

to meet on Thursday, February 16, 1995, beginning at 9:30 a.m., in room 485 of the Russell Senate Office Building on the fiscal year 1996 budget oversight hearing.

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

SUBCOMMITTEE ON CHILDREN AND FAMILIES

Mr. SMITH. Mr. President, I ask unanimous consent that the Subcommittee on Children and Families of the Committee on Labor and Human Resources be authorized to meet for a hearing on the child care and development block grant, during the session of the Senate on Thursday, February 16, 1995, at 10 a.m.

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

ADDITIONAL STATEMENTS

EROSION OF U.S. ELECTRONIC WARFARE CAPABILITY

• Mr. D'AMATO. Mr. President, the Air Force and Navy are quietly scrapping our electronic warfare [EW] squadrons. At best, the Services are making penny wise and pound foolish decisions. At worst, the Air Force and Navy are attempting to force Congress into funding an all-stealthy tactical aviation fleet. Either way, America is on the verge of losing its decisive edge in EW.

Reviewing the "Conduct of the Persian Gulf War," one is struck by the crucial role EW played in achieving air superiority:

The attacks on the Iraqi electronic order of battle [EOB] affected every aspect of [the] air supremacy operation. Coalition aircraft conducting air defense suppression missions saturated Iraqi airspace with jammers, shooters, and bombers. Iraqi defense that attempted to engage were disrupted, and risked being destroyed. EF-111A's and EA-6B's were used in stand-off and close-in orbits to jam early warning, acquisition, and [Ground Control Intercept] GCI radars. EC-130H Compass Call aircraft jammed radio communications, data links, and navigation systems. F-4G's, F-16's, EA-6B's, A-6E's, A-7E's, and F/A-18's used [High-Speed Anti-Radiation Missiles] HARMs to destroy acquisition, GCI, and target tracking radars. Various aircraft dropped bombs on air defense emplacements and control facilities. [Suppression of Enemy Air Defenses] SEAD forces and bomb droppers caused confusion, hesitation, and loss of capability, which degraded Iraqi air defense capability.

This confusion, hesitation, and loss of capability was directly responsible for the spectacular success of our air and ground campaigns. More importantly, air superiority was a key element in reducing Coalition losses in men and material. Yet, a mere 4 years since Desert Storm, our EW capability is rapidly wasting away for lack of funds.

The most immediate dilemma facing Congress is the proposed termination of the EF-111A System Improvement Program (SIP). EF-111 performance, pre-SIP, was described in glowing terms in the "Conduct of the Persian Gulf War:"

[EF-111As] were part of the initial surge of aircraft across the Iraqi border the first night of the war, and established orbits to escort strike packages into the H-3 and Baghdad areas. They jammed EW, height finder, GCI, and target-acquisition radars, and were effective in tricking the enemy into opening fire at fake radar returns in areas where there were no Coalition aircraft.

It should be noted that only F-117's were cleared for Baghdad, a point that I will return to in a moment.

The SIP will significantly enhance the effectiveness, reliability, and maintainability of the already proven EF-111. Unfortunately, the Air Force proposed, and the Office of the Secretary of Defense accepted, the termination of the SIP in fiscal year 1996 for budgetary reasons preparatory to retiring the aircraft in fiscal year 1997.

To compensate for the loss of EW capability that will result from the termination of the SIP and retirement of the EF-111A, the Air Force has suggested a number of alternatives:

Navy EA-6B's can handle EW duties: Jointness at its most cynical. The EA-6B Advanced Capability (ADVCAP) upgrade was cancelled by the Navy in February 1994. The future of Navy EW is in disarray, and it is likely that EA-6B modernization will be limited to safety of flight improvements until the retirement of the aircraft;

Stealthy aircraft require less EW support: Perhaps, but, as mentioned before, F-117's benefited from EW support in the skies over Baghdad. Stealth is actually an EW force multiplier, because the jamming power and techniques needed to hide an aircraft with the radar cross section (RCS) of a B-52 will be many times more effective hiding an aircraft with the RCS of a sparrow; and,

Jamming pods can replace stand-off jammers: This is, at best, only a partial solution. Pods provide only self-protection, frequencies, power output, and techniques are limited, man-in-the-loop responsiveness is lost, and aircraft maneuverability, payload, speed, and range are reduced.

