretary Richardson made the point that there are some counterintelligence issues that are broader and apply in different places within the Department than just in the nuclear weapons part. You shouldn't have two kinds of policies developed on counterintelligence. So we said the policy will be developed in the Office of the Secretary and it will be implemented and carried out in toto for the nuclear part by the semiautonomous agency, and the Assistant Secretary, or administrator—whichever we choose to call him—implements this provision.

I believe those are the most important issues of which we spoke.

I think the President clearly understood that you could manage a nuclear weapons system without a Secretary of Energy. You could do it similar to NASA, with perhaps a board of directors, and he even commented that certainly would not be illegal. But the point is, we want to leave it in the Department. But when you leave it there, you have to make it somewhat autonomous or you haven't changed anything. I think by the time we were finished that was well understood.

I believe we have a good bill with reference to reforming this Department. I think within a couple of years you will see security in a much better shape. I think you will see "accountability" as a word of which you will not only speak but you will know who is accurate. And it is high time, in my opinion.

I thank the distinguished Senator, Mr. WARNER, for involving me again here tonight.

I think I have said enough. I yield the floor. I hope the Senate passes this tomorrow overwhelmingly.

Mr. WARNER. Mr. President, I thought it very important and as a courtesy to the President that this be a part of the legislative history of this bill. Senator DOMENICI has given an excellent explanation.

So this part of the RECORD contains all the information that is pertinent, I ask unanimous consent that my letter to the attorneys general, to which our distinguished colleague, Mr. DOMENICI, referred, likewise be printed in the RECORD so that those studying this issue will have in one place all of the pertinent material.

I thank the Senator.

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

CONGRESS OF THE UNITED STATES,

Washington, DC, September 14, 1999.

Hon. MICHAEL O. LEAVITT,
Chairman, National Governors' Association Hall
of States,
Washington, DC.

Hon. CHRISTINE O. GREGOIRE,
President, National Association of Attorneys
General,
Washington, DC.

DEAR GOVERNOR AND MADAM ATTORNEY GENERAL: We are aware that concerns have been raised regarding the impact of Title XXXII of S. 1059, the conference report for the National Defense Authorization Act (NDAA) for fiscal year 2000, on the safe operation and cleanup of Department of Energy (DOE) nuclear weapons sites. Title XXXII provides for the reorganization of the DOE to strengthen its national security function, as recommended by the House of Representatives, the Senate, and the President's Foreign Intelligence Advisory Board (PFIA). In so doing, the NDAA would establish the National Nuclear Security Administration (NNSA), a semi-autonomous agency within the Department.

However, as the purpose of this effort was focused on enhancing national security and strengthening operational management of the Department's nuclear weapons production function, the conferees recognized the need to carefully avoid statutory modifications that could inadvertently result in changes or challenges to the existing environmental cleanup efforts. As such, Title XXXII does not amend existing environmental, safety and health laws or regulations and is in no way intended to limit the states' established regulatory roles pertaining to DOE operations and ongoing cleanup activities. In fact, Title XXXII contains a number of provisions specifically crafted to clearly establish this principle in statute.

NNSA COMPLIANCE WITH EXISTING ENVIRONMENTAL REGULATIONS, ORDER, AGREEMENTS, PERMITS, COURT ORDERS, OR NON-SUBSTANTIVE REQUIREMENTS

Concern has been expressed that Title XXXII could result in the exemption of the NNSA from compliance with existing environmental regulations, orders, agreements, permits, court orders, or non-substantive requirements. We believe these concerns to be unfounded. First, Section 3261 expressly requires that the newly created NNSA comply with all applicable environmental, safety and health laws and substantive requirements. The NNSA Administrator must develop procedures for meeting these requirements at sites covered by the NNSA, and the Secretary of Energy must ensure that compliance with these important requirements is accomplished. As such, the provision would not supersede, diminish or otherwise impact existing authorities granted to the states or the Environmental Protection Agency to monitor and enforce cleanup at DOE sites.

The clear intent of Title XXXII is to require that the NNSA comply with the same environmental laws and regulations to the same extent as before the reorganization. This intent is evidenced by Section 3296, which provides that all applicable provisions of law and regulations (including those relating to environment, safety and health) in effect prior to the effective date of Title XXXII remain in force "unless otherwise provided in this title." However, nowhere in Title XXXII is there language which provides or implies that any environmental law, or regulation promulgated thereunder, is either limited or superseded. Therefore, we clearly intend that all existing regulations, orders, agreements, permits, court orders, or non-substantive requirements that presently

apply to the programs in question, continue to apply subsequent to the enactment and effective date of Title XXXII.

Concern has also been expressed that the creation of the NNSA would somehow narrow or supersede existing waivers of sovereign immunity or agreements DOE has signed with the states. Title XXXII merely directs the reorganization of a government agency and does not amend any existing provision of law granting sovereign immunity or modify established legal precedent interpreting the applicability or breadth of such waivers of sovereign immunity. The intent of this legislation is not to in any way supersede, diminish or set aside existing waivers of sovereign immunity.

NNSA RESPONSIBILITY FOR ENVIRONMENT, SAFETY AND HEALTH AND OVERSIGHT BY THE OFFICE OF ENVIRONMENT, SAFETY AND HEALTH

Concern has been expressed that the NNSA would be sheltered from internal oversight by the Office of Environment, Safety and Health. In keeping with the semi-autonomous nature of the proposed NNSA, the legislation establishes new relationships between the new NNSA and the existing DOE secretariat. Principally, it vests the responsibility for policy formulation for all activities of the NNSA with the Secretary and devolves execution responsibilities to the NNSA Administrator. However, there is clear recognition of the need for the Secretary to maintain adequate authority and staff support to discharge the policy making responsibilities and conduct associated oversight. For instance, Section 3203 establishes a new Section 213 in the Department of Energy Organization Act which provides that:

(b) The Secretary may direct officials of the Department who are not within the National Nuclear Security Administration to review the programs and activities of the Administration and to make recommendations to the Secretary regarding administration of those programs and activities, including consistency with other similar programs and activities of the Department.

(c) The Secretary shall have adequate staff to support the Secretary in carrying out the Secretary's responsibilities under this section."

While some maintain that both of these provisions are redundant restatements of the Secretary's inherent authority as chief executive of his department, we recognized the importance of being abundantly clear on this point, particularly as it pertained to environmental, safety and health matters. Therefore, we fully expect that the Secretary will continue to rely on the Office of Environment, Safety and Health or any future successor entity to support his policy making and oversight obligations under the law.

To further clarify this point, the conferees also included a provision in Section 3261(c) that states that "Nothing in this title shall diminish the authority of the Secretary of Energy to ascertain and ensure that such compliance occurs." This provision makes reference to the requirement that the NNSA Administrator ensure compliance with "all applicable environmental, safety and health statutes and substantive requirements." Once again, the conferees intended this further language to make it abundantly clear that the Secretary retains the authority to assign environmental compliance oversight to the Office of Environment, Safety and Health to support his responsibilities in this area.

Finally, concern has also been raised over the interpretation of the assignment of environmental safety and health operations to the NNSA Administrator by Section 3212. This provision establishes the scope of functional

responsibilities assigned to the NNSA Administrator and is not intended to, and does not, supersede the assignment of primacy for policy formulation responsibility to the Secretary of Energy for environment, safety and health or any other function.

EFFECT OF SECTION 3213 ON OVERSIGHT BY THE OFFICE OF ENVIRONMENT, SAFETY AND HEALTH

Concern has also been raised that Section 3213 could be interpreted in a manner that would preclude oversight by the Office of Environment, Safety and Health. Section 3213 deals exclusively with the question of who within the Department of Energy holds direct authority, direction and control of NNSA employees and contractor personnel. As such, this provision establishes the operational and implementation chain of command in keeping with the organizing principle of the legislation to vest execution authority and responsibility within the NNSA. However, neither this principle nor Section 3213 would in any way preclude the Secretary from continuing to rely on the Office of Environment, Safety and Health for providing him with oversight support for any program or activity of the NNSA.

NNSA RESPONSIBILITY FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

Concern has also been raised that Title XXXII somehow would extend to the NNSA responsibility for environmental restoration and waste management. We consider this concern to be unfounded and inaccurate. Contrary to some interpretations, Section 3291(c) grants no authority to the Secretary to move additional functions into the NNSA. Rather, Section 3291(c) recognizes the possibility that some future activity may present the need to migrate a particular facility, program or activity out of the NNSA should it evolve principally into an environmental cleanup activity. Therefore, this provision would allow such activity only to be transferred out of the NNSA.

Further, contrary to some expressed concerns, Title XXXII would not permit control of ongoing cleanup activities being carried out by the Office of Environmental Management to be assumed or inherited by the NNSA, thus ensuring that DOE's environmental responsibilities will not be overshadowed by production requirements. Finally, as previously noted, Section 3212, which assigns the functional responsibilities of the NNSA Administrator, is not intended to, and does not, establish responsibility to the NNSA Administrator for environmental restoration and waste management.

OVERSIGHT ROLE OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Concern has been raised that the external oversight role of the Defense Nuclear Facilities Safety Board (DNFSB) will be impaired by the conference report language. This concern is without merit, since Title XXXII makes no change to the existing authority or role of the DNFSB. While there was some discussion during the conference of possibly expanding the role of the DNFSB to enhance external environmental and health oversight, this proposal was eventually dropped resulting in no change to the existing authority of the DNFSB.

We firmly believe that this legislation will result in much needed reforms to better protect the most sensitive national security at our nuclear weapons research and production facilities and to correct associated long-standing organizational and management problems within DOE. However, we agree that these objectives should not weaken or undermine the continuing effort to ensure adequate safeguards for environmental, safety and health aspects of affected programs and facilities. More specifically, we believe

that these objectives can be met without in any way limiting the established role of the states in ongoing cleanup activities. This legislation is fully consistent with our continuing commitment to the aggressive cleanup of contaminated DOE sites and protecting the safety and health of both site personnel and the public at large.

We appreciate your willingness to share your concerns with us and hope that this response will address them in keeping with our mutual objectives. In this regard, we look forward to continuing to work closely with you and your associations to ensure that this legislation is implemented in a manner that is consistent with the principles stated above and strikes the intended careful balance between national security and environmental, safety and health concerns.

Sincerely,

FLOYD D. SPENCE,
Chairman, House
Armed Services Committee.

JOHN WARNER,
Chairman, Senate
Armed Services Committee.

NATIONAL ASSOCIATION OF
ATTORNEYS GENERAL,
Washington, DC, September 3, 1999.

Re Department of Energy Reorganization.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. THOMAS DASCHLE,
Minority Leader, U.S. Senate,
Washington, DC.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.

Hon. RICHARD GEPHARDT,
Minority Leader, U.S. House of Representatives,
Washington, DC.

DEAR SENATORS LOTT AND DASCHLE; AND REPRESENTATIVES HASTERT AND GEPHARDT: We write to express our serious concerns with certain provisions of the Department of Defense ("DOD") Authorization bill as reported by the House/Senate conference committee on August 4, 1999. Title XXXII of the bill would create a new, semi-autonomous entity within the Department of Energy ("DOE") called the National Nuclear Security Administration ("NNSA"). We recognize the need to ensure national security at DOE, and acknowledge the strong Congressional interest in restructuring DOE to address these concerns. However, any such restructuring must not subordinate the states' legitimate environment, safety, and health concerns to weapons production and development. We fear that the proposed bill will have this unintended consequence. We urge you to oppose those provisions of Title XXXII that would weaken the existing internal and external oversight structure for DOE's environmental, safety and health operations.

For over four decades, DOE and its predecessors operated with no external (and little internal) oversight of environment, safety and health. Over the past twelve years or so, the disastrous consequences of this self-regulation have become plain. DOE now oversees the largest environmental cleanup program in the world. DOE has contaminated thousands of acres of land, and billions of gallons of groundwater. Much of this land and water will never be cleaned up. Instead, states and the federal government will have to ensure these contaminated areas remain isolated or contained for hundreds or thousands of years. Achieving even this sad legacy will cost \$147 billion, according to DOE's most recent estimates. As recent revelations about

worker health and safety at DOE's Paducah, Kentucky, plant further demonstrate, will should not return to the era of self-regulation.

Congress and President Bush responded to these concerns in 1992 by passing the Federal Facility Compliance Act, which clarified that states have regulatory authority over DOE's hazardous waste management and cleanup. DOE also made internal reforms. It created an internal oversight entity in the Office of Environment, Safety, and Health. It also created the Office of Environmental Management, whose mission is to safely manage DOE's wastes, surplus facilities, and to remediate its environmental contamination.

Title XXXII of the Defense Authorization bill would undercut each of these reforms. It would impair State regulatory authority, eliminate DOE's internal oversight of environment, safety and health, and transfer responsibility for waste management and environmental restoration to the entity responsible for weapons production and development. The following provisions of the bill are particularly troubling:

Under well-established Supreme Court jurisprudence, section 3261 could be interpreted as a very narrow waiver of sovereign immunity, leaving the NNSA exempt from state environmental regulations, permits, orders, penalties, agreements, and "non-substantive requirements."

Sections 3212(b)(8) and (9) make the NNSA responsible for environment, safety and health operations, and section 3291(c) clarifies that this includes environmental restoration and waste management. Under this arrangement, environmental concerns would likely take a back seat to production.

Together, sections 3202, 3213(a) and 3213(b) provide that the NNSA's employees and contractors would not be subject to oversight by the Office of Environment, Safety, and Health.

Section 3296, intended as a savings clause, will not preserve application of existing laws and regulations because of the introductory phrase "unless otherwise provided in this title."

Against these provisions, section 3211's unenforceable exhortation that the Administrator shall ensure the NNSA's operations are carried out "consistent with the principles of protecting the environment and safeguarding the safety and health of the public and of the workforce" is of little comfort.

Enhancing national security does not have to be inconsistent with protecting environment, safety, and health. But as set forth in Title XXXII, it is. Unfortunately, there have been no hearings where states could comment on the language of this bill. The provisions we are concerned about surfaced in the conference committee. We urge you to oppose the DOE reorganization provision, Title XXXII, as proposed in the Defense Reauthorization bill. If Congress believes that reorganization is necessary to resolve security issues at DOE, such changes should be accomplished through the regular legislative process, with hearings that provide an opportunity for states and others who are concerned about the environmental, safety and health consequences to have their views heard before a final vote.

Sincerely,

Christine O. Gregoire, Attorney General of Washington, President, NAAG.

Carla J. Stovall, Attorney General of Kansas, Vice President, NAAG.

Ken Salazar, Attorney General of Colorado.

Andrew Ketterer, Attorney General of Maine, President-Elect, NAAG.

Mike Moore, Attorney General of Mississippi, Immediate Past President, NAAG.

Bruce M. Botelho, Attorney General of Alaska.

Mark Pryor, Attorney General of Arkansas.

Richard Blumenthal, Attorney General of Connecticut.

Robert A. Butterworth, Attorney General of Florida.

John Tarantino, Acting Attorney General of Guam.

Janet Napolitano, Attorney General of Arizona.

Bill Lockyer, Attorney General of California.

M. Jane Brady, Attorney General of Delaware.

Thurbert E. Baker, Attorney General of Georgia.

Earl Anzai, Attorney General Designate of Hawaii.

Alan G. Lance, Attorney General of Idaho.

Jeffrey A. Modisett, Attorney General of Indiana.

A.B. "Ben" Chandler III, Attorney General of Kentucky.

Tom Reilly, Attorney General of Massachusetts.

Mike Hatch, Attorney General of Minnesota.

Jim Ryan, Attorney General of Illinois.