The menu of options presented by the Air Force is hardly ideal, and, taken separately, or in some combination, represent a significant diminution of U.S. EW capability. Worse yet, the use of prior year EF-111A SIP funds as a source for the supplemental by the House Appropriations Committee may foreclose our opportunity to debate the wisdom of the EF-111A SIP cancellation. If prior year EF-111A SIP funds are rescinded, the termination of the program will be irreversible.

So what do we do? First, drop EF-111A SIP funds as a source for the supplemental. Second, pry loose the congressionally mandated Joint Tactical Electronic Warfare Study. Third, if the study says what I think it will, ensure that the fiscal year 1996 defense authorization and appropriations bills include funds to maintain and modernize the EF-111A, EA-6B, and F-4G ("Wild Weasel") fleets.

The alternative is to let the services have their way, and let America's EW advantage erode. This erosion will have profound implications for Congress. Without proper EW support, conventional aircraft are almost immediately obsolete. For Members vaporlocking

over the cost of the F-22, it is worth considering that the 442 F-22's proposed will only fill out 4 of the 20 Fighter Wing Equivalents (FWE's) in the Bottom Up Review Force. That means one of two things: First, we buy 17 more FWE's worth of stealthy tactical aircraft, or second, we accept considerably higher losses among conventional aircraft in the next conflict. For Congress, an ugly choice.●

RULES OF SELECT COMMITTEE ON ETHICS

• Mr. McCONNELL. Mr. President, in accordance with rule XXVI(2) of the Standing Rules of the Senate, I ask that the Rules of Procedure of the Select Committee on Ethics, which were adopted February 23, 1978, and the Interim Procedures for Requests for Review Under Section 308 of the Government Employee Rights Act of 1991 be printed in the CONGRESSIONAL RECORD for the 104th Congress.

The material follows:

SELECT COMMITTEE ON ETHICS—

RULE 1. GENERAL PROCEDURES

(a) Officers: The Committee shall select a Chairman and a Vice Chairman from among its Members. In the absence of the Chairman, the duties of the Chair shall be filled by the Vice Chairman or, in the Vice Chairman's absence, a Committee Member designated by the Chairman.

(b) Procedural Rules: The basic procedural rules of the Committee are stated as a part of the Standing Orders of the Senate in Senate Resolution 338, 88th Congress, as amended, as well as other resolutions and laws. Supplementary Procedural Rules are stated herein and are hereinafter referred to as the Rules. The Rules shall be published in the Congressional Record not later than thirty days after adoption, and copies shall be made available by the Committee office upon request.

(c) Meetings;

(1) The regular meeting of the Committee shall be the first Thursday of each month while the Congress is in session.

(2) Special meetings may be held at the call of the Chairman or Vice Chairman if at least forty-eight hours notice is furnished to all Members. If all Members agree, a special meeting may be held on less than forty-eight hours notice.

(3)(A) If any Member of the Committee desires that a special meeting of the Committee be called, the Member may file in the office of the Committee a written request to the Chairman or Vice Chairman for that special meeting.

(B) Immediately upon the filing of the request the Clerk of the Committee shall notify the Chairman and Vice Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman or the Vice Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, any three of the Members of the Committee may file their written notice in the office of the Committee that a special meeting of the Committee will be held at a specified date and hour; such special meeting may not occur until forty-eight hours after the notice is filed. The Clerk shall immediately notify all Members of the Committee of the date and hour of the special meeting. The Committee shall meet at the specified date and hour.

(d) Quorum:

(1) A majority of the Members of the Select Committee shall constitute a quorum for the transaction of business involving complaints and allegations of misconduct, including the consideration of matters involving sworn complaints, unsworn allegations or information, resultant preliminary inquiries, initial reviews, investigations, hearings, recommendations or reports and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three Members shall constitute a quorum for the transaction of the routine business of the Select Committee not covered by the first subparagraph of this paragraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one Member of the quorum is a Member of the majority Party and one Member of the quorum is a Member of the minority Party. During the transaction of routine business any Member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the Members of the Select Committee are present.

(3) Except for an adjudicatory hearing under Rule 6 and any deposition taken outside the presence of a Member under Rule 7, one Member shall constitute a quorum for hearing testimony, provided that all Members have been given notice of the hearing and the Chairman has designated a Member of the majority Party and the Vice Chairman has designated a Member of the minority Party to be in attendance, either of whom in the absence of the other may constitute the quorum.

(e) Order of Business: Questions as to the order of business and the procedure of the Committee shall in the first instance be decided by the Chairman and Vice Chairman, subject to reversal by a vote by a majority of the Committee.

(f) Hearings Announcements: The Committee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it at least one week before the commencement of that hearing, and shall publish such announcement in the Congressional Record. If the Committee determines that there is good cause to commence a hearing at an earlier date, such notice will be given at the earliest possible time.

(g) Open and Closed Committee Meetings: Meetings of the Committee shall be open to the public or closed to the public (executive session), as determined under the provisions of paragraphs 5(b) to (d) of Rule XXVI of the Standing Rules of the Senate. Executive session meetings of the Committee shall be closed except to the Members and the staff of the Committee. On the motion of any Member, and with the approval of a majority of the Committee Members present, other individuals may be admitted to an executive session meeting for a specified period or purpose.

(h) Record of Testimony and Committee Action: An accurate stenographic or transcribed electronic record shall be kept of all Committee proceedings, whether in executive or public session. Such record shall include Senators' votes on any question on which a recorded vote is held. The record of a witness' testimony, whether in public or executive session, shall be made available for inspection to the witness or his counsel under Committee supervision; a copy of any testimony given by that witness in public session, or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record

in a public session shall be made available to any witness if he so requests. (See Rule 6 on Procedures for Conducting Hearings.)

(i) Secrecy of Executive Testimony and Action and of Complaint Proceedings:

(1) All testimony and action taken in executive session shall be kept secret and shall not be released outside the Committee to any individual or group, whether governmental or private, without the approval of a majority of the Committee.

(2) All testimony and action relating to a sworn complaint shall be kept secret and shall not be released by the Committee to any individual or group, whether governmental or private, except the respondent, without the approval of a majority of the Committee, until such time as a report to the Senate is required under Senate Resolution 338, 88th Congress, as amended, or unless otherwise permitted under these Rules. (See Rule 9 on Procedures for Handling Committee Sensitive and Classified Materials.)

(j) Release of Reports to Public: No information pertaining to, or copies of any Committee report, study, or other document which purports to express the view, findings, conclusions or recommendations of the Committee in connection with any of its activities or proceedings may be released to any individual or group whether governmental or private, without the authorization of the Committee. Whenever the Chairman or Vice Chairman is authorized to make any determination, then the determination may be released at his or her discretion. Each Member of the Committee shall be given a reasonable opportunity to have separate views included as part of any Committee report. (See Rule 9 on Procedures for Handling Committee Sensitive and Classified Materials.)

(k) Ineligibility or Disqualification of Members and Staff:

(1) A Member of the Committee shall be ineligible to participate in any Committee proceeding that relates specifically to any of the following:

(A) the Member's own conduct;

(B) The conduct of any employee or officer that the Member supervises, as defined in paragraph [12] of Rule XXXVII of the Standing Rules of the Senate;

(C) The conduct of any employee or any officer that the Member supervises; or

(D) A complaint, sworn or unsworn, that was filed by a Member, or by any employee or officer that the Member supervises.