Tom Miller, Attorney General of Iowa.

J. Joseph Curran, Jr., Attorney General of Maryland.

Jennifer Granholm, Attorney General of Michigan.

Jeremiah W. Nixon, Attorney General of Missouri.

Joseph P. Mazurek, Attorney General of Montana.

Philip T. McLaughlin, Attorney General of New Hampshire.

Patricia Madrid, Attorney General of New Mexico.

Michael F. Easley, Attorney General of North Carolina.

Maya B. Kara, Acting Attorney General of the Northern Mariana Islands.

Frankie Sue Del Papa, Attorney General of Nevada.

John F. Farmer Jr., Attorney General of New Jersey.

Eliot Spitzer, Attorney General of New York.

Heidi Heitkamp, Attorney General of North Dakota.

Betty D. Montgomery, Attorney General of Ohio.

W.A. Drew Edmondson, Attorney General of Oklahoma.

D. Michael Fisher, Attorney General of Pennsylvania.

Paul Summers, Attorney General of Tennessee.

Jan Graham, Attorney General of Utah.

Hardy Myers, Attorney Myers, Attorney General of Oregon.

José A. Fuentes-Agostini, Attorney General of Puerto Rico.

John Cornyn, Attorney General of Texas.

William H. Sorrell, Attorney General of Vermont.

Darrell V. McGraw, Jr., Attorney General of West Virginia.

Gay Woodhouse, Attorney General of Wyoming.

James E. Doyle, Attorney General of Wisconsin.

Mr. DOMENICI. Mr. President, I want to say for the RECORD that there are so many people who have worked hard on this legislation. I don't want the RECORD to even imply that I was more responsible than others. Maybe I

worked earlier than some. But Senator KYL worked very hard. Senator MURKOWSKI conducted some marvelous hearings on the subject. Both the chairman and ranking member of the Committee on Intelligence were greatly involved and, in fact, participated in helping us with this and supported it wholeheartedly.

The Senators on the floor from the Armed Services Committee, Senator BINGAMAN and Senator LEVIN, contributed to some positive things on the floor that were changed as a result of their concerns. I think altogether we have a bill that will work.

Mr. WARNER. Mr. President, again I thank Senator DOMENICI.

The RECORD should reflect the valuable contributions by the staff members who worked on this amendment: Alex Flint of Senator DOMENICI's staff, John Roos of Senator KYL's staff, Howard Useem of Senator MURKOWSKI's staff, and Paul Longworth of my staff, and the Armed Services Committee staff.

PRIVILEGES OF THE FLOOR

Mr. WARNER. I ask unanimous consent Clint Crosier, a fellow from Senator SMITH's office, be granted floor privileges during the DOD authorization debate.

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

Mr. WARNER. I also ask unanimous consent that staff members of the Committee on Armed Services on the list I send to the desk be extended privileges of the floor during consideration of this conference report.

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

The list is as follows:

ARMED SERVICES COMMITTEE STAFF

Romie L. Brownlee, Staff Director.
David S. Lyles, Staff Director for the Minority.
Charles S. Abell, Professional Staff Member.
Judith A. Ansley, Deputy Staff Director.
John R. Barnes, Professional Staff Member.
Christine E. Cowart, Special Assistant.
Daniel J. Cox, Jr., Professional Staff Member.
Madelyn R. Creedon, Minority Counsel.
Richard D. DeBobs, Minority Counsel.
Marie Fabrizio Dickinson, Chief Clerk.
Kristin A. Dowley, Staff Assistant.
Edward H. Edens IV, Professional Staff Member.
Shawn H. Edwards, Staff Assistant.
Pamela L. Farrell, Professional Staff Member.
Richard W. Fieldhouse, Professional Staff Member.
Mickie Jan Gordon, Staff Assistant.
Creighton Greene, Professional Staff Member.
William C. Greenwalt, Professional Staff Member.
Joan V. Grimson, Counsel.
Gary M. Hall, Professional Staff Member.
Shekinah Z. Hill, Staff Assistant.
Larry J. Hoag, Printing and Documents Clerk.
Andrew W. Johnson, Professional Staff Member.
Lawrence J. Lanzillotta, Professional Staff Member.

George W. Lauffer, Professional Staff Member.

Gerald J. Leeling, Minority Counsel.

Peter K. Levine, Minority Counsel.

Paul M. Longworth, Professional Staff Member.

Thomas L. MacKenzie, Professional Staff Member.

Michael J. McCord, Professional Staff Member.

Ann M. Mittermeyer, Assistant Counsel.

Thomas C. Moore, Staff Assistant.

David P. Nunley, Staff Assistant.

Cindy Pearson, Security Manager.

Sharen E. Reaves, Staff Assistant.

Anita H. Rouse, Deputy Chief Clerk.

Joseph T. Sixeas, Professional Staff Member.

Cord A. Sterling, Professional Staff Member.

Madeline N. Stewart, Receptionist.

Scott W. Stucky, General Counsel.

Eric H. Thoemmes, Professional Staff Member.

Michele A. Traficante, Staff Assistant.

Roslyne D. Turner, Systems Administrator.

Mr. WARNER. Mr. President, this evening we consider the conference report to accompany S. 1059, the National Defense Authorization Act for fiscal year 2000.

I am pleased to report for the first time in 15 years—I want to repeat that and let it sink in, 15 years—the defense budget before the Senate represents a real increase above the normal allowance we make for inflation. This is above inflation for defense spending.

I rejoice in that as all members of our committee do. I am hopeful that all Members of the Senate, likewise, do. We authorize \$288.8 billion in defense funding for next year, which is \$8.3 billion above the President's budget request, and a 4.4-percent real increase in spending from last year.

I acknowledge the roles particularly of the Members of the Joint Chiefs of Staff who appeared before the Armed Services Committee on two occasions. We have a longstanding tradition in our committee that when these individuals are confirmed before our committee, we obtain from them a commitment that at any time the committee desires to receive their personal, professional, military opinion on matters, and those issues could be contrary to the policies of the administration which they proudly serve, they will be received.

These individuals testified to the needs of their respective services which were over and above the dollar figures, the budget allocations set by OMB and, indeed, the administration. That gave the foundation of evidence that enabled Members, first in committee, and then before this body, in passing the bill to get the increased sums I have just referenced—\$8.3 billion above the President's budget request.

The President himself this year took an initiative to get additional defense spending. To the credit of our former colleague, Senator Cohen, he, likewise, was very supportive of the President and took the initiative that led to the President increasing the defense budget. However, our committee was of the

opinion, again, based largely on the testimony of the Joint Chiefs, that we needed dollars above the President's figure and we obtained them.

First, a quick review of the precarious international situation. Remember, much of the budget consideration started with the problems in Bosnia, the problems with reference to Kosovo. All during that timeframe, the committee was holding hearings and working on its budgets. Most recently, the crisis in East Timor. Incidentally, in consultation with the President, I indicated I supported the action of sending U.S. troops as a part of the security force under the U.S. auspices to save the people of East Timor.

But I mention this is a very troubled world. It is a far different one than when I first came to the Senate 21 years ago, when it was a bipolar world dominated by the Soviet Union, at that time, and the United States as the two superpowers. We didn't realize the degree of stability we had during that period of the two superpowers in a bipolar world, but we appreciate it in today's world where we see so many ethnic, religious, and racial tensions which have now come to the forefront and have exploded into strife in various areas of the world. Russia evolved from that sort of crisis. But it does not remain, of course, as a superpower.

Many nations, therefore, and the United Nations, have turned to the United States as the sole remaining superpower to solve new types of conflicts and tensions around the world. We are called upon to be—to use a phrase which I dislike, but it is well ingrained in the media—the world's policeman. We are not the world's policeman. Our President—in my judgment too many times, but nevertheless by and large I have supported him on most of the occasions, such as East Timor—has directed our Armed Forces beyond our shores more times than any President in the history of the United States of America. All this to say that is justification for the additional defense spending, justification for the very significant sum of money embraced in this bill.

It is fascinating to pause and go back and examine just what has transpired in a very brief period of time in our history. We face and bear these new developments with a force that is overstretched around the world and operating on a shoestring. Over the past decade, our military manpower has been reduced by one-third, from 2.2 million men and women in uniform to now 1.4 million in uniform. At the same time, during that decade, those very young, magnificently trained, dedicated, committed young men and women were involved in 50 military operations worldwide. At the same time that we came down in force structure, up rose the number of occasions in which the Commander in Chief—successively, three Commanders in Chief—have deployed them throughout the world.

By comparison, let's look at another chapter of history. From the end of the war in Vietnam, 1975, until 1989, U.S. military forces were engaged in only 20 military operations. What a sharp contrast, and it is reflected by the ever-increasing threat from weapons of mass destruction; that is, weapons composed of fissile material, biological material, and chemical materials.

All of the ethnic and religious and racial tensions that are breaking out all over the world—that is the reason the President has had to send for our troops to meet these crises, but troops which are diminishing overall in numbers. It is critical the funding and the authorities contained in this conference report be quickly enacted into law so we can send a very clear message—we, the Congress of the United States—send a very clear message to our troops: We are behind you. We recognize that you are stretched. We recognize the hardships on your families. We recognize the risks you are taking. And we, the Congress, have responded by increasing the defense budget, by increasing the money for your salaries, increasing the money so that your salaries can begin to move up—and I carefully say move up—towards salaries commensurate with those in the private sector.

A sergeant in our military today with, say, 4 or 5 years of service and training in a specialty can command a much higher salary in the private sector. How well we know that because they are not staying. Our retention of those well-trained people is at levels below the needs of the military. That is why, sergeant, we are raising your salary. That is why, captain, major, we are raising your salary. Because we know you are at that juncture in your career where you have to make a decision for yourself—and your family, in most cases—as to whether to stay at this current salary or go into the private sector where you can get a 10, 15, 20, 30, 100 percent increase in salary. We recognize your commitment to your country, your selflessness to serve your Nation, and joined with your family, we give you this recognition in this bill of a very significant pay raise, together with certain retirement benefits which more nearly meet your long-term projected goals.

This is personnel reform. I thank Senator LOTT, who initiated correspondence with the President of the United States just as soon as this session of the Congress began and pointed out to the President the need for certain personnel reforms. In weeks thereafter, he was joined by other Senators—Mr. MCCAIN, Mr. ROBERTS—and the committee, in every respect that we could, followed the goals those three individuals laid down in devising this pay and benefits and retirement bill.

The result of this conference report is to aggressively close the gap between military and private sector wages by providing a 4.8-percent pay

raise and ensuring military personnel will be compensated more equitably. We did not get it all the way up to where they can draw a line equal to the private sector, but we came a long way.

The military retirement system will be reformed by providing military personnel with a choice. They will be allowed to choose to revert to the previous military retirement system or accept a \$30,000 bonus and remain under the Redux system. This may not be clear to all those who are not familiar with it, but I assure you this retirement system was derived by our committee and legislated by the Senate as a whole and adopted by the conference after the closest consultation with the senior uniformed personnel, as well as all grades and ranks, to make sure we got it right this time. I am pleased to give my colleagues that assurance. We did get it right.

Military members will also be given the opportunity to participate in the Federal Thrift Savings Program; again, an incentive for them to remain in the military.

During the course of our review, the committee found the single most frequent reason departing service members cite is that of family separation, occasioned most often by the back-to-back deployments of the uniformed member who has family, be it a male or a female, to the various parts of the world to meet the requirements of 50 deployments in this past decade. That puts a strain on families. For us, those who have the relative enjoyment of being with our families at all times, it is hard to understand. You are given orders: In 72 hours you are going to be aboard that plane or that ship and you have to leave your family and go abroad for, most often, an indefinite period of time.

Let every young wife and let every child put themselves in the place of a military family where your father, or, indeed, your mother as the case may be, comes home and says: My orders read I must leave in 72 hours and I am not sure when I will be back. That is a tough lifestyle. But these young people are accepting it. I hope as a consequence of this bill, greater numbers will elect to retain their current positions and continue to advance and serve this country in their expertise.

In addition to enhancing the quality of life for military personnel, this bill focuses on providing our Armed Forces the tools they need to meet their commitments worldwide. For example, this year the bill provides for \$1.5 billion increased funding above the President's request for military readiness. This includes an additional \$939 million to reduce equipment and infrastructure maintenance backlogs, \$179 million for ammunition, and \$112 million for service training centers.

The conference report also stresses the problem of aging infrastructure by fully funding \$8.5 billion in military construction projects, which is \$3 billion above the administration's re-

quest. Much of this additional funding is targeted for housing and other projects that will enhance the quality of life of the men and women in the Armed Forces—just really meeting the basic requirements for a standard and a quality of life that they have earned many times over.

The conference report also contains additional information about the modernization and specific provisions covering modernization and research and development funding to provide the requirement capabilities for the future. We try to look out a decade. What are the likely adversaries we will have 10 years from now, and what will be their military capabilities in terms of hardware? What is it the United States needs, to begin now or to continue research and development on, so as to meet those threats 10 years out and meet and exceed the capabilities of the military equipment likely to be in the possession of our adversaries a decade hence.

The F-22 is a clear example of that. Senator STEVENS, with whom I was consulting earlier this evening, is doing the very best he can to restructure, with the House of Representatives, that program so we can continue to develop that vital aircraft. I say vital because this Nation has adopted so many, if not all, of its military plans for combating an enemy on the concept of air superiority.

We have had air superiority since the Korean war, in which I played a very modest role as a communications officer in the First Marine Air Wing. That was the last war—in Korea—in which we lost airmen as a consequence of aerial combat. Our distinguished colleague, Senator Glenn, who retired last year, was very much involved in that. That is the last time we experienced a threat in air-to-air combat from military aircraft of any great significance.

There has been an isolated case here and there. I know at one point in time several planes took off during the Kosovo operation, but they were quickly knocked down and sent back to their bases. The same thing happens in Iraq today. Periodically, Saddam Hussein sends them up. They make a U-turn and scatter back home very quickly. Again, the reason they scatter back home quickly is the reason Milosevic was unsuccessful in his aircraft: Because we have air superiority. That is in air-to-air.

Where we must stay abreast in air superiority is in what we call ground-to-air missiles. That is an entirely different threat and one that, every day that goes by, other nations are getting capability to shoot from the ground into the air, at almost all the altitudes at which our aircraft operate, very dangerous missiles to knock down our aircraft. It is for that reason we have to have the F-22 and other modern aircraft which provide for our men to maintain air superiority.

The bill authorizes \$55.7 billion in procurement funding, \$2.7 billion more

than the President's request, and \$36.3 billion in research and development spending, \$1.9 billion more than the President's request. In considering where to add money, the conferees focused on those items contained in the service chiefs' list of critical unfunded requirements.

We did not just go straying off. We said to the chiefs: We recognize the President set a budget target within which you had to do your budgeting; but in the event the coequal branch of our Government—the legislative branch, the Congress—comes along and makes a determination that more money should be added to this budget, then where, in your professional judgment, should that money be added: In the Department of the Army? The Department of the Navy? The Department of the Air Force? That is what we used as guidance in adding moneys over and above the President's request to specific programs.

Our Nation is facing very real threats from the proliferation of weapons of mass destruction, international terrorism, information warfare, and drug trafficking. These are the dangerous threats that keep our Nation's leaders up at night and that require substantial investments to counter. To meet these challenges, the Emerging Threats Subcommittee—under the superb leadership of Senator ROBERTS—pursued a number of initiatives that were adopted by the conference including authorizing 17 new National Guard RAID Teams to respond to terrorist attacks in the United States; initiating better oversight of DOD's program to combat terrorism; and establishing an Information Assurance Initiative to strengthen DOD's information security program.

Now let me discuss the provisions in the bill that would reorganize the national security functions of the Department of Energy. A degree of controversy has arisen over these provisions and I wish to outline for my colleagues what the conference report does and, specifically, what it does not do.

The conference report includes a subtitle that would restructure the Department of Energy by consolidating all of its national security functions under a single, semi-autonomous agency within DOE, known as the National Nuclear Security Administration. This action represents the first significant reorganization of DOE in over 20 years and is in direct agreement with the June 1999 recommendation from the President's Foreign Intelligence Advisory Board, which called for the creation of "a new semiautonomous Agency * * * whose Director will report directly to the Secretary of Energy."

There have been countless other reports that have questioned the management structure of the Department. But by far, the President's own Foreign Intelligence Advisory Board had the most damning assessment. This report

states that "the Department of Energy, when faced with a profound public responsibility, has failed." The report goes on to say that "the Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself".

It has been asserted that the conference report could diminish the role of the States in DOE cleanup actions and blur the authority of the Secretary of Energy to manage the national security function of the Department. Let me state clearly that each of these accusations are wholly untrue.

Language to maintain environmental protection was included that is identical to the language in the amendment offered by Senators LEVIN, BINGAMAN, and others in the Senate. This amendment was included in the DOE reorganization provision which overwhelmingly passed the Senate by a vote of 96-1 as part of the Intelligence Authorization Act. This vote on a very similar reform package as contained in the conference agreement demonstrated the clear intent of Congress that the current management structure at the Department was broken and was in need of reform.

With regard to the authority of the Secretary of Energy, the conferees were very careful and could not have been clearer in retaining the authorities of the Secretary necessary to manage, direct, and oversee the activities of the new Administration. I and most of the other conferees believe this new DOE organizational framework will dramatically streamline the management of our Nation's nuclear weapons labs, establish clear accountability, and ensure full compliance with the Secretary of Energy's direction and all applicable environmental laws.

Energy Secretary Bill Richardson, however, has indicated that this new organizational framework would make it "impossible for any Secretary of Energy to run the Department." Let me say, with all due respect to my good friend Mr. Richardson, I disagree. I was a Secretary of a military department and know what is required to make an organization work. I believe that the organizational structure that is created in this conference report could be successfully managed by a strong Secretary of Energy—and he should step up to this challenge.

In conclusion, I want to thank all the members and staff of the conference committee for their hard work and cooperation. This bill sends a strong signal to our men and women in uniform and their families that Congress fully supports them as they perform their missions around the world with professionalism and dedication. Many organizations including The Military Coalition and The National Military and Veterans Alliance, two consortiums of nationally prominent military and veterans organizations representing millions of current and former members of the uniformed services, their families and survivors, strongly endorse enactment of this bill.

I am confident that enactment of this bill will enhance the quality of life for our service men and women and their families, strengthen the modernization and readiness of our forces and begin to address newly emerging threats to our security. I urge my colleagues to adopt the recommendations of the conference committee.

I ask unanimous consent that letters from supporting organizations and a list of the staff members of the Armed Services Committee be printed in the RECORD.

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

THE MILITARY COALITION,
201 NORTH WASHINGTON STREET,
Alexandria, Va, September 15, 1999.

Hon. JOHN WARNER,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Military Coalition, a consortium of nationally prominent veterans organizations representing more than five million members of the uniformed services plus their family members and survivors, is grateful to you and the Armed Service Committee for your leadership in crafting the FY 2000 National Defense Authorization Act. The Coalition strongly supports enactment of S. 1059.

S. 1059 contains numerous initiatives to improve retention and the quality of life of members of the uniformed services and their families, including pay raises and enhancements in the post-1986 retirement system—both imperative to reverse the serious degradation in personal readiness the services are now experiencing. In addition, it addresses recruiting shortfalls, spare parts shortages, training accounts and deteriorating infrastructure.

Favorable floor action on the pay, retirement and quality of life initiatives in S. 1059 will send a powerful signal to the men and women in the uniformed services and their families that this Nation fully appreciates the sacrifices they are making and recognizes the vital role they play in ensuring a strong national defense.

The Military Coalition has urged every members of the Senate to vote in favor of this important legislation when it comes to the floor.

Sincerely,

THE MILITARY COALITION.

Air Force Association.
Air Force Sergeants Association.
Army Aviation Assn. of America.
Assn. of Military Surgeons of the United States.
Assn. of the US Army.
Commissioned Officers Assn. of the US Public Health Service, Inc.
CWO & WO Assn. US Coast Guard.
Enlisted Association of the National Guard of the US.
Fleet Reserve Assn.
Gold Star Wives of America, Inc.
Jewish War Veterans of the USA.
Marine Corps League.
Marine Corps Reserve Officers Assn.
Military Order of the Purple Heart.
National Guard Assn. of the US.
National Military Family Assn.
National Order of Battlefield Commissions.
Naval Enlisted Reserve Assn.
Naval Reserve Assn.
Navy League of the US.
Reserve Officers Assn.
Society of Medical Consultants to the Armed Forces.
The Military Chaplains Assn. of the USA.

The Retired Enlisted Assn.
The Retired Officers Assn.
United Armed Forces Assn.
USCG Chief Petty Officers Assn.
US Army Warrant Officers Assn.
Veterans of Foreign Wars of the US.
Veterans Widows International Network, Inc.

NATIONAL MILITARY AND
VETERANS ALLIANCE,
September 13, 1999.

Hon. JOHN W. WARNER,
Chairman, Armed Services Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The National Military Veterans Alliance (NMVA)—a group of 20 military and Veterans organizations with over 3 million members and their 6 million supporters and family members—strongly supports the Defense Authorization Act for FY 2000.

We are encouraged and pleased by the Conference Agreement on the Fiscal Year 2000 National Defense Authorization Act. The Act contains many substantive improvements for active and retired service members and should assist the armed services in attracting and maintaining a quality force. NMVA appreciates the fine work of your Committee on this important legislation which provides for a continued strong national defense.

This legislation will improve pay and compensation, and will improve the quality of life for military members and their families. It is an excellent step to strengthen our nation's defense and deserves prompt passage. A unanimous vote would let our brave young men and women know that the nation values their courage and dedication to duty.

We appreciate your past efforts on behalf of our men and women in uniform and look forward to working with you to safeguard our national security. You have our full support for this conference report.

Sincerely,

Grant E. Acker, National Legislative Director, Military Order of Purple Heart; Deirdre Parke Holleman, Gold Star Wives of America; James Staton, Executive Director, Air Force Sergeants Association; Mark H. Olanoff, Legislative Director, The Retired Enlisted Association; Bob Manhan, Veterans of Foreign Wars; Robert L. Reinhe, Class Act Group; Doug Russell, President, American Military Society; Richard D. Murray, President, National Association for Uniformed Services; Frank Ault, Executive Director, American Retirees Association; Arthur C. Munson, National President, Naval Reserve Association; Richard Johnson, Executive Director, Non Commissioned Officer Association; J. Norbert Reiner, National Service Director, Korean War Veterans Association; Dennis F. Pierman, Executive Secretary, Naval Enlisted Reserve Association; Brian Baurnan, Director, Tragedy Assistance Program for Survivors.

COMMISSIONED OFFICERS ASSOCIATION OF THE U.S. PUBLIC HEALTH SERVICE,

September 14, 1999.

Hon. JOHN W. WARNER,
U.S. Senate, Senate Russell Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the Commissioned Officers Association (COA) of the United States Public Health Service, a private, nonprofit, professional organization comprised of officers of the Commissioned Corps of the Public Health Service. My purpose in writing is to commend you for your leadership in crafting S.

1059, the conference report on the National Defense Authorization Act for Fiscal Year 2000.

More than any legislation in recent memory, this legislation focuses on "people", providing substantial enhancements to the quality of life of our men and women in uniform. In addition, the conference report addresses the critical issues of readiness and modernization, placing this country's national defense capacity on a more solid footing as we enter the next century.

COA deeply appreciates your efforts and your personal resolve to ensure the highest standard of readiness for all seven of our country's uniformed services. We stand ready to assist you with passage of this very important piece of legislation.

Sincerely,

MICHAEL W. LORD,
Executive Director.

NAVY LEAGUE OF THE UNITED STATES,
Arlington, VA, September 16, 1999.

Hon. JOHN WARNER,
*Chairman, Senate Armed Services Committee,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: On behalf of the 70,000 members of the Navy League of the United States, I want to thank you and the members of the Senate Armed Services Committee for your leadership and hard work regarding S. 1059, the National Defense Authorization Act for Fiscal Year 2000.

As you know, S. 1059 contains several initiatives that are critical to improving the quality of life and retention of our highly trained men and women in uniform, particularly the 4.8 percent pay raise, and a restructuring and restoration of the military retirement system. Additionally, the bill begins to address the serious shortfalls in recruiting, spare parts, training accounts and deteriorating infrastructure that is confronting our armed forces.

Quick passage of S. 1059 will send a strong signal to our service members and their families that Congress and our Nation support and recognize the hard work and long hours they endure to guarantee our safety and freedom.

The Navy League, as a civilian patriotic organization, is dedicated to the support of America's sea services and enthusiastically encourages every member of the Senate to vote in favor of this bill when it comes up for final consideration.

With best regards,

Sincerely,

JOHN R. FISHER,
National President.

NATIONAL ASSOCIATION FOR
UNIFORMED SERVICES,

Springfield, VA, September 13, 1999.

Hon. JOHN W. WARNER,
*Chairman, Armed Services Committee, U.S. Senate,
Washington, DC.*

DEAR MR. CHAIRMAN: The National Association for Uniformed Services (NAUS) represents all grades, all ranks, and all components for the seven uniformed services to include family members and survivors as well as over 500,000 members and supporters.

We are encouraged and pleased by the Conference Agreement on the Fiscal Year 2000 National Defense Authorization Act. We appreciate the fine work of your Committee on this important legislation. The Act contains many substantive improvements for active and retired service members and should assist the armed services in attracting and maintaining a quality force. NAUS strongly supports final passage of this important legislation to provide for a continued strong national defense.

This legislation will improve pay and compensation, and will improve the quality of

life for military members and their families. It is an excellent step to strengthen our nation's defense and deserves prompt passage. A unanimous vote would let our brave young men and women know that the nation values their courage and dedication to duty.

We appreciate your past efforts on behalf of our men and women in uniform and look forward to working with you to safeguard our national security. You have our full support for this legislation.

Sincerely,

RICHARD D. MURRAY,
*Major General, U.S.A.F., Retired,
President.*

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Roslyne D. Turner, Systems Administrator.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I commend my good friend from Virginia for his work on this bill and his leadership in the committee. It is a bipar-

tisan style of leadership, and it is very productive. I commend him on it. It sets the kind of style which I hope will permeate this body in all the things we do, but it is absolutely essential in the national security area that we act in this way. He carries on a great tradition in doing so.

The conference report for the national defense for the fiscal year 2000 is a good bill, with one problem, and that problem is the provisions relating to the reorganization of the Department of Energy nuclear weapons complex. Because of the deficiencies in the DOE reorganization provisions, I declined to sign the conference report on this bill, but, at the time, I stated I would decide how to vote on the bill after a more careful analysis and a public airing of the provisions.

Back to the Department of Defense side of the bill because this is almost two bills but one conference report. We have a Department of Defense authorization bill, in its more traditional style, addressing the issues which we typically address, and we have this new kid on the block, this Department of Energy reorganization part of this bill, which is the problematic part.

The Department of Defense portion of the bill is a good agreement. It was reached through bipartisan and cooperative discussion among ourselves in the Senate and with our House colleagues. This conference report should go—and will go, in my judgment—a long way to meet the priorities established for our military by Secretary Cohen and the Joint Chiefs of Staff.

I very much agree with our good friend, Senator WARNER, as to what he said about this part of the bill and the priorities it sets, how it spends the additional funds. In accordance with the fiscal year 2000 budget resolution, the bill includes an \$8.3 billion increase in budget authority above the level provided in the President's budget. Unlike the budget increases in past years, the added money in this bill will be spent in a manner in which the Department of Defense indicates it has the highest priorities.

That is a very important point. The chairman made the point in his remarks that, relative to the additional funds, we solicited from the Department what their highest priorities are and tried to reflect those priorities.

The bottom line is that this bill will go a long way to improve the quality of life for our men and women in uniform, it will improve the readiness of our military, and it will continue the process of modernizing our Armed Forces to meet the threats of the future.

Some of the add-ons, as I have indicated, the so-called increases, represent the highest-priority readiness items identified by the Joint Chiefs of Staff, including an added \$788 million for real property maintenance, something we frequently neglect and delay but which is essential—real property maintenance is not a glamorous item, but it is very important to quality of

life and to readiness—\$380 million was added for base operations; \$172 million for ammunition; \$112 million for training center support; \$151 million for depot maintenance. These are items that too frequently get shortchanged. In each case, these items will significantly enhance the ability of our Armed Forces to carry out their full range of missions.

As far as the members of the military are concerned, this is probably the most important Defense Authorization Act in recent years because of the improvements it will make in pay and benefits for the women and men in uniform.

The bill includes the triad of pay and retirement initiatives sought by Secretary Cohen and the Joint Chiefs: A 4.8-percent military pay raise for fiscal year 2000, reform of the military pay table to increase pay for midcareer NCOs and officers, and changes to the military retirement system. These changes should go a long way in addressing recruiting and retention problems in the services. My greatest disappointment in this area is that we were not able to enact the GI bill improvements that were proposed by Senator CLELAND this year.

I think every Member of this body wants to do everything they can to ensure the men and women in uniform receive fair compensation for the service they provide to their country. Secretary Cohen and the Joint Chiefs of Staff made a persuasive case that the military is facing real recruiting and retention problems and that improvements in pay and benefits in the conference report are a critical element of any plan to address the recruiting and retention problems.

There are other important provisions in this bill as well. For example, the bill reported by the Armed Services Committee provides full funding for the DOD Cooperative Threat Reduction Program with Russia and other countries of the former Soviet Union, although it would terminate work on the Russian chemical weapons destruction facility. Unfortunately, two of the three companion programs at the Department of Energy, the initiative for proliferation prevention and the nuclear cities initiatives, received less funding than requested by the administration.

The bill also contains some unfortunate restrictions on those two programs at the Department of Energy which are going to limit the effectiveness of these programs. Nonetheless, the Cooperative Threat Reduction Program and those related Department of Energy programs are a cornerstone of our relationship with Russia, and although the DOE programs were not funded at the level requested, nonetheless they are funded at a significant level and these programs play an important role in our national security by reducing the threat of proliferation of weapons of mass destruction from Russia and rogue nations with which

Russia may form closer ties in the absence of those programs.

There were other disappointments as well. In addition to the reduction of the requests for the DOE programs that I mentioned, Senator WELLSTONE's amendment to provide some relief for a group of veterans who contracted serious illnesses after being exposed to radiation while participating in nuclear tests or while serving at Hiroshima or Nagasaki after the war, adopted in the Senate, was not accepted in conference because when we got to conference, the House conferees said the amendment would increase the so-called mandatory or entitlement spending, and they had no jurisdiction on that issue. As a result, they would not agree to include this provision in the conference report. That is a disappointment. It is a disappointment to me, and I think it will be a disappointment to those veterans who were so exposed.

But the conference report, again, has so many important provisions that we should look at the whole DOD report and weigh that as a whole. When we do that, it seems to me the Department of Defense portion of this bill makes a very large contribution to national security and the effective management of the Department of Defense—including other provisions such as the provision establishing new procedures to protect the military's access to essential frequency spectrum; such as the provision requiring the Department to establish specific budget reporting procedures for all funds to combat terrorism, both at home and abroad; such as a series of provisions to improve the effectiveness and efficiency of health care provided to service men and women under the TRICARE program; such as provisions promoting reform of the Department of Defense financial management systems; such as the provisions promoting more effective management of the defense laboratories and test and evaluation facilities; such as provisions extending the Department's small disadvantaged business goals and its mentor-protégé program for small disadvantaged businesses for 3 years.

As I indicated, this conference report is really two bills. It is a DOD authorization bill, but it is also a reorganization of the entire Department of Energy nuclear weapons complex. It does the latter in a way which is inconsistent with the bill that was passed by the Senate by a vote of 96-1 earlier this year, inconsistent in a number of important ways.

It goes beyond anything that has even been considered by the House of Representatives. While there is a broad consensus that we need to address the management and accountability programs at DOE, particularly in the areas of security and counterintelligence, the provisions in this bill could undermine Secretary Richardson's efforts to secure our nuclear secrets and make the Department even more difficult to manage than it is today.

That is the question we struggle with and that I and a number of the members of our committee have struggled with, and I know Members of this body are struggling with that as well—the final provisions that were put in the conference report to try to analyze: What is the difference, if any, between these provisions in the conference report and the Senate provisions which we adopted to implement the semi-autonomous agency recommendation of Senator Rudman?

So I wrote a letter to the Congressional Research Service requesting an independent assessment of the impact of the conference report on the ability of the Secretary of Energy to manage the Department's nuclear weapons programs. The CRS memorandum prepared in response to my letter this month raises serious questions about the impact of the Department of Energy reorganization provisions in this conference report.

The CRS concluded that the Secretary's authority over the new National Nuclear Security Administration "may be problematic in view of the overall scheme of the proposed legislation." For instance, the CRS memorandum raises the question about "whether it is possible, or desirable in practice, to split policy and operations in organizational terms"; and asks whether the practice of insulating administration staff offices from departmental staff offices "effectively vitiates the meaning of the earlier provisions assigning the Secretary full authority and control over any function of the Administration and its personnel."

The CRS memorandum also points out the legislation would permit the administrator of the new National Nuclear Security Agency to "establish Administration-specific policies, unless disapproved by the Secretary of Energy." And the CRS points out that "This procedure reverses the general practice in the departments and to the extent that the Secretary is not the issuing authority, a major tool of management and accountability is shifted to a subordinate office."

If this legislation were interpreted, as the CRS indicates it could be interpreted, to undermine the authority of the Secretary, it would have the perverse effect of diffusing responsibility in the Department, leaving reporting channels even more "convoluted, confusing, and contradictory" than those observed by the Rudman Commission.

I supported the Rudman recommendation and still do. The Rudman recommendation recommends a semi-autonomous entity inside the Department of Energy. But what the CRS report does is raise questions about whether or not this language—which is different from the Senate language which was overwhelmingly adopted—in this conference report goes beyond semiautonomous.

None of the models of a semi-autonomous agency cited by the Rudman Commission in its report—the National Reconnaissance Office; the National Security Agency; the Defense Advanced Research Projects Agency, or DARPA; or the National Oceanographic and Atmospheric Administration, NOAA—limit the authority of the Cabinet Secretary responsible for the agency as much as these provisions seem to do.

However, the ambiguities in this bill may leave open another choice. We are dealing with ambiguities in language. So we have to look at: Are there other interpretations, other choices which may be available in light of these ambiguities?

In particular, there is language which can be construed to give authority to the Secretary which might allow him to run this agency, called the Department of Energy, in a way which will provide accountability in the Secretary because he is the one to whom we must look to be accountable. We want him to be able to run the agency.

That is why it is called a semi-autonomous entity in the Rudman report. They do not recommend an autonomous entity. They recommend a semiautonomous entity. They cite models, the ones I have just indicated, which allow the Secretary of the agency in question to run his agency, including all parts of it, including the semiautonomous parts.

There is language in this conference report which remains which does point towards the ability of the Secretary to run his entire agency, to be accountable and responsible for it.

I want to just read some of that language.

For instance, the new administration—this new entity—is established “within the Department of Energy”, and is therefore subject to the direction and control of the Secretary.

The Secretary of Energy, in this conference report—not the head of the new entity, the under secretary, but the Secretary of Energy—is responsible for “developing the security, counterintelligence, and intelligence policies of the Department” under section 214.

For instance, the Department’s counterintelligence chief, not his subordinate in the new administration, is “responsible for establishing policy for counterintelligence programs and activities at Department facilities in order to reduce the threat of disclosure or loss of classified and other sensitive information at such facilities” under section 215.

Another example of language pointing toward accountability in the Secretary—where we want it, ultimately, in this Department or any Department—is that the Secretary of Energy, not the new under secretary but the Secretary of Energy himself, is given continuing responsibility for the security and counterintelligence problems within the Department’s nuclear energy defense programs by sections 3150, 3152, 3154, and 3164 of the bill.

Other language which may give some comfort to those of us who are concerned about the diffusion of accountability in this new language—not adopted by the Senate, not adopted by the House, but put into the conference report—other language which may hopefully give some comfort is that the Secretary of Energy, not the new under secretary, is given the responsibility for appointing the Chief of Defense Nuclear Counterintelligence and the Chief of Defense Nuclear Security within the new administration.

I think one can fairly argue that the authority to establish Department-wide policies carries with it the authority to ensure that such policies are carried out. On that basis and on the basis of these other provisions I have just quoted, this legislation could be interpreted to give the Secretary of Energy continuing authority to manage the Department, including the authority to direct and control the new National Nuclear Security Administration.

So while it is unfortunate that this bill has confused reporting relationships and blurred lines of authority, I believe a strong Secretary of Energy may be able to overcome these difficulties and address the Department’s problems in an effective manner. He should not have to be confronted with these difficulties, but he may be able to overcome them. We will need to continually reexamine these provisions and modify them as appropriate to ensure that the Secretary and the Department have the tools they need to ensure the security of our nuclear deterrent.

The National Association of Attorneys General has raised an important concern about this legislation. In two letters dated September 3, 1999, to the President and the congressional leadership, the National Association of Attorneys General states that the DOE reorganization provisions in this bill “would weaken the existing internal and external oversight structure for DOE’s environment, safety, and health operations.”

Here again, the Secretary of Energy may be able to overcome the ambiguities in the bill and exercise strong independent oversight over the new administration, ensuring that applicable laws, regulations, and agreements protecting health, safety, and the environment continue to be enforced. This legislation then may be ratified by the courts consistent with its intent—which we put in the Senate version of this bill—to make no change to existing substantive and procedural mechanisms for enforcing such laws, regulations, and agreements.

I wish these flawed DOE reorganization provisions had not been added in conference. As a matter of fact, adding extraneous material in this way is a dubious legislative practice that too often results in unsound legislation. The concerns raised by attorneys general should serve as a reminder to all of

us of the hazards of trying to legislate on complex issues in a conference committee convened to deliberate on unrelated matters.

I am going to vote for this bill because I believe it is possible that the DOE reorganization provisions can be interpreted in a manner that will permit the sound management of the Department of Energy and because the provisions are a part of what is otherwise a good bill. If the DOE reorganization mandated by this bill proves to create problems, we will then have to consider solutions to those problems in the future. We are going to need to monitor this bill closely as it is implemented.

We don’t know if the President will or will not veto this bill. Perhaps the President indicated to my good friend from Virginia last night at the meeting. But we do not have any indication as to whether or not the President will veto this bill.

Mr. WARNER. Mr. President, if the Senator will allow me to make clear for the Record, while I addressed the President about the importance of the bill as a courtesy to him, I never tried to elicit that response. But I certainly left that meeting with the impression, No. 1, that the President has given a lot of study to the issues that my distinguished good friend and colleague, Senator LEVIN, has raised tonight. He is carefully briefed on it. His questions were very precise on it.

Senator DOMENICI and I provided responses which I hope were quite informative to the President. But I in no way wish to indicate that he likewise indicated what he would do.

I certainly have the impression from that meeting and from everything else I gained that there is not as much fervor down at the White House for a veto, and I am confident that Secretary Cohen likewise contributed his views to the President on this. I am confident he urged the President to sign. He is the principal Cabinet officer involved.

With regard to Secretary Richardson, he has always been, I think, well received by the Members up here who have listened to his overtures on this question. I spoke with him about 10 days ago in my office. I told him at that time precisely what the Senator from Michigan just said—that I thought, to the extent there are ambiguities, together with valuable legal counsel—and I also mentioned this to the President last night—I am confident he can run this Department. If he has the desire and the commitment to do so, he can operate this Department. The Constitution provides for separate branches of Government. The President has the administration of the executive branch. He delegates certain responsibilities to his Cabinet officers. It was not the intention of the Congress to take away from the President’s authority.

I am very pleased, if I may say to the President and to the Senator from

Michigan, that I learned tonight the Senator from Michigan will vote in favor of this bill. I was terribly concerned that at the time he couldn't sign the conference report. But he, too, has fought the good battle in terms of his views about this reauthorization. I take those to heart.

Let us look at this in a positive light—that this Secretary will take the reins and look at this statute. It challenges him to run a strong Department. It is my expectation that he will do it and that in a period of reasonable time he will have proven not only to his Department but to all of us in the executive branch and the legislative branch that this can be done.

Thank you, Mr. President, and my colleague, because I value our work and relationship. We came to the Senate together 21 years ago. We have been through many struggles. And for the foreseeable future we have certainly another year to work together to devise a bill.

Mr. LEVIN. I thank my good friend from Virginia. We are, indeed, not only old colleagues but dear friends.

Mr. President, as I indicated, I will be voting for this bill tomorrow. I believe it is again possible that the reorganization provisions of the Department of Energy can be interpreted in a manner that will permit the Department to be managed soundly. It is my hope that that will be the case.

If in fact the President decides to veto this matter—we do not know what he will do—then obviously I, for one, will be willing to consider any arguments and reasoning that might be proposed. But I have no reason to know that that is forthcoming. We just have no indication that in fact a veto is or is not forthcoming. We simply have to do what we, in our best judgment, believe is best. Of course, we are always willing to consider any thoughts or reasoning of the President if and when a veto message is received.

Finally, I want to again thank our good chairman. He has put together a bill with provisions in it that are going to make a real difference for the men and women in our military. As the ranking member of this committee, I have worked very closely with him. Republicans and Democrats on this committee don't always agree, but we surely agreed on the end point, which is that the well-being of the men and women in our military and the security of this country has to be first and foremost. It is not a partisan issue. The constructive leadership which our chairman has always provided on so many issues has been part of a great tradition of the Armed Services Committee.

As he rightfully points out, our staffs are essential to that contribution. We all strive to make a bipartisan contribution to the security of this Nation. We succeed at times. I am sure we don't succeed at other times, as hard as we try. But we would not succeed to the extent we do but for the staffs who

also work on a bipartisan basis. Dave Lyles, Les Brownlee, and all of our staff under their leadership are essential to the successes that we have.

I, like the chairman, want to thank our subcommittee chairman and all the members of our committee for their work during the past year, starting with the subcommittee hearings this spring and the good work in this bill that is aimed at improving the quality of life for men and women in the military. Their readiness and their support will indeed have that impact and will have that positive effect we so fervently wish for.

I yield the floor.

Mr. WARNER. Mr. President, I thank my good friend and colleague for these many years. It is a personal privilege and a pleasure to work with him. He represents so many of the values and traditions which make this institution great. I know full well his dedication to the men and women of the Armed Forces. I have never known a Senator who more conscientiously goes into every issue—I don't want to use the word "agonizes," but can he give me a better word?

Mr. LEVIN. I wish I could.

Mr. WARNER. To explain the endless hours in which he and his staff go over the most minute details. Indeed, we owe a great debt of gratitude to our staff.

I would like to make one recommendation to my good friend from Michigan. You need a deputy director. I have Judith Ansley. If the Senator from Michigan had a magnificent deputy director like her to help him curtail the top hands—Les Brownlee and David Lyles—it would be great, and I would see to it that the Senator got a little money from the budget for that.

Mr. LEVIN. I was just going to say that sounds like an invitation to a budget request, and tomorrow morning we will surely try to have one on the chairman's desk.

Mr. WARNER. Mr. President, we have done our job.

I can't tell the Senator from Michigan the great respect that I have for him. I know how difficult this provision on the Energy reorganization has been. It is on our bill for valid reasons. We have somewhere between two-thirds and 70 percent of the funds that go into that Department under our overview. We do careful overview on the weapons program.

But the fact that the Senator from Michigan has announced tonight that he will support that bill is very important. I think it will be important to the President as he carefully deliberates such petitions as may be before him by the Secretary of Energy and others on this issue.

Mr. President, I think we have concluded. I thank the Chair and the staff of the Senate.

Mr. THURMOND. Mr. President, I rise in support of the Conference Report on S. 1059, the National Defense Authorization Bill for Fiscal Year 2000.

As the Chairman Emeritus of the Armed Services Committee, I know the challenges faced by Chairman WARNER in reaching a consensus between the House and the Senate on the National Defense Authorization Bill. Therefore, I congratulate the Chairman on his leadership and his tenacity on behalf of our national security and the men and women who have dedicated themselves to protecting our Nation. This is a superb bill that provides for a strong national defense, and, more importantly, includes significant provisions to provide for the welfare of our soldiers, sailors, airmen and Marines and their families.

Mr. President, first and foremost, the Conference Report increases the President's budget request by more than \$8.0 billion. This increase is based on last September's testimony by our most senior military leaders who identified a need for an additional \$18.5 billion to resolve the most critical readiness issues. Although the increase provided for in the conference report is still short of the Chiefs' identified needs, it, coupled with other improvements in the report, will provide the necessary resources to resolve the most critical readiness issues.

Following closely in importance to the readiness funding are the provisions that improve the quality of life and welfare of our military personnel. They include a 4.8 percent pay raise, reform of the military pay tables, and annual military pay raises one-half percent above the annual increases in the Employment Cost Index. Additionally, the conference report makes major changes to the retirement system and allows both active and reserve component personnel to participate in the same Thrift Savings Plan that is available to other federal employees. These provisions are important steps toward increasing retention and resolving the current recruiting crisis.

Mr. President, the Nation owes its military personnel the best it can provide. In these times between crisis, the Nation tends to forget their sacrifices and contributions to the Nation's security. During the September 1998 hearing, General Shelton eloquently described the quality and service of our military personnel when he stated:

It is the quality of the men and women who serve that sets the U.S. military apart from all potential adversaries. These talented people are the ones who won the Cold War and ensured our victory in Operation Desert Storm. These dedicated professionals make it possible for the United States to accomplish the many missions we are called on to perform around the world every single day.

The conference report recognizes these contributions.

Mr. President, I am confident that everyone in this Chamber will agree that the security issues in the Department of Energy identified by the various congressional committees, the Cox Committee and the President's Foreign Intelligence Advisory Board, chaired by our former colleague Senator Rudman, mandated measures to improve

the management of the nuclear weapons complex. The Conference Report directs the establishment of the National Nuclear Security Administration, a semi-autonomous agency within the Department of Energy. This agency would be responsible for nuclear weapons programs and the security, counterintelligence, and intelligence as they relate to the weapons programs. Contrary to what some allege, the agency would be under the direct control of the Secretary of Energy and he would retain ultimate responsibility for what the Administration does or fails to do.

Mr. President, this is a prudent step that is long overdue. It will streamline the bureaucracy and the process which ensures the reliability of our nuclear weapons. More importantly, it will provide the security oversight that will preclude any further loss of sensitive nuclear information. This is a sound provision that will assist the Secretary of the Energy in carrying out his critical national security role.

Mr. President, this is a good Conference Report that reflects the dedication and leadership of Chairman WARNER, Senator LEVIN, Chairman SPENCE, Representative SKELTON and all the conferees. It provides for the critical national security needs of our Nation and especially for the needs of the men and women who proudly wear the uniforms of our Army, Navy, Air Force, and Marines. I urge its adoption and strong support.

Thank you, Mr. President.

Mr. KYL. Mr. President, I rise today in support of the Defense authorization conference report. The debate on this bill comes at time when our nation faces a host of new national security challenges, like the growing missile threat, the spread of weapons of mass destruction, terrorism, potential information warfare attacks on our critical infrastructure, and aggressive espionage directed at our nuclear laboratories.

It also comes at a time when our armed forces are facing critical shortfalls in readiness and recruitment and retention. Our men and women in uniform are stretched to the limit, with deployments around the globe to places such as Kosovo, Bosnia, East Timor, the Persian Gulf, the Sinai Peninsula, South Korea, and the list goes on and on.

Senator WARNER and his colleagues on the Armed Services Committee have produced a good bill that begins to address some of these problems.

First, the bill authorizes a total of \$288.8 billion for DoD and the national security programs at the Energy Department—\$8.3 billion more than the President's request. It also increases funding for readiness by \$1.5 billion and procurement by \$3 billion above the President's request.

The bill provides a 4.8% pay raise for our men and women in uniform, reforms the military pay tables, and improves the retirement system, which

should help with recruitment and retention problems.

It authorizes \$403 million over the President's request for missile defense, \$150 million more than requested for the protection of DoD's computer networks, and authorizes and fully funds 17 new National Guard rapid response teams to respond to terrorist attacks in the U.S.—12 more than requested by the Administration.

And finally, this bill contains a series of provisions to reorganize the Department of Energy in order to improve security and counterintelligence. Over the past few months, we have all heard the sobering news about how our nation's security has been damaged by China's theft of America's most sensitive secrets. Earlier this year, the declassified version of the bipartisan Cox Committee report was released, which unanimously concluded that China stole classified information on every nuclear warhead currently in the U.S. arsenal, as well as the neutron bomb—literally, the crown jewels of our nuclear stockpile.

An interagency group established by CIA Director Tenet, with representatives from each of the U.S. intelligence agencies, also prepared a damage assessment, which unanimously concluded that "China obtained through espionage classified U.S. nuclear weapons information," including "design information on several modern U.S. nuclear reentry vehicles," and "information on a variety of U.S. weapon design concepts and weaponization features."

After the effects of China's espionage came to light, the President asked his Foreign Intelligence Advisory Board, led by former Senator Rudman, to look into the matter. The board released its findings in June, calling for sweeping organizational reform of DOE to address what it described as "the worst security record on secrecy" that the panel members "have ever encountered."

The bipartisan panel cited as the root cause of DOE's poor security record "organizational disarray, managerial neglect, and a culture of arrogance. . . [which] conspired to create an espionage scandal waiting to happen." Terrible problems were uncovered during the panel's investigation. For example, employees at nuclear facilities compared their computer systems to automatic teller machines allowing top secret withdrawals at our nation's expense.

The Rudman report pulled no punches, noting that, "The Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself. . . The long traditional and effective method of entrenched DOE and lab bureaucrats is to defeat security reform initiatives by waiting them out."

Although Energy Secretary Richardson announced several new initiatives to change management and procedures at DOE, the Presidential panel's report states, "we seriously doubt that his

initiatives will achieve lasting success," and notes, "moreover, the Richardson initiatives simply do not go far enough." It is because of these problems that the Presidential panel recommended that Congress act to reorganize the Department by statute, so that the bureaucracy could not simply wait out another Secretary of Energy.

In response to the reports of security problems at our nuclear facilities, Senator DOMENICI, Senator MURKOWSKI, and I drafted legislation to implement the recommendations of the Rudman panel. Our legislation gathered all the parts of our nuclear weapons programs under one semi-autonomous agency within DOE, with clear lines of authority, responsibility, and accountability, with one person in charge, called the Administrator, who will continue to report to the Energy Secretary. Our legislation, which was offered as an amendment to the intelligence authorization bill, was passed by the Senate on July 21st by an overwhelming vote of 96 to 1. I want to thank Senator WARNER for working with us to include this legislation in the Defense Authorization Conference Report.

A semiautonomous agency, created by statute, is the only way we are going to solve the problems with DOE's management of the nuclear weapons complex, that are long-standing, systemic, and go to the very heart of the way the Department is managed, structured, and organized. To begin with, this semi-autonomous agency will establish a clear mission for the organization, by separating the management of the nuclear weapons programs at DOE from the rest of the Department that is responsible for a broad range of unrelated tasks like setting energy efficiency standards for refrigerators. The provisions of the Conference Report also establish a clear chain of command for our nuclear weapons programs and facilities to establish accountability—something that the Rudman report said was "spread so thinly and erratically [at DOE] that it is now almost impossible to find."

Since the conference report was filed in August, some opponents of DOE reorganization have charged that this legislation would exempt the new semi-autonomous agency from environmental and safety laws and regulations—a charge which is simply false. Section 3261 of the bill, which I would note is identical to the language in the amendment passed by the Senate 96 to 1, states, "The Administrator shall ensure that the Administration complies with all applicable environmental, safety, and health statutes and substantive requirements." Furthermore, section 3261 states, "Nothing in this title shall diminish the authority of the Secretary of Energy to ascertain and ensure that such compliance occurs."

I would also note, that section 3211, which establishes the mission of the new agency clearly states, "In carrying out the mission of the Administration,

the Administrator shall ensure that all operations and activities of the Administration are consistent with the principles of protecting the environment and safeguarding the safety and health of the public and of the workforce of the Administration."

Some critics have also falsely charged that this legislation would narrow or supercede existing waiver of sovereign immunity agreements with the states and undercut the Federal Facility and Compliance Act, which clarified that states have regulatory authority over hazardous waste management and clean-up. Mr. President, I would point out that Federal Facility Compliance Agreements are based on waivers of sovereign immunity established under applicable federal environmental statutes, which are *not* affected by this bill. As section 3296 makes clear, "unless otherwise provided in this title, all provisions of law and regulations in effect immediately before the effective date of this title. . . shall continue to apply to the corresponding functions of the Administration."

It is well past time to correct the chronic security problems at our nuclear facilities. Earlier this year, four committee's in the Senate held six hearings specifically on the legislation Senator DOMENICI, Senator MURKOWSKI, and I proposed. The time has come to act. Great harm to our nation's security has already been done, and if we want to prevent further damage, we must act to reform the way we manage our nuclear weapons programs and facilities to create accountability and responsibility. Our most fundamental duty as Senators is to protect the safety and security of the American people. They deserve no less than our best in this regard. I urge my colleagues to support the passage of this important bill.

Mr. MURKOWSKI. Mr. President, I rise in support of the conference report on the Defense Authorization Act for fiscal year 2000. The conference report includes provisions to address the chronic security problems at the Department of Energy nuclear weapons laboratories.

We need to make major organizational changes to the Department of Energy in order to protect the national security—to keep our nuclear secrets from falling into the wrong hands. There is no question that the U.S. has suffered a major loss of our nuclear secrets. According to the House Select Committee's report, the Chinese have succeeded in stealing critical information on all of our most advanced nuclear weapons. I repeat: The House report shows that we lost critical information on all of our advanced nuclear weapons! That is unacceptable!

The extensive Senate hearing record—in both open and closed meetings held by the Energy and Natural Resources Committee, the Armed Services Committee, the Intelligence Committee and the Governmental Affairs Committee—makes clear that we lost

these secrets due to poor management by the top levels of the Department of Energy—which led to lax security and a lack of accountability and responsibility.

Let me quote from the report of the President's foreign intelligence advisory board—the Rudman report—titled "Science at its best: Security at its worst."

Organizational disarray, managerial neglect, and a culture of arrogance—both at DOE headquarters and the labs themselves—conspired to create an espionage scandal waiting to happen.

The Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself.

Accountability at DOE has been spread so thinly and erratically that it is now almost impossible to find.

Never have the members of the Special Investigative Panel witnessed a bureaucratic culture so thoroughly saturated with cynicism and disregard for authority.

Never before has this panel found such a cavalier attitude toward one of the most serious responsibilities in the federal government—control of the design information relating to nuclear weapons.

Never before has the panel found an agency with the bureaucratic insolence to dispute, delay, and resist implementation of a Presidential directive on security.

I ask unanimous consent that additional excerpts from the Rudman report be printed in the RECORD following my statement.

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

[See Exhibit 1.]

Mr. MURKOWSKI. Despite this damning criticism by the President's own foreign intelligence advisory board to date not a single high level bureaucrat at DOE—or the FBI or the Justice Department, for that matter—has been removed, demoted or disciplined over this massive failure. Only a very few low-level DOE employees have suffered—including the person who first blew the whistle.

The problem is clear. The question is: Do we want this to continue, or are we going to fix the problem?

One thing we can not discuss in open session, is the extent of this problem. We can say that this problem is much more extensive than has been reported. We can also say that it is a continuing problem. And we can say that it is not just espionage by China, it is also espionage by other countries that we must stop.

The Administration is against fixing the problem; DOE Secretary Richardson is opposed to the provisions Conference Report. When this was last debated in the Senate, Secretary Richardson sent two letters threatening veto by the President—and he continues to voice his opposition to this legislation. However, the President's own independent and nonpartisan Foreign Intelligence Advisory Board agrees with our legislative solution—creating a semi-autonomous agency within DOE is the way to fix the problem.

Again, let me quote from the Rudman report:

The panel is convinced that real and lasting security and counterintelligence reform at the weapons labs is simply unworkable within DOE's current structure and culture.

To achieve the kind of protection that these sensitive labs must have, they and their functions must have their own autonomous operational structure free of all the other obligations imposed by DOE management.

Under the current DOE organization structure everyone is in charge, but no one is responsible—no one is accountable. This legislation changes that. This legislation establishes accountability and responsibility at the Department of Energy. It does so by establishing a new semi-autonomous "National Nuclear Security Administration" inside the Department of Energy.

The Nuclear Security Administration will be a self-contained organization that will be fully in charge of all aspects of our nuclear weapons program—and fully accountable.

This new agency will be headed up by a new Under Secretary of Energy. The new Under Secretary will be responsible for all aspects of our nuclear weapons program, including the DOE weapons labs. If there is a problem in the future we will know who to point the finger at—a single agency with a single person heading it in charge of all aspects of the nuclear weapons program.

As further evidence for the need for this legislation, I would like to quote the testimony of Mr. Vic Reis, the former Assistant Secretary of Energy for Defense Programs, just before he was forced out by Secretary Richardson for disagreeing with the Secretary's position on the need to create a semi-autonomous agency. Mr. Reis said:

You may recall at a previous hearing, Mr. Chairman, you noticed me in the audience and you asked for my opinion as to who, or what was to blame for the security issues at the national laboratories. I responded that I didn't think you would find any one individual to blame, but that the organizational structure of the DOE was so flawed that security lapses are almost inevitable.

The root cause of the difficulties at DOE is simply that DOE has too many disparate missions to be managed effectively as a coherent organization. The price of gasoline, refrigerator standards, Quarks, nuclear cleanup and nuclear weapons just don't come together naturally.

Because of all this multilayered cross-cutting, there is no one accountable for the operation of any part of the organization except the Secretary, and no Secretary has the time to lead the whole thing effectively. By setting up a semi-autonomous agency, many of these problems go away.

The way to stop espionage at the DOE laboratories then is to vote for the conference report.

Before I yield the floor I want to mention one element of DOE's defense programs that we do not reorganize, although it is made part of the new National Nuclear Security Administration. That is the Naval Nuclear Propulsion Program.

The Conference report language was very carefully and specifically crafted

to ensure that the organization, responsibilities and authorities of the Naval Nuclear Propulsion Program are not diminished or otherwise compromised. The Naval Nuclear Propulsion Program, referred to as "Naval Reactors" in the Department of Energy, has long been a model of excellence, efficiency and integrity. Naval Reactors has provided safe, reliable, long-lived and militarily-effective nuclear propulsion plants for our Nation since U.S.S. *Nautilus* went to sea in 1955. These nuclear propulsion plants are found in our largest ships, the *Nimitz* class nuclear aircraft carriers with over 5,500 personnel on board. They are also found in one of our smallest ships, the NR-1 deep-submergence research and ocean engineering vehicle with a crew of only five to ten. These nuclear propulsion plants also are crucial to the ability of our Nation's exceptional ballistic missile and attack submarine fleets to perform their national security missions.

Under the conference report, Naval Reactors will continue to maintain clear, total responsibility and accountability for all aspects of Naval nuclear propulsion, including design, construction, operation, operator training, maintenance, refueling, and ultimate disposal, plus associated radiological control, safety, environmental and health matters, and program administration. The Program's structure will continue to include roles within both the Navy and the DOE, with direct access to the Secretaries of Navy and Energy. The success of the Program is due in part to its simple, enduring, and focused structure set forth in Public Law 98-525, which is not changed by the Conference Report.

Also of great importance are the Program's clear and simplified lines of authority, and the culture of excellence in technical work, as well as managerial, fiscal, and security matters. These too are unaffected by the Conference Report.

With fifty-one years of unparalleled success, Naval Reactors has amassed a record that reflects the wisdom of its structure, policies, and practices. Naval nuclear propulsion plants have safely steamed over 117 million miles—over 5,000 reactor-years of safe operations. Moreover, there has never been a naval reactor accident, or any release of radioactivity that has had a significant effect on the public or environment.

For these reasons, the Conference Report makes it clear that this exceptional national asset will in no way be hindered from maintaining its record of excellence. The language creating the new National Nuclear Security Administration in the Department of Energy in no way changes the management or operations of Naval Reactors. I am confident Naval Reactors will remain a technical organization unequalled in accomplishment throughout the world, and a crown jewel in our Nation's security.

EXHIBIT 1

Selected excerpts from the President's Foreign Intelligence Advisory Board report: *Science at its Best; Security at its Worst: A Report on Security Problems at the U.S. Department of Energy.*

FINDINGS (PP. 1-6)

As the repository of America's most advanced know-how in nuclear and related armaments and the home of some of America's finest scientific minds, these labs have been and will continue to be a major target of foreign intelligence services, friendly as well as hostile. p.1

More than 25 years worth of reports, studies and formal inquiries—by executive branch agencies, Congress, independent panels, and even DOE itself—have identified a multitude of chronic security and counterintelligence problems at all of the weapons labs. p.2

—Critical security flaws . . . have been cited for immediate attention and resolution . . . over and over and over . . . ad nauseam.

The open-source information alone on the weapons laboratories overwhelmingly supports a troubling conclusion: their security and counterintelligence operations have been seriously hobbled and relegated to low-priority status for decades. p.2

—The DOE and its weapons labs have been Pollyannaish. The predominant attitude toward security and counterintelligence among many DOE and lab managers has ranged from half-hearted, grudging accommodation to smug disregard. Thus the panel is convinced that the potential for major leaks and thefts of sensitive information and material has been substantial.

Organizational disarray, managerial neglect, and a culture of arrogance—both at DOE headquarters and the labs themselves—conspired to create an espionage scandal waiting to happen. pp.2-3

Among the defects this panel found: Inefficient personnel clearance programs. Loosely controlled and casually monitored programs for thousands of unauthorized foreign scientists and assignees.

Fleckless systems for control of classified documents, which periodically resulted in thousands of documents being declared lost.

Counterintelligence programs with part-time CI officers, who often operated with little experience, minimal budgets, and employed little more than crude "awareness" briefings of foreign threats and perfunctory and sporadic debriefings of scientists. . .

A lab security management reporting system that led everywhere but to responsible authority.

Computer security methods that were naive at best and dangerously irresponsible at worst.

—DOE has had a dysfunctional management structure and culture that only occasionally gave proper credence to the need for rigorous security and counterintelligence programs at the weapons labs. For starters, there has been a persisting lack of real leadership and effective management at DOE.

The nature of the intelligence-gathering methods used by the People's Republic of China poses a special challenge to the U.S. in general and the weapons labs in particular. p.3

Despite widely publicized assertions of wholesale losses of nuclear weapons technology from specific laboratories to particular nations, the factual record in the majority of cases regarding the DOE weapons laboratories supports plausible inferences—but not irrefutable proof—about the source and scope of espionage and the channels through which recipient nations received information. pp.3-4

—The actual damage done to U.S. security interests is, at the least, currently unknown; at worst, it may be unknowable.

The Department of Energy is a dysfunctional bureaucracy that has proven it is incapable of reforming itself. p.4

—Accountability at DOE has been spread so thinly and erratically that it is now almost impossible to find.

Reorganization is clearly warranted to resolve that many specific problems with security and counterintelligence in the weapons laboratories, but also to address the lack of accountability that has become endemic throughout the entire Department. p.4

—Convolved, confusing, and often contradictory reporting channels make the relationship between DOE headquarters and the labs, in particular, tense, interecine, and chaotic.

The criteria for the selection of Energy Secretaries have been inconsistent in the past. Regardless of the outcome of ongoing or contemplated reforms, the minimum qualifications for an Energy Secretary should include experience in not only energy and scientific issues, but national security and intelligence issues as well. p.5

DOE cannot be fixed with a single legislative act: management must follow mandate. The research functions of the labs are vital to the nation's long term interest, and instituting effective gates between weapons and nonweapons research functions will require both disinterested scientific expertise, judicious decision making, and considerable political finesse. p.5

—Thus both Congress and the Executive Branch . . . should be prepared to monitor the progress of the Department's reforms for years to come.

The Foreign Visitor's and Assignments Program has been and should continue to be a valuable contribution to the scientific and technological progress of the nation. p.5

—That said, DOE clearly requires measures to ensure that legitimate use of the research laboratories for scientific collaboration is not an open door to foreign espionage agents.

In commenting on security issues at DOE, we believe that both Congressional and Executive branch leaders have resorted to simplification and hyperbole in the past few months. The panel found neither the dramatic damage assessments nor the categorical reassurances of the Department's advocates to be wholly substantiated. pp.5-6

—However, the Board is extremely skeptical that any reform effort, no matter how well-intentioned, well-designed, and effectively applied, will gain more than a toehold at DOE, given its labyrinthine management structure, fractious and arrogant culture, and the fast-approaching reality of another transition in DOE leadership. Thus we believe that he has overstated the case when he asserts, as he did several weeks ago, that "Americans can be reassured: our nation's nuclear secrets are, today, safe and secure."

Fundamental change in DOE's institutional culture—including the ingrained attitudes toward security among personnel of the weapons laboratories—will be just as important as organizational redesign. p.6

—Never have the members of the Special Investigative Panel witnessed a bureaucratic culture so thoroughly saturated with cynicism and disregard for authority. Never before has this panel found such a cavalier attitude toward one of the most serious responsibilities in the federal government—control of the design information relating to nuclear weapons. Particularly egregious have been the failures to enforce cyber-security measures to protect and control important nuclear weapons design information. Never before has the panel found an agency with the bureaucratic insolence to dispute, delay, and resist implementation of a Presidential directive on security, as DOE's bureaucracy tried to do with the Presidential Decision Directive No. 61 in February 1998.

The best nuclear weapons expertise in the U.S. government resides at the national weapons labs, and this asset should be better used by the intelligence community. p. 6

REORGANIZATION—PP. 43-52

The panel is convinced that real and lasting security and counterintelligence reform at the weapons labs is simply unworkable within DOE's current structure and culture. To achieve the kind of protection that these sensitive labs must have, they and their functions must have their own autonomous operational structure free of all the other obligations imposed by DOE management. We strongly believe that this cleaving can be best achieved by constituting a new government agency that is far more mission-focused and bureaucratically streamlined than its antecedent, and devoted principally to nuclear weapons and national security matters. p. 46

The agency can be constructed in one of two ways. It could remain an element of DOE but become semi-autonomous—by that we mean strictly segregated from the rest of the Department. This would be accomplished by having the agency director report only to the Secretary of Energy. The agency directorship also could be "dual-hatted" as an Under Secretary, thereby investing it with extra bureaucratic clout both inside and outside the Department. p. 46

Regardless of the mold in which this agency is cast, it must have staffing and support functions that are autonomous from the remaining operations at DOE. p. 46

To ensure its long-term success, this new agency must be established by statute. p. 47

Whichever solution Congress enacts, we do feel strongly that the new agency never should be subordinated to the Defense Department. p. 47

Specifically, we recommend that the Congress pass and the President sign legislation that: pp. 47-49

- Creates a new, semi-autonomous Agency for Nuclear Stewardship (ANS), whose Director will report directly to the Secretary of Energy.

- Streamlines the ANS/Weapons Lab management structure by abolishing ties between the weapons labs and all DOE regional, field and site offices, and all contractor intermediaries.

- Mandates that the Director/ANS be appointed by the President with the consent of the Senate and, ideally, have an extensive background in national security, organizational management, and appropriate technical fields.

- Stems the historical "revolving door" and management expertise problems at DOE.

- Ensures effective administration of safeguards, security, and counterintelligence at all the weapons labs and plants by creating a coherent security/CI structure within the new agency.

- Abolishes the Office of Energy Intelligence.

- Shifts the balance of analytic billets . . . to bolster intelligence community technical expertise on nuclear matters.

Mr. ROBERTS. Mr. President I rise to add my voice to the support of the Defense authorization bill that we soon vote on.

It has been my honor this year to serve as the Chairman of the Armed Services Committee's new subcommittee on Emerging Threats and Capabilities. The chairman wisely established this subcommittee to provide a focus on the Department of Defense's efforts to counter new and emerging

threats to vital national security interests.

This subcommittee has oversight over such threats as the proliferation of weapons of mass destruction, international terrorism directed at U.S. targets both at home and abroad, information warfare, and narco-trafficking. In addition, the subcommittee has budgetary oversight of the defense science and technology program—which will provide for the development of the technology necessary for the U.S. military to meet the challenges of the 21st century.

A key element of the subcommittee's responsibilities is the changing role of the U.S. military in the new threat environment, with an examination of emerging operational concepts and non-traditional military operations. In this connection, the subcommittee has oversight of the procurement and R&D programs of the Special Operations Command.

I would like to briefly highlight the initiatives included in this bill to address emerging threats and the future capabilities of our armed forces:

Protection of our homeland and our critical information infrastructure are two of the most serious challenges facing our Nation today. In the area of Counter-Terrorism, the bill 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 required the Department to establish specific budget reporting procedures for its combating terrorism program. This will give the program the focus and visibility it deserves while providing Congress with the information it requires to conduct thorough oversight over the Department's efforts to combat the threat of terrorism attack both inside and outside the U.S.

The bill includes a \$150 million Information Assurance Initiative to strengthen the defense information assurance program, enhance oversight and improve organizational structure. This initiative will also provide a testbed to plan and conduct simulations, exercises and experiments against information warfare threats, and allow the Department to interact with civil and commercial organizations. 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 DOD has a role to play in protecting critical infrastructures outside the DOD.

In the area of nonproliferation, we have authorized full funding for the Cooperative Threat Reduction Program to accelerate the dismantlement of the former Soviet Union strategic offensive arms that threaten the U.S. And for the DoE programs—Initiatives for Proliferation Prevention and the Nuclear Cities Initiative—we have authorized

an increase of \$5.0 million over the FY99 funding levels and have recommended several initiatives to enhance the overall management of these programs.

We have included in the bill a legislative package to strengthen the defense science and technology program. This legislation will ensure that 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 these RDT&E operations.

Other budgetary highlights include: a \$271 million increase to the defense science and technology budget request; an additional \$10.0 million for Joint Experimentation exercises; \$14.0 million in targeted increases in the Chemical and Biological Defense Program to advance research in chemical and biological agent detector technologies and procurement; and an additional \$164.7 million to meet unfunded requirements of the Special Operations Forces.

Although I have highlighted some of the key successes of the Emerging Threats and Capabilities subcommittee, I am very proud of the total package we are voting on today. I think we have done an excellent first step in helping the men and women in the military receive fair compensation for their sacrifice for this nation.

I thank the Chairman for his vital and impressive leadership this year, along with the Senator from New Mexico, Mr. BINGAMAN, and the majority staff. I urge my colleagues to support the Defense authorization bill.

Mr. SMITH of New Hampshire. Mr. President I rise today to signal my strong support for the fiscal year 2000 Defense Authorization Act and conference report. I would also like to publicly thank Chairman WARNER for his leadership, wisdom, and commitment to doing what is right for America as chairman of the Armed Services Committee.

As a member of the Armed Services Committee, and chairman of the Strategic Forces Subcommittee, I have a strong interest in the state of our Armed Forces, and the needs of its people.

Under the present administration, the Defense budget has declined by 40 percent since the end of the cold war, and total personnel strength has been cut by 30 percent. At this same time, this administration has also increased the military's deployment rate by 300 percent.

There are very few businesses in this country who could survive a 40 percent budget cut, and 30 percent personnel cut while still meeting a 300 percent increase in production. But that's what we have asked of our men and women in uniform—and they have delivered every single time. The time is long overdue for us to give something back—to stop the hemorrhaging—to give them the money they need, the equipment they need, the resources

they need, and most importantly the people they need. We still have a long way to go, but this authorization bill is the first step in the right direction—the first of many I will continue to fight for.

I am extremely proud of the pay package contained in this bill. It contains the largest pay raise since 1982 and will stop the erosion of a double-digit pay gap that's been growing for 20 years. Restoring previously reduced retirement benefits to their original levels shows a commitment to our veteran's long-term security and the value of a career of honorable service. These two provisions are critical to solving our recruiting and retention crisis.

As chairman of the Strategic Forces Subcommittee, I am also extremely proud of the strategic provisions in this bill.

In written testimony before the Armed Services Committee in February of this year, the Director of the Defense Intelligence Agency, Lt. Gen. Hughes, testified in his written statement,

Weapons of mass destruction and theater missile delivery means has become the greatest direct threat to US forces deployed and engaged worldwide.

With that critical focus I am proud to announce that this bill includes an increase of \$212 million over the President's budget request for the patriot PAC-3 theater missile defense system, and an increase of \$90 million over the President's budget for the Navy theater wide missile defense program.

Gen. Dick Myers, Commander of U.S. Space Command, testified before my subcommittee in March that the space-based infrared system [SBIRS] was Space Command's No. 1 priority due to its critical role in missile warning and national missile defense. This bill contains an increase of \$92 million to speed the deployment of the SBIRS constellation and directly increase the security of our Nation.

As the next decade unfolds, the United States is becoming increasingly reliant on space to meet our national security needs, as well as our daily economic needs. This bill also provides for an increase of \$25 million to develop the space maneuver vehicle which will significantly reduce the cost and increase the speed at which we can launch payloads into space. And an increase of \$15 million for the Air Force and Army's space control technology programs which will be critical to ensuring our freedom of access to space in the next decade.

This bill also includes a provision establishing a commission to assess U.S. national security space organization and management, to address the critical need to truly focus on spacepower and its role in national security.

In response to a thorough review and examination of security problems at the Department of Energy's nuclear labs, this conference report also includes legislation to consolidate all national security functions under a sin-

gle, semi-autonomous agency known as the National Nuclear Security Administration. As demonstrated by the Cox Commission report, and the President's own Foreign Intelligence Advisory Board, this reorganization is crucial to our national security and safeguarding our nuclear labs, and has my strongest support.

There are many other provisions in this bill that are imperative for our troops, and our nation, but I don't have time to discuss them all. But the bottom line is this: our troops deserve the best, and the American people deserve the best.

This bill represents a huge victory for our troops, but it's only the first step on a tough road to correcting our long-term readiness problems. The Clinton administration has cut military spending every year since he took office—and turned a deaf ear to the critical problems it has caused. Year after year the administration denied there were any problems and refused to increase spending. Only now that we're starting to come apart at the seams have they admitted there's a problem, and the Joint Chiefs told us in testimony that the administration's plan for fixing it was still \$40 billion short. We have added an extra \$8 billion in this budget, the first increase in defense spending in more than a decade, but there's still a long way to go. I am committed to our troops and to halting this erosion, and this bill is the start.

Mr. President, I strongly support this bill, and I encourage my colleagues to do the same.

I would like to thank Chairman WARNER again for his leadership on this critical issue, and I yield the floor.

Ms. SNOWE. Mr. President, I rise in strong support of the fiscal year 2000 Defense authorization conference report.

The bill emerges in the turmoil of a post-cold-war world—one demanding a U.S. military that can face transnational developments such as weapons proliferation, regional tyrants such as Saddam Hussein or Slobodan Milosevic, and emerging powers such as China.

As a result, the authorization cycle of the last few months allowed Congress to bring the Pentagon's budget into alignment with the changing Armed Services on which the nation will rely to deter a broad spectrum of global threats to U.S. national security.

I caution my colleagues not to confuse the unpredictable nature of these threats with the disappearance of serious global challenges to the security of the United States and its key allies.

The former menace of imperial communism has yielded to a less detectable, but still destructive, gallery of aggressors: the cyber-terrorist, the rogue dictator, the narcotics lord, and violent dissidents throughout the world with ideological resentments against the culture and prosperity of the West.

A brief tour of the global horizon furthermore alerts us to the ongoing requirement for a robust and flexible national defense.

The burned and bloodied streets of East Timor warn the United States that the world's fourth most-populous country, guarding the sea lanes between the Pacific and Indian Oceans, faces an anxious period of political and military strife.

Saddam Hussein still hopes to strangle the Arab-Israeli peace process and hold the oil reserves of the Persian Gulf hostage to his lust for warfare.

China wants to build a nuclear and naval force to counter the United States and Japan as a major power among the trading states of Western Asia.

The North Koreans and the Iranians quietly try to siphon weapons of mass destruction out of a chaotic Russia. India and Pakistan have intensified their grim nuclear standoff, and the rumbling Balkans undermine stability and economic development from the Caucasus to the Mediterranean Basin.

The Senate, therefore, should embrace a Defense authorization conference report that increases the President's request by more than six billion dollars to a total of \$288.8 billion. Almost one-half of the eight billion dollar increase goes towards procurement—the keystone of force modernization—and keeps the Pentagon on schedule to level this account at \$60 billion next year, as Secretary Cohen proposed in February 1998.

Beyond the numbers in the budget, however, this bill takes care of the needs of our Service people. The Conference Report, Mr. President, recognizes the human dimension of military readiness by approving an across-the-board 4.8% pay increase for uniformed personnel—the largest since 1982. It also equalizes retirement benefits, extends bonuses for second and third-term enlistments, and gives troops the same chance that civilians have to achieve financial security by making thrift saving plans available, for the first time ever, to the Total Force.

This legislation furthermore takes the bold step of re-organizing the Energy Department of fight the emerging threat of nuclear proliferation through reformed intelligence and security systems. Our statutory effort on this front reflected the chilling fact that the Department, as it exists, cannot adequately safeguard the secrets that give nuclear arsenals their range and mobility.

An alarming flood of evidence produced by two distinguished panels this year, the Cox and Rudman Commissions, uncovered a fractured and apathetic DoE bureaucracy that failed over the course of twenty years to protect the design plans for America's most sophisticated warheads against foreign espionage. As a result, the conference report mandated the creation of a new semi-autonomous organization within the Energy Department,

accountable directly to the Secretary, that will streamline reporting procedures and tighten security at the country's national weapons laboratories.

In addition, as Chairman of the Senate Armed Services Seapower Subcommittee, I was honored to join my colleagues in forging an FY 2000 budget authorization that enhances the nation's naval power projection, force protection, and strategic lift capabilities. I want to thank Senator KENNEDY, the ranking minority member of the Subcommittee, along with the panel's other members, Senators JOHN MCCAIN, BOB SMITH, JEFF SESSIONS, CHUCK ROBB, and JACK REED, for both their hard work on this year's bill and their support of me as the Chairman.

The conference report approves the President's request for authorization of six new construction ships, including \$2.681 billion for three DDG-51 *Arleigh Burke*-class destroyers, \$1.508 billion for two LPD-17 *San Antonio*-class amphibious ships, and \$440 million for one ADC(X), the first of a class of auxiliary refrigeration and ammunition supply ships.

It also authorizes the President's advance procurement request of \$748.5 million for two SSN-774 *Virginia*-Class attack submarines, and \$751.5 million for the CVN-77, the last *Nimitz*-class aircraft carrier.

These budget levels will enable the Navy to set the stage for a planned increase in annual ship construction rate from six per year today to eight per year between FY 2001 and FY 2004 and nine per year beginning by FY 2005. As the Assistant Service Secretary for Research, Development, and Acquisition, Dr. Lee Buchanan, testified to the Subcommittee on March 24, 1999, a yearly production rate of between eight and ten vessels is essential to the maintenance of a Fleet within the range of 300 ships over the next 35 years.

Beyond the procurement priorities of today, the subcommittee supported the Navy's revolutionary research efforts to shape a 21st century fleet of greater speed, precision, and maneuverability for littoral operations near coastal waters. According to the Navy's official definition, littoral engagements requires forces to deploy "close enough to influence events on shore if necessary."

This post-Soviet mission connects our force structure to our security interests since by 2010, 80 percent of the world's population will live within 300 miles of the shorelines known as the littorals. And as our maritime Service, Mr. President, the Navy operates as the first and most significant force of relief and response in the littoral waterways.

In the realm of ship research, development, testing, and evaluation, the conference report approves \$270 million for the DD-21 next-generation land attack destroyer, \$205 million to advance the post-*Nimitz* aircraft carrier program known as CVN(X), and \$116 million for SSN-774 *Virginia*-class attack

submarines. These initiatives will help the fleet in meeting one of its core force structure goals for the years ahead: the deployment of ships with intensified firepower and lower life-cycle costs.

The sailors and marines of tomorrow, Mr. President, will also require worldwide mobility to bring American power to the shores of conflict or instability. Towards this end, our bill extends the Pentagon's core tactical and strategic lift programs, including the C-17 airlifter and the MV-22 Osprey helicopter.

The seapower portion of the conference report includes a number of legislative provisions allowing the Pentagon to take advantage of the most cost-effective acquisition strategies to sustain a fleet of at least 300 ships—the bare minimum, according to the testimony of senior officials before the Seapower Subcommittee this year, that the Navy needs to meet its forward-deployed operational requirements.

These legislative provisions extend the multi-year procurement authority to include fiscal years 2002 and 2003 in the DDG-51 production program, and authorize advance procurement and construction funding for both a new LHD-8 amphibious assault ship and an additional large, medium-speed roll on/roll off ship.

We also authorize the Secretary of the Navy to enter into auxiliary ship leases for 20 or more years. This initiative should give service leaders more flexibility to invest resources into complex war fighting ships by relying more on qualified commercial ship owners to build and maintain the supply fleet.

Finally, Mr. President, long-range fleet planning will prompt the naval leadership to concentrate on developing a broad force structure to execute the National Security Strategy. For this reason, the conference report directs the Department of Defense to submit a report next February detailing the Navy's shipbuilding schedule and needed maritime capabilities through fiscal year 2030.

In summary, the fiscal year 2000 Defense authorization conference report address the key acquisition, research, hardware, and operational challenges that will provide the nation with a flexible and responsive 21st century fleet. I urge my colleagues to uphold a valuable tradition of the United States Senate by voting on a strong bipartisan basis in favor of this landmark legislation.

Mr. ROBERTS. The final version of S. 1059 also contains a provision, sponsored by the distinguished chairman and myself, requiring the President to certify whether the new Strategic Concept of NATO—the latest alliance blueprint for future operations adopted at the recent NATO summit here in Washington—contains new commitments and obligations for the United States. This body's experience with U.S. de-

ployments to the Balkans bears out the fact that you better force the administration to be candid when it comes to the potential and actual use of American troops, particularly in regards to objectives, strategy, and timetable. It follows, therefore, you better formally require this administration to be candid about the defense planning and defense budget implications of the new Strategic Concept of NATO. I think the chairman and I have tried to do that with our provision and I look forward to the President's certification, due thirty days from the date S. 1059 becomes law.

Mr. INHOFE. Mr. President, a number of significant developments have occurred since the passage of last year's authorization conference report—some good, some less so. The best news is that this year's defense budget reverses a precipitous decline in defense spending.

For the first time in 15 years, we have finally passed an increase in defense spending, in real terms.

We have also included a 4.8 percent pay raise for our overburdened troops. These steps are long overdue, and we have been blocked at many turns by the Administration.

As many of our colleagues know, our forces are deployed in farflung places, many with little national interest or military requirement at stake. Yet, unfortunately, we have also had a hemorrhaging in the ranks, due to deep cuts from the Administration.

The numbers are staggering. In just the last six years, the following are among the forces which have been eliminated from the U.S. inventory: 709,000 regular service soldiers, 293,000 reserve troops, 8 standing Army divisions, 20 Air Force wings with 2,000 combat aircraft, 232 strategic bombers, 13 strategic ballistic missile submarines with 3,114 nuclear warheads on 232 missiles, 500 land-based intercontinental ballistic missiles with 1,950 warheads, 4 aircraft carriers, and 121 combat ships and submarines along with their support bases and shipyards.

When Bill Clinton took office in 1993, the United States devoted 4.5 percent of its gross domestic product (GDP) to national defense.

Today, defense outlays account for just 3 percent of GDP—their lowest level since the end of World War II.

By Inauguration Day 2001, defense spending is projected to have plummeted to 2.8 percent of GDP.

Mr. President, this is a good bill. It has a number of important components to it, most of all the overall spending hike and pay raise. As the Chairman of the Readiness and Management Support Subcommittee Infrastructure, we were able to address a number of important issues this year.

Milcon: We authorized \$8.49 billion for milcon, \$3.06 billion above the Administration's request, with a strong emphasis on family housing and decaying infrastructure.

Range Withdrawal: we have allowed critical readiness training to occur for

the next 25 years on some of our critical ranges in the West.

Spectrum: the spectrum was protected from a corporate takeover, allowing crucial bandwidth to be maintained by the military.

At the same time, this bill simply does not go far enough. Under no proposed budget currently on the table is there a substantial increase in defense spending, like we need. In a budget approaching \$2 trillion, we ought to be able to find the less than \$100 billion it would take to truly restore our readiness.

It is time to reverse these trends. It is time to take prudent steps to rebuild our defenses to protect our people, our values and our country. I look forward to working toward that goal as a major priority in the year ahead.

Mr. ALLARD. Mr. President, before I begin my remarks concerning the specifics of the conference report, I want to congratulate Chairman WARNER and Senator LEVIN, for all their hard work on this bill. I believe we have a strong bill which makes dramatic improvements for our military men and women.

Also, I want to say that I feel honored to be a part of the Armed Services Committee. It is not too often that a first year member of the committee becomes a Subcommittee Chair. It has been a learning experience but one that I have enjoyed as much as any time during my years in office.

We rightly began the year with S.4, the Soldiers, Sailors, Airmen, and Marines Bill of Rights and this has been our guide which brought us to this point. And, I am proud of the many achievements in this conference report.

Specifically, the Personnel Subcommittee held four hearings in preparation of this important bill. Through these hearings, we explored recruiting, retention, pay and compensation, military and civilian personnel management and the military health care system.

During these hearings, particular emphasis was put on readiness, the retention of highly trained people and the inability of the military services to achieve their recruiting goals.

General Shelton and the Service Chiefs urged the President and the Congress to support a military pay raise that would begin to address inequities between military pay and civilian wages, and to resolve the inequity of the "Redux" retirement system.

This conference report will provide military personnel a four-point-eight percent pay raise on January 1, 2000, and will require that, for the next six years, military pay raises be based on the annual increase in the Employment Cost Index plus one-half a percent.

The bill restructures the military pay tables to recognize the value of promotions and to weight the pay raise toward mid-career NCOs and officers where retention is most critical.

The Joint Chiefs testified that there is a pay gap between military and pri-

vate sector wages of 14 percent. This bill moves aggressively to close this gap and ensure military personnel are compensated in an equitable manner.

The conference report includes over \$250 million specifically to reduce the out-of-pocket housing expense for military personnel and their families.

The conference report provides military personnel who entered the service after July 31, 1986 the option to revert to the previous military retirement system that provided at 50 percent multiplier to their base pay averaged over their highest three years and includes full cost-of-living adjustments; or, to accept a \$30,000 bonus and remain under the "Redux" retirement system.

The Joint Chiefs testified that the "Redux" retirement system is responsible for an increasing number of mid-career military personnel deciding to leave the service. The conference report will offer these highly trained personnel an attractive incentive to continue to serve a full career.

We have authorized a Thrift Savings Plan that will allow service members to save up to five percent of their base pay, before taxes, and will permit them to directly deposit their enlistment and re-enlistment bonuses, up to the limits established by the IRS, into their Thrift Savings Plan.

The bill authorizes Service Secretaries to offer to match the Thrift Savings Plan contributions of those service members serving in critical specialties for a period of six years in return for a six year service commitment. This is a powerful tool to assist the services in retaining key personnel in the most critical specialties.

In addition to the pay increase, the re-engineering of the military retirement system and the Thrift Savings Plan, we have taken dramatic steps to assist military recruiters and re-enlistment NCOs by authorizing new and increased bonuses and incentives to attract high quality young men and women to join the military services and to stay once they become trained and experienced professionals.

We targeted these incentives and bonuses at those critical specialties which the services are having difficulty filling.

The Committee has found that the single most frequent reason departing service members cite when asked why they decided to leave the military is excessive time on deployment—too much time away from home and family.

We are all well aware that the Clinton administration has deployed military personnel more than at any previous time in our history.

The conference report includes a provision that will require the military services to manage the deployment of military personnel within strict time lines. The provision does provide the Secretary of Defense board waiver authority to ensure that military readiness or national security will not be compromised. However, during normal

operations, the services will be required to minimize the impact of deployments and track the details that separate a service member from his or her family. This provision will be an important step toward retaining the trained and experienced personnel the services are now losing at an alarming rate.

I am sure each Senator has received complaints from constituents regarding the TRICARE health care system. The original Senate bill and the conference report take important steps toward improving the TRICARE health care system of the military services.

The conference report directs a totally revamped pharmacy benefit, improves access to care and claims processing, reduces the administrative burden on beneficiaries, enhances the dental benefits, and requires the establishment of a beneficiary advocate to assist service members, retirees and their families who are experiencing difficulty with the TRICARE system.

While this conference report has taken a number of important steps toward resolving the most frequent complaints against TRICARE, during the next year the Chairman and I intend to continue to pursue ways to further improve and streamline the military health care system.

I have described just a few of the many personnel related provisions in this conference report. As we are all aware, recruiting and retention in the military services is suffering. We simply cannot allow the best military force in the world wither away.

As I and other Members of the Senate have visited military bases here in the United States, in Bosnia and in other deployment areas, we have found that our young service men and women are doing a tremendous job, under adverse conditions in many cases.

We should move quickly to pass this conference report in order to permit military personnel and their families to make the decision to continue to serve and will assist the military services in recruiting the high quality force we have worked so hard to achieve.

There are many other issues outside of the personnel area that I wish I could touch on but there is just not enough time. However, I would like to mention one in particular and that concerns Rocky Flats.

The conference Report has four very important provisions which will help ensure that the Rocky Flats Environmental Technology Site will close safely and efficiently by the year 2006.

First, the bill authorizes \$1.1 billion for all closure projects, with Rocky Flats receiving an extra \$15 million above the President's request to help ensure closure by 2006. Second, there is a three year pilot program (FY 2000-2002) authorizing the Secretary of Energy to allocate up to \$15 million of prior year unobligated balances in the defense environmental management account for accelerated cleanup at Rocky Flats. This provision could provide \$45 million extra for Rocky Flats

through the year 2002. Third, we are requiring the Secretary of Energy to provide a proposed schedule for the shipment of waste from Rocky Flats to the Waste Isolation Pilot Plant in New Mexico, including in the schedule a timetable for obtaining shipping containers. And fourth, the Comptroller General (GAO) must report on the progress of the closure of Rocky Flats by 2006.

Again, I want to state that I am proud of this Conference Report and what it provides for our military.

In conclusion, I want to recognize and thank the Staff Director of the Personnel Subcommittee Charlie Abell. He is a tremendous asset to me and my staff, the Armed Services Committee, and this Senate. Also, I want to let Senator CLELAND know how much I enjoy having him as my partner and ranking member of the Subcommittee. He is an American hero whose commitment in improving the lives of our military personnel is to be commended. And lastly, I want to thank the Chairman for this time to speak and I want to thank him for his commitment to the bill and to our brave and honorable men and women in uniform.

Mr. President, I yield the floor.

Mrs. HUTCHISON. Mr. President, I commend Armed Services Committee Chairman Senator JOHN WARNER and Ranking Member Senator CARL LEVIN for bringing this important bill to the floor. With the passage of this bill, we will begin to seriously address our military readiness problems. It is a good start. This bill includes many of the provisions of S.4, one of the first bills introduced in the Congress back in January and passed February 24, 1999. With the military having its worst recruiting year since 1979, the Congress needs to send a strong message of support to those who serve. The bill does just that by: Increasing pay for our service members by 4.8 percent, increasing and creating special incentive pays, improving retirement benefits, and improving benefits and management of the military health care program.

In am particularly pleased this bill includes two provisions I offered. The first concerns military health care and the second the current high operations tempo of our forces.

In February we emphatically recognized our commitment to these dedicated men and women when we passed 100-0 my Military Health Care Improvement Amendment to S.4, the Soldiers', Sailors', Airmen's, and Marine's Bill of Rights.

The message is loud and clear from my constituents: The military care benefit is no longer much of a benefit. I have no doubt my colleagues in the Senate have also heard equally valid complaints about access to care, unpaid bills, inadequate provider networks, and difficulties with claims. The promise seemed fairly simple—in return for military service and sacrifice, the government would provide

health care to active duty members and their families, even after they retire. But of course it's more complicated than that. In the past 10 years, the military has downsized by over one third and the military health care system has downsized with it. While hospitals and clinics have closed, the number of personnel that rely on the system hasn't really changed. Today, our armed forces have more married service members with families than even before. In addition, those who have served and are now retired were promised quality health care as well. The system these individuals and families have been given to meet their needs is called "TRICARE." TRICARE is not health care coverage, but a health care delivery system that provides varying levels of benefits depending largely on where a member of the military or a retiree lives. Unfortunately, what we find in practice is that the TRICARE program often provides spotty coverage.

The point I want to make clear is that regardless of the complications, the promise remains and we must deliver on the promise. When we passed my amendment 100-0, we sent a signal that we care and that we will be vigilant in pursuing this issue. Our purpose is not to throw out the TRICARE system but to fix the problems and improve the health care benefits under the TRICARE program. I am happy to report that the Authorization bill before us today addresses all the issues that were in my amendment to improve access to health care and management under the TRICARE program. These include: Minimizing the authorization and certification requirements imposed on beneficiaries, reducing claims processing time and providing incentives for electronic processing, improve TRICARE management and eliminate bureaucratic red tape, authorize reimbursement at higher rates where required to attract and retain qualified providers, compare health care coverage available under TRICARE to plans offered under the Federal Employees Health Benefits Program (FEHBP), allow reimbursement from third-party payers to military hospitals based on reasonable charges, and reporting to Congress on each of these initiatives.

One of the promises that we made to our forces is to provide quality medical care to those who serve and their families. General Dennis Reimer, the former Chief of Staff of the Army, spoke at the most recent conference on military health care. General Reimer provided a soldiers' perspective of how important health care is to those who serve. He said, "this is about readiness and this is about quality of life linked together. We must ensure that we provide those young men and women who sacrifice and serve our country so well, and ask for so very little, the quality medical care that is the top priority for them . . . we must help them or else we're not going to be able to recruit this high quality force."

During the past year I visited our troops in the Balkans and toured every single military installation in Texas. The visits provided marvelous snapshots of our armed forces today and the many challenges they face. At each stop I met with our soldiers, sailors, airmen, and their leaders and discussed their concerns. Health care for them and their families was at the top of their list. We have some truly wonderful young people serving in the armed forces who are very patriotic and ask very little of us in return. But frankly, we haven't done enough for them. I am pleased that the Senate Leadership and the Senate Armed Services Committee have made this a top priority this year.

Mr. President, the health care provisions in this bill will go a long way toward breaking down the bureaucracy that exists in the current system. I know that there is no single solution or quick fix to this problem, but we must begin now to ensure we honor our commitments. This is a critical issue to recruiting and retaining qualified people in the military—which is critical to the security of our country.

My second provision addresses another issue, which we passed as part of our Defense Authorization Bill. Pay and benefits increases are an important beginning, but we cannot ignore the high operations tempo and its impact on our readiness. Recently the Center for Strategic and International Studies completed a survey of over 11,000 military personnel from the Army and Coast Guard on the subject of military culture in the 21st Century. I participated as an advisor on this study and was just briefed on some of the key findings.

The really good news is that those surveyed told us: They were proud to serve, they believe the military is important in the world and the jobs they do are important to the mission, they have a deep personal commitment to serve, they believe the military is right to expect high standards of personal conduct off-duty, and they are prepared to lay their lives on the line.

Those responses are indicative of the kind of wonderful young people we have serving today in our armed forces, and we have a duty and an obligation to provide them with the equipment and the training and the quality of life they deserve.

But they also told us they felt strongly that: Their pay is inadequate, their units have morale problems, units are often "surprised" by unexpected missions, they are "stressed out" from the frequent deployments, and they often don't have the resources they need to do their jobs.

These responses from soldiers in the field should not come as a surprise to anyone here. We know our troops are dedicated and committed and we also know they are stretched too thin. Secretary Cohen admitted as much last Spring in testimony before the Defense Appropriations Subcommittee when he said "we have to few people and too

many missions." That fact is beginning to show in wear and tear on our forces and equipment.

There are too many deployments that never seem to end. We have troops coming home from a short tour in Korea and heading straight to Bosnia. At Fort Bliss recently one sergeant told of coming off a one year tour in Korea and then spending three short deployments of 5 months, 3 months and one month in Saudi Arabia . . . all in less than two years and she is now scheduled to return to Korea for another one-year tour. Fortunately this young sergeant was single and was not leaving a spouse and children behind, but for others these frequent deployments mean they must choose between the army and their family. The military has a saying—"you enlist a soldier—you reenlist a family." We are having a retention crisis because the families aren't reenlisting. And no wonder. They are jerked from one place to another because we are trying to do it all.

We will soon begin the fifth year of our supposedly "one-year" mission in Bosnia. U.S. troops have just spent their eighth summer in the deserts of southwest-Asia, we have troops in Kosovo and now East Timor. Thankfully, the mission to Haiti will soon end.

But these frequent deployments are having a devastating impact on our military readiness and jeopardizing our ability to respond where our national security interests may be threatened in Southwest Asia or the Koran peninsula.

We are seeing the effects of this over deployment on our equipment as well as on our forces. We hear of Air Force planes sitting idle for lack of spare parts. Navy ships that deploy without full crews. The Army and Marine Corps are forced to cannibalize equipment to field front-line units. These are not isolated incidents, these problems point to a larger readiness crisis affecting our military forces.

The recent Center for Strategic and International Studies' survey tells us that our military is comprised of dedicated and committed young men and women who tell us they are willing to lay down their lives for their country. We in the Congress must ensure that the missions on which they are asked to serve are important national security interests and represent the best use of our forces.

To begin to help us meet this responsibility, my provision included in this bill says it is a sense of Congress that the readiness of our military forces to execute the national security strategy is being eroded from a combination of declining defense budgets and expanded missions. It says to the President that we must have a report that prioritizes ongoing global missions. It must distinguish low-priority missions from high-priority missions. That is the basis to effectively manage our commitments, shift our resources, consoli-

date missions, and end low-priority missions.

It is time to assess where we are in the world and why, and to ask the President to prioritize all of these missions. Then Congress can work with the President to determine if we need to ramp up our military personnel strength or ramp down the number of deployments that we have around the world. The testimony of Secretary Cohen and the other Chiefs matches what I have seen and heard myself from our dedicated troops. The answer is one or the other, because the current situation is overextending our armed forces.

I am pleased to support this bill and acknowledge the effort and hard work of the members of the Armed Services Committee and their staff in bringing this bill to the floor. It is my hope that this bill will represent a turning point in arresting the decline of our military readiness.

Mr. HUTCHINSON. Mr. President, I rise today to express my support for overwhelming passage of the conference report to accompany S. 1059, the National Defense Authorization Act for Fiscal Year 2000. I would like to express my sincere appreciation and thanks to Chairman WARNER and ranking Member LEVIN for their efforts in crafting this important legislation.

This bill authorizes for the military the funds they need to adequately defend our country and protect our vital interests worldwide, \$288.8 billion, which is \$8.3 billion more than the President's inadequate request. After years of declining budgets and increased deployments, this legislation provides the military with their first funding increase since the end of the Cold War.

This bill carefully addresses a variety of important issues, from pay raises for our soldiers to restructuring the nation's nuclear laboratories in order to prevent any further espionage at our nation's nuclear laboratories.

While the Clinton Administration has over-extended and under-funded our military and has provided inexplicably slow and ineffective responses to Chinese spying, this Committee and the Congress as a whole has stepped up to face these challenges, and protect our national interests.

I would now like to take the opportunity to highlight some of the important provisions championed by the three subcommittees I serve on.

Subcommittee on Readiness and Management Support.—Before I had even joined the Armed Services Committee in January of this year, tangible evidence of a debilitating readiness crisis had emerged, a crisis that threatened the well being of America's armed forces.

On September 28th of last year, General Shelton confessed:

I must admit up front that our forces are showing increasing signs of serious wear. Anecdotal and now measurable evidence indicates that our current readiness is fraying

and that the long term health of the Total Force is in jeopardy.

I would note that General Shelton is not a soldier prone to hyperbole.

For their excellent work to combat the "fraying of readiness" described by General Shelton, Senators INHOFE and ROBB, respectively the Chairman and Ranking member of the Readiness and Management Support Subcommittee, deserve congratulations for the excellent work they have done in this area.

They have added more than \$1.46 billion to the primary readiness accounts including funds for ammunition, training, base operations and essential infrastructure repairs including \$380 million for base operations, \$788 million for real property maintenance, and \$172.9 million for training and war reserve ammunition.

In the area of military construction, the Subcommittee adopted significant changes to the law on economic development conveyances of base closure properties. Rural communities that have suffered through the closure of a military installation will no longer have to pay the government for the privilege of redeveloping their economies.

The Readiness Subcommittee also correctly rejected the President's irresponsible budgetary maneuvering which would have incrementally funded military construction projects.

Subcommittee on Strategic Forces.—The Subcommittee on Strategic Forces, capably led by Chairman SMITH of New Hampshire and Senator LANDRIEU of Louisiana, worked hard to ensure that American soldiers deployed overseas and American citizens asleep in their beds will be a little safer from the threat of ballistic missile attack.

The Subcommittee authorized an increase of \$212 million for the Patriot PAC-3 anti-ballistic missile system to complete research and development and begin production soon.

If I can take a minute, I would like to repeat the last portion of that sentence and proudly brag about a product built by hundreds hardworking employees in my home state of Arkansas. The Patriot PAC-3 was the first dedicated, hit-to-kill, Theater Missile Defense (TMD) system that has successfully destroyed a target in a test.

But I digress. The Subcommittee authorized an additional \$112 million for upgrades to the B-2 bomber system, which I would note for the benefit of the program's detractors, performed brilliantly during Operation Allied Force.

The Subcommittee also included a provision regarding DOD's theater missile defense upper-tier strategy, which would require that the Navy Upper Tier and THAAD systems be managed and funded as separate programs. The Administration must be reminded that it has repeatedly testified before this Committee that these programs are not interchangeable. They are complementary, both urgently needed, and must be treated as such.

But perhaps most importantly, it is within the Strategic Forces Subcommittee that the Armed Services Committee took the several important legislative actions to address the criminally lax security at our nation's nuclear laboratories. Lax security that allowed the People's Republic of China to steal the secrets produced by billions of dollars and four decades worth of taxpayer funded nuclear research.

Among the provisions recommended by the Subcommittee: The establishment of a semi-autonomous National Nuclear Security Administration within DOE under which all national security functions will be consolidated. Create a new Under Secretary of Energy to head the new Administration.

Created a new counterintelligence office reporting directly to the Secretary. Established clear lines of management authority for national security missions of the department. Protected the authority of the Secretary to ensure full compliance with all applicable environmental laws.

As millions of Americans woke up this year to be repeatedly confronted by the shocking truth of the Clinton Administration's casual, almost lackadaisical response to the systematic theft of highly classified nuclear secrets as reported in the Cox Committee's unanimous report, I hope they will find at least a little comfort in the knowledge that this Committee was ready to step forward, accept a challenge and shoulder the responsibility for our nation's nuclear security that this Administration repeatedly forfeited.

Subcommittee on AirLand Forces: Subcommittee Chairman RICK SANTORUM and Ranking Member JOSEPH LIEBERMAN also rolled up their sleeves, tackling the difficult readiness and modernization challenges posed by years of Clinton Administration neglect.

Most significantly, the Subcommittee fully authorized the budget request for the development and procurement of the F-22 Raptor aircraft. This aircraft is absolutely essential if Air Force is to continue its proud record of air-dominance over far away battlefields. America's military should never be forced by its Congress to fight a fair fight. When this nation must bear arms to protect its interests, it should always be aiming for a lopsided victory.

Also focusing on unfunded requirements identified by each of the services, the AirLand Forces Subcommittee made a number of changes to the President's request, addressing, among others, Army aviation shortfalls and night vision equipment shortfalls.

To conclude, I would like to again thank Chairman WARNER, and his dedicated, tireless staff, for their leadership and dedicated service.

Mr. President, I urge each of my colleagues to support this important legislation which contains many provi-

sions which are vital to our nation's military. And I urge the President to sign this legislation into law as soon as he receives it. This bill will make needed improvements in the areas of military readiness, quality of life and modernization, and I hope the U.S. Senate will send a strong, bipartisan message in support of our men and women in uniform.

Mr. SESSIONS. Mr. President, I rise this evening in support of Chairman WARNER and the Senate Armed Services Committee Department of Defense Authorization bill S. 1059, which will be voted on tomorrow morning. This is a bill I strongly encourage my colleagues to support. It sends a powerful message to military men and women worldwide, that this body respects what they do for America each and every day, as they carry out a hundred different operations, in as many nations. We heard their voices and have done something positive in improving their quality of life and that of their families. We believe they deserve the best equipment American technology can produce.

The statements made by our Service Chiefs on our state of military readiness provided an azimuth for the committee back in January, and some 70+ hearings later we have a product which provides a funding level for new budget authority of \$288.8 Billion, which is \$8.3 Billion above the President's budget request.

The crisis in the Balkans followed this plea for more funding and Chairman WARNER responded with over 15 hearings on Kosovo and related activities. We learned of the shortfalls in our planning, and were proud to learn of the exploits of our men and women in uniform who have never let us down. We are, however, left to ponder the problems inherent in coalition warfare, and the direction of the new strategic concept in NATO.

Chinese Espionage too took us in yet another direction and the committee has responded with a real change in organization of the Department of Energy so that we do not fall once again into sloppy security awareness. This was truly a vexing problem that no doubt will haunt this nation for years to come. I hope the President will not hesitate in accepting these considered changes. This is a tough issue that warrants a firm solution.

Mr. President, this bill is just part of the work that lies ahead as we restore America's Defense to the status it deserves. I feel we are committed, on the Senate Armed Services Committee, to investigating the problems associated with: Cyber/Information warfare; WMD Proliferation; Chemical and Biological weapons; Organized Crime and Narcoterrorism.

Our troops are doing a great job the world over! They are truly the best led and trained in the world, and they deserve the best equipment, the best support and the most funding we can provide them.

To this end, I am please that Chairman WARNER accepted my amendment

to this bill which calls for the Secretary of Defense to make the positions of the Chiefs of the Reserves and the two National Guard Directors hold three star rank. This bill mandates, it seems to me, that these key leaders, who do so much every day to help us keep the peace world-wide, must hold three star rank. I hope they soon will.

I again congratulate Chairman WARNER on bringing us so far in what certainly seems a short period of time. S. 1059 is a great bill. It needs all our support. I thank the Chair.

BAND 9/10 TRANSMITTERS

Mr. SANTORUM. Mr. President, I rise today to engage in a brief colloquy with our distinguished Chairman concerning the conference report that accompanies the fiscal year 2000 National Defense Authorization Act. It has come to my attention that page 526 of House Report 106-301 notes that the conferees to the bill agreed to authorize an increase of \$25.0 million for the procurement of additional band 9/10 transmitters for the EA-6B tactical jamming aircraft. In reality, during conference negotiations, conferees agreed to authorize an additional \$25.0 million for the procurement of modified band 9/10 transmitters.

Mr. WARNER. My distinguished colleague from Pennsylvania, the chairman of our air/land subcommittee, is absolutely correct. Committee records were reviewed, and the conferees to the fiscal year 2000 National Defense Authorization Act did, in fact, agree to increase the EA-6B authorization by \$25.0 million for the procurement of modified band 9/10 transmitters. An error in the printing process was made, and the Government Printing Office will be preparing an errata sheet to correct this error.

Mr. SANTORUM. I thank the chairman for his assistance in clarifying this matter.

Mr. WARNER. Mr. President, I know of no further business on this bill. 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. WARNER. By previous order, the distinguished majority leader has indicated that at the hour of 9:45 tomorrow morning, this will be the pending business for the purpose of the recorded rollcall vote.

Am I correct?

The PRESIDING OFFICER. The Senator is correct.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

ELK HILLS RESERVE

Mrs. FEINSTEIN. Mr. President, I was dismayed to learn that the Senate