(2) If any Committee proceeding appears to relate to a Member of the Committee in a manner described in subparagraph (1) of this paragraph, the staff shall prepare a report to the Chairman and Vice Chairman. If either the Chairman or the Vice Chairman concludes from the report that it appears that the Member may be ineligible, the Member shall be notified in writing of the nature of the particular proceeding and the reason that it appears that the Member may be ineligible to participate in it. If the Member agrees that he or she is ineligible, the Member shall so notify the Chairman or Vice Chairman. If the Member believes that he or she is not ineligible, he or she may explain the reasons to the Chairman and Vice Chairman, and if they both agree that the Member is not ineligible, the Member shall continue to serve. But if either the Chairman or Vice Chairman continues to believe that the Member is ineligible, while the Member believes that he or she is not ineligible, the matter shall be promptly referred to the Committee. The Member shall present his or her arguments to the Committee in executive session. Any contested questions concerning a Member's eligibility shall be decided by a majority vote of the Committee, meeting in executive session, with the Member in question not participating.

(3) A Member may also disqualify himself from participating in a Committee proceeding in other circumstances not listed in subparagraph (k)(1).

(4) The President of the Senate shall be given written notice of the ineligibility or disqualification of any Member from any initial review, investigation, or other proceeding requiring the appointment of another Member in accordance with subparagraph (k)(5).

(5) Whenever a Member of the Committee is ineligible to participate in or disqualifies himself from participating in any initial review, investigation, or other substantial Committee proceeding, another Member of the Senate who is of the same party shall be appointed by the Senate in accordance with the provisions of paragraph 1 of Rule XXIV of the Standing Rules of the Senate, to serve as a Member of the Committee solely for the purposes of that proceeding.

(6) A Member of the Committee staff shall be ineligible to participate in any Committee proceeding that the staff director or outside counsel determines relates specifically to any of the following:

(A) the staff Member's own conduct;

(B) the conduct of any employee that the staff Member supervises;

(C) the conduct of any Member, officer or employee for whom the staff Member has worked for any substantial period; or

(D) a complaint, sworn or unsworn, that was filed by the staff Member. At the direction or with the consent of the staff director or outside counsel, a staff Member may also be disqualified from participating in a Committee proceeding in other circumstances not listed above.

(1) Recorded Votes: Any Member may require a recorded vote on any matter.

(m) Proxies; Recording Votes of Absent Members:

(1) Proxy voting shall not be allowed when the question before the Committee is the initiation or continuation of an initial review or an investigation, or the issuance of a report or recommendation related thereto concerning a Member or officer of the Senate. In any such case an absent Member's vote may be announced solely for the purpose of recording the Member's position and such announced votes shall not be counted for or against the motion.

(2) On matters other than matters listed in paragraph (m)(1) above, the Committee may order that the record be held open for the vote of absentees or recorded proxy votes if the absent Committee Member has been informed of the matter on which the vote occurs and has affirmatively requested the Chairman or Vice Chairman in writing that he be so recorded.

(3) All proxies shall be in writing, and shall be delivered to the Chairman or Vice Chairman to be recorded.

(4) Proxies shall not be considered for the purpose of establishing a quorum.

(n) Approval of Blind Trusts and Foreign Travel Requests Between Sessions and During Extended Recesses: During any period in which the Senate stands in adjournment between sessions of the Congress or stands in a recess scheduled to extend beyond fourteen days, the Chairman and Vice Chairman, or their designees, acting jointly, are authorized to approve or disapprove blind trusts under the provision of Rule XXXIV, and to approve or disapprove foreign travel requests which require immediate resolution.

(o) Committee Use of Services or Employees of Other Agencies and Departments: With the prior consent of the department or agency involved, the Committee may (1) utilize the services, information, or facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis