

Test Ban Treaty is here in a committee without movement. There were no hearings on the treaty in the last session of the 105th Congress. We are now 5 months into the 106th Congress. I very much want our country to do the right thing: Ratify that treaty before September of 1999, when the committee will be formed of the countries that are signatories to that treaty and who have ratified that treaty, about how it will be brought into force and how it will be verified.

I know some say: Well, if you have a treaty on banning nuclear weapons tests, only those who are willing to ban them will ban them, and you can't deal with the rogues or the outlaws.

Look, if that is the attitude, no arms control of any type is worth pursuing. But, of course, that is absurd. Arms control has brought real rewards and real reductions in nuclear weapons.

I have in my desk here in the Senate a piece of a backfire bomber. I am not at my desk to get it, but it is a piece of a wing of a backfire bomber. Normally you would get a piece of a potential adversary's bomber wing by shooting down a bomber. We did not do that. We cut the wing off the bomber as part of an arms control agreement in which they reduced the number of bombers, they reduced the number of missiles, and they reduced the number of warheads.

Arms control reductions have worked. So too will the Comprehensive Nuclear Test Ban Treaty. I intend to work with a number of my colleagues to see if we are able, in the coming weeks, to speak with some aggressiveness on this issue here on the floor of the Senate and, on behalf of the American people, to make the case that we ought to have the opportunity to vote on the ratification of the Comprehensive Nuclear Test Ban Treaty. We ought to do it soon.

I have seen the agenda that has been offered by the Majority Leader as to what he hopes to bring to the floor to the Senate before Memorial Day, before the Fourth of July. This is not on it. It must be. It should be. I hope it will be, because this is a critically important issue to our country and to the world.

Efforts to stop the proliferation of nuclear weapons are critical to our future.

Many countries want them. Only a few countries have access to them. We must, at every step of the way, try to forge arms control agreements that work. The Comprehensive Nuclear Test Ban Treaty is one step in that direction.

Other steps include forging additional alliances with Russia who, as all of us know, is in some significant economic difficulty. We worry a lot about a range of issues with respect to their command and control of nuclear weapons.

But the first step, I think, is for the Senate to be given the opportunity to vote on and ratify the Comprehensive

Nuclear Test Ban Treaty. I hope that is sooner rather than later.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

(The remarks of Ms. LANDRIEU pertaining to the submission of S. Con. Res. 33 are printed in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Ms. LANDRIEU. I thank the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The PRESIDING OFFICER. The clerk will report the bill.

The legislative assistant read as follows:

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

The Senate proceeded to consider the bill.

PRIVILEGE OF THE FLOOR

Mr. WARNER. Mr. President, I ask unanimous consent that the staff members of the Committee on Armed Services appearing on the list appendant hereto be extended the privilege of the floor during consideration of S. 1059.

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.

Stuart H. Cain, Staff Assistant.

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.

Keaveny A. Donovan, 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.

Maria A. Finley, Staff Assistant.

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.

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. Longsworth, Professional Staff Member.

Thomas L. MacKenzie, Professional Staff Member.

Michael J. McCord, Professional Staff Member.

Ann M. Mittermeyer, Assistant Counsel.

Todd L. Payne, Special 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.

Scott W. Stucky, General Counsel.

Eric H. Thoemmes, Professional Staff Member.

Michele A. Traficante, Staff Assistant.

Roslyne D. Turner, Systems Manager.

D. Banks Willis, Staff Assistant.

PRIVILEGE OF THE FLOOR

Mr. WARNER. Mr. President, I ask unanimous consent that Lawrence Slade, a fellow on the staff of Senator McCRAIN, be granted privileges of the floor during the discussion of S. 1059, the national defense authorization bill.

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

Mr. WARNER. Mr. President, today the Senate begins consideration of S. 1059, the National Defense Authorization Act for Fiscal Year 2000.

It is my distinct privilege as chairman to make the initial statement regarding this bill. I acknowledge the presence on the floor of my senior and most respected member, Mr. THURMOND, the former chairman of the Armed Services Committee. He will be speaking to the Senate just after the statements by the chairman and the ranking member. I thank Senator LEVIN, the ranking member. We came to the Senate together. I think this is our 21st year. We have collaborated on many, many special assignments given to us by previous chairmen and/or ranking members through the years. I value our professional relationship and, indeed, our friendship.

I also wish to pay special acknowledgment to the subcommittee chairmen of the Armed Services Committee. Prior to this year, for some 20 years, I was a subcommittee chairman. I understand the role of a subcommittee chairman on our committee. But I must say, with great humility, I think each of the subcommittee chairmen this year exceeded beyond any current precedent their leadership, their hard work, together with their ranking member, in

preparing the respective parts of this bill over which their subcommittees have jurisdiction.

We have on our committee today marvelous participation by all members of the committee, on both sides of the aisle. I think our committee has historically operated and tried in every way to be nonpartisan on matters of defense, and we have succeeded.

We are supported by just an extraordinary professional staff, and indeed other Members have their various personal staff members who work with the professional staff, and it is all a team together working to produce not only the bill but throughout the year to be responsive to each and every Member of the Senate with regard to their requests, or whatever the case may be, as they relate to the jurisdiction of our committee. So I thank them all at this time, as we begin this very important presentation to the Senate for the year 2000.

I am extremely pleased to observe that this is the first time in nearly 15 years—15 consecutive years—that the defense budget before the Senate represents an increase in real terms, real dollars in our defense spending. This is a much-needed change, one that recognizes the problems brought on by 14 years of decline in defense spending. This overlaps, as the Chair will quickly recognize, both Republican and Democrat administrations. So this is not a political statement, although I do believe that the cuts under President Clinton have been too long and too deep. It was this year that the President, largely at the urging of a very courageous and fine Secretary of Defense, our former colleague, Secretary Cohen, and, indeed, members of the Joint Chiefs, gave his support to raising defense spending levels.

Today, particularly under President Clinton, who has sent forward our troops into harm's way more times on more different specific missions than any other President in the history of this country, we are asking every day, every month, every year, more and more of the men and women of the armed services at a time when we have this very, very low level of manning of all branches of our services.

At the same period, this world remains a place of ever increasing violence and uncertainty. As U.S. national interests are challenged throughout the globe, it is incumbent upon our military to be prepared to act when necessary, and act they have, with extraordinary commitment and professionalism.

Our military forces are currently strained by ongoing day-to-day operations. The contingency operations in Bosnia, Iraq, and throughout the Balkan regions are putting a very severe strain on our overall manning and commitments, and the families—may I underline “the families”—of these service members. In order for the military to respond effectively, it must receive the resources necessary to equip, train, and operate.

Unfortunately, after years of declining budgets and continually increasing deployments overseas, the military services are showing the beginning signs of this overburdening. Recruiting and retention problems are leading to shortfalls in key skills. Insufficient procurement budgets have left our forces with equipment that is somewhat unreliable because of age and, indeed, more costly every day to maintain. Inadequate infrastructure funding has resulted in the degradation of the facilities in which our military personnel work and live.

We must provide additional resources if we are to preserve this Nation's security and the readiness of its Armed Forces. That is why this bill before the Senate authorizes \$288.8 billion in budget authority for fiscal year 2000—\$8.3 billion above the President's request.

I commend the majority leader of the Senate, Senator LOTT, for his support and his leadership. It doesn't just go back a few weeks; it goes back well into last year. When consulting with him and, indeed, our distinguished chairman at that time, Senator THURMOND, the three of us recognized, together with other leaders in the Senate, such as Senator STEVENS and Senator DOMENICI, that we have to bring about a reversal in this decline of defense spending. Those are the origins of the change of this curve.

I want to note the extraordinary relationship that exists today between our committee and the Defense Appropriations Subcommittee. I particularly thank Senator STEVENS and his staff director, Steve Cortese, for their cooperation and support throughout the process of putting this bill together. Hopefully, Senator STEVENS will follow soon behind with his bill so that the Senate can have both to consider.

At this point I wish to take a moment to give credit to the Joint Chiefs of Staff for helping to secure the additional funding for defense. I think this is the first year in my 21 years that they have stepped forward with such absolute determination, vigor, and professional honesty and integrity and told the Senate—in effect, told the American people—of the concerns they have not only for their personnel but for the lack of funding needed to train the personnel, the research and development needed for the future, and the procurement decline we have experienced through these years. They came before the Senate committee last September and again in January, and they were very forthright. I don't doubt for a minute that their determination was the primary reason the President and the Secretary of Defense stepped up and began to support additional funding.

The Secretary of Defense, of course, all along had been counseling the President, but I want to pay special respect to the Joint Chiefs.

It is by necessity that I address this question of the shortfall in defense

spending and lay it out historically over these 15 years.

But let no one, let no nation, let no leader, let no rogue or terrorist think for a moment that the men and women of the Armed Forces of the United States, together with their equipment and their readiness and training, aren't prepared to turn back any threat posed against this Nation, or this Nation together with its allies.

In numerous committee hearings this year, the frightening magnitude of some of these problems was revealed. General Shelton, Chairman of the Joint Chiefs of Staff stated, “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.” General Shelton further informed the committee that our ability to execute our national military strategy has declined so severely that it would “* * * take us more time, and that time to victory would mean that we would lose terrain that we subsequently would have to regain. It means that the casualties to the U.S. would be higher.” Furthermore, according to the latest Quarterly Readiness Report: “* * * there are currently 118 CINC-identified readiness related deficiencies, of which 32 are designated category 1 deficiencies—ones which entail significant war fighting risk to execution of the National Military Strategy and are key risk drivers for the MTW, Major Theater War, scenarios.”

During the committee's hearings on September 29, 1998 and January 5, 1999, the Service Chiefs outlined the essential funding requirements necessary to maintain the readiness of the armed forces. General Shelton and the Chiefs identified a series of readiness and modernization problems that, without additional funding of approximately \$17.5 billion per year—I repeat, Mr. President—\$17.5 billion per year—would continue to degrade our military capability.

This figure does not include the additional funding necessary for contingency operations such as those we are facing in Kosovo today and in Bosnia and Iraq. It does not include additional funding for these contingency operations and increased pay and retirement benefits necessary to address the serious problems in recruiting and retention. This would cause additional requirements to exceed \$20 billion per year.

While the committee acknowledges that the administration's budget request contained additional money for defense—primarily because of the Joint Chiefs and Secretary Cohen's direct pleas to the President, the proposed budget request for fiscal year 2000 still falls short of meeting the Service Chief's minimum requirements.

One of the noteworthy shortfalls within the budget request is the Administration's request to incrementally fund military construction. Such incremental funding would actually result in increased costs and delays in

the construction of critical facilities. In addition, although the administration's fiscal year 2000 request represents an increase of approximately \$500.0 million over the fiscal year 1999 budget request, it does not adequately fund the quality of life needs of the military departments. Therefore, the bill before the Senate allocates an additional \$3.3 billion to MILCON to fully fund the fiscal year 2000 military construction and family housing programs requested by the Administration, and to fund additional quality of life programs—those determined by the members of our committee to have that high priority.

A focus of the committee's action this year has been to address the serious problems we are having with recruiting and retaining a quality force. In January, the committee moved quickly to report out—and the Senate subsequently passed—S. 4, The Soldiers', Sailors', Airmen's and Marines' Bill of Rights Act of 1999. The act authorized a 4.8-percent pay raise, reformed the military pay tables, and improved the military retirement system.

The National Defense Authorization Act for 2000—this bill—includes pay and compensation elements of S. 4, as well as other innovative proposals to offer incentives to potential recruits and active-duty personnel.

We believe the policies recommended in this bill will enable the military services to recruit and retain the number of quality personnel required to meet our national military strategy.

That is the heart and soul of this bill.

Again, I wish to commend Senator LOTT and others who let this committee move out and have this as the first bill in the Senate to send the strongest message to the men and women in the Armed Forces all across the world that the Congress of the United States—certainly the Senate—stands beside them to see they are properly compensated and that their families receive a fair return for their services and the risks they take.

There it is. It is in here. I hope it receives the strongest support of the Senate.

The funding level of \$288.8 billion for defense contained in the bill before the Senate represents a real increase of 2.2 percent over the fiscal year 1999 level. With the additional \$8.3 billion over the budget request, the committee has done the following:

Added more than \$1.2 billion to primary readiness accounts, including ammunition, training funds, base operations, and real property maintenance.

Two, authorized net increases of \$509.3 million for ballistic missile defense programs; \$218 million for military space programs and technologies; \$111.6 million for strategic nuclear delivery vehicle modernization; and \$55 million and a fraction for military intelligence programs; authorized \$12.2 billion for atomic energy defense activities under the Department of Energy, an \$187 million increase over the

1999 funding levels. That is an area in which the Presiding Officer has taken a great deal of interest through the years.

Recommended a comprehensive set of provisions to enhance safeguards, security and counterintelligence at DOE facilities in response to recent and very, very grave and serious allegations regarding lack of security at DOE laboratories.

We are learning every day about this breakdown in our counterintelligence. Members are participating in this analysis. It is very serious and requires the closest attention by every single Member of the Senate.

The committee has spent a good deal of time examining the allegations of Chinese espionage at the DOE facilities. The initiatives contained in this bill, I believe, will go a long way toward fixing the problems that Congress continues to discover. I say "continues," because more and more comes out every day.

In addition to the other items contained in this package, we have put into statute many of the items contained in the Presidential Decision Directive 61. The Secretary of Energy has indicated his support for our legislation. That is in this bill. We passed these provisions with strong bipartisan support in the committee.

We also authorized a \$855 million increase to the procurement budget request and a \$213 million increase to research, development, test, and evaluation for the Navy, Marine Corps, and Air Force seapower and strategic lift programs. In addition, the committee authorized the budget requests for construction of six new ships and robust research and development in the future ships DD-21, CVN(X), the *Virginia* class submarines, and CVN-77.

We added nearly \$1.9 billion to procure a range of critical, unfunded requirements, and over \$280 million of vital research and development activities for both air and land forces.

We establish 17 new National Guard Rapid Assessment and Initial Detection Teams for domestic response to terrorist attacks involving weapons of mass destruction.

This is a problem that this Senator considers the most serious facing the United States of America. That is, terrorism, which no longer is beyond our shores but which could be brought to our shores by any of the people crossing through the ports and the airports of this great nation of ours. Regrettably, even someone of deranged mind here at home could bring about the use of weapons of mass destruction.

Therefore, this Senator, and indeed this committee, is giving its strongest support to prepare ourselves, hopefully, to deter any such attacks. If they occur, then the resources of the Department of Defense stand well trained to assist other departments and agencies of this Government in bringing about what solutions we would be faced with in such a horrible situation.

I established a new subcommittee this year called Merging Threats under the very capable leadership of the Senator from Kansas, Senator ROBERTS. He will have more to say today about the very valuable work of this subcommittee and its ranking member and other Members toward what I have described in meeting this particular threat here at home.

These particular teams, each comprised of 22 full-time National Guard personnel specifically trained and equipped to deploy and assess suspected nuclear, biological, chemical, and radiological events in support of local first responders—that is, the local police, the local rescue, hospitals, volunteers all across our country; that is a local responding—would provide greater team coverage nationwide and greatly increase our ability to respond quickly to terrorist attack in the United States of America.

Now, I note that the National Guard is involved. Throughout this bill, throughout current military history, there is an ever and ever increasing role for the Guard and Reserve forces. They comprise the total force, when you calculate the military capabilities of this country, and as each year goes by, more and more responsibility must be shared by the Active Forces with the Guard and the Reserve. They have performed brilliantly.

Further, we establish a Department of Defense central transfer account for all funds to combat terrorism both at home and abroad, establish an information assurance initiative to strengthen DOD's information assurance program, and add an additional \$120 million to the administration's request for information assurance programs, projects, and activities.

The committee also considered additional base closings. This is a very serious subject, and my colleague, Mr. LEVIN, will have more to say about this, as will Senator McCAIN. During markup, the committee addressed two amendments submitted by these Senators. Both were not voted favorably by the committee.

Speaking for myself, I have historically supported BRAC as a means of reducing excess military infrastructure. As Secretary of the Navy, I remember vividly having closed the Boston Naval Shipyard, one of the most significant base closings since World War II. I know how difficult it is on the local community and the State to see one of these facilities close. It is not just a matter of economics, although that is very serious; it is a matter of pride; it is a matter of patriotism; it is a matter of generations of association of the men and women of the military forces who were trained at and operated these bases. It goes back into the sinews of our history.

Today, it is quite clear that the infrastructure and our inventory exceeds that which is needed by the current levels of the Armed Forces. Much of our war-fighting capability has

changed dramatically. I remember the first BRAC. I was coauthor of that legislation. We closed a number of the old cavalry outposts that were built for the sole reason of protecting the territories when Americans were settling the West.

By the time we got around, I think, 10, 12 or 15 years ago, to closing these bases, they had long since outlasted their military contribution to the overall security of our Nation. Historically, the country has always been behind.

Again, I was the coauthor of the last BRAC bill. However, this time I declined and voted against the BRAC legislation for reasons that I will state more succinctly and fully at the time the amendment is brought to the floor today.

I believe the bill before the Senate is a vital first step in enhancing military readiness, modernizing our forces, and improving the quality of life of our service members and their families.

I urge my colleagues to send a strong signal of support, a strong signal of support to the men and women of the Armed Forces bravely performing their responsibilities as their forefathers have done throughout the history of this great Nation, formed 209-plus years ago. I anticipate with this bill and the bills that will follow we will always keep America strong, a beacon of hope and freedom and security to the whole world.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I am pleased to join the chairman of the Armed Services Committee in bringing S. 1059 to the floor. This is our fiscal year 2000 defense authorization bill. It is the product of many months of hard work by the committee under the leadership of our new chairman, Senator WARNER, who has taken the baton from Senator THURMOND, who had done an extraordinary job. Senator THURMOND, who is on the floor, was chairman of our committee for many years. This year he turned that responsibility over to Senator WARNER, and Senator WARNER has carried on with great strength and great commitment that is in keeping with the leadership Senator THURMOND showed when he was chairman of this committee. I commend Senator WARNER for carrying on that tradition of Senator THURMOND and, indeed, those before Senator THURMOND.

As Senator WARNER has pointed out, our staffs have been instrumental in helping us bring this bill to the floor. We had a unanimous vote for this bill in committee. I think that is a real testament to the chairman's leadership. I commend him for it.

Mr. WARNER. Mr. President, if the Senator will yield, it was a partnership between the Senator from Michigan and myself together with all members of our committee.

I think in the context of talking about Senator THURMOND, in the 21 years we have been here, he served

with the chairmen before Senator THURMOND—Senator Nunn, Senator Tower, Senator Goldwater, Senator Stennis. Indeed, both you and I were well trained by these very, very strong and able leaders in the defense of our Nation.

Mr. LEVIN. Mr. President, that is a view I fully share.

The bill we bring to the floor is a sound bill that goes a long way to meet the priorities which have been established by Secretary Cohen and the Joint Chiefs of Staff. It is brought to the floor based on a very sound foundation because General Shelton, the Chairman of the Joint Chiefs, has assured us, assured the committee, assured the Congress, and assured the Nation our Armed Forces are fundamentally sound and fundamentally capable of fulfilling their role in our national military strategy. So we start with that sound foundation. Obviously, there are some places where we have to put some additional resources. But the foundation is a sound one and the Chairman of our Joint Chiefs has assured us of that.

So, what we seek to do in this bill is build on that sound foundation. I believe we have done so. In accordance with the fiscal year 2000 budget resolution, the bill includes an \$8 billion increase in budget authority above the level provided in the President's budget.

Unlike some of the budget increases in the past years, the added money in this bill will be spent in a much more responsible way than we have sometimes done in the past, because the money we have added this year is entirely spent for programs for which the Department of Defense has indicated a real need. The bottom line is, this bill will improve the quality of life for our men and women in uniform. It will improve the readiness of our military. It will continue the process of modernizing our Armed Forces to meet the threats of the future.

Virtually all the items for which the committee added funding were taken from either the Services' unfunded priority list for fiscal year 2000 or from the outyears of the future years' defense program, the so-called FYDP, which we deal with in the Armed Services Committee. These add-ons include substantial increases for the highest priority readiness items identified by the Joint Chiefs of Staff, including an added \$554 million for real property maintenance, \$420 million for base operations, \$120 million for ammunition, \$73 million for spare parts, \$60 million for reserve component training, \$40 million for depot maintenance. This money will significantly enhance the ability of our Armed Forces to carry out their full range of missions.

These are areas where we sometimes fall short. These are not the most glamorous areas. They do not have a lot of people lobbying for them. But they are critically important areas—real property maintenance, base oper-

ation, spare parts, reserve component training, depot maintenance.

In addition, the bill includes the triad of pay and retirement initiatives sought by Secretary Cohen and by 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 will, hopefully, help address recruiting and retention problems we have in the services.

When S. 4 was considered on the Senate floor, we indicated then we wanted to do everything we could to ensure the men and women in uniform received fair compensation for the service they provide to our country. At that time, I expressed concern about proceeding with the pay bill outside the context of the defense authorization bill and before Congress had passed a budget resolution. We have now revisited this issue in the context of the budget resolution and the authorization bill. I am pleased to report the changes in military pay and benefits proposed in this bill are all paid for.

Unfortunately, the committee has not yet been able to find a way to fund one of the most important aspects of S. 4, and that aspect is Senator CLELAND's proposals to enhance the GI bill, which is so important in providing educational opportunities to the men and women in our Armed Forces. These provisions, Senator CLELAND's proposal, would provide substantial incentives to help address the current recruiting and retention problems which face the military services while offering our men and women in uniform an educational opportunity in the proudest tradition of our country. I expect Senator CLELAND will raise this issue again as we debate the bill on the floor.

I sincerely hope we will find a way to adopt these proposals. They are very important proposals. They are important to the retention we need to enhance. They would be important even if there were not a retention problem, in terms of opportunities we should offer to the men and women in our Armed Forces.

The bill reported by the committee also provides full funding for the Department of Defense Cooperative Threat Reduction Program with Russia and with other countries of the former Soviet Union. Unfortunately, two of the three companion programs at the Department of Energy received substantially less funding than requested by the administration. The bill also contains some unfortunate restrictions on the DOE Nuclear Cities Program, which I hope we will be able to address on the Senate floor.

The Cooperative Threat Reduction Program and the related Department of Energy programs are one positive cornerstone of our relationship with Russia. They play a vital role in our national security by reducing the threat of the proliferation of weapons of mass destruction from Russia and

from rogue nations with which Russia might be pressured to form closer ties in the absence of these programs.

One area where I am most disappointed with the outcome of the markup is base closures, and our chairman has made reference to this issue.

The case for additional rounds of base closures is overwhelming. The Secretary of Defense has told us that more base closures are critical to meeting our future national security needs. The Secretary's letter reads, in part, as follows:

[N]o other reform—

No other reform—

even comes close to offering the potential savings afforded by even a single round of BRAC.

Which is the base closing process.

There simply is no substitute for base closure and realignment.

He went on to say:

The two additional rounds under consideration by the Committee will ultimately save \$20 billion and generate \$3.6 billion annually. Both the Congressional Budget Office and the GAO affirm the reasonableness and credibility of our estimates for savings from BRAC. In exchange for property that we neither want nor need, we can direct \$3.6 billion on an annual basis into weapons that give our troops a life-saving edge, into training that keeps our forces the finest in the world, and into the quality of life of military families.

The Secretary concluded:

The Department's ability to properly support America's men and women in uniform today and to sustain them into the future hinge in great measure on realizing the critical savings that only BRAC can provide. As such, the Chairman and Joint Chiefs are unanimous in their support of our legislative proposals, and I most strongly solicit your support and that of your colleagues.

The Chiefs themselves—all of them, the Chairman and the other Chiefs—wrote to us on May 10, a very strong letter, about the necessity of adopting an additional round of base closings. Here is what they wrote to our chairman:

Previous BRAC rounds are already producing savings—\$3.9 billion net in 1999 and \$25 billion through 2003. We believe that two additional rounds of BRAC will produce even more savings—an additional \$3.6 billion each year after implementation. This translates directly into the programs, forces, and budgets that support our national military strategy. Without BRAC, we will not have the maximum possible resources to field and operate future forces while protecting quality of life for our military members. We will also be less able to provide future forces with the modern equipment that is central to the plans and vision we have for transforming the force.

These are our top military officials telling us about the importance of additional rounds of base closings, to remove the unneeded infrastructure that we are now supporting, which drains resources that are needed for modernization, for readiness, for morale, for training.

We cannot justify maintaining excess infrastructure that we do not need and, at the same time, say we have needs

that must be addressed. We cannot have this both ways. We do have needs that must be addressed, and we have infrastructure we do not need which, if removed, will provide the resources to meet those needs.

Our top uniformed officers tell us the following:

BRAC is the single most effective tool available to the Services to realign their infrastructure to meet the needs of changing organizations and to respond to new ways of doing business. No other initiative can substitute for BRAC in terms of ability to reduce and reshape infrastructure. Simply stated, our military judgment is that further base closures are absolutely necessary.

Absolutely necessary is what the chairman and the members of the Joint Chiefs tell us.

These are not words of subtlety; these are very direct words which come from our uniformed leadership in this country, and we should heed them. I hope we will do that during consideration of this bill.

Mr. President, I ask unanimous consent that the two letters to which I have referred, in addition to a letter from the Service Secretaries dated May 11, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, May 11, 1999.

Hon. CARL LEVIN,
Ranking Member, Armed Services Committee,
U.S. Senate, Washington, DC.

DEAR CARL: As I have on many occasions, I want to convey my strong support for approval of additional rounds of Base Realignment and Closure (BRAC) authority as part of the FY 2000 Department of Defense Authorization Bill, which the Senate Armed Services Committee is marking up this week.

As you are aware, the first three rounds of BRAC have already yielded some \$3.9 billion net savings in FY 1999 and will generate more than \$25 billion by the year 2003. These savings have proven absolutely critical to sustaining ongoing operations and current levels of military readiness, modernization and the quality of life of our men and women in uniform. Even still, the General Accounting Office (GAO) points out that the Department of Defense continues to retain excess infrastructure, which we estimate at roughly 23 percent beyond our needs.

As you know, we are aggressively reforming the Department's business operations and support infrastructure to realize savings wherever possible. Nevertheless, no other reform even comes close to offering the potential savings afforded by even a single round of BRAC. There simply is no substitute for base closure and realignment.

The two additional rounds under consideration by the Committee will ultimately save \$20 billion and generate \$3.6 billion dollars annually. Both the Congressional Budget Office and the GAO affirm the reasonableness and credibility of our estimates for savings from BRAC. In exchange for property that we neither want nor need, we can direct \$3.6 billion on an annual basis into weapons that give our troops a life-saving edge, into training that keeps our forces the finest in the world, and into the quality of life of military families.

I well appreciate both the difficult decision you and your colleagues now face, as well as the legitimate concerns of bases and commu-

nities potentially affected by additional rounds of BRAC. At the same time, many success stories across the nation prove that base closure and realignment can actually lead to increased economic growth. In fact, the GAO recently noted that in most post-BRAC communities incomes are actually rising faster and unemployment rates are lower than the national average. Moreover, the Department continues to streamline the process, making it even easier for communities to dispose of base property and to create new jobs in the future.

The Department's ability to properly support America's men and women in uniform today and to sustain them into the future hinge in great measure on realizing the critical savings that only BRAC can provide. As such, the Chairman and Joint Chiefs are unanimous in their support of our legislative proposals, and I most strongly solicit your support and that of your colleagues.

BILL COHEN.

—
CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, DC, May 10, 1999.

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

DEAR MR. CHAIRMAN: We are writing to you to express our strong and unified support for authorization for additional rounds of base closures when the Senate Armed Services Committee marks up the FY 2000 Department of Defense Authorization Bill next week.

Previous BRAC rounds are already producing savings—\$3.9 billion net in 1999 and \$25 billion through 2003. We believe that two additional rounds of BRAC will produce even more savings—an additional \$3.6 billion each year after implementation. This translates directly into the programs, forces, and budgets that support our national military strategy. Without BRAC, we will not have the maximum possible resources to field and operate future forces while protecting quality of life for our military members. We will also be less able to provide future forces with the modern equipment that is central to the plans and vision we have for transforming the force.

The Department's April 1998 report to Congress demonstrates that 23 percent excess capacity exist. The Congressional Budget Office agrees that our approach to estimating excess capacity yields a credible estimate. The General Accounting Office also agrees that DOD continues to retain excess capacity.

The importance of BRAC goes beyond savings, however. BRAC is the single most effective tool available to the Services to realign their infrastructure to meet the needs of changing organizations and to respond to new ways of doing business. No other initiative can substitute for BRAC in terms of ability to reduce and reshape infrastructure. Simply stated, our military judgment is that further base closures are absolutely necessary.

BRAC will enable us to better shape the quality of the forces protecting America in the 21st century. As you consider the 2000 budget, we ask you to support this proposal.

Gen. HENRY H. SHELTON,
USA,
Chairman, Joint Chiefs
of Staff;
Gen. JOSEPH W. RALSTON,
USAF,
Vice Chairman, Joint
Chiefs of Staff;
Gen. DENNIS J. REIMER,
USA,
Chief of Staff, U.S.
Army;

Adm. JAY L. JOHNSON,
USN,
Chief of Naval Operations;
Gen. MICHAEL E. RYAN,
USAF,
Chief of Staff, U.S. Air Force;
Gen. CHARLES C. KRULAK,
USMC,
Commandant of the Marine Corps.

Hon. CARL LEVIN,
Armed Services Committee, U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: This letter expresses our unqualified support for legislative authority this year to conduct future rounds of Base Realignment and Closure (BRAC).

Each of our services needs to reshape our base infrastructure to meet new mission requirements. As a practical matter, BRAC is the only tool we have available to divest ourselves of unneeded infrastructure, consolidate missions and free funds to improve priority programs on the scale that we know is required. These priority programs are the readiness, modernization and quality of life programs that support our people. Prudent management of our infrastructure requires us to stop spending critical funds on the estimated 23 percent excess base capacity we no longer need, so that we can focus our investments on those bases that support our 21st century missions. We must refocus to provide an efficient warfighting structure and to provide the quality of life that is essential to retention and recruitment.

The benefits of BRAC are real, significant and long lasting. The estimated net savings through 2003, over \$25 billion, have already allowed us to better fund priority programs. The annual recurring savings of almost \$6 billion, which the Congressional Budget Office considers reasonable, will allow us to further improve these programs well into the future. Additionally, we estimate two future BRAC rounds could provide almost \$20 billion in savings through the implementation period and over \$3.6 billion thereafter in annual recurring savings.

We remain fully committed to assisting communities recover economically from BRAC actions. Right now we are concentrating on initiatives to accelerate property transfer to further enhance economic redevelopment.

We ask that you support legislation for future BRAC rounds so we can continue readiness, modernization and quality of life improvements well into the 21st century.

RICHARD DANZIG,
Secretary of the Navy;
F. WHITTEN PETERS,
Acting Secretary of the Air Force;
LOUIS CALDERA,
Secretary of the Army.

Mr. LEVIN. Mr. President, as our chairman indicated, the committee spent a great deal of time addressing security concerns at the Department of Energy. The revelations of Chinese espionage directed at the DOE nuclear weapons program underscore 20 years of failure by the FBI and the Department of Energy, over the course of three administrations, to take adequate steps to address security problems in the Laboratories.

This problem has been ongoing for 20 years, through three administrations, and we have not seen, until a Presidential decision directive last year, an

effort to significantly tighten security at the Laboratories.

We have in that Presidential decision directive, which is called PDD-61, a strong effort by this administration to tighten that security. What we do in this bill is to build on that effort, and we do so in a way which does not undermine the ability of the Department of Energy to perform its vital national security function.

I commend our chairman for his leadership in this effort. It is important that we do strengthen the security at the Department of Energy. It is important that we take the effort which finally was made when this administration signed a Presidential decision directive, and the President did so, but that we build additional safeguards which need to be in law.

Here is what we have done. We have written much of that Presidential decision directive into law. We have established an outside Commission on Safeguards, Security and Counterintelligence at the Department of Energy facilities. We have required a certification of the security aspects of the lab-to-lab and foreign visitors programs from the Secretary of Energy, the Director of the CIA, and the Director of the FBI.

The bill reported by our committee includes many other important provisions which will contribute to the national security and the effective management of the Department of Defense. Some of these provisions are: a provision establishing a single account for all Department of Defense funds to combat terrorism, both at home and abroad; a series of provisions to improve the effectiveness and efficiency of health care provided to service men and women under the TriCare Program; a provision promoting reform of Department of Defense financial management systems; a series of provisions promoting more effective management of defense laboratories and test and evaluation facilities; a provision extending the Department's mentor-protégé program for small disadvantaged businesses.

I conclude by, again, thanking our new chairman, Senator WARNER, for the manner in which he and his staff have handled this bill. He has maintained a great tradition of this committee, working with all members to make sure that all voices are heard in the effort which will always be needed to protect the Nation's security.

I know there is going to be vigorous debate on some provisions of this bill. We hope that Senators will, indeed, come to the floor and offer their amendments so that we can complete Senate action on the bill in a timely manner and go to conference.

But whatever the outcome of the debate on specific amendments or the vehemence of that debate, I think I can say unequivocally that our chairman, following in the footsteps of Senator THURMOND, has done so with tremendous strength and has, in doing so, enhanced the security of this Nation.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank my colleague. I think his statement reflects the partnership in which we have worked and will continue to work.

We do urge Members to bring their amendments to the floor. Currently, we have the following—I share with my colleague, and I think he is aware of this: Senator ROBERTS has an amendment, Senator SPECTER has an amendment, and Senator ROTH has an amendment, the subject matter I am sure the Senator is familiar with.

It is the desire of the majority leader, and I presume with the concurrence of the minority leader, that votes on these amendments will occur not before 5:30, but as soon thereafter as we can package them and have them sequentially. So that is for the information of all Senators.

I now yield the floor.

I see our distinguished former chairman, the senior Senator from South Carolina.

Mr. THURMOND addressed the Chair.

Mr. LEVIN. Will the Senator yield for one moment?

Mr. WARNER. Yes.

Mr. LEVIN. Will the Senator yield for one moment?

Mr. THURMOND. Certainly.

Mr. LEVIN. I thank you.

I want to withhold comment on what the chairman just said in terms of sequencing votes, because we are checking with some Senators on this side who may wish to debate one or more of those amendments to which the Senator has referred. We have not seen final language on any of them, I do not believe, so I want to at least alert the chairman I would not want my silence to indicate concurrence in what he indicated and said until we have had a chance to review that. There is the possibility we would want to withhold votes on those until tomorrow, for instance, but we need to see the language on those amendments.

Mr. WARNER. Mr. President, we will provide our distinguished colleague with those amendments. I believe at the desk now is the Specter-Landrieu amendment. So one is before the Senate. I am now working with Senator ROBERTS on a revision of his. I presume that the Roth amendment is pretty well in final form. I hope someone can inform the Senator from Virginia as quickly as possible as to the text of the amendment.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Senator WARNER and Senator LEVIN and my colleagues, as the Senate begins consideration of the national defense authorization bill for fiscal year 2000, I join my colleagues on the Armed Services Committee in congratulating Chairman

WARNER and the ranking member, Senator LEVIN, on their leadership in preparing a strong, bipartisan defense bill.

As the former chairman of the Armed Services Committee, I am well aware of the challenges and demands they faced in the preparation of the bill and believe they achieved all the objectives the committee established at the start of the year.

At the Armed Services Committee hearing on September 29, 1999, General Shelton, the Chairman of the Joint Chiefs of Staff, 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 national defense authorization bill for fiscal year 2000 ensures that our Armed Forces can continue to carry out their global responsibilities by focusing on readiness, future national security threats, and quality of life. I am especially pleased with the focus on the quality of life issues. Our military personnel and their families are expected to make great sacrifices and they deserve adequate compensation. Therefore, I strongly support the 4.8 percent pay raise, the changes in the retirement system, and the authority for military personnel to participate in the Thrift Savings Plan. These are critical provisions, which when coupled with the additional family housing and barracks construction, will result in a well-earned improvement in the standard of living for all of our military personnel.

During the past several years many Senators have raised the specter of the declining readiness of our Armed Forces. The administration had continually denied this assertion until last fall, when each of the Service Chiefs—I repeat, each of the Service Chiefs—acknowledged that readiness was in fact a serious problem within our Armed Forces.

General Reimer, the Army Chief of Staff stated: "Your Army is underfunded today to adequately meet all the competing demands."

The Chief of Naval Operations, Admiral Johnson, stated: "I am deeply concerned that we are at the beginning of a free-fall in terms of readiness."

And General Krulak, the Commandant of the Marine Corps, put it in these words: "We are ready today, but in order to maintain readiness and the current budgetary shortfall and those of previous years, we are effectively mortgaging the readiness of tomorrow's Marine Corps."

The defense bill before us is a significant step toward correcting the readiness issues identified by our Service Chiefs. It increases primary readiness accounts by more than \$1.2 billion; it increases the procurement budget by more than \$855 million and increases

research and development by more than \$200 million. Despite these significant funding increases, I must emphasize that they are but a first step toward reversing the readiness trends. We cannot be satisfied with these increases and ensure continued robust funding increases for these programs in future bills.

Since the fall of the Berlin Wall our Nation has faced ever changing threats. Among these are the spread of nuclear and weapons of mass destruction, international terrorism, and the ever increasing sophistication of weapons in the hands of countries throughout the world. The bill provides the funding for the Department of Defense and the Department of Energy to ensure that the Nation's military forces, both active and reserve, are prepared to counter these threats as we enter the new millennium.

As with all legislation, there are provisions in this bill that I did not support during the markup that I hope will be amended. Specifically, I am opposed to the provision that would limit the ability of the Federal Prison Industries to sell products to the Department of Defense and the provision in Title C of the bill regarding Tritium production. In my judgement, the Armed Services Committee is overstepping its jurisdiction by legislating on the Federal Prison Industries, which is under the purview of the Judiciary Committee. Regarding Tritium production, I am concerned that the provision has been weakened to the point where the reliability and viability of our Nation's nuclear weapon's stockpile may be at risk. Unless we have strong language to support the Secretary of Energy's decision to complete design for the Advanced Tritium Production source there is a strong possibility that those who oppose a reliable and effective nuclear stockpile will delay tritium production beyond the time we need tritium.

I have previously congratulated the chairman and ranking member for their work on this bill. Before closing, I want to congratulate each of the subcommittee chairmen: Senator SMITH, Senator INHOFE, Senator SNOWE, Senator SANTORUM, Senator ROBERTS, and Senator ALLARD, and the ranking members for their contribution to this bill. Their leadership and work provided the foundation for this legislation. Finally, I believe it is important that we recognize Les Brownlee and David Lyles for their leadership of a very professional and bipartisan staff. I desire to thank Col. George Lauffer for his fine work.

This national defense authorization bill is a strong and sound bill. I intend to support it and urge my colleagues to join me in showing our strong support for the bill and our men and women in uniform.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we thank our distinguished former chairman for that powerful statement. His firm hand and leadership are very much a part of the everyday activities of the Senate Armed Services Committee. I can think of no Member of this body who has served in uniform longer than our distinguished colleague, who entered, in my recollection, through the Army Reserve. I was there at a ceremony.

What was the year that you entered the Army Reserve, Senator? Anyway, way back—

Mr. THURMOND. What was the question?

Mr. WARNER. What was the year you entered the Army Reserve? I remember I was there when we recognized—

Mr. THURMOND. I finished college in 1923 and became 21 years of age in December of that year.

Mr. WARNER. Isn't that interesting. I remember when we gathered on the steps of the west front of the Capitol to recognize the Senator for his service. He fully understands the commitments made by men and women in the Armed Forces through several generations. That historical knowledge has been brought to bear many times on the decisionmaking responsibilities of the Senate Armed Services Committee.

Mr. THURMOND. Thank you very much.

Mr. WARNER. Mr. President, seeing no other Senator at the moment seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PRIVILEGE OF THE FLOOR

Mr. WARNER. Mr. President, I ask unanimous consent that Bill Adkins, a legislative fellow of Senator ABRAHAM's staff, be granted floor privileges during the consideration of S. 1059.

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

Mr. ROBERTS addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

AMENDMENT NO. 377

(Purpose: To express the sense of the Senate regarding the legal effect of the new Strategic Concept of NATO)

Mr. ROBERTS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. ROBERTS], for himself, proposes an amendment numbered 377.

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

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

The amendment is as follows:

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

SEC. 1061. SENSE OF SENATE REGARDING LEGAL EFFECT OF THE NEW STRATEGIC CONCEPT OF NATO.

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

(1) not later than 30 days after the date of enactment of this Act, the President should determine and certify to the Senate whether or not the new Strategic Concept of NATO imposes any new commitment or obligation on the United States; and

(2) if the President certifies under paragraph (1) that the new Strategic Concept of NATO imposes any new commitment or obligation on the United States, the President should submit the new Strategic Concept of NATO to the Senate as a treaty for the Senate's advice and consent to ratification under Article II, Section 2, Clause 2 of the Constitution of the United States.

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

(c) **EFFECTIVE DATE.**—This section shall take effect on the day after the date of enactment of this Act.

MR. ROBERTS. Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

THE PRESIDING OFFICER. The Senator from Virginia is recognized.

AMENDMENT NO. 378 TO AMENDMENT NO. 377

Mr. WARNER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

THE PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, proposes an amendment numbered 378 to Amendment No. 377.

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

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

The amendment is as follows:

(c) **REPORT.**—Together with the certification under subsection (a)(1), the President should submit to the Senate a report containing an analysis of the potential threats facing NATO in the first decade of the next millennium, with particular reference to those threats facing a member nation or several member nations where the commitment of NATO forces will be "out of area", or beyond the borders of NATO member nations.

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

Mr. ROBERTS addressed the Chair.

THE PRESIDING OFFICER (Mr. BUNNING). The Senator from Kansas is recognized.

AMENDMENT NO. 377

Mr. ROBERTS. Mr. President, before I make remarks on behalf of the amendment, which pretty well dovetails the second-degree amendment introduced by the distinguished chairman of the committee, I would like to pay a deserved tribute to our distin-

guished chairman, the Senator from Virginia, for his leadership in forging a defense bill during a time of great, great challenge.

During a time when our military is stressed, strained, and some of us believe hollow, our Nation needs those who will take a stand—a stand, if you will—to really try to fulfill the first obligation of our Federal Government, and that is to safeguard our national security.

Our new chairman of the Senate Armed Services Committee, in the tradition of Senator THURMOND, has been the right man at the right time for the right job. He has, without question, reaffirmed the standing of the influence of the committee. He has actually given the committee—in this case, the creation of a new Emerging Threats and Capabilities Subcommittee—a chance to take a look at really what our Nation faces in terms of our national security threat in the post-cold-war period. I want to thank him publicly for discussing with me the possibility of being the chairman of that committee and for that appointment.

I think the thing I want to mention the most in regard to the chairman's leadership and also that of Senator LEVIN is the pay raise and retirement reform contained in this bill. After hearing from the Joint Chiefs and knowing that we have a crisis in regard to retention of our men and women in uniform, the chairman, actually during the impeachment process, sat us down to work and really hit the ground running.

Despite the criticism of those who wanted a much larger bill, a more comprehensive bill, to address all of the problems that we face in the military—and, by the way, I mention that these challenges include the quality of life issues, the health care issues, the issue of the operations tempo, the issue of the personnel tempo, and then that of mission quality. There are those who said, we are not quite sure that this pay raise or this retirement reform will really address the retention problem. There are others who said they wanted to study it further. I suggest to them that if we studied it actually further, we would be in such a problem with retention we would be past the marrow of the bone.

JOHN WARNER really took the issue by the horns and provided the leadership. We are sending a message to every man and woman in uniform, saying that we care. And we took action, as I said before, despite the impeachment proceedings and despite a very, very busy schedule here in this Congress.

So thank you to JOHN WARNER and also to Senator LEVIN, whose expertise in regard to his oversight and his policy actually keeps the committee with very strong leadership. It is a privilege to serve with both Senators. I will make a statement at a later time in regard to the efforts by Senator BINGAMAN, who is the distinguished ranking

member of the Emerging Threats Subcommittee, and what we think we have been able to achieve.

Mr. President, I rise with the support of the chairman of the committee, as well as my colleague from Georgia, Senator CLELAND, to offer an amendment to this bill, S. 1059. It is my hope that this amendment will reaffirm the Senate's important responsibility of either rejecting or consenting to fundamental changes in the letter and spirit of existing treaties—in particular, when those changes actually broaden the nature of U.S. military missions, responsibilities, and obligations overseas.

I ask my colleagues' support for a simple sense-of-the-Senate resolution that calls for complete transparency on the part of the President and Senate consideration in regard to the de facto editing of the original North Atlantic Treaty.

My sense-of-the-Senate simply asks the President to certify whether the new strategic concept of NATO, this formalization of new and complicated United States military responsibilities in Europe, as evidenced by the war in Kosovo and the possibility of future Kosovos around the world, is in fact a document that obligates the United States in any way, shape, or form. If so, my sense-of-the-Senate affirms that this body be given the opportunity to debate, accept, or reject the new blueprint for future NATO actions. These future actions will undoubtedly include substantial components of our own Armed Forces engaged completely outside the province of the original treaty. We see this today in regard to the ongoing operations in Bosnia, Albania, Macedonia, and over the Federal Republic of Yugoslavia. These deployments are dominated by U.S. forces, ostensibly because of our responsibilities as a NATO member.

During the cold war, the Congress and the American people believed the original Nato Treaty was in our vital national security interest. I am not so sure we know now whether these new NATO missions meet that important criteria for the possibility of spilling American blood and treasure. There has been a transformation Mr. President, and, while yes the world has transformed since 1949, Congress still needs to be given the opportunity to formally consider and endorse what we're signing up for and committing to do in Europe and elsewhere around the world. Given this situation, I believe it is imperative the Senate ask the President to formally certify whether the new Strategic Concept, which was adopted during the 50-year anniversary here in Washington about a month ago, represents commitments by the United States, and, if so, submit the document for formal congressional scrutiny.

Let's be honest with the American people, Mr. President. If the new Strategic Concept of 1999 is the particular direction we're headed in regards to Europe, let's give this body and the

American people a chance to formally agree or disagree. If only for budgeting reasons, let's understand what we are committing to do so we can plan and budget for it.

In this discussion, we must not lose sight of the fact that NATO is a military alliance and the new Strategic Concept of 1999 is its guide for the 21st century. This is a very important document the nineteen nations of NATO have drafted and I encourage every Senator to examine it closely, comparing it with the original North Atlantic Treaty. I believe Senators will find that the new Strategic Concept of 1999 document is completely inconsistent with the spirit of the original treaty in critical areas. That means the treaty has been changed, albeit rather quietly, during the 50-year anniversary celebration, and the United States has formally committed to a new strategic direction in Europe.

It's time for the Senate to stop, take notice of what is happening to NATO, and go on record asserting its constitutional role.

Through the new Strategic Concept of 1999, President Clinton, along with the member nations of NATO, has quite possibly taken the commonsense notion of mutual consultation for self-defense purposes implicit in Article Four of the original NATO Treaty and altered substantially the very purpose of the NATO Alliance from one of collective self-defense of member territory to international crisis management and humanitarian relief operations. As a matter of fact, I think the Strategic Concept is reflective for the most part in reference to a speech the President gave over 2 years ago at The Hague outlining what he thought the Strategic Concept and the new goals of NATO should be.

Additionally, I believe the new Concept document is not merely a tool for justifying existing extraterritorial NATO deployments of American military forces, but is a precedent toward formalizing as U.S. policy the lazy tendency of this Administration and yes, others to rely increasingly on the military services to solve social and political problems in Europe and elsewhere. Problems, I would say, Mr. President, for which other instruments of power are clearly better suited for those tasks.

I want to assure my colleagues, Mr. President, I have decided to submit my amendment as a Sense of the Senate because my objective is not to brazenly force the President to do something he, in his authority as Chief Executive to represent the nation in foreign affairs, has decided not to do or would not do. However, I am trying to encourage the Administration to be clear with the Congress and the American people—indeed to seek our consent and the public's approval—in regards to this national security policy divergence.

I am sure opponents of my amendment will argue that the new Strategic Concept of 1999 is only that, a concept,

an intellectual exercise, mere musings as to future security challenges in the North Atlantic region. I disagree. My colleagues, do not let the title fool you! The 65-point document states its intent is to be a "guide that expresses NATO's enduring purpose and nature and its fundamental security tasks, identifies the central features of the new security environment, specifies the elements of the Alliance's broad approach to security, and provides guidelines for the further adaptation of its military forces." That is a direct quote.

For a Congress constitutionally required to provide funding for and oversight to the Departments of State and Defense, those are specific purposes and very clear intentions.

I am sure some opponents will also argue that regardless of the specificity of the new Strategic Concept, it is not a formal treaty and therefore should not be sent to the Senate. I really think that is putting the cart before the horse. First, let's get our definitions straight. The U.S. Department of State Circular 175, Procedures on Treaties, defines a treaty as "an international agreement regardless of title, designation, or form whose entry into force with respect to the United States takes place only after the Senate has given its advice and consent."

I will certainly concede that the new Strategic Concept is not a treaty per se, that that is only because the Senate has not given nor had an opportunity to give its advice and consent. If we formally adopted the logic that the President should only send actual treaties to the Senate, the treaty clause of article II of the Constitution would become irrelevant, contrary to the framers' intent.

My point is that the decision of the President to submit an international agreement to the Senate is largely a political decision. Nonetheless, when a document tacitly commits the United States to a new strategic direction in Europe, it should contain the Senate's stamp of approval. It does not have it.

Opponents of my amendment will further argue that the new Concept is not even an international agreement, much less a potential treaty. I believe any document that contains even tacit commitment by the United States and other nations to engage in new types of NATO missions outside the domain of the original treaty, as well as the commitment to structure military forces accordingly, can be considered an international agreement.

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

In mentioning these criteria, I must note that last year Senators CLELAND, SNOWE, and I attempted to clarify administration policy in the use of military force by attaching several consulting requirements to fiscal year 1999 defense spending legislation.

My question is: In order to determine what the strategic plan is, what our obligations are, what we are doing in Kosovo and other areas of the world, does that have to be done each year? Let's get the Senate involved at the outset. It is the Strategic Concept that is at the genesis of this kind of policy.

The first State Department consideration is the most significant for purposes of our discussion. I genuinely believe that the new Strategic Concept of 1999 and its predecessor document, without question, involved commitments and risks affecting the Nation as a whole. In fact, I could not have put it more succinctly. That is one of the reasons our distinguished chairman, Senator WARNER, wrote to the administration on this issue as the recent NATO summit, the 50-year anniversary, approached. He knew the document's revision was very imminent. He wanted to have a debate here in the Congress before moving forward with the other 19 nations. I commend our chairman for his knowledge, his foresight, and his leadership on this issue.

As for the second State Department consideration I mentioned, the new Concept of 1999 probably cannot be given effect without the enactment of subsequent legislation by the Congress—without, that is, huge defense appropriation and authorization acts that try to balance the readiness and the modernization and quality-of-life requirements which this bill tries to address with numerous peacekeeping enforcement missions.

Members on both sides of the aisle may also argue—in good faith, I might add—that the Resolution of Ratification for an expanded NATO which passed this body last spring contained conditions for revising NATO's Strategic Concept which effectively constitute a Senate endorsement of the new Strategic Concept of NATO.

Again, I disagree. When we compare the actual text of the new Concept and the Resolution of Ratification adopted only last year, not only do we see the complete abandonment of the original 1949 treaty, but it is also a document that has gone way beyond what the Senate actually intended.

Section 3 of the Resolution of Ratification as passed by the Senate April 30 of last year contained the following conditions for the new Strategic Concept. Let's compare these with the Concept document. The Ratification Resolution stated:

(1) The strategic concept of NATO: (A) Policy of the United States toward the strategic concept of NATO—the upcoming revision of

that document will reflect the following principles:

(i) First and foremost a military alliance: NATO is first and foremost a military alliance. NATO's success in securing peace is predicated on its military strength and strategic unity.

(ii) Principal foundation for defense of security interests of NATO members: NATO serves as the principal foundation for collectively defending the security interests of its members against external threats.

However, Senators, I urge you to read this—this document is on your desks—in the Strategic Concept adopted at the 50th anniversary celebration in Washington last month:

Strategic Concept point #24: Any armed attack on the territory of the Allies, from whatever direction, would be covered by Articles 5 and 6 of the Washington Treaty. However, Alliance security must also take account of the global context [emphasize the word "global"]. Alliance security interests can be affected by other risks of a wider nature, including acts of terrorism, sabotage, organized crime, and by the disruption of the flow of vital resources. The uncontrolled movement of large numbers of people, particularly as a consequence of armed conflicts, can also pose problems for security and stability affecting the Alliance. Arrangements exist within the Alliance for consultation among the Allies under Article 4 of the Washington Treaty and, where appropriate, co-ordination of their efforts including their responses to risks of this kind.

I must point out, that last phrase is completely original. There is nothing in article 4 of the original NATO treaty even remotely similar to the term "the coordination of their efforts including their responses to risks of this kind." It is just not there. I cannot imagine more substantive change to the NATO treaty than adding a collective response obligation for the United States to respond to terrorism and other asymmetrical threats not only in Europe but all around the globe.

The Resolution of Ratification continues—again, that was the expansion treaty that was passed as of last year:

(iii) Promotion and protection of United States vital national security interests: Strong United States leadership of NATO actually promotes and protects United States vital national security interests.

(iv) United States leadership role: [Now, this is in last year's language in regard to the ratification of the expansion.] The United States maintains its leadership role in NATO through the stationing of United States combat forces in Europe, providing military commanders for key NATO commands, and through the presence of United States nuclear forces on the territory of Europe.

However, 1 year later in the Strategic Concept, point No. 18—and I urge Senators to pay attention to it:

As stated in the 1994 Summit declaration and reaffirmed in Berlin in 1996, the Alliance fully supports the development of the European Security and Defense Identity (ESDI) within the Alliance by making available its assets and capabilities for Western European Union (WEU)-led operations. To this end, the Alliance and WEU have developed a close relationship and put into place key elements of the ESDI as agreed in Berlin. In order to enhance peace and stability in Europe and more widely, the European Allies are

strengthening their capacity for action, including by increasing their military capabilities. The increase of the responsibilities and capacities of the European Allies with respect to security and defense enhances the security of the environment of the Alliance.

Now, Mr. President, the WEU will be using NATO military equipment paid for by the taxpayers of the United States. That may be proper, that may be a role for NATO, but I think we need to review that proposal.

The Resolution of Ratification of last year does continue:

(v) Common threats: NATO members will face common threats to their security in the post-Cold War environment including—

(I) the potential for the re-emergence of a hegemonic power confronting Europe;

(II) rogue states and non-state actors possessing nuclear, biological, or chemical weapons and the means to deliver these weapons by ballistic or cruise missiles, or other unconventional delivery means;

(III) threats after wider nature, including the disruption of the flow of vital resources, and other possible transnational threats; and

(IV), conflict in the North Atlantic area stemming from ethnic and religious enmity, the revival of historic disputes, and the actions of undemocratic leaders.

All that was contained in the language when we ratified the expansion in regard to that treaty last year, 1 year later.

Strategic Concept point #20: The security of the Alliance remains subject to a wide variety of military and non-military risks which are multi-directional and often [very] difficult to predict. These risks include social and political difficulties, ethnic and religious rivalries, territorial disputes, inadequate or failed efforts at reform, the abuse of human rights, and the dissolution of states can lead to local and even regional instability. The resulting tensions could lead to [the] crises affecting [the] Euro-Atlantic stability, to human suffering, and to armed conflicts.

Nonmilitary risks, Mr. President? Inadequate or failed efforts at reform? What are we talking about? I do not recall those phrases in the Resolution of Ratification. Why would a military alliance such as NATO care about a non-military risk? What is a nonmilitary risk anyway?

The Resolution of Ratification continues, as of last year:

(vi) Core mission of NATO: Defense planning will affirm a commitment by NATO members to a credible capability for collective self-defense, which remains the core mission of NATO. All NATO members will contribute to this core mission.

No argument there. That is the historical purpose of NATO and that is collective security.

One year later, with the Strategic Concept, while they were popping champagne corks in regard to NATO being 50 years old:

Strategic Concept point #10: To achieve its essential purpose, as an Alliance of nations committed to the Washington Treaty and the United Nations Charter, the Alliance performs the following fundamental security tasks:

Deterrence and defense: To deter and defend against any threat of aggression against any NATO member state as provided for in Articles 5 and 6 of the Washington Treaty.

Crisis management: To stand ready, case-by-case and by consensus, in conformity with Article 7 of the Washington Treaty, to contribute to effective conflict prevention and to engage actively in crisis management, including crisis response operations.

I am glad to see that deterrence and defense is still there. But, again, this emphasis on conflict prevention and crisis management is extremely disconcerting and not consistent with the Resolution of Ratification that was passed in the Senate as of last year.

The Resolution of Ratification continues—we are talking about section 7:

(vii) Capacity to respond to common threats: NATO's continued success requires a credible military capability to deter and respond to common threats. Building on its core capabilities for collective self-defense of its members, NATO will ensure that its military force structure, defense planning, command structures, and force goals promote NATO's capacity to project power when the security of a NATO member is threatened, and provide a basis for ad hoc coalitions of willing partners among NATO members. This will require that NATO members possess national military capabilities to rapidly deploy forces over long distances, sustain operations for extended periods of time, and operate jointly with the United States in high intensity conflicts.

However, 1 year later, in the Strategic Concept point No. 49:

In contributing to the management of crises through military operations, the Alliance's forces will have to deal with a complex and diverse range of actors, risks, situations and demands, including humanitarian emergencies. Some non-Article 5 crisis response operations may be as demanding as some collective defense missions. Well-trained and well-equipped forces at adequate levels of readiness and in sufficient strength to meet the full range of contingencies as well as the appropriate support structures, planning tools and command and control capabilities are essential in providing efficient military contributions.

I do not know how this Nation is to fund, structure, and train U.S. military forces to manage parochial crises in Europe, no matter how small, through military operations. Nor do I think that is the best use of our forces, if you consider already we must meet the two major regional conflict response thresholds within serious budget constraints.

Again, I do not see this use of military forces endorsed in the Resolution of Ratification that the Senate passed last year. The Resolution of Ratification does continue:

The fundamental importance of collective defense:

This was last year.

The Senate declares that—

(i) in order for NATO to serve the security interests of the United States, the core purpose of NATO must continue to be the collective defense of the territory of all NATO members; and

(ii) NATO may also, pursuant to Article 4 of the North Atlantic Treaty, on a case-by-case basis, engage in other missions where there is a consensus among its members that there is a threat to the security and interests of NATO members.

However, once again, in the Strategic Concept, 1 year later, at the celebration, the 50-year celebration, No. 48:

The maintenance of the security and stability of the Euro-Atlantic area is of key importance. An important aim of the Alliance and its forces is to keep risks at a distance by dealing with potential crises at an early age. In the event of crises which jeopardize Euro-Atlantic stability and could affect the security of Alliance members, the Alliance's military forces may be called upon to conduct crisis response operations. They may also be called upon to contribute to the preservation of international peace and security by conducting operations in support of other international organizations, complementing and reinforcing political actions within a broad approach to security.

What do we mean by this—"keep risks at a distance by dealing with potential crises at an early stage"? Isn't that the job of diplomacy? Anyway, the list of inconsistencies between the Resolution of Ratification and the new Strategic Concept of 1999 goes on and on and on.

I have taken a great deal of time of the Senate and my colleagues to be specific about this. Even if they were more consistent, it does not change the fact that the Strategic Concept of 1999 fundamentally alters the nature and the domain of the original treaty that this Senate ratified just a year ago.

So, in closing, I think my bipartisan amendment, warrants support because it is time to go on record that the Senate insists that changes to the original scope and purpose of the alliance go through proper channels, specifically article II, section 2, clause 2 of the U.S. Constitution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, this amendment, which the Senator and I refer to as the Roberts-Warner amendment, is one which obviously I strongly support.

I first ask unanimous consent that correspondence the Senator from Virginia had with the President of the United States be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. WARNER. I commend the Senator. We have been working on parallel tracks on this issue for some months now. I cannot think of a more important amendment that will be added to this bill than the one of which my distinguished colleague from Kansas is the principal sponsor. At this very moment, well over half of the tactical aircraft are being operated by U.S. air men and women; well over 70 percent of the support aircraft, the tankers, the intelligence aircraft and all of those, the spotters and the like, are being operated by U.S. airpersons.

It is the Strategic Airlift Command which is heroically—together with the Air Guard, I add, which, of course, is part of that command—carrying out the vast preponderance of the missions associated with airlift in this operation in Kosovo.

If there is one thing this operation tells us, it is that future conflicts are

becoming more and more dependent on modern technology. The weapons being employed in this air-only campaign are guided missiles, again predominantly provided by the United States.

The other nations of NATO, for whatever reasons, simply have not equipped themselves or trained their personnel in sufficient numbers to conduct an operation of this magnitude. That is not in any way to detract from their courage in flying their missions, and approximately eight other nations are joining in this air operation. Whether they are single aircraft, or two aircraft or one mission a day—whatever it is—they are an integral part. I salute them, and I respect them, but statistically, it is the taxpayers of the United States and it is the young men and women wearing the uniform of the United States who are carrying the brunt of this operation.

The Senator brings to the attention of the Senate that at this 50th anniversary summit conference, this document, to which he has referred several times, was adopted. In any reading of this document by this Senator, and I think any other Senator, it will clearly show that it is the intention of the summit to push beyond the horizon of the original NATO of 1949, to push beyond the horizon of the 1991 Strategic Concept the potential missions of this historic organization.

It is the absolute fundamental right of the Senate, under the treaty clause of the Constitution, to review in detail, and I say carefully, what is proposed—I repeat, proposed—by the 50th anniversary summit.

The Senate Armed Services Committee will conduct a series of hearings once the hostilities and the risk of NATO forces is in one way or another—I hesitate to use the word "terminated" because I am not certain if that word is applicable to this situation which in itself is so filled with uncertainty, but whenever the hostilities are contained to the point where the Armed Services Committee can begin to look at what went right and what went wrong in the conduct of the military operations and, most particularly—most particularly—this consensus by the 19-nation doctrine by which this operation has been, is, and will be conducted for an indefinite period of time.

I first became concerned about this new doctrine early this spring. I wrote to the President on April 7 urging him not to allow the summit to "finalize"—that is the word I used—or write in stone, I said at that time, a new Strategic Concept. Why not just wait until the Kosovo operation gets to that point where hopefully hostilities have subsided and you sit down and study that operation, and from that study you would be better able to devise what NATO should do in the future regarding comparable operations.

I said:

The intent of this letter is to give you my personal view that a final decision by NATO

on the Strategic Concept should not be taken—risked—against the uncertainties emanating from the Kosovo situation. The United States and our allies will have many lessons learned to assess as a pivotal part of the future Strategic Concept. Bosnia and Kosovo have been NATO's first forays into aggressive military operations. As of this writing—

That is April 7—

the Kosovo situation is having a destabilizing effect on the few gains made to date in Bosnia. This combined situation must be carefully assessed and evaluated before the United States and our allies sign on to a new Strategic Concept for the next decade of NATO.

Unfortunately, the President disagreed with my assessment, and on April 24, NATO went on to finalize a new Strategic Concept, and that document has been discussed in length by my colleague.

The main difference in the security tasks identified in the 1991—Mr. President, about every decade, NATO seems to get down to revising its future missions, and the 1991 document was clearly out of date. It still referred to the threat from the Soviet Union. So time had come, of course, to revise it. All I said is let's just wait a reasonable period of time and assess the lessons learned and let the American people give direction to the President and give direction to the Congress if, in fact, they want to be part of a military alliance where certainly in this operation well over half of it is being conducted by their own sons and daughters, and the price to be paid is still unknown. It will be heavy and it will be paid by the American taxpayers.

I recently had a very distinguished former Secretary of Defense write and tell me: Assess the costs being borne by the United States and the other NATO nations and that will be, I say to my former friend, the Secretary of Defense many years ago, that will be a central focal point of the hearings by this committee in the future.

But those costs are going to be enormous to the American taxpayers. We first have the risk to the men and women of our country, the disproportionate contribution by our military assets, and the costs that will be allocated to the American taxpayer.

Back to my letter to the President. I said that we can wait another 2 or 3 months. We have waited since 1991. Why do we have to rush into another one? But the President, in his letter, declined to do it.

The main difference in the security tasks identified in the 1991 Strategic Concept and the document adopted this April is the addition of a "crisis management" task, and an emphasis on non-article 5 crisis operations. Non-article 5 operations were not even mentioned in the 1991 Strategic Concept.

I say to my colleague from Kansas, they were not even mentioned, but they are written throughout this new one which was promulgated this April. I will read one paragraph:

The security of all allies is indivisible. An attack on one is an attack on all. With respect to collective defense under article 5 of the Washington Treaty—

Of course, that is the 1949 treaty—the combined military forces of the alliance must be capable of deterring any potential aggression against it, of stopping an aggressor's advance as far forward as possible should an attack nevertheless occur and assuring the political independence and territorial integrity of its member states.

Here is the key sentence:

They must also be prepared to contribute to conflict prevention and to conduct a non-article 5 crisis response operation.

That means going beyond the territorial boundary of the 19 nations.

The vote of the American people through its elected Members of the Senate is absolutely essential before we sign on to such a mission. I commend my colleague for bringing that to the attention of the Senate in the form of this amendment.

According to the new Strategic Concept, the alliance is tasked "to stand ready, case-by-case by consensus . . . to contribute to effective conflict prevention, and to engage actively in crisis management, including crisis response operations.

Kosovo is an example of a non-article 5 crisis response operation.

EXHIBIT 1

COMMITTEE ON ARMED SERVICES,
Washington, DC, April 7, 1999.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The Administration, in consultation with our NATO allies, is now finalizing various documents to be submitted to the Heads of State for ratification at the upcoming 50th anniversary NATO Summit to be held in Washington later this month. A key decision, in my view the most important one, is the revision of the Strategic Concept for the future—perhaps a decade—that will guide NATO in its decision making process regarding the deployment of military forces.

I am recommending, Mr. President, that a draft form of this document be reviewed by the principals, but not finalized, at this 50th anniversary Summit. Given the events in Kosovo, a new Strategic Concept for NATO—the document that spells out the future strategy and mission of the Alliance—should not be written 'in stone' at this time. Instead, NATO leaders should issue a draft Strategic Concept at the Summit, which would be subject to further comment and study for a period of approximately six months. Thereafter, a final document should be adopted.

NATO is by far the most successful military alliance in contemporary history. It was the deciding factor in avoiding widespread conflict in Europe throughout the Cold War. Subsequent to that tense period of history, NATO was, again, the deciding factor in bringing about an end to hostilities in Bosnia, and thereafter providing the security essential to allow Bosnia to achieve the modest gains we have seen in the reconstruction of the economic, political and security base of that nation.

Now NATO is engaged in combating the widespread evils of Milosevic and his Serbian followers in Kosovo.

I visited Kosovo and Macedonia last September and witnessed Milosevic's repression of the Kosovar Albanians. Thereafter, I

spoke in the Senate on the essential need for a stabilizing military force in Kosovo to allow the various international humanitarian organizations to assist the people of Kosovo—many then refugees in their own land, forced into the hills and mountains by brutal Serb attacks. Since then, I have consistently been supportive of NATO military action against Milosevic.

Unfortunately, it is now likely that the NATO Summit will take place against the background of continuing, unfolding events relating to Kosovo. At this time, no predictions can be made as to a resolution.

We are just beginning to learn important lessons from the Kosovo conflict. Each day is a new chapter. For example, NATO planners and many in the Administration, and in Congress, have long been aware of the disparities in military capabilities and equipment between the United States and our allies. Now, the military operation against Yugoslavia has made the American people equally aware and concerned about these disparities. The U.S. has been providing the greatest proportion of attack aircraft capable of delivering precision-guided munitions. Further, the United States is providing the preponderance of airlift to deliver both military assets (such as the critically needed Apache helicopters and support equipment) and humanitarian relief supplies, the delivery of which are now in competition with each other.

Until other NATO nations acquire, or at least have in place firm commitments to acquire, comparable military capabilities, the United States will continually be called on to carry the greatest share of the military responsibilities for such 'out of area' operations in the future. This issue must be addressed, and the Congress consulted and the American people informed.

It is my understanding that the draft Strategic Concept currently under consideration by NATO specifically addresses NATO strategy for non-Article 5, 'out of area' threats to our common interests—threats such as Bosnia and Kosovo. According to Secretary Albright in a December 8, 1998 statement to the North Atlantic Council, 'The new Strategic Concept must find the right balance between affirming the centrality of Article V collective defense missions and ensuring that the fundamental tasks of the Alliance are intimately related to the broader defense of our common interests.' Is this the type of broad commitment to be accepted in final form, just weeks away at the 50th anniversary Summit?

During the Senate's debate on the Resolution of Ratification regarding NATO expansion, the Senate addressed this issue by adopting a very important amendment put forth by Senator Kyl. But this was before the events in Kosovo. The lessons of Kosovo could even change this position.

The intent of this letter is to give you my personal view that a 'final' decision by NATO on the Strategic concept should not be taken—risked—against the uncertainties emanating from the Kosovo situation.

The U.S. and our allies will have many "lessons learned" to assess as a pivotal part of the future Strategic Concept. Bosnia and Kosovo have been NATO's first forays into aggressive military operations. As of this writing, the Kosovo situation is having a destabilizing effect of the few gains made to date in Bosnia. This combined situation must be carefully assessed and evaluated before the U.S. and our allies sign on a new Strategic Concept for the next decade of NATO.

A brief period for study and reflection by ourselves as well as our Allies would be prudent. NATO is too vital for the future of Europe and American leadership.

With kind regards, I am
Respectfully,

JOHN WARNER,
Chairman.

THE WHITE HOUSE,
Washington, DC, April 14, 1999.
Hon. JOHN W. WARNER,
Chairman, Committee on Armed Services, U.S.
Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your thoughtful letter on the upcoming NATO summit and the revised Strategic Concept. I appreciate your attention to these important issues, and I agree strongly with your view that NATO's continued vitality is essential to a safeguarding American and European security.

I have thought carefully about your proposal to delay agreement on the revised Strategic Concept in light of NATO's military operations in Kosovo. While I share your deep concern about the situation in Kosovo and the devastating effects of Serb atrocities, I am convinced that the right course is to proceed with a revised Strategic Concept that will make NATO even more effective in addressing regional and ethnic conflict of this very sort. Our operations in Kosovo have demonstrated the crucial importance of NATO being prepared for the full spectrum of military operations—a preparedness the revised Strategic Concept will help ensure.

The Strategic Concept will reaffirm NATO's core mission of collective defense, while also making the adaptations needed to deal with threats such as the regional conflicts we have seen in Bosnia and Kosovo as well as the evolving risks posed by the proliferation of weapons of mass destruction. It will also help ensure greater interoperability among allied forces and an increased European contribution to our shared security. The Strategic Concept will not contain new commitments or obligations for the United States but rather will underscore NATO's enduring purposes outlined in the 1940 North Atlantic Treaty. It will also recognize the need for adapted capabilities in the face of changed circumstances. This approach is fully consistent with the Kyl Amendment, which called for a strong reaffirmation of collective defense as well as a recognition of new security challenges.

The upcoming summit offers a historic opportunity to strengthen the NATO Alliance and ensure that it remains as effective in the future as it has been over the past fifty years. While the situation in Kosovo has presented difficult challenges, I am confident that NATO resolve in the face of this tyranny will bring a successful conclusion.

Your support for the NATO Alliance and for our policy in Kosovo has been indispensable. I look forward to working closely with you in the coming days to ensure that the summit is an overwhelming success.

Sincerely,

BILL CLINTON.

Mr. WARNER. I assure the Senate that we will deliberate this amendment tomorrow again, I say to the Senator. We are not able to complete it today due to the absence of several colleagues and the fact that right now the Nation's capital is engulfed in a series of storms preventing a number of our Members from returning. Also, I think it is important that every Member of the Senate hear the words of the Senator from Kansas and others about this very important amendment.

Mr. ROBERTS. Would the distinguished chairman yield for several questions?

Mr. WARNER. Yes.

Mr. ROBERTS. I thank the distinguished chairman for his very kind comments.

Would it be helpful, I ask the distinguished chairman, if Members of this body would know that the same basic feeling exists in regards to the British Parliament in the House of Lords?

Mr. WARNER. I think that is a very important point.

Mr. ROBERTS. I have a statement here by a member of the Parliament, Menzies Campbell says:

... "It is a matter of considerable regret that the House of Commons has never debated properly the issues surrounding the NATO Strategic Concept." He argued that, "Parliament should have had the opportunity to consider matters such as NATO's right of independent action without Security Council authority and further expansion of the alliance and its consequences."

He said that:

Foreign and security policy is the responsibility of the government, but the legislature is surely entitled to express its views.

This was also true in regards to the statement by Lord Wallace of Great Britain in the House of Lords.

... "no intelligent debate" . . . it is "quite astonishing that we allow British defence strategy to be structured by an international organisation without any form of input and debate by our Parliament."

Then he went on to say, in drawing the example here in the Senate:

Both Republicans and Democrats . . . argue that the . . . [overemphasis on] the enlargement issue in the run-up to NATO's 50th anniversary celebration . . . came at the expense of any meaningful debate over the evolution of NATO and the role that the . . . Alliance will play in the 21st century.

If I could ask my distinguished chairman, would he recall the many times that we have had briefings in regards to the situation in Kosovo and the question over and over again that was posed prior to the bombing: Would this be in our vital national security interest?

I know the Senator asked that question many times. I know that the distinguished Senator from Utah, Mr. BENNETT, who made a very eloquent speech in this Chamber this morning, asked that question. I tried to ask the question in regards to an amendment to the defense appropriations bill last year. I said: Before we would actually commit any troops under this ever-changing concept in that part of the world, would the administration please answer eight questions—as to cost, purpose, exit strategy, end game, and et cetera, et cetera?

That public law requirement was not addressed for 6 months. I am worried about the future of NATO, I would say to my distinguished friend. I know the chairman is. I think that Kosovo is a rock that has hit the NATO windshield, and it has been like shattered glass. It does not matter if you feel that involvement is a fine mess we have gotten into or whether or not we think that this policy is the right policy.

I am sure the distinguished chairman—I have talked with him about it—

will have the full committee or perhaps my subcommittee look at the tactics that have been used, the stress and strain on others, on other services in other parts of the world.

I am sure we have talked about the ethics of conducting a war above 15,000 feet; immaculate coercion, where no allied NATO soldier has suffered any casualty as opposed to the people we are trying to help.

I know that we have talked, Mr. Chairman, about the law of unintended effects; what is happening today in regard to Russia, China, India, Pakistan, South America, and Central America. President Zedillo of Mexico wondered aloud in the international press: Will NATO now come to enforce human rights within the sovereign territory of Mexico in regards to the Chippewa Indian situation? How about East Timor, Chechnya, Turkey, and the Kurds, et cetera, et cetera? Rwanda, that situation is far more difficult.

I don't know, Mr. Chairman. I just think there are a lot of real questions that Members have. If you go back to the basic genesis as to why we are there, it comes right back to the President's speech at the Hague over 2 years ago, reflected in the Strategic Concept of NATO.

I thank the distinguished chairman.

Mr. WARNER. I say to my colleague, you are right on.

Indeed, go back before Kosovo to Bosnia. How many debates took place on this floor where the central question was: Was it in the vital U.S. interest to make our commitments there? Time and time again, the administration dropped the word "vital," and then talked about how it was in our interest.

But when we put life and limb of the American person on the line, whether it is in the cockpits or on the ground or on the sea, I really believe it should be in the vital interest of the United States of America for our families to be asked to make those commitments of life and limb. That is central to this question, as you pointed out, I think very carefully.

If I might, because I think it bears worth repeating: "The NATO charter requires the use of force in only one instance"—now this is the 1949 treaty, under article 5—"to respond to an armed attack against one or more of the member nations." Strike one, strike all. There is nothing in that charter that calls for the use of force to protect common interests.

This is being created out of whole cloth, this non-article 5 combat. It is as if we are writing a new article to the original treaty. It is for that reason that we should bring this before the Senate. Because through the guise of calling it a strategic concept through the panoply of the 50th anniversary, what they have done here, in my judgment, is create a new article to the fundamental treaty of 1949, and that they cannot do without the advice and consent of the Senate.

Mr. ROBERTS. Would my distinguished chairman yield for one additional question?

Mr. WARNER. Yes.

Mr. ROBERTS. I am worried about the future of NATO. If in fact our involvement in Kosovo was at one time not in our vital national interest, there is, I think, a good argument that can be made—has been made by the national security team and the President—that since NATO's credibility or the future of NATO is now on the line, it is in our vital national security interest.

Having said that, and having looked at the war in Kosovo and the tactics used, and the result, and all six of the goals, as outlined by the distinguished Secretary of State in our briefings, being turned on their head as a result of the tactics that have been used in the military strategy, and the law of unintended effects, can you imagine a situation under this Strategic Concept that all 19 nations will ever agree to ever bomb anybody again? On a proactive basis? Where we are going outside of the NATO territory, ignoring the U.N.? I doubt it.

Eight nations, right now as I speak, more especially three, want the bombing ended. Many others in this Chamber—not this Senator, for reasons that I could go into, but I will not—did not want to start the bombing campaign. Others wanted to start it. Others wanted to use the ground forces. That debate is going on right now.

We are negotiating within the NATO—within the NATO—alliance as opposed to trying to negotiate, as we are trying to do, with Mr. Milosevic, who, by the way, is a thug and an international terrorist and all the things people say about him. That does not enter into this. But can you imagine, Mr. Chairman, under what circumstance, after Kosovo, that NATO would bomb again, or for that matter ever use ground troops?

What kind of message does that send to the bad guys and the hard targets and the real people that we should be worrying about all around the world? I think we have decimated—well, there is a stronger word for it, but I will not use it—in regards to NATO. I think under this Strategic Concept we have wandered so far afield and into a dangerous pasture that we are endangering the true mission of NATO, which is collective security, not to mention all the rest of these things that are in this concept.

That is what worries me.

Mr. WARNER. Mr. President, I say to my good friend, in my judgment, predicated on a lot of study in the lifetime of this Senator of the NATO treaty, the doctrine of consensus was predicated on keeping the operations within the borders.

And now, under this proposed 1999 Strategic Concept, to take it beyond the borders, I question whether or not the doctrine of consensus will work.

What a tragedy it would be if we took this magnificent NATO organization,

which fulfilled beyond the dreams of all its mission, as laid down in 1949, which kept the peace in Europe for that half century, and allow it to be pulled apart by a doctrine such as this new Strategic Concept. I think the Senator is quite right. We are in this conflict, in all probability, not because of our national vital security interests but because of NATO. It is because of NATO that we cannot allow our military commanders to promulgate the actions which are necessary to go ahead and win it.

I often think, I say to my good friend, as over 50 percent of the airmen are flying tactical missions and over 70 percent of the support missions and the airlift, are we unfairly asking those young aviators to bear the brunt of war disproportionately because NATO did not devise and put in place, concurrently with the air operations, starting a ground operation? Because a ground operation would have transformed this conflict considerably. It might well, in my judgment, have brought about a far earlier conclusion of this conflict and saved the prolonged risk to airmen which is going on today and tomorrow and for the indefinite future, given the absence of bringing together all the force capable of the 19 nations to bear.

Indeed, the other nations that do not have the air power, as we have it, could have been the primary components of the ground action, leaving to the American airmen the operations in the sky but they undertake the operations on the ground. It would have forced Milosevic to put in place, making in all probability his ground assets a better target than they are today, widely dispersed and hidden in the villages and towns throughout Kosovo and elsewhere.

I think the whole dynamics of this conflict would have been changed had we not limited solely to air but done a ground-air combination, for which our forces have trained these 50 years in NATO, as well as the other NATO nations, for a ground-air coordinated defense.

I point out, NATO was always to be a defense treaty.

Mr. ROBERTS. If I may ask my distinguished friend, the chairman, one other question; that is, I do not think there is any question in the minds of many that to state that you are not going to use ground forces before you decide to use force was a mistake. There is no question about that.

I am not sure I could still support or still support—I never did support—the use of ground troops, unless I know what their specific mission is: What do we expect them to do. And then, if you “win,” if we could ever define “winning,” what is it that we have won.

So from the standpoint of tactics, I say again to the chairman, I am very hopeful, once this war is over, we hope and pray that all of this talk that has been rather critical will be secondary, and, if Milosevic would agree to some of the negotiating principles that have

been offered, we shall see. I see where one NATO general indicated it is going to take another 2 months. I hope that is not the case.

I hope the Senate Armed Services Committee—and I ask the chairman, would it be his intent to take a hard look. I have a subcommittee that looks at low-intensity conflicts—this became a high-intensity conflict—and military tactics and strategy. I hope we can take a look at this, especially with the asymmetrical threat that Mr. Milosevic has used so well against us. He basically took one look at our tactics and acted accordingly and played rope-a-dope. He has achieved most of his objectives. That seems to me to be a real problem here. I hope we have those hearings.

Again, I go back to the genesis of this whole business, and that is a Strategic Concept that puts us in far different pastures. I know there will be some of my colleagues who say this is not a treaty. The fact that we are having this debate today, I think, is encouraging. We had a debate on ratification of NATO expansion last year. To my knowledge, we have not had any debate, or very little discussion, of this Strategic Concept and what it means.

So the Senator’s cosponsorship of this amendment is much appreciated. If, in fact it is not a treaty, it has the effect of a treaty.

Mr. WARNER. Mr. President, we are going to have that series of hearings. I do not want to have a hearing or a series of hearings on the Armed Services Committee until the men and women of the NATO forces are, hopefully, in a very limited situation with regard to personal risk.

Mr. ROBERTS. If the chairman will, I heartily agree. The war must be over.

Mr. WARNER. Let me just bring up a final concluding point to my good friend here. I know others want to speak to this. Then we will have to lay it aside.

I point out that during the 1994 debate on modifications to the ABM Treaty, the Armed Services Committee included a provision, and I was a co-sponsor of that effort in the 1995 DOD authorization act—I ask my colleague to listen carefully—which required the President to submit to the Senate for advice and consent any international agreement which would “substantially modify the ABM Treaty.”

I think that is a direct parallel and an exact precedent for what the Roberts-Warner amendment seeks.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first I commend our good friend from Kansas for the energy he has put into a very significant issue which has to do with the new Strategic Concept of NATO.

This is not a new issue. The question of NATO’s role since the fall of the Soviet Union has been an issue of a number of new Strategic Concepts. Listen

to what NATO said in 1990. We have heard a lot about 1999 in Washington, but just listen to the heads of state in July 1990, speaking in London. Here is what the heads of state said: While reaffirming the basic principles on which the alliance has rested since its inception, they recognized the developments taking place in Europe would have a far-reaching impact on the way in which its aims would be met in the future and the need for a fundamental strategic review, fundamental strategic review.

And what came out of that strategic review in 1991, fundamental strategic review for NATO? They have listed many new security challenges and risks in 1991. Listen to risk No. 9, language very similar to what was adopted in Washington this year:

Risks to allied security less likely to result from calculated aggression against a territory of the allies but, rather, from adverse consequences of instabilities that may arise from the serious economic, social and political difficulties, including ethnic rivalries and territorial disputes, which are faced by many countries in central and eastern Europe. The tensions which may result, as long as they remain limited, should not directly threaten the security and territorial integrity of the members of the alliance. They could, however, lead to crises inimical to European stability and even to armed conflicts, which could involve outside powers or spill over into NATO countries, having a direct effect on the security of the alliance.

Does it sound familiar? It sure does to me. It sounds like 1999 to me.

Risks to allied security are less likely to result from calculated aggression against a territory of allies but, rather, from the adverse consequences of instabilities that may arise from the serious economic, social and political difficulties, including ethnic rivalries and territorial disputes. . . .

I didn’t hear too many calls then for a submission of amendments to the NATO treaty. I don’t think we heard any calls then, although the risks changed. They changed in a significant way: No longer likely to come from calculated aggression against the territory of the allies but from adverse consequences of instabilities.

I don’t think there was a change to the NATO treaty then, and I don’t think there is a change to the NATO treaty now. There were no new commitments or obligations for the United States then, in 1991, nor do I believe there are any now.

Are there different challenges? Yes. Is there a different strategic concept? Yes. Are there different risks? Yes. But is there a change to the treaty, new commitments or obligations for the United States now? I don’t think so. Were there in 1991 when all the allies signed a new strategic concept? No. Even though the Soviet military capability still was constituting the most significant factor, all of a sudden because of the decline and fall of the Soviet Union, we now had new risks. Listen to these words in paragraph 12. This is the 1991 Strategic Concept, paragraph 12:

Alliance security must also take account of the global context.

Wow. You talk about a different challenge and you talk about a new strategic concept. In 1991, the NATO allies suddenly say that alliance security must take account of the global context. Those are pretty broad words. But I didn't hear any suggestion back in 1991 that it was an amendment to the NATO treaty that required submission to the Senate—and for a good reason. There were no commitments or obligations undertaken in 1991, and there are no strategic concepts which contain new commitments or obligations in 1999. In 1999, the allies said that alliance security interests can be affected by other risks of a wider nature, including proliferation of weapons of mass destruction, disruption of the flow of vital resources, and actions of terrorism and sabotage. That is a lot different from an attack on the territory of the allies. But nobody suggested in 1991 that was an amendment to the NATO treaty, to the Washington Treaty.

Why didn't anyone suggest that in 1991? Because that did not constitute the undertaking of new commitments or obligations for the United States, even though we all agreed that alliance security must take into account the global context—and that is a lot beyond Europe. In 1991, everyone agreed to that. I don't remember one amendment, not one amendment, not one proposal that suggested that the new Strategic Concept constituted a commitment or obligation binding upon the United States which would require a change in the NATO treaty. It wasn't suggested in 1991 because there was no new commitment or undertaking binding upon us, because there was simply a new strategic concept. The 1999 Strategic Concept does not constitute a new commitment or obligation, either. The same principle applies now as applied then.

So the amendment of the Senator, which says if there are new undertakings, whether or not the new Strategic Concept imposes any new commitments or obligations on the United States, it seems to me is a requirement on the President that is perfectly appropriate. I have no difficulty whatsoever in asking the President to tell us whether or not the 1999 Strategic Concept represents new commitments or undertakings. It is perfectly appropriate—as this resolution does—to call on the President to inform us as to whether or not there are new commitments or undertakings.

As a matter of fact, the President has already informed us of exactly what this resolution says he should inform us. The President wrote Senator WARNER on April 14 that "the Strategic Concept will not contain new commitments or obligations for the United States." Those are the President's words.

So what this resolution does is say: Does it? The President said, in April, that it won't. I have no doubt that the President will reaffirm that it didn't.

But I must say I don't have a difficulty with what Senator ROBERTS is doing because it is perfectly appropriate to ask the President: Is there anything in this new Strategic Concept which imposes on us a new obligation for commitment? If so, submit it to us as a treaty amendment.

This is very different from some earlier language that was circulated in the Armed Services Committee. This doesn't make a finding that there are new commitments or obligations in this agreement in Washington in 1999. The language before us doesn't make any such finding. The language before us in the Senator's resolution, which I find to be appropriate, requires the President to determine and certify whether or not the Strategic Concept imposes any new commitment or obligations on the United States—whether or not.

And so as I read this resolution, I think the language is appropriate in this resolution, that the President reaffirm what he told us on April 14, tell us if there is any change in his thinking on that. Again, as he wrote Senator WARNER on April 14—and this letter has been made part of the RECORD now, I believe—the President said:

The Strategic Concept will not contain new commitments or obligations for the United States, but rather will underscore NATO's enduring purposes, outlined in the 1949 North Atlantic Treaty.

There has been reference here to the significance of changes in strategic concepts, and I think it is important that the Senate spend some time doing what Senator ROBERTS and others have done, both on the committee and off, in focusing on this Strategic Concept. It is important that we understand what these new threats and risks are. It is important, in my judgment, that we make a determination as to whether or not we do have new legal commitments and obligations.

I don't believe the 1999 Strategic Concept creates any new binding obligations or commitments any more than I did that the 1991 Strategic Concept created any new binding commitments and obligations. But our committees of jurisdiction surely should focus on that resolution.

Senator WARNER has indicated in the last few minutes that the Armed Services Committee will, indeed, be holding a series of hearings on this subject. As he stated it, if I heard him correctly, those hearings will occur after the events in Kosovo are resolved. But as of this time, we have not yet had such hearings. I am not certain of this. But I don't believe that the Foreign Relations Committee has either, at least after the Washington agreement was signed. There may have been a hearing before the Washington agreement. But I don't believe there has been one since it was signed. The agreement has some very significant provisions in it relative to a European commitment to take on greater responsibility for European defense.

Senator WARNER made reference to the European Security and Defense Initiative, a very significant change—a very significant initiative in terms of what Europe will do. It is something that I have believed for some time that Europe should do. The reference is very specific inside of the Washington agreement.

Two, the European allies taking on—in the words of the agreement—"assuming greater responsibility in the security and defense field in order to enhance the peace and stability of the Euro-Atlantic area, and, thus, the security of all allies."

Then it goes on to say: "On the basis of decisions taken by the Alliance in Berlin in 1996 and subsequently, the European Security and Defense Initiative will continue to be developed within NATO."

I think it is a very significant change. It is something which we in the United States should welcome. It means that the Europeans will be taking on greater responsibility for the defense of Europe against threats, old and new.

We ought to welcome as well the reference or the discussion of a new initiative where European countries will have greater defense capability; capabilities to address appropriately and effectively the risks that are associated with weapons of mass destruction; new capabilities so that they can deploy more readily greater mobility, greater survivability of forces, greater infrastructure and sustainability. These are initiatives inside of the new strategic doctrine which will make it possible for Europe to take greater responsibility for the defense of Europe. We should welcome this.

I don't think there has been very much emphasis in the United States on what Europe has agreed to do in the new Strategic Concept—what they have, in effect, put into black and white, the commitment to greater European resources being used for the European defense.

As I said a few moments ago, this resolution which is before us says that if there are new commitments and obligations—if—then the President should so certify to the Senate. And I believe there is none.

Indeed, the Senator from Virginia has been assured by the President in the letter which he put in the RECORD that the Strategic Concept will not contain new commitments or obligations. I believe there is none in this 1999 Strategic Concept, and I believe there was none in the 1991 Strategic Concept. There was none in 1991.

Even though the language is very similar—again, my good friend from Virginia being here—I just want to read some of the language in the 1991 Strategic Concept again. I will be very brief. But article 12 of the 1991 Strategic Concept said that "alliance security must also take account the global concepts"—"global concepts." "Alliance security interests can be affected

by other risks of a wider nature, including proliferation of weapons of mass destruction, disruption of the flow of vital resources and actions of terrorists and sabotage."

That was in 1991. That is just one part of a Strategic Concept which we all agreed to.

Did that represent changes in the North Atlantic Treaty? No, it did not, in my judgment. Nobody suggests that it did back then. No one suggested that the President back then, President Bush, submit that kind of change in strategic concept to the Senate as a change in the treaty, for a very good reason: It did not constitute a legal obligation or commitment which represented a change in the North Atlantic Treaty. That is why nobody proposed back then that we have to ratify this.

Those are broad words in here, section 9 of the 1991 new Strategic Concept—it was called new Strategic Concept 1991:

Risks to allied security are less likely to result from calculated aggression against the territory of the allies but rather from the adverse consequences of instabilities that may arise in serious economic, social and political difficulties—

Listen to this—including ethnic rivalries and territorial disputes which are faced by many countries in Central and Eastern Europe.

They could lead to crises in European stability.

Did that create legally binding obligations and commitments on the United States in 1991? No, it didn't. And nobody suggested that the President should submit that language, because there is no legally binding obligation or commitment from that kind of language, although in the words of the Strategic Concept in 1991 they recognized—this is what our leaders said in all of the NATO nations—"that the developments they can place in Europe would have a far-reaching impact on the way in which NATO's aims would be met in the future."

"Far-reaching impacts," 1991.

I commend—and I had an opportunity to do this a few minutes ago—the efforts of the Senator from Kansas, the Senator from Virginia, and the Senator from Maine, and others to bring to our attention what this new Strategic Concept is, so that we as a Senate can understand what it is that NATO is looking at in terms of a strategic concept. It is very important that those hearings the Senator from Virginia made reference to take place. In my own opinion, if the Foreign Relations Committee has not already done so—and I don't believe they have, but I may be wrong—it is important that the Foreign Relations Committee have hearings on this Strategic Concept.

Again, I don't have any difficulty with the language in this resolution, because I think it is appropriate that the President tell us whether or not we have undertaken in this language any new obligations or commitments. The

President wrote my good friend from Virginia on April 14 that the Strategic Concept will not contain new commitments or obligations for the United States. I assume that he will reaffirm that in fact there are no new commitments or obligations when he gives us the certification which is required in this resolution.

I just want to summarize by saying that I have no difficulty with this language, because I think it is appropriate we have that assurance, because if there are new commitments or obligations—it seems to me there should be—then it would be presumably an amendment to a treaty which should be submitted to the Senate. But, again, just as there was none in 1991 when that new Strategic Concept which I just read was adopted by NATO, I don't believe there are more important—my belief is that the President has written the good Senator from Virginia that in fact there are no new commitments or obligations contained in this new Strategic Concept in 1999.

Again, I want to commend the Senators who have focused on this. I think we must address the new kind of environment we face in this world, and that it is important that NATO, which is going to play such a critical role in the stability of Europe and the new kinds of threats which we and Europe face, address those threats, that we do so in the context of the most successful alliance in the history of mankind, an alliance which is now growing, an alliance which when we added three new countries in this Senate, on this floor—we adopted the Kyl amendment that, as I remember it, contained 10 provisions—very similar to what is in this 1999 Strategic Concept.

I won't take the time to read more than just one section of the 10 principles in the Kyl amendment.

The Senate understands that the policy of the United States is that the core concepts contained in the 1991 Strategic Concept of NATO, which adapted NATO's strategic strategy of the post-cold-war environment, remain valid today in that the upcoming revision of that document will reflect the following provisions, and there are many.

One is:

(IV) conflict in the North Atlantic area stemming from ethnic and religious enmity, the revival of historic disputes, or the actions of undemocratic leaders.

That is one of the principles of the Kyl amendment in which we confirmed three nations would be added to the NATO alliance.

I yield for a question.

Mr. WARNER. I want to engage in a few more minutes of colloquy. Other Senators are waiting and we have momentum under this bill. One Senator desires to lay down some additional amendments. I cannot let this opportunity go by.

Article 5 of the 1949 treaty laid out in very clear language exactly the reasons for which NATO was established. It

could be understood by anyone, whether he or she wears four stars or is a private. It simply says:

The parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all.

The word "attack" goes all the way through article 5.

We will assist the parties so attacked.

It was a defensive treaty, whether it was armed aggression across the border against a member nation. That is the only reason that NATO was founded.

Now in the Bosnia and Kosovo operation, there wasn't any attack on a member nation but it was unsettling to the security of Europe. There was no attack.

They decided it was a non-article 5 military operation. There is no non-article 5 in here. You have to go to a preamble. You have to work a strain for the basis on which we are in Bosnia and in Kosovo.

We are there; we are committed as a nation. If in the next decade we want to do something beyond article 5, then let's put it down as a new article. Let's write it as a new article, article 15, and put it down in very clear language so that everybody can understand what it is we want to do, rather than going back and getting a strange interpretation of a preamble to begin to justify putting men and women of the Armed Forces of the United States in harm's way.

The burdensharing concept: The financial relationship between the United States, which pays 25 percent of the costs of NATO—eventually our committee will get all those costs and spread them out. I think we ought to, plain and simple, start a new article if we want to do something different than article 5 and not go back within the confines of this magnificent document and try to get some strained, whatever it is, to justify military action beyond the borders.

Mr. LEVIN. Mr. President, in 1991 this is what the NATO new Strategic Concept said:

Risks to Allied security are less likely to result from calculated aggression against the territory of the Allies, but rather from the adverse consequences of instability that may arise from the serious economic, social, and political difficulties, including ethnic rivalries and territorial disputes which are faced by many countries in central and eastern Europe.

They could . . . lead to crises inimical to European stability and to armed conflicts.

That is section 9.

Then they say, in addition to article 5, article 6 which they made reference to, an armed attack of the territory of the allies from whatever direction. In 1991, this new Strategic Concept said, "However, alliance security must also take account of the global context." That is 1991—"Global context."

Mr. WARNER. I suggest my good friend is making my argument.

What I am saying is this is likened to statute law. What the Senator is reading are regulations. How often in the

history of our country have regulations just about emasculated the statute?

Mr. LEVIN. My only point in response to the Senator from Virginia, is that nobody suggested in 1991 that those words created a new binding obligation or commitment on the United States. I didn't hear it in 1991; I didn't hear it in 1992; I didn't hear it in 1993; I didn't hear it in 1994.

“Global context” alliance security must take account.

Why didn't anybody make that argument in the 8 years since 1991? The answer is, because it didn't create any commitment or obligation, or else I assume somebody on this floor would have argued there was a new commitment or argument—the very similar language.

In 1990, NATO got together and said the Soviet Union has fallen apart, and developments taking place in Europe have a far-reaching impact. This is a fundamental strategic review.

The only point I am making is I have no difficulty with the language in the good Senator's amendment, because I think we should have the assurance that there is no binding obligation or commitment represented by these new strategic concepts that NATO adopts. I happen to think that is very important.

I repeat that the Senator has received that assurance from the President of the United States.

I yield the floor.

Mr. WARNER. Mr. President, if I may procedurally address what I believe is about to take place. The good Senator from Pennsylvania and the good Senator from Louisiana have an amendment which will soon be presented to the Senate and become the pending business. However, before, as I understand it, the Senator from Minnesota will lay down three amendments and we will immediately lay them aside; then our distinguished colleague and member of the committee will address the Senate with regard to the bill for about 10 minutes.

Mr. SPECTER. I have worked out with the Senator from Maine that I will speak first and then yield to the Senator from Maine and the Senator from Louisiana who will speak at somewhat greater length.

Mr. WARNER. I yield the floor.

AMENDMENTS NOS. 380 THROUGH 382, EN BLOC

Mr. WELLSTONE. I ask unanimous consent to send three amendments to the desk and then have them temporarily laid aside.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes amendments Nos. 380 through 382, en bloc.

Mr. WELLSTONE. I ask unanimous consent reading of the amendments be dispensed with.

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

The amendments en bloc are as follows:

AMENDMENT NO. 380

Purpose: To expand the list of diseases presumed to be service-connected for radiation-exposed veterans

On page 387, below line 24, add the following:

SEC. 1061. EXPANSION OF LIST OF DISEASES PRESUMED TO BE SERVICE-CONNECTED FOR RADIATION-EXPOSED VETERANS.

Section 1112(c)(2) of title 38, United States Code, is amended by adding at the end the following:

“(P) Lung cancer.

“(Q) Colon cancer.

“(R) Tumors of the brain and central nervous system.”

AMENDMENT NO. 381

Purpose: To require the Secretary of Defense to provide information and technical guidance to certain foreign nations regarding environmental contamination at United States military installation closed or being closed in such nations

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

SEC. 329. PROVISION OF INFORMATION AND TECHNICAL GUIDANCE TO CERTAIN FOREIGN NATIONS REGARDING ENVIRONMENTAL CONTAMINATION AT UNITED STATES MILITARY INSTALLATIONS CLOSED OR BEING CLOSED IN SUCH NATIONS.

(a) REQUIREMENT TO PROVIDE INFORMATION AND GUIDANCE.—The Secretary of Defense shall provide to each foreign nation that is a strategic partner of the United States the following:

(1) Such information meeting the standards and practices of the United States environmental industry as is necessary to assist the foreign nation in determining the nature and extent of environmental contamination at—

(A) each United States military installation located in the foreign nation that is being closed; and

(B) each site in the foreign nation of a United States military installation that has been closed.

(2) Such technical guidance and other cooperation as is necessary to permit the foreign nation to utilize the information provided under paragraph (1) for purposes of environmental baseline studies.

(b) **LIMITATION.**—The requirement to provide information and technical guidance under subsection (a) may not be construed to establish on the part of the United States any liability or obligation for the costs of environmental restoration or remediation at any installation or site referred to in paragraph (1) of that subsection.

(c) **DEFINITION.**—In this section, the term “foreign nation that is a strategic partner of the United States” means any nation which cooperates with the United States on military matters, whether by treaty alliance or informal arrangement.

AMENDMENT NO. 382

Purpose: To require the Secretary of Health and Human Services to provide Congress with information to evaluate the outcome of welfare reform

At the appropriate place, insert the following:

SEC. _____. EVALUATION OF THE OUTCOME OF WELFARE REFORM.

Section 411(b) of the Social Security Act (42 U.S.C. 611(b)) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(5) for each State program funded under this part, data regarding the rate of employment, job retention, earnings characteristics, health insurance status, and child care access and cost for former recipients of assistance under the State program during, with respect to each such recipient, the first 24 months occurring after the date that the recipient ceases to receive such assistance.”

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

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 383

Mr. SPECTER. Mr. President, after conferring with the distinguished manager, I, too, wish to send an amendment to the desk and ask it be laid aside after it has been read.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 383.

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

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

The amendment is as follows:

At the appropriate place add the following new section:

SEC. . Directing the President, pursuant to the United States Constitution and the War Powers Resolution, to seek approval from Congress prior to the introduction of ground troops from the United States Armed Forces in connection with the present operations against the Federal Republic of Yugoslavia or funding for that operation will not be authorized.

None of the funds authorized or otherwise available to the Department of Defense may be obligated or expended for the deployment of ground troops from the United States Armed Forces in Kosovo, except for peace-keeping personnel, unless authorized by a declaration of war or a joint resolution authorizing the use of military force.

Mr. SPECTER. Mr. President, I can describe this very briefly. It provides that none of the funds authorized or otherwise available to the Department of Defense may be obligated or expended for the deployment of ground troops for the United States Armed Forces in Kosovo except for peace-keeping personnel unless authorized by declaration of war or joint resolution authorizing the use of military force. I have asked that it be laid aside to be taken up at a later time.

The purpose, in a nutshell, is to preserve the congressional authority to declare war or have the United States engage in war.

AMENDMENT NO. 384

Mr. SPECTER. Now, on behalf of Senator LANDRIEU and myself, I send a sense-of-the-Senate amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Ms. LANDRIEU, for herself and Mr. SPECTER, proposes an amendment numbered 384.

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

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

The amendment is as follows:

At the end of title 10 add the following:

The Senate finds that:

The United Nations Security Council created the International Criminal Tribunal for the former Yugoslavia (in this concurrent resolution referred to as the "ICTY") by resolution on May 25, 1993;

Although the ICTY has indicted 84 people since its creation, these indictments have only resulted in the trial and conviction of 8 criminals;

The ICTY has jurisdiction to investigate grave breaches of the 1949 Geneva Conventions (Article 2), violations of the laws or customs of war (Article 3), genocide (Article 4), and crimes against humanity (Article 5);

The Chief Prosecutor of the ICTY, Justice Louise Arbour, stated on July 7, 1998, to the Contact Group for the former Yugoslavia that "[t]he Prosecutor believes that the nature and scale of the fighting indicate that an 'armed conflict', within the meaning of international law, exists in Kosovo. As a consequence, she intends to bring charges for crimes against humanity or war crimes, if evidence of such crimes is established";

Reports from Kosovar Albanian refugees provide detailed accounts of systematic efforts to displace the entire Muslim population of Kosovo;

In furtherance of this plan, Serbian troops, police, and paramilitary forces have engaged in detention and summary execution of men of all ages, wanton destruction of civilian housing, forcible expulsions, mass executions in at least 60 villages and towns, as well as widespread organized rape of women and young girls;

These reports of atrocities provide prima facie evidence of war crimes, crimes against humanity, as well as genocide;

Any criminal investigation is best served by the depositions and interviews of witnesses as soon after the commission of the crime as possible;

The indictment, arrest, and trial of war criminals would provide a significant deterrent to further atrocities;

The ICTY has issued 14 international warrants for war crimes suspects that have yet to be served, despite knowledge of the suspects' whereabouts;

Vigorous prosecution of war crimes after the conflict in Bosnia may have prevented the ongoing atrocities in Kosovo; and

Investigative reporters have identified specific documentary evidence implicating the Serbian leadership in the commission of war crimes.

SEC. 2. It is the sense of Congress that—

(1) the United States, in coordination with other United Nations contributors, should provide sufficient resources for an expeditious and thorough investigation of allegations of the atrocities and war crimes committed in Kosovo;

(2) the United States, through its intelligence services, should provide all possible cooperation in the gathering of evidence of sufficient specificity and credibility to secure the indictment of those responsible for the commission of war crimes, crimes against humanity, and genocide in the former Yugoslavia;

(3) where evidence warrants, indictments for war crimes, crimes against humanity,

and genocide should be issued against suspects regardless of their position within the Serbian leadership;

(4) the United States and all nations have an obligation to honor arrest warrants issued by the ICTY, and the United States should use all appropriate means to apprehend war criminals already under indictment; and

(5) NATO should not accept any diplomatic resolution to the conflict in Kosovo that would bar the indictment, apprehension, or prosecution of war criminals for crimes committed during operations in Kosovo.

Mr. SPECTER. Mr. President, as stated very briefly before, I intend to speak for about 10 minutes. Then we have worked out an arrangement where the Senator from Maine will speak for about 10 minutes. We will be preceding Senator LANDRIEU, because she intends to talk for about 30 minutes. That is the speaking order which we have arranged among ourselves.

The PRESIDING OFFICER. Is that in the form of a unanimous consent request?

Mr. SPECTER. It is.

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

Mr. SPECTER. Mr. President, the sense-of-the-Senate resolution which has been submitted provides for the prosecution of war criminals in Kosovo, arising out of the atrocities and war crimes which have been so blatantly committed in Kosovo.

The somewhat polite term of "ethnic cleansing" has been used to describe these atrocities. But they are, in effect, mass murders and executions committed by the Serbian forces against the people of Kosovo. We have, to the credit of the civilized world, established a War Crimes Tribunal in the Hague. The establishment of this War Crimes Tribunal to prosecute crimes in the former Yugoslavia has already returned 84 indictments and the resulting conviction of some 8 criminals there.

The importance of establishing the rule of law is something that may be the most important legacy that will come out of the Bosnian war and the war in Kosovo, and hopefully will be embodied in a permanent international criminal court—which will remain for another day. Those resolutions have been introduced and pressed by a number of Senators, including Senator DODD and myself and others. But in Bosnia, we saw the war crimes and we have seen very strenuous activity by the War Crimes Tribunal in the 84 indictments and in the 8 convictions.

Now we have seen ethnic cleansing at a high level. We have seen acts of violence which go to the very top of the Serbian-Yugoslavian Government, right to the doorstep of President Milosevic himself. Although he is not named in this sense-of-the-Senate resolution, it is plain that the kind of atrocities which have been carried out could only be carried out by his order, at least with his knowledge and, at the very minimum, with his acquiescence—any of which is sufficient to establish criminal culpability for those war crimes.

Recently, Justice Louise Arbour visited the United States. On April 30, she met with Senator LANDRIEU, other Senators, and myself, and expressed the need for adequate financing for the investigations. The administration had requested funding of some \$5 million. On the emergency supplemental which passed both Houses of Congress last week, up to an additional \$13 million was added, for a total of \$18 million, which was the sum requested by Justice Arbour.

At that time, she made a plea that the NATO forces or the IFOR forces undertake activity to arrest high-level indictees who are at large, referring specifically to Karadzic, whose whereabouts has been identified in the French Quarter, and who could be taken into custody.

Mladic, the other principal indictee, is said to be in Belgrade and it might require an invasion to apprehend and take him into custody. But at least as to the arrest of Karadzic, that could be accomplished.

Justice Arbour also stated there were other high-ranking officials for whom sealed indictments had been obtained. Those sealed indictments were in the hands of military authorities, and those individuals, too, could be taken into custody.

Justice Arbour expressed the judgment that if these war criminals, alleged war criminals—these individuals indicted on charges of war crimes, to be specific—were taken into custody, then she believed it could have a profound effect on the subordinates, on perhaps Milosevic himself or certainly on the subordinates immediately under Milosevic.

It is our hope this sense-of-the-Senate resolution will impel the authorities to apprehend those individuals.

I shall not go through the whereas clauses, setting forth the foundation for the U.N. action on establishing the War Crimes Tribunal or the atrocities themselves, but focusing for just a minute on the five clauses following the resolution:

First, that the United States, in coordination with the United Nations, supply sufficient funds for the investigation of the allegations of the atrocities and war crimes committed in Kosovo.

That can be accomplished with the \$18 million appropriated by the United States and appropriations by other responsible nations.

Second, that the United States, through its intelligence services, should provide all cooperation in the gathering of evidence to secure the indictments of those responsible for war crimes.

Third, that where the evidence warrants indictment, those indictments will be brought for war crimes, crimes against humanity, and genocide, regardless of the position of the indictees within the Serbian leadership.

This is directed at President Milosevic himself.

Fourth, that the United Nations and all nations have an obligation to honor the warrants issued by the War Crimes Tribunal, and the United States and other responsible nations should use all appropriate means to apprehend the war criminals already under indictments.

That refers to Karadzic, Mladic, and the others under sealed indictments as previously mentioned, having been identified by Justice Arbour.

Fifth, NATO should not accept any diplomatic resolution to the conflict in Kosovo that would bar the indictment, apprehension, or prosecution of war criminals for crimes committed during operations in Kosovo.

If there is any inclination, as part of a plea bargain on any of the negotiations, to spare President Milosevic or other high-ranking officials, that should be rejected as part of the diplomatic resolution of the conflict in Kosovo if such a diplomatic resolution should be obtained.

Last Thursday, Secretary of State Madeleine Albright testified before the Foreign Operations Subcommittee of Appropriations, a committee of which I am a member. She was questioned at that time and stated that the United States was not negotiating with Milosevic.

Well, in effect, an indirect negotiation is not a whole lot different. But it may be—and I made this statement at the time of the hearing—that the line could be drawn so that the United States would maintain its position that it would not be a party to any settlement which, by way of a plea bargain, gave immunity or absolved Milosevic or any other high-ranking diplomatic official or anyone from responsibility for the war crimes warranted by indictments and warranted by the evidence.

I commend Senator LANDRIEU for her leadership on this important resolution, and I yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise to cosponsor the amendment offered by my colleagues from Pennsylvania and Louisiana expressing the sense of Congress regarding the need for vigorous prosecution of war crimes, genocide, and crimes against humanity in the former Republic of Yugoslavia.

This amendment expresses the Sense of Congress that:

The United States should provide sufficient resources for an expeditious investigation of the allegations of war crimes committed in Kosovo;

The United States should provide all possible cooperation to the Tribunal in the gathering of evidence;

Where evidence warrants, indictments should be issued for war crimes and that the United States and all nations have an obligation to honor arrest warrants; and,

NATO should not accept a settlement in Kosovo that would bar the indictment, apprehension, or prosecution of war criminals.

During the past two months, Kosovo has witnessed carnage and bloodshed

unseen in Europe for almost fifty years. These events are the culmination of a decade-long campaign of terror and bloodshed in the Balkans engineered by Mr. Milosevic.

Over 1.2 million Kosovar Albanians are now displaced, having been forced to flee their homes. Over 700,000 Kosovars are now refugees, most in Albania, Macedonia, and Montenegro. Others have been forced to hide in the forests and mountains.

The United States now has hard evidence that war crimes have been committed. A report issued by the State Department earlier this month entitled "Erasing History: Ethnic Cleansing in Kosovo" argued that: "At this writing, the forces of Yugoslav President Slobodan Milosevic continue to burn, loot, rape, shell, and de-populate Kosovo, and thousands of refugees continue to flee into neighboring Albania and Macedonia. The refugees coming out of Kosovo are only now beginning to tell their stories. Yet even these fragmented accounts portray a systematic policy of ethnic cleansing."

This report alleges that:

Serbian forces have made Pristina, the capital of Kosovo, a ghost town. Serbian military, police, and paramilitary forces expelled between 100,000 to 120,000 persons from Pristina in only four days. Kosovars in Macedonia indicate that only 100 ethnic Albanians remain in Pristina. Serbian forces are stealing and "confiscating" furniture from abandoned homes.

In Pec, Serbian forces herded young Albanian women to the Hotel Karagac [Kara-jack], and raped them repeatedly. The commander of the local base used a roster of soldiers' names to allow his troops to visit the hotel on a rotating basis.

Violence in western Kosovo is stronger than in any other region of the province. Pec was emptied of ethnic Albanians in 24 hours. In Djakovica's [Jack-o-vika] old city, Serbian forces burned 200 to 600 homes the day after NATO airstrikes began. By the next day, the rest of the old city had been torched.

The U.N. High Commissioner for Refugees stated that the Djakovica region, and I quote, "undoubtedly has been one of the most violent and cruel in the whole of Kosovo, turning it at times into a virtual killing field."

In fact, the bulk of these crimes are being committed by the Serb paramilitary units, such as the "White Eagles" and "Tigers" under the direct control of the Ministry of the Interior, and, in turn, accountable to Mr. Milosevic.

Indeed, the campaign waged by Mr. Milosevic in Kosovo is a virtual catalog of systematic crimes which I believe merit investigation by the International War Crimes Tribunal. The crimes, to summarize, are:

Forced expulsions: Over one million people have been forced from their homes;

Looting and Burning: Some 500 residential areas have been burned since

late March, including over 300 villages burned since April 4;

Detentions: Consistent refugee reports that Serbian forces are separating military-aged men from their families in a systematic pattern. Some analysts estimate that the total number of missing men is as high as 100,000. Their fate is unknown;

Summary Execution: Refugees have provided accounts of summary executions in at least 70 towns and villages throughout Kosovo;

Rape: Ethnic Albanian women are reportedly being raped in increasing numbers. Refugee accounts indicate systematic and organized mass rapes in Djakovica and Pec;

Identity Cleansing: Refugees report that Serbian authorities have confiscated passports and other identity papers, systematically destroyed voter registers and other aspects of Kosovo's civil registry, and even removed license plates from departing vehicles as part of a policy to prevent returns to Kosovo.

The civilized world must send a strong and unambiguous message that ethnic cleansing, genocide, and mass rape are not acceptable, and will not be tolerated.

I will never forget, about 4 years ago, I picked up a copy of the New York Times and opened it. There was a rather large picture of a young girl about 15 years old. She had sort of a Dutch cut, bangs hanging over her forehead. She had on a school uniform. But there was something very wrong with the picture: She was hanging from a tree. Dead in Srebrenica.

And then it came out that there was a major massacre of thousands of people in that supposedly protected enclave by the Serbian military. And to this day, 5,000 to 7,000 Muslim men and boys are simply missing. A few have been found in mass graves, but the most still remain missing.

This crime, too, was committed by those who followed Mr. Milosevic's orders.

I would say that when any nation on earth permits their military police to wear hoods and cover their face while they are carrying out their official duties, then you know that what they are doing is not legal.

And there can be little doubt that those who conduct these activities in Kosovo—be they in the Yugoslav military or in paramilitary outfits such as the "White Eagles" or the "Tigers"—that they are acting on orders which come from Mr. Milosevic.

And now there are reports that Yugoslav authorities have begun to dig up the mass graves in Kosovo in an effort to destroy evidence that could be used against them in war crimes trials.

Try as they might to hide their crimes, the world now knows what has happened in Kosovo. The regime of Mr. Milosevic has been waging war on the people of the Balkans for close to ten years now. The international community must stand up to this, or we will

set the stage for further bloodshed and tragedy in Asia, in Africa, and elsewhere in Europe. Mr. Milosevic must be held accountable for the orders which he has given, and the crimes which he has ordered committed.

I urge my colleagues to join me and the distinguished Senators from Pennsylvania and Louisiana and support this amendment. It sends a clear message to Mr. Milosevic and others who commit crimes against humanity: You will be held accountable, and you will be brought to justice.

THE PRESIDING OFFICER. Under the previous order, the Senator from Maine is recognized for 10 minutes.

Ms. SNOWE. Mr. President, I rise in strong support of the Fiscal Year 2000 National Defense Authorization Act. This critical legislation brings the military to the threshold of a new century posing new challenges to the U.S. national security. Under the superb leadership of our distinguished chairman, the senior Senator from Virginia, the Armed Services Committee has reported a bill that shapes a more flexible, mobile, and precision Total Force required for the future.

This bill takes a proven and fundamental approach to enhancing our national defense by devoting more resources to readiness and modernization accounts and improving the quality of life for military families. The total authorized funding of \$288 billion in the legislation increases the administration's request by \$8 billion and represents a 2.2-percent increase in real terms over the fiscal year 1999 level.

These responsible funding levels try to rescue a defense budget that, as a percentage of the Nation's GDP, has reached its lowest points in 50 years. In modernization programs—those for weapons procurement—funding has fallen by 67 percent since 1985.

At the height of the Reagan buildup, the Pentagon obligated \$138 billion for procurement. Since then, the spending fell to a low point of \$44 billion in 1997. The fiscal year 2000 budget increases the account to \$56 billion, and I commend Secretary Cohen for planning the first budget of this administration that brings procurement back to a threshold of \$60 billion, as recommended by the Joint Chiefs of Staff, starting in the year 2001.

The major weapons and systems authorized by this bill, particularly service combatants, strategic and tactical aircraft, and high-speed armored vehicles, will give the armed services more endurance and firepower at lower life cycle costs. Smooth construction materials will deceive the enemy radars that can detect the hard angles of older platforms. Information technologies will give ships, tanks, and aircraft battlespace data that shows potential enemy movements before they occur. A new series of rapid transporters will bring forces to the shorelines of instability. And from safe distances in the air or at sea, smaller crews will program missiles for strategic inland targets.

As chair of the Seapower Subcommittee, I had the honor of witnessing firsthand the revolution in capabilities by traveling to the Persian Gulf to visit the sailors of the carrier Enterprise and the guided-missile cruiser U.S.S. *Gettysburg* and the minesweeper U.S.S. *Ardent* during the Easter recess. Without exception, the men and women of these ships, forward deployed between Iran and Iraq, demonstrated a solid commitment to defending the interests of their nation in some of the most dangerous waters on the planet.

I listened and talked with dozens of sailors and returned to Washington with a fresh understanding of the human dimension of readiness. Only dedicated people can deliver the capabilities needed to project our military power. Far removed from their families and the luxuries of life ashore, the crews of the *Enterprise*, the *Ardent*, and the *Gettysburg* admirably performed their missions of containing the Iraqi military and ensuring the freedom of commerce.

The diligence of the crews of these ships makes a visitor forget their youth. From galleys and control rooms to flight decks and bridges, sailors cooperated with professionalism to ensure that our maritime power upheld peace and stability.

They reminded me that patriotism hinges on sacrifice, and that Congress can perform no greater service in defense policy than to improve the quality of life for military families.

Therefore, I think the legislation before us reinforces the wisdom of additional personnel provisions in both this authorization bill, as well as the legislation that was passed by the Senate that would increase the retirement and the pay for the members of our Armed Forces. The Bill of Rights Act, the pending legislation, as well as the fiscal year 1999 supplemental, will move closer to this goal by authorizing a universal active-duty pay increase of 4.8 percent, the largest since 1982, and giving troops enrolled in the retirement plan the option of drawing pension benefits calculated under the same formula as other personnel who served for at least 20 years.

I believe this certainly reinforces the conversations that I have had with a group of senior noncommissioned officers aboard the Enterprise who stressed the need for equity in the Pentagon's compensation and retirement systems. I repeatedly heard that uniformed personnel could not obtain timely care for their families and waited months on end for reimbursement.

As a result, I sponsored a provision in this bill permitting TriCare beneficiaries to receive treatments at qualified medical offices if they live more than 50 miles from a DOD health installation. This initiative, coupled with the Bill of Rights Act, directs to the Defense Department to rely on more efficient claims processing procedures to tackle the issue of access to quality

treatment that several sailors raised in their encounters with me.

I also include a provision in this legislation—of course, it was authored with Senator KENNEDY—that would create a Defense Department task force on domestic violence. This is another issue that has become a serious concern within our Armed Forces.

This task force will consist of military representatives, family advocacy program experts, and civilian domestic violence professionals to develop guidelines for a coordinated response to this tragic problem that has grown from 14 reported cases per 1,000 families in 1990 to 22 per 1,000 families by 1998.

The second major provision of the Kennedy-Snowe amendment mandates creation of a central departmentwide database to receive information on reported domestic violence cases in the Armed Forces.

No military family should endure the trauma, fear, and alienation that flows from acts of domestic violence. I am hopeful that the Kennedy-Snowe amendment will represent a crucial beginning in the process of setting standards and imposing penalties to deter spousal and child abuse in the armed services.

I want to highlight a few provisions under this legislation which were within the jurisdiction of my Seapower Subcommittee. I thank Senator KENNEDY, the ranking Democrat of the subcommittee, along with the panel's other members, for their diligent work on this year's legislation.

The Seapower Subcommittee held five hearings in our review of the fiscal year 2000 budget request. Our hearings focused on the overarching question of how the Pentagon can sharpen its ability to reinforce U.S. political and economic objectives overseas with an agile maritime fleet.

Towards this end, we explored programs designed to maintain the sea lanes vital to international trade. The subcommittee also summoned Navy and Marine Corps witnesses to discuss strategic air and sealift in support of regional commanders in chief, littoral force projection and protection, evolving submarine requirements, and priorities in the realms of research and acquisition.

Witnesses before the Seapower Subcommittee testified that the proliferation of weapons and advanced technology caused by the willingness of countries to sell expertise, hardware, and technology present a challenge for the United States to predict potential adversary threats. This trend of proliferation shortens the timeline for an enemy to field an offensive weapon that can disable our forces in any region of concern.

For these reasons, research and development in systems designed to counter enemy air, land, and sea-launched missiles, in addition to anti-ship torpedoes and mines, will enhance the Navy's capacity to deter conflict throughout the littoral areas of the

globe. These coastal zones, within 200 miles of any sea, contain three-quarters of the world's population, 80 percent of the capital cities, and the major corridors of commerce.

Subcommittee witnesses expressed concern that traditional threats, as well as nontraditional threats, from hostile countries and international terrorists would attempt to disrupt sea-going trade and military operations. They pointed out that over 50 countries possessed over 150 types of naval mines; over 60 countries have inventories of more than 60 types of torpedoes; over 75 countries have more than 90 types of antiship cruise missiles; and by 2016, 40 to 50 countries will deploy at least one theater ballistic missile.

Navy and Marine Corps witnesses testified that their services will function as the force of choice in the 21st century. They based this assessment on compelling demographic facts. Water covers 70 percent of the world's surface, and by the year 2010, over 70 percent of the world's population will live in urban areas within 300 miles of a coastline.

An ever-increasing world population—to top 7.5 billion by the year 2015—will only intensify this surge of urbanization and leave new environmental, housing, and health care problems in its wake.

Competition among ethnic and religious populations will furthermore make the urbanized littorals ripe for conflict in the 21st century. The Navy and Marine Corps can, therefore, use the sea area as an operating base and a maneuver space without permission from a foreign country. In this context, maritime forces can serve as a first echelon of U.S. military power projection.

Force modernization must subsequently remain on schedule since America needs high-technology fleet able to steam at a moment's notice to any point on the planet. Our witnesses, however, cited a number of budgetary and operating tempo developments that compete with core modernization requirements.

From 1988 to 1998, the Navy's total obligational authority, in constant 1998 dollars, decreased by 40 percent. Coincident with this decrease, the Navy and Marine Corps have experienced a dramatic increase in forward presence and contingency operations.

In the past 50 years, naval expeditionary forces have responded to over 250 crises worldwide. Since 1992 alone, as this "Commander-in-Chief Requirements" chart illustrates, naval forces have responded to 77 different contingency operations or threats around the world—that is between 1992 and 1998—while between the years of 1988 and 1991, they only responded to 27 different threats worldwide. So it shows the disparity in the threats between this decade and the previous decade, to show the tremendous pressures that are being placed on our naval and our marine forces.

During the cold war, Marines were called upon to respond to a threat on average of once every 15 weeks. Since 1990, the Marines have been responding to a threat once every 5 weeks. That is a threefold increase. So as a result of the naval force structures, as one witness said during the Seapower Subcommittee's first hearing, there is "no shock absorber left" when it comes to our force structures and the demands they are placing on our naval and marine forces.

Again, as this chart will illustrate in terms of where we are today on the 300-ship Navy, we are going to have to build, on an annual rate, 8 to 10 ships a year in order to sustain a 300-ship Navy. We are going to decline pretty rapidly. As we are in 1999, we have 315 ships; for the year 2000, 314; by the year 2005, we will be down to 305 ships. In order to sustain 300 ships, we will have to increase the number of ships we are building to 8 to 10 a year from the 6 we are building currently.

Based on the testimony, and also my visits to the deployed fleet units, and discussions with the Navy, the Marine Corps, the Army and Air Force officials, the subcommittee reached the following conclusions:

First, the Navy and Marine Corps capabilities must remain ahead of the threats designed to disrupt or deny maritime operations on the high seas and in the littorals. To respond to this conclusion, the Seapower portion of this bill adds \$213 million to the budget request for research, development, testing, and evaluation.

Second, the Navy and Marine Corps future readiness will decline if recapitalization and modernization are deferred. I think again these charts illustrate the problem. So to respond to this challenge, the Seapower portion of this bill adds \$1.068 billion to the budget request for procurement.

Third, strategic sea and airlift are required to support daily operations overseas, emergent requirements, and sustained military campaigns of a major theater war. The force deployment goals of the 1995 Mobility Requirements Study Bottom-Up Review Update established the strategic lift requirements as those required for one major theater war and, later, to swing that lift to support the second nearly simultaneous MTW.

So to respond to this challenge, the bill adds \$40 million to the budget request for national defense features in ships.

In addition, the full committee approved the budget request for \$3 billion for procurement of 15 C-17 aircraft, \$70 million for modifications to the C-5 aircraft, \$170 million for the C-17 research and development, and \$63 million for the C-5 research and development.

Fourth, the Navy must build no fewer than 8 ships per year to maintain a force structure of approximately 300 vessels, as I mentioned earlier. Ship designs and technologies must respond to

these challenges of both the littorals and the open ocean warfare.

Quantity has a quality of its own, especially when naval operations occur at the same time in different geographic regions. The Seapower portion of the bill therefore adds \$375 million advanced procurement for the LHD-8 and extends the DDG-51 multiyear procurement authority to include the fiscal years 2002 and 2003 ships.

The committee, however, remains concerned with the overall shipbuilding rate included in the administration's budget requests. The topic of ship force structure was discussed more than any other issue in the Seapower hearings.

Witnesses stated repeatedly that the current force structure of 324 ships already strains worldwide operations. This problem will only grow, since the projected size of the fleet, as I said, will decrease to 305 platforms in the next 5 years.

Unfortunately, the Department of Defense has provided few specifics on the planned size of the Navy force structure beyond the calendar year 2015 and how it intends to address the impending ship shortfall problem beyond lowering acquisition costs and reducing the size of ships' crews.

The time has come for the administration to demonstrate an understanding of the ship acquisition problem and to share with Congress a systematic plan to address this serious national security concern.

The report accompanying this bill requires the Secretary of Defense to submit, with the fiscal year 2001 budget request, a report that details the Department's long-range shipbuilding plan through fiscal year 2030 and describes the annual funding required to procure 8 to 10 ships a year between fiscal years 2001 and 2020.

Finally, attack submarines have reached the limits of sustainable operations. The submarines of the 21st century will generate key strategic and tactical intelligence, deploy surveillance and reconnaissance teams, and enhance the firepower of carrier battle groups. In recognition of these facts, the bill approves the request of \$116 million for submarine advanced technology and adds \$22 million for the Advanced Deployable System.

Finally, the key to reducing the operating costs of ships lies in research and development to design future ships that can operate effectively with smaller crews. Our bill approves well-funded research and development programs for developing new ship designs to reduce overall life-cycle costs.

All of these naval programs, as well as the major systems of the other three Services, will require an adequate domestic basing structure for maintenance and deployment. This factor, along with the changing mix of threats to our national security, triggered the two bipartisan Armed Services Committee votes this year against amendments authorizing additional base realignment and closure rounds.

The committee first rejected the BRAC amendments because no base closure round yet has yielded the taxpayers any clear or proven savings. To appreciate this point, one only need to consider the conclusion of the leading advocate of BRAC, the Department of Defense. DOD's April 1998 base closure report to Congress stated explicitly that "no audit trail, single document, or budget account exists for tracking the end use of each dollar saved through BRAC."

Furthermore, the conflict in Kosovo illustrates how hostilities can strain our ability to project military power in unstable areas of the world. Since this war began in March, the United States has diverted its only aircraft carrier in the Western Pacific, near North Korea, to Serbia's Adriatic Sea basin. We have more than 400 aircraft from airfields across the country now engaged over Kosovo.

In the meantime, the Department of Defense has almost depleted the Nation's air-launch precision missile stocks, strained our aerial tanker fleet, and called up 33,000 reservists. Congress and the administration should therefore consider how to improve, rather than phase out, the shore- and land-based systems that sustain our deployed forces.

We cannot forget that America's overseas basing infrastructure has declined by more than 40 percent since the end of the cold war. The four previous BRAC rounds have eliminated about 25 percent of domestic military installations.

The key challenge of the 21st century force will focus on long-range deployments from American territory to protect interests and allies on short notice. We need a master base plan, still undeveloped, that identifies categories of ports, staging grounds, airfields, depots, and maintenance facilities to meet these strategic requirements. The administration cannot ask Congress to approve more closure commissions in a vacuum about what physical support assets at home the troops of tomorrow will need to complete their missions abroad.

This authorization bill advances the goals of shaping the modernized Armed Forces on which Americans will rely to safeguard their interests in a changing and volatile world.

I again thank the committee chairman, Senator WARNER, for his leadership, and the ranking member, Senator LEVIN, for his leadership as well in crafting this significant bipartisan legislation. I urge all Senators to support it.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Laurell Brault, my military fellow, be given floor privileges during the Senate consideration of S. 1059.

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

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from Virginia.

Mr. WARNER. Madam President, first I thank our distinguished colleague from Maine. She comes from a great State which has a maritime tradition that really predates the United States of America. Am I not correct in that?

Ms. SNOWE. That is correct.

Mr. WARNER. How fortunate we are in the Senate to have one with that traditional background as now head of the Seapower Subcommittee of the Armed Services Committee of the Senate. You share that with another distinguished colleague in the next-door State of Massachusetts, Senator KENNEDY, who is the ranking member. We are well represented on this committee.

I commend you for your report and bring to the attention of the Senate and the American people the underlying theme of our pay bill, how many times our men and women of the Armed Forces are required now in missions beyond our shores. That is very important. Of course, as to the 300-ship Navy—a famous figure—I hope that you and I and others can hold the line, because we are a maritime Nation. Our entire economic strategy is dependent on the security of our overseas markets and the ability to get our products out. Our entire defense strategy is dependent on what we call forward deployment. The ships of the Navy are a lifeline protection for both our economic as well as our national security responsibilities in this country. I commend the Senator.

Ms. SNOWE. I thank the chairman for his comments. I certainly feel privileged to chair the Seapower Subcommittee and to focus on some of the critical challenges facing our naval forces in the future. Having had the opportunity to visit our personnel on the U.S.S. *Enterprise*, the U.S.S. *Gettysburg*, and the U.S.S. *Ardent*, I had a firsthand appreciation of the pressures placed on the men and women in our Armed Forces and the more we need to support them in every way possible. That is why I think the pay and retirement provisions are all necessary, given the demands that are being placed on our naval forces overseas. The deployments are longer and they are more rigorous. It is becoming far more difficult for them when they return to home port because they have to begin retraining.

So there is very little time for them to prepare for the future and also the demands that these challenges present in keeping them from their families. We have to recognize that. I think the administration has to recognize that in terms of the number of contingency operations, that, ultimately, is really putting a tremendous strain on all of our armed services.

Mr. WARNER. Madam President, I thank our distinguished colleague. I dare say that she will establish a record far superior to that of her predecessor; namely, the Senator from Virginia, as chairman of the Seapower Subcommittee.

I ask unanimous consent that the distinguished Senator from Maine be added as a cosponsor to the Roberts-Warner amendment now pending at the desk.

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

Mr. WARNER. Madam President, I understand the order is our distinguished colleague, also a new member of our committee and one who has certainly pulled her weight by a margin of two in her service on the committee.

AMENDMENT NO. 384

The PRESIDING OFFICER. Under a previous unanimous consent order, the Senator from Louisiana is recognized for 30 minutes.

Ms. LANDRIEU. I thank the Chair.

Madam President, I thank our chairman for the fine work that he has done in bringing this very important bill to the floor and to acknowledge the work of my colleague from Maine. As a Senator who represents another State with a great maritime tradition, I most certainly appreciate the hard work and the intensity to which she brings to bear in making sure we maintain adequate naval power to support all of our missions around the world. Her leadership has been tremendous. I look forward to working with her, along with our chairman, in the years to come.

Mr. WARNER. Madam President, could I interrupt the Senator. I ask unanimous consent that at 5:30 today—I beg the forgiveness of the Chair and our distinguished colleague.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. On an equally important note, I rise to support the sense-of-the-Senate resolution, now in amendment form, offered by the distinguished Senator from Pennsylvania and myself. We feel very strongly about presenting it to the whole chamber, and we hope to get a very strong bipartisan vote, in just a few minutes, on this resolution.

Madam President, at the close of World War II, Europe was devastated. The allied armies, in liberating Eastern Europe, had uncovered a horror beyond imagination—6 million Jews, men, women, and innocent children, had been massacred, and millions of other civilians and soldiers had been killed on all sides by fruitless wars of aggression.

Once Germany itself had been occupied, the documentary evidence of these atrocities came to light. Along with victory came the eventual capture of the Nazi leadership, and slowly but surely, the German war leaders who did not kill themselves outright, fell into allied hands. At that time there were two competing ideas on how to deal with these prisoners. The English and the Russians simply wanted to take the leaders of Nazi regime outside and shoot them. After all, it was the way victors had treated the vanquished in Europe for hundreds of years, particularly when the vanquished had been so merciless themselves.

However, the American Secretary of War, Henry Stimson, proposed a very different, and actually, radical solution. He wanted to use the atrocities perpetrated by Nazi Germany to make real the notion of international law. In retrospect, it seems very strange, indeed, that a Secretary of War would be the primary advocate for holding a legal proceeding. But Secretary Stimson was wise. He understood something very fundamental: America had not joined World War II to prop up the same, tired cycle of war and revenge that had made Europe the bloodiest continent on Earth during the 20th century. We entered the war to create a fair and lasting peace. We had no territorial demands. We asked for no war reparations, and we did not come to loot and rob Germany of its treasures. All we wanted in exchange for the great sacrifice that we made as a people was the assurance that after the war, peace, democracy and freedom would prevail.

The Nuremberg trials were one of the central steps in fulfilling this objective. Instead of revenge, the trials stood for justice. Instead of collective blame, these trials stood for individual accountability. Instead of Europe's bloody past, the Nuremberg trials held the promise that we could break the cycle of violence.

Over 50 years since the conclusion of those trials, the Nuremberg principles are being called into question. I believe we reached the right conclusions at those trials. We hit upon some universal truths about what needs to be done to bring true peace to a region wracked by war. We determined it was necessary to establish justice, to hold individuals accountable for their acts, and to try to stop future wars of revenge. Those principles ring true even today.

Ironically, as this map shows and as we are well aware, another conflict in Europe now puts the lessons of the Nuremberg Trials to the test. We began strongly enough. In May of 1993, the United Nations Security Council created the first international war crimes court since the Second World War, since the Nuremberg trials. The International Criminal Tribunal for former Yugoslavia was formed to investigate and try war crime cases resulting from the war in Bosnia. It was hailed then as the first step towards reconciliation of the warring factions.

If the international community could bring justice to Bosnia, if they could expose the wanton destruction of human life by the Bosnian Serbs, there might be a real chance for the same collective soul searching that occurred in Germany at the end of World War II. That reflection and acknowledgment of wrongdoing has generated a peace between the great powers of Western Europe that was simply unthinkable at the beginning of this century. If it can happen between the Germans and the French, why not between the Croats and the Serbs?

For a number of reasons, mostly political, the international community has simply not grasped the opportunity that this international tribunal has offered to us.

In the 6 years since its formation, the Tribunal has indicted 84 people. However, of those 84 indicted, it has completed only 6 trials. Twenty-five others are now in custody, either awaiting trial, or involved in proceedings. But six convictions in 6 years is a very mediocre showing for a conflict that was marked by intense brutality on all sides. Furthermore, the most significant war criminals remain at large. We are aware of where they are, but they continue operating unmolested. The reality is that while the vast majority of war crime indictments were against Bosnian Serbs, the Croatian and Muslim indictees are far more frequently held in custody because their governments have been cooperating with the Tribunal.

Unfortunately, the moment for effective action has passed and the results are clear. When we do not uphold the principles established at Nuremberg, it gives license to thugs and dictators to pursue their aims by brutality and illegal means. We can only wonder if there would have been different headlines today had we been more insistent that the perpetrators of war crimes in Bosnia stand before the bar of justice.

I am joined by my colleague, the senior Senator from Pennsylvania, in introducing this amendment that seeks to prevent a repeat of our mistakes. Let us make the Tribunal truly effective. That is what this amendment offers. The chief prosecutor, Justice Arbor, has made clear that the Tribunal's jurisdiction does extend to Kosovo. We need to ensure that when this war is over—and one day, hopefully soon, it will be—the parties responsible for these crimes will be made to answer personally. Our amendment addresses a number of the obstacles currently facing the tribunal.

First, the amendment asks that the United States, in coordination with other United Nations contributors, provide the resources necessary for a rigorous investigation of the war crimes committed in Kosovo. I am happy to report, as was mentioned by my friend from Pennsylvania, that an additional \$18 million has already been passed by this Senate in the supplemental appropriations bill for this specific purpose. At present, the Tribunal has a mere 70 investigators at its disposal. This number covers not only the 600,000 refugees from Kosovo, but all of the ongoing investigations of Bosnian war crimes. Clearly, the Tribunal is undermanned to undertake a project of the enormity presented by Kosovo.

Secondly, the resolution calls on our Government, through our intelligence services, to provide all possible cooperation in the gathering of evidence necessary to prosecute war crimes. While testimonial evidence is sufficient to bring charges against those responsible for the mass execution, the rapes, gang rapes and arson, but such evidence rarely addresses the crimes of a country's leadership. Such is the case in Kosovo. Milosevic is not out in the field shooting civilians himself, but the situation certainly looks as if he is issuing the orders—proving that connection requires intelligence sources that only we and our NATO allies can provide. And we should do it forthwith.

Additionally, we cannot be afraid of where the war crimes evidence leads. This resolution will make it clear that no one—no one—will be exempt. We shall not compromise long-term peace prospects for short-term political expediency. Wherever the evidence leads, indictments will follow.

Equally important, this resolution reflects the fact that all nations have an obligation to honor arrest warrants issued by the International Criminal Tribunal. Many of those already indicted are living normal lives while their whereabouts are well known. Such selective prosecution and inaction breeds cynicism and creates an atmosphere that supports the sort of thugs now operating in Serbia. It undermines our effort and it should not be tolerated. This must stop.

The resolution we introduce today calls on the United States to use all appropriate means to apprehend war criminals already under indictment.

Lastly, and most critically, this resolution insists that NATO should not accept any diplomatic resolution to the war in Kosovo that would bar the indictment, apprehension, or prosecution of war criminals. The proper resolution of this conflict may be our last opportunity to bring a lasting peace to this region. It cannot be done if those responsible for the war are not punished for their actions.

It is often easier to exclude tyrants from justice to secure a temporary lull in the fighting than to support a thorough and complete peace. If we go for easy answers, we will doom the people of that region to repeat these same horrors again and again. As historians have often noted, one war frequently sows seeds for the next. This is particularly true of the kind of incessant ethnic warfare going on in the Balkans. The only way to change this reality is to insist that individuals be held accountable for their barbaric actions and be brought to justice.

People must understand that there are international standards of behavior and they will be held accountable. It makes a huge difference in the way they interact with their neighbors. In short, we must demonstrate that might does not make right and that no one can benefit from the misery of their neighbors.

Our State Department recently issued a report entitled "Erasing History: Ethnic Cleansing in Kosovo." This is one of a hundred pictures that have been taken, showing the horrors of mass executions and murder of innocent men, women and children. That

report details much of what is already known—700,000 refugees forced to flee their homes; 500 villages looted and burned; at least 70 instances of summary executions; the systematic rape of women and young girls, and the list goes on.

What is odd about ethnic cleansing is that while it tries to erase history, it actually has the opposite effect. It brands indelibly into people's minds the memories of the fire, torture, the shooting, the rape, the running, the horrors of the night and the morning. The entire history of the Balkans reads like one giant tragedy where the past motivates evil in the present. Instead of erasing history, Yugoslavia must move beyond it, and NATO needs to continue to press them in that direction to achieve those ends. Justice, provided impartially and equally, is the most effective means for doing that, and we can do that through a strong, well-financed, determined War Crimes Tribunal.

There may be no clean hands in the Balkans, but there can be new beginnings. I believe this resolution will anchor the United States policy to creating one.

I would like to put up another chart of something that shows a video capture from a tape recently smuggled out of Yugoslavia.

Mr. WARNER. Madam President, will the Senator allow me to interrupt to make a unanimous-consent request?

Ms. LANDRIEU. Yes.

Mr. WARNER. Madam President, I ask unanimous consent that at 5:30 today, which is just minutes away, the Senate proceed to vote on or in relation to the Specter-Landrieu amendment No. 384 with no amendments in order to the amendment.

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

Mr. WARNER. Madam President, I now 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. Madam President, if I might draw the Senate's attention to the last paragraph, which is section 5, can the Senator read that?

It says: "NATO should not accept any diplomatic resolution to the conflict in Kosovo that would bar"—and then, my first question is, Is it conceivable that the United Nations should likewise not accept any? I mean in the final analysis, it is difficult to predict now. Certainly NATO will have a voice in the matter. But it could be that this thing would be involved before the United Nations. Is the spirit of this to include the United Nations, so to speak?

Ms. LANDRIEU. Yes. I would say so. The spirit of this resolution is clear that no diplomatic end to this war should allow any immunity for those who are guilty of war crimes.

I would have no objection. I would want to talk with Senator SPECTER

about adding reference to the United Nations. Clearly though, it is a NATO conflict.

Mr. WARNER. Let me proceed to another item.

The Senator used the key phrase, she doesn't want any amnesty or anything to prohibit the prosecution, and I think the Senator said "of those who are guilty." But who has to establish guilt in terms of who is and who is not guilty? It seems to me if this were to read that it would "bar the indictment, apprehension, or prosecution of persons alleged to have committed," because the Senator said "war criminals," that could be interpreted as saying somebody is already designated one, two, three, and four as a war criminal and, therefore, you cannot give them amnesty, but there are some, I would presume, in this conflict who have not been designated "war criminals" but there are allegations to that effect, and they would have to proceed through the indictment process. But as this is written, the date of the agreement might cut off a class of individuals who are guilty but have not been as yet designated "war criminals."

Do I make myself clear?

Ms. LANDRIEU. I understand, I believe, what the Senator from Virginia is asking me. But I think the language of this amendment covers his concerns. We have not been allowed into Kosovo 1 day, but when we are, it will reveal atrocities and evidence of those responsible. It will happen in the same way as when we entered into Central Europe to find the concentration camps. This resolution simply states that no resolution of this conflict should give immunity in advance to anyone who could be charged and then later convicted of war crimes.

I think the language is clear on that intent.

Mr. WARNER. Let's hope this colloquy has cleared up any other questions. Before we started the debate, I talked with the Senator, and I thought she was very candid in her private comments to me.

Supposing that this frightful conflict drags on and the only basis on which anyone can reach any resolution is the question of amnesty, do I understand the Senator's position to be that under no circumstances should the sole remaining provision to stop this conflict be waived by those negotiating and those who eventually have to accept the resolution? Is that your position?

Ms. LANDRIEU. Absolutely. It is quite a serious point of this resolution, and I recognize that it may take a tool off the table, but it is purposefully done that way. I happen to believe it would be a great mistake for this Nation and our NATO allies to enter into any agreements that give immunity to people who are charged with war crimes, with the brutality of gang rapes, and torture. And there are hundreds of examples that we have had now from eyewitness accounts that we hope to prosecute.

Mr. WARNER. Madam President, I don't intend to take the Senator's time. I intend to support the resolution. I thought a colloquy would bring out questions that others might have in mind and would clarify any doubts. Madam President, thank you.

Mr. LEVIN. If the Senator will yield further while she is being interrupted, I want to commend the good Senator from Louisiana for her steadfastness, and for the sponsors' steadfastness on that very point. There was no provision for amnesty in Dayton. There was no provision for amnesty at Rambouillet. There should be no such provision, nor should the door be opened a crack to any such possibility. People must be held accountable for war crimes. I do not think for 1 minute that there is room for negotiation on that issue, or else we will see an endless repetition of the kind of cleansing of ethnic groups that we have seen in the Balkans.

I commend the sponsors, and particularly the Senator from Louisiana for her strength and support.

Mr. WARNER. Madam President, I likewise commend the esteemed colleague and Senator from Louisiana for an important amendment which will send a signal at this time. It is very timely.

I wish to commend my distinguished colleague from Pennsylvania. It is a very interesting combination of two Senators coming to the floor on an important point.

Ms. LANDRIEU. I thank the Senator. The Senator from Pennsylvania surely brings a tremendous amount of expertise, having been a prosecutor and having dealt with these issues on a domestic basis and an international basis.

Let me just conclude by pointing out and explaining what this picture is. This looks like a picture of people burying bodies. But actually, because this is part of a 20-minute video, this is a snapshot, of people exhuming bodies, digging up a mass grave, to try to hide or relocate these victims. The State Department believes that the Serbs are placing the bodies around bomb sites to mislead the Yugoslavian people and the international community.

This is an important part of the world. If I can close by putting up a map of Yugoslavia—this is not a small, insignificant area—Yugoslavia lays in the heart of Europe on the Mediterranean Sea where civilizations have lasted for thousands and thousands of years. We have fought wars and millions of soldiers have died. Americans have spent fortunes and generations of blood helping Europe to achieve peace. In large part we have succeeded. With this one important exception. Establishing law and order through the Tribunal is the first step on a long road of recovery. That is the point of this resolution.

I hope we will be successful today, and that it will give us the strength to maintain our resolve to bring justice to people who are depending on us.

Thank you, Madam President. I yield the floor.

Mr. LEVIN. Madam President, I ask unanimous consent that I be added as a cosponsor to the amendment.

One of the points raised by the Senator from Virginia is a technical drafting issue, which I think is a relevant one. I believe we can correct it in conference. I think its importance was pointed out.

The PRESIDING OFFICER. The hour of 5:30 having arrived, the question is on agreeing to Amendment No. 384.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. MURKOWSKI), the Senator from Arizona (Mr. MCCAIN), and the Senator from Arkansas (Mr. HUTCHINSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Arkansas (Mr. HUTCHINSON) would vote "yea."

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Georgia (Mr. CLELAND), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Rhode Island (Mr. REED), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting the Senator from Rhode Island (Mr. REED) and the Senator from Connecticut (Mr. LIEBERMAN) would each vote "yea."

The PRESIDING OFFICER (Mr. FITZGERALD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—90

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

NOT VOTING—10

Biden	Kennedy	Reed
Cleland	Lieberman	Torricelli
Feingold	McCain	
Hutchinson	Murkowski	

The amendment (No. 384) was agreed to.

Mr. NICKLES. Mr. President, Senator MURKOWSKI was unable to cast a vote on this amendment because of unavoidable flight cancellations back to Washington.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, at this time on behalf of the distinguished majority leader, I ask unanimous consent that at 9:30 on Tuesday, tomorrow, the Senate resume the DOD authorization bill and Senator SMITH of New Hampshire be recognized for up to 20 minutes on a matter regarding the historic connection of the U.S.S. *Indianapolis* to the history of our Nation, to be immediately followed by 30 minutes for debate, equally divided, with an additional 10 minutes under the control of Senator GRAMM relative to Senator ROTH's amendment regarding Admiral Kimmell and General Short.

I further ask consent that following that debate, the amendment be temporarily set aside and there then be 1 hour for debate equally divided relative to the Roberts-Warner amendment No. 377.

I further ask that following that debate, the amendment be laid aside and then there be up to 1 hour equally divided relative to the Wellstone amendment No. 382.

I finally ask consent that at 2:15 on Tuesday, the Senate proceed to a vote on or in relation to the Roth amendment and, following that vote, the Roberts-Warner amendment No. 378 be agreed to and the Senate immediately proceed to a vote on amendment No. 377, as amended, to be followed by a vote on or in relation to amendment No. 382, with 2 minutes for explanation prior to each vote.

For the information of all Senators—

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, Mr. President—no objection.

The PRESIDING OFFICER. If there is no objection, so ordered.

Mr. WARNER. I thank the Chair.

For the information of all Senators, the next votes will occur at 2:15 p.m. on Tuesday. It is the hope of leadership that passage could occur by close of business Tuesday night or Wednesday morning. On behalf of the majority leader and, I am sure, the minority leader, we urge our colleagues to do everything they can to make this possible.

The distinguished whip.

Mr. REID. Mr. President, I don't know of two more able managers of a bill than the Senator from Virginia and the Senator from Michigan. But on behalf of the minority, I say that it would break all records of the Senate

to finish this bill tomorrow night. It simply is not possible to do.

We in the minority are going to cooperate in every way we can. The fact that we have these two fine managers doesn't mean we can perform a miracle.

Additionally compounding the issue, I have been told that there has been an amendment filed dealing with the Kosovo situation that could take days of debate, not hours of debate.

We are willing to cooperate. There is no one on this side who wants to hold up this bill for any purpose other than the fact that we want to have a good bill. In short, we have shown in the past few months since this Congress has been in session that we have cooperated every way we can, as indicated by the work that was done in reducing 91 Democratic amendments on the juvenile justice bill to a mere handful of amendments so we could get that passed by Thursday evening.

In short, we want to help. We want to cooperate in any way we can. But we cannot be part of this miracle, because it won't happen.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me thank the Senator from Nevada for not only all of his help in getting bills passed but also in realistically assessing situations, which is part of his job.

I must say, given the amendments we already know of, while I am hopeful, too, of completing action on this bill at some point this week, I do not see how the hopes, as expressed here, can come to reality, given the substance of some of these amendments.

Again, the Kosovo amendment alone, I think, would precipitate a significant, lengthy debate on this floor, given all of the circumstances and the length of time which that subject has already required for debate, and the fact that we are in the middle of a conflict right now, and the ramifications for that conflict and the signals which would be sent to the prime creator of that conflict, Mr. Milosevic. It would be a lengthy debate, I think. I would like to finish this bill by Wednesday, too, but I just can't see, given that amendment and other amendments which are significant, that that is a realistic assessment.

Mr. REID. Will the Senator yield for a question?

Mr. LEVIN. I would be happy to.

Mr. REID. It is not a member of the minority who filed that amendment. It is a member of the majority who has filed that amendment; is that true?

Mr. LEVIN. That is correct.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

(The remarks of Mr. DOMENICI pertaining to the submission of S. Res. 106 are printed in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

AMENDMENT NO. 388

Purpose: To request the President to advance the late Rear Admiral (retired) Husband E. Kimmel on the retired list of the Navy to the highest grade held as Commander in Chief, United States Fleet, during World War II, and to advance the late Major General (retired) Walter C. Short on the retired list of the Army to the highest grade held as Commanding General, Hawaiian Department, during World War II, as was done under the Officer Personnel Act of 1947 for all other senior officers who served in positions of command during World War II.

Mr. ROTH. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the previous amendments will be set aside, and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH], for himself, Mr. BIDEN, Mr. THURMOND, and Mr. KENNEDY, proposes an amendment numbered 388.

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

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

(The text of the amendment (No. 388) is printed in today's RECORD under "Amendments Submitted.")

Mr. ROTH. Mr. President, I rise today on behalf of my colleague from Delaware, Senator BIDEN, and on behalf of Senator THURMOND and Senator KENNEDY to introduce an amendment whose intent is to redress a grave injustice that haunts us from the tribulations of World War II.

Admiral Husband Kimmel and General Walter Short were the two senior commanders of U.S. forces deployed in the Pacific at the time of the disastrous surprise December 7, 1941, attack on Pearl Harbor. In the immediate aftermath of the attack, they were unfairly and publicly charged with dereliction of duty and blamed as singularly responsible for the success of that attack.

Less than 6 weeks after the Pearl Harbor attack, in a hastily prepared report to the President, the Roberts Commission—perhaps the most flawed and unfortunately most influential investigation of the disaster—leveled the dereliction of duty charge against Kimmel and Short—a charge that was immediately and highly publicized.

Admiral William Harrison Standley, who served as a member of this Commission, later disavowed its report, stating that these two officers were "martyred" and "if they had been brought to trial, they would have been cleared of the charge."

Later, Admiral J.O. Richardson, who was Admiral Kimmel's predecessor as Commander-in-Chief, U.S. Pacific Fleet, wrote:

In the impression that the Roberts Commission created in the minds of the American people, and in the way it was drawn up for that specific purpose, I believe that the report of the Roberts Commission was the

most unfair, unjust, and deceptively dishonest document ever printed by the Government Printing Office.

After the end of World War II, this scapegoating was given a painfully enduring veneer when Admiral Kimmel and General Short were not advanced on the retired lists to their highest ranks of war-time command—an honor that was given to every other senior commander who served in war-time positions above his regular grade.

Admiral Kimmel, a two star admiral, served in a four star command. General Short, a two star general, served in a three star command. Let me repeat, advancement on the retired lists was granted to every other flag rank officer who served in World War II in a post above their grade.

That decision against Kimmel and Short was made despite the fact that war-time investigations had exonerated these commanders of the dereliction of duty charge and criticized their higher commands for significant failings that contributed to the success of the attack on Pearl Harbor. More than six studies and investigations conducted after the war, including one Department of Defense report completed in 1995 at Senator THURMOND's request, reconfirmed these findings.

Our amendment is a rewrite of Senate Joint Resolution 19, the Kimmel-Short Resolution, that I, Senator BIDEN, Senator THURMOND, Senator HELMS, Senator STEVENS, Senator COCHRAN, Senator KENNEDY, Senator DOMENICI, Senator SPECTER, Senator ENZI, Senator MURKOWSKI, Senator ABRAHAM, Senator CRAIG, Senator DURBIN, Senator JOHN KERRY, Senator KYL, Senator HOLLINGS, Senator BOB SMITH, Senator COLLINS, Senator LANDRIEU, Senator VOINOVICH, Senator DEWINE, and Senator FEINSTEIN—a total of 23 cosponsors—introduced last month.

The amendment calls upon the President of the United States to advance posthumously on the retirement lists Admiral Kimmel and General Short to the grades of their highest war-time commands. Its passage would communicate the Senate's recognition of the injustice done to them and call upon the President to take corrective action.

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

Mr. President, the investigations providing clear evidence that Admiral Kimmel and General Short were unfairly singled out for blame include a 1944 Navy Court of Inquiry, the 1944 Army Pearl Harbor Board of Investigation, a 1946 Joint Congressional Committee, and a 1991 Army Board for the Correction of Military Records.

To give you the sense of the thoroughness of these investigations, I have before me the volumes that constitute the Joint Congressional Committee's final report that compiles many of these studies.

I think they demonstrate, beyond question, the thoroughness with which the investigation had proceeded.

The findings of these official reports can be summarized as four principal points.

First, there is ample evidence that the Hawaiian commanders were not provided vital intelligence that they needed, and that was available in Washington prior to the attack on Pearl Harbor.

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

In my review of this fundamental point, I was most struck by the honor and integrity demonstrated by General George Marshall who was Army Chief of Staff at the time of the December 7, 1941 attack on Pearl Harbor.

On November 27 of that year, General Short interpreted a vaguely written war warning message sent from the high command in Washington as suggesting the need to defend against sabotage. Consequently, he concentrated his aircraft away from perimeter roads to protect them, thus inadvertently increasing their vulnerability to air attack. When he reported his preparations to the General Staff in Washington, the General Staff took no steps to clarify the reality of the situation.

In 1946, before a Joint Congressional Committee on the Pearl Harbor disaster, General Marshall testified that he was responsible for ensuring the proper disposition of General Short's forces. He acknowledged that he must have received General Short's report, which would have been his opportunity to issue a corrective message, and that he failed to do so.

Mr. President, General Marshall's integrity and sense of responsibility is a model for all of us. I only wish it had been able to have greater influence over the case of Admiral Kimmel and General Short.

A third theme of these investigations concerned the failure of the Department of War and the Department of the Navy to properly manage the flow of intelligence. The 1995 Department of Defense report stated that the handling of intelligence in Washington during the time leading up to the attack on Pearl Harbor was characterized by, among other faults, ineptitude, limited coordination, ambiguous language, and lack of clarification and follow-up.

The fourth and most important theme that permeates the aforementioned reports is that blame for the disaster at Pearl Harbor cannot be placed only upon the Hawaiian commanders. They all underscored significant failures and shortcomings of the senior authorities in Washington that contributed significantly—if not predominantly—to the success of the surprise attack on Pearl Harbor.

The 1995 Department of Defense report put it best, stating that "responsibility for the Pearl Harbor disaster should not fall solely on the shoulders

of Admiral Kimmel and General Short; it should be broadly shared."

This is an important quote. It shows that the Department of Defense recognizes that these two commanders should not be singled out for blame. Yet, still today on this issue, our government's words do not match its actions.

Kimmel and Short remain the only two officials who have been forced to pay a price for the disaster at Pearl Harbor.

Let me add one poignant fact about the two wartime investigations. Their conclusions—that Kimmel's and Short's forces had been properly disposed according to the information available to them and that their superiors had failed to share important intelligence—were kept secret on the grounds that making them public would have been detrimental to the war effort.

Be that as it may, there is no longer any reason to perpetuate the cruel myth that Kimmel and Short were singularly responsible for the disaster at Pearl Harbor. Admiral Spruance, one of our great naval commanders of World War II, shares this view. He put it this way:

"I have always felt that Kimmel and Short were held responsible for Pearl Harbor in order that the American people might have no reason to lose confidence in their government in Washington. This was probably justifiable under the circumstances at that time, but it does not justify forever damning those two fine officers."

Mr. President, to do so is not only unfair, it tarnishes our nation's military honor.

Mr. President, this sense of the Senate has been endorsed by countless military officers, including those who have served at the highest levels of command. These include former Chairmen of the Joint Chiefs of Staff Admiral Thomas H. Moorer and Admiral William J. Crowe, and former Chiefs of Naval Operations Admiral J.L. Holloway III, Admiral Elmo R. Zumwalt and Admiral Carlisle A.H. Trost.

Moreover a number of public organizations have called for posthumous advancement of Kimmel and Short. Last August, the VFW passed a resolution calling for the advancement of Admiral Kimmel and General Short.

Let me add that Senator Robert Dole, one of our most distinguished colleagues and a veteran who served heroically in World War II, has also endorsed this sense of the Senate resolution.

This resolution now in amendment form is about justice, equity, and honor. Its purpose is to redress an historic wrong, to ensure that Admiral Kimmel and General Short are treated with the dignity and honor they deserve, and to ensure that justice and fairness fully permeate the memory and lessons learned from the catastrophe at Pearl Harbor.

As we approach Memorial Day and prepare to honor those who served to

protect our great nation, it is a most appropriate time to redress this injustice. After 58 years, this correction is long overdue. I urge my colleagues to support this joint resolution.

Mr. President, I ask unanimous consent that a number of exhibits be printed in the RECORD, including a statement from the Veterans of Foreign Wars, including a resolution adopted by the Veterans of Foreign Wars, a letter from several distinguished admirals of the U.S. Navy who are alive and sent this to us comparatively recently, likewise a letter from the Pearl Harbor Survivors Association, Inc., and finally a copy of the letter from Senator Bob Dole to myself.

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

To: All Members of the United States Senate
105th U.S. Congress
From: Thomas A. Pouliot, Commander-in-Chief Veterans of Foreign Wars of the United States

Date: 28 September 1998.

On August 31, 1998, the delegates to 99th National Convention of the Veterans of Foreign Wars of the United States unanimously approved Resolution Number 441, "Restore Pre-Attack Ranks to Admiral Husband E. Kimmel and General Walter C. Short." A copy of VFW Resolution Number 441 is attached for your review.

Based on our resolution and a review of S.J. Res. 55, we believe the goals of both the Senate and VFW resolutions are similar and consistent.

Therefore, we strongly endorse this bill and ask that the Senate remove the burden of guilt for the attack on Pearl Harbor from the shoulders of Admiral Kimmel and General Short.

Respectfully,

THOMAS A. POULIOT,
Commander-in-Chief

VETERANS OF FOREIGN WARS OF THE
UNITED STATES,
Washington, DC, June 25, 1998.

Hon. WILLIAM S. COHEN,
The Secretary of Defense,
The Pentagon, Washington, DC.

DEAR MR. SECRETARY: Last month, Senators JOE BIDEN and WILLIAM ROTH of Delaware sent a letter urging you to recommend to the President that Admiral Husband Kimmel and General Walter Short be advanced posthumously to their wartime ranks of four star Admiral and Lieutenant General respectively.

The Veterans of Foreign Wars of the United States supports the recommendation of Senators BIDEN and ROTH, and asks that you consider their request.

Thank you for your consideration.

Sincerely,

JOHN E. MOON,
Commander-in-Chief

RESOLUTION NO. 441—RESTORE PRE-ATTACK RANKS TO ADMIRAL HUSBAND E. KIMMEL AND GENERAL WALTER C. SHORT

Whereas, Admiral Husband E. Kimmel and General Walter C. Short were the Commanders of Record for the Navy and Army Forces at Pearl Harbor, Hawaii, on December 7, 1941, when the Japanese Imperial Navy launched its attack; and

Whereas, following the attack, President Franklin D. Roosevelt appointed Supreme Court Justice Owen J. Roberts to a commission to investigate such incident to determine if there had been any dereliction to duty; and

Whereas, the Roberts Commission conducted a rushed investigation in only five weeks. It charged Admiral Kimmel and General Short with dereliction of their duty. The findings were made public to the world; and

Whereas, the dereliction of duty charge destroyed the honor and reputations of both Admiral Kimmel and General Short, and due to the urgency neither man was given the opportunity to defend himself against the accusation of dereliction of duty; and

Whereas, other investigations showed that there was no basis for the dereliction of duty charges, and a Congressional investigation in 1946 made specific findings that neither Admiral Kimmel nor General Short had been "derelict in his duty" at the time of the bombing of Pearl Harbor; and

Whereas, it has been documented that the United States military had broken the Japanese codes in 1941. With the use of a cryptic machine known as "Magic," the military was able to decipher the Japanese diplomatic code known as "Purple" and the military code known as JN-25. The final part of the diplomatic message that told of the attack on Pearl Harbor was received on December 6, 1941. With this vital information in hand, no warning was dispatched to Admiral Kimmel or General Short to provide sufficient time to defend Pearl Harbor in the proper manner; and

Whereas, it was not until after the tenth investigation of the attack on Pearl Harbor was completed in December of 1995 that the United States Government acknowledge in the report of Under Secretary of Defense Edwin S. Dorn that Admiral Kimmel and General Short were not solely responsible for the disaster, but that responsibility must be broadly shared; and

Whereas, at this time the American public has been deceived for the past fifty-six years regarding the unfound charge of dereliction of duty against two fine military officers whose reputations and honor have been tarnished; now, therefore

Be It Resolved, by the Veterans of Foreign Wars of the United States, that we urge the President of the United States to restore the honor and reputations of Admiral Husband E. Kimmel and General Walter C. Short.

* * * * *

To: Honorable Members of the United States Senate.

From: Thomas H. Moorer, Admiral, U.S. Navy (Ret.), Former Chairman, Joint Chiefs of Staff, Former Chief of Naval Operations; J.L. Holloway III, Admiral, U.S. Navy (Ret.), Former Chief of Naval Operations; William J. Crowe, Admiral, U.S. Navy (Ret.), Former Chairman, Joint Chiefs of Staff; Elmo R. Zumwalt, Admiral, U.S. Navy (Ret.), Former Chief of Naval Operations; Carlisle A.H. Trost, Admiral, U.S. Navy (Ret.), Former Chief of Naval Operations.

Re: The Honor and Reputations of Admiral Husband Kimmel and General Walter Short.

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

The Resolution calls for the posthumous advancement on the retired list of Admiral

Kimmel and General Short to their highest WWII wartime ranks of four-star admiral and three-star general as provided by the Officer Personnel Act of 1947. They are the only two eligible officers who have been singled out for exclusion from that privilege; all other eligible officers have been so privileged.

We urge you to support this Resolution.

We are career military officers who have served over a period of several decades and through several wartime eras in the capacities of Chairman, Joint Chiefs of Staff and/or Chief of Naval Operations. Each of us is familiar with the circumstances leading up to the attack on Pearl Harbor.

We are unanimous in our conviction that Admiral Husband Kimmel and General Walter Short were not responsible for the success of that attack, and that the fault lay with the command structure at the seat of government in Washington. The Roth-Biden Resolution details specifics of this case and requests the President of the United States to nominate Kimmel and Short for appropriate advancement in rank.

As many of you know, Admiral Kimmel and General Short were the Hawaiian Commanders in charge of naval and ground forces on Hawaii at the time of the Japanese attack. After a hurried investigation in January, 1942 they were charged with having been "derelict in their duty" and given no opportunity to refute that charge which was publicized throughout the country.

As a result, many today believe the "dereliction" charge to be true despite the fact that a Naval Court of Inquiry exonerated Admiral Kimmel of blame; a Joint Congressional Committee specifically found that neither had been derelict in his duty; a four-to-one majority of the members of a Board for the Correction of Military Records in the Department of the Army found that General Short had been "unjustly held responsible" and recommended his advancement to the rank of lieutenant general on the retired list.

This injustice has been perpetuated for more than half a century by their sole exclusion from the privilege of the Act mentioned above.

As professional military officers we support in the strongest terms the concept of holding commanders accountable for the performance of their forces. We are equally strong in our belief in the fundamental American principle of justice for all Americans, regardless of creed, color, status or rank. In other words, we believe strongly in fairness.

These two principles must be applied to the specific facts of a given situation. History as well as innumerable investigations have proven beyond any question that Admiral Kimmel and General Short were not responsible for the Pearl Harbor disaster. And we submit that where there is no responsibility there can be no accountability.

But as a military principle—both practical and moral—the dynamic of accountability works in both directions along the vertical line known as the chain of command. In view of the facts presented in the Roth-Biden Resolution and below—with special reference to the fact that essential and critical intelligence information was withheld from the Hawaiian Commanders despite the commitment of the command structure to provide that information to them—we submit that while the Hawaiian commanders were as responsible and accountable as anyone could have been given the circumstances, their superiors in Washington were sadly and tragically lacking in both of these leadership commitments.

A review of the historical facts available on the subject of the attack on Pearl Harbor

demonstrates that these officers were not treated fairly.

1. They accomplished all that anyone could have with the support provided by their superiors in terms of operating forces (ships and aircraft) and information (instructions and intelligence). Their disposition of forces, in view of the information made available to them by the command structure in Washington, was reasonable and appropriate.

2. Admiral Kimmel was told of the capabilities of U.S. intelligence (MAGIC, the code-breaking capability of PURPLE and other Japanese codes) and he was promised he could rely on adequate warning of any attack based on this special intelligence capability. Both Commanders rightfully operated under the impression, and with the assurance, that they were receiving the necessary intelligence information to fulfill their responsibilities.

3. Historical information now available in the public domain through declassified files, and post-war statements of many officers involved, clearly demonstrate that vital information was routinely withheld from both commanders. For example, the "Bomb Plot" message and subsequent reporting orders from Tokyo to Japanese agents in Hawaii as to location, types and number of warships, and their replies to Tokyo.

4. The code-breaking intelligence of PURPLE did provide warning of an attack on Pearl Harbor, but the Hawaiian Commanders were not informed. Whether deliberate or for some other reason should make no difference, have no bearing. These officers did not get the support and warnings they were promised.

5. The fault was not theirs. It lay in Washington.

We urge you, as Members of the United States Senate, to take a leadership role in assuring justice for two military careerists who were willing to fight and die for their country, but not to be humiliated by its government. We believe that the American people—with their national characteristic of fair play—would want the record set straight. Thank you.

Respectfully,

ADM. THOMAS H. MOORER.
ADM. WILLIAM J. CROWE.
ADM. J.L. HOLLOWAY III.
ADM. ELMO R. ZUMWALT.
ADM. CARLISLE A.H.
TROST.

PEARL HARBOR SURVIVORS
ASSOCIATION, INC.
Lancaster, CA, January 14, 1991.

Re: Resolution No. 6.

EDWARD R. KIMMEL,
Wilmington, DE.

DEAR MR. KIMMEL: I am writing to you in regards to the resolution that we of the Pearl Harbor Survivors Association, Inc. passed at our National Convention in Albuquerque, NM, this past December 6, 1990.

Subject: A resolution to restore the full wartime rank of Adm. Kimmel and Gen. Short, posthumously.

Whereas: Following the surprise Japanese attack on Pearl Harbor December 7, 1941 the two officers in command of U.S. armed forces at Pearl Harbor, Admiral Husband E. Kimmel (Pacific Fleet Commander) and Lieutenant General Walter C. Short (Hawaii Army Commander) were retired in "permanent grade" from their respective branches of the armed forces.

Whereas: At the time of the attack Admiral Kimmel was serving in a temporary appointment as full Admiral (four stars) but was retired as Rear Admiral (two stars), his permanent grade.

Whereas: At the time of the attack, Lieutenant General Short was serving in a tem-

porary appointment as Lieutenant General (three stars) but was retired as a Major General (two stars), his permanent grade.

Whereas: In 1947 provisions were enacted in the laws governing retirement from the armed forces which permitted officers who had temporarily served in a higher rank to be advanced on the retired list to that higher rank, without benefit of higher pay, when recommended for such advancement by the Secretary of Defense and approved by the President of the United States and concurred in by the Senate.

Whereas: Recently published historical writings and film documentaries established that Admiral Kimmel and General Short were unjustly made scapegoats for the success of the surprise attack on Pearl Harbor and other military installations on Oahu on December 7, 1941.

Whereas: At its National Convention in December 1984 at Grossingers Resort in New York State, the Pearl Harbor Survivors Association, Inc. representing voices of the time, unanimously passed a resolution honoring the memory of Admiral Kimmel and General Short and praising them for having single-handedly shouldered the full blame for the disaster at Pearl Harbor when, in fact, others, and the whole nation should have shared the burden.

Whereas: The terms of the 1984 resolution were fulfilled at the PHSA 45th reunion in Hawaii in December, 1986 when these officers' nearest living next-of-kin were presented beautifully inscribed plaques honoring Admiral Kimmel and General Short with an expression of admiration and respect.

Resolved: (1) That the Pearl Harbor Survivors Association urges the Secretary of Defense to recommend to the President of the United States that he nominate Rear Admiral Husband E. Kimmel (Retired) (Deceased) for posthumous promotion to the rank of full Admiral on the list of retired naval officers and Major General Walter C. Short (Retired) (Deceased) for posthumous promotion to the rank of Lieutenant General on the list of retired army officers, these ranks being the highest in which these officers served while on active duty in the armed forces of the United States in 1941.

Resolved further: (2) That the Pearl Harbor Survivors Association urges the President of the United States to make the aforesaid nominations and send them to the Senate of the United States for its advice and consent with the recommendation that they be favorably acted upon by that body.

Resolved further: (3) That the Pearl Harbor Survivors Association, Inc. urges the Senate of the United States to give its advice and consent to the aforesaid nominations.

Resolved further: (4) That the Secretary of the Pearl Harbor Survivors Association, Inc. forward copies of these resolutions to the Secretary of Defense, the President of the United States, the Secretary of the U.S. Senate, and to the Chairman and each member of the Senate Armed Forces Committee.

Submitted by Alex D. Cobb, Jr.

We the officers of the Association are now in the process of complying with the above resolution and hopefully will have it in place for the 50th Anniversary of Pearl Harbor.

If I can be of further help please feel free to contact me.

Sincerely,

KENNETH R. CREESE,
National Secretary.

SENATOR BOB DOLE
Washington, DC, March 11, 1999.
Hon. WILLIAM V. ROTH, JR.,
Hart Senate Office Building,
Washington, DC.

DEAR BILL: I will join my voice with yours in support of the Kimmel-Short Resolution of 1999.

The responsibility for the Pearl Harbor disaster should be shared by many. In light of the more recent disclosures of withheld information Admiral Kimmel and Lieutenant General Short should have had, I agree these two commanders have been unjustly stigmatized.

Please keep me informed of the progress of this resolution.

Sincerely,

BOB DOLE.

The PRESIDING OFFICER. The senior Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in support of the amendment sponsored by my friends from Delaware—Senators ROTH and BIDEN.

Admiral Husband E. Kimmel and General Walter C. Short were both unfairly maligned for their roles during the invasion of Pearl Harbor. They were blamed for not anticipating nor being prepared for the attack. Admiral Kimmel was commander of U.S. forces in the Pacific, and General Short was commander of U.S. Army forces. The overwhelming consensus of the academic community and retired flag officers, most notably naval officers, concur that history must be set straight in this matter.

Admiral Kimmel and General Short are, in my opinion, the two final victims of Pearl Harbor. Both officers were relieved of their commands, their careers and reputations destroyed after being blamed for negligence and dereliction of duty. These men were doing their duty to the best of their ability, and without full cooperation from superiors in their chain-of-command. Despite the fact that the charge of dereliction of duty was never proved, that charge still exists in the minds of many people.

Surprisingly, almost everyone above these two officers escaped censure. Yet, we know now that civilian and military officials in Washington withheld vital intelligence information which could have more fully alerted the field commanders to their imminent peril.

In judging Admiral Kimmel and General Short, the following facts have been repeatedly substantiated, but wrongfully and continually ignored:

The intelligence made available to the Pearl Harbor commanders was not sufficient to justify a higher level of vigilance than was maintained prior to the attack.

Neither officer knew of the decoded intelligence in Washington indicating the Japanese had identified the United States as an enemy.

Both commanders were assured by their superiors they were getting the best intelligence available at the time.

There were no prudent defensive options available for the officers that would have significantly affected the outcome of the attack.

Military, governmental and congressional investigations have provided clear evidence that these two commanders were singled out for blame that should have been widely shared.

In 1995, I held an in-depth meeting to review this matter which included the

officers' families, historians, experts and retired high-ranking military officers, who all testified in favor of the two commanders.

In response to this review, Under Defense Secretary Edwin Dorn's subsequent report disclosed officially—for the first time—that blame should be "broadly shared." The Dorn Report stated members of the high command in Washington were privy to intercepted Japanese messages that in their totality ". . . pointed strongly toward an attack on Pearl Harbor on the 7th of December, 1941 . . ." and that this intelligence was never sent to the Hawaiian commanders.

The Dorn Report went so far as to characterize the handling of critically important decoded Japanese messages in Washington as revealing "ineptitude . . . unwarranted assumptions and misestimates, limited coordination, ambiguous language, and lack of clarification and follow-up at higher levels."

They are eligible for this advancement in rank by token of the Officer Personnel Act of 1947, which authorizes retirement at highest wartime rank. All eligible officers have benefitted. All except for two: Admiral Kimmel and General Short. This advancement in rank would officially vindicate them. No retroactive pay would be involved.

The posthumous promotion of Admiral Kimmel and General Short will be a small step in restoring honor to these men.

It is time for Congress and the Administration to step forward and do the right thing.

I urge adoption of the amendment and yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, with great reluctance, I oppose this amendment. I do so based on some independent study that I have made, and indeed, I guess, throughout my lifetime. I had a very, very modest period of active service at the end of World War II in 1945 for a period of about 15 or 18 months. I can't remember now.

Anyway, I lived my lifetime through this period of history. Therefore, all of my active service in that period was here in the United States, preparing to join others of my generation for the invasion of Japan, which I thank the Dear Lord did not take place.

I have gone through enough of this material to satisfy me that what we are faced with here is one generation trying to provide revisionist history upon another. That is, in my judgment, unwise, and it could well promote many other meritorious cases during that period of history—and who knows, going way back in history—to be brought to this Congress for similar rectification or whatever the petition may say.

The records show that the request by my two distinguished esteemed colleagues initiated correspondence beginning in 1994—that is roughly 5 years

ago. Secretary Perry on 7, September, 1994; again on 22 November, 1994; President Reagan, 1, December, 1994; Deputy Secretary John Deutch, 10, December, 1994; Perry, 5 March, 1995; Deutch, 24 March of 1995; the Dorn Report on 6, October, 1995; Deputy Secretary Defense John White, December of 1995; Secretary Cohen here in 18, November, 1997; and P&R de Leon, on 20, July, 1998.

In other words, for 5 years the Department of Defense has devoted a good deal of time and effort to try—I presume and I certainly assume—to make an objective analysis of all of these letters, and have turned down the various requests from my two senior colleagues.

First, I ask my distinguished colleague from Delaware, because I look at this very imposing collection of documents and I reflect on the number of inquiries that have been held throughout history, these are the inquiries that have been held regarding these two officers and their association with the tragic losses of men, women, and assets of the United States on December 7, 1941.

We start with the Knox Investigation, December 9 through 14, in 1941. That was followed by the Roberts Commission, December 18 through January 23, 1942; the Hart Investigation, February 12 through June 15 of 1944; the Army Pearl Harbor Board, July 20 through October 20, 1944; Navy Court of Inquiry, July 24 through October 19, 1944; the Clark Investigation, August 4 through September 20, 1944; the Hewitt Inquiry, May 14 through July 11, 1945; the Clausen Investigation, January 24 through September 12, 1945; the Joint Congressional Committee, November 15 through May 23, 1945.

Based on the results of all those investigations, Secretary of Defense Cohen wrote to Senator THURMOND and presumably Senator ROTH. He said:

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

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

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

Ed Dorn and I both agree that responsibility for this tragic event in American history must be broadly shared, yet I remain

confident in the findings that Admiral Kimmel and General Short remain accountable in their positions as leaders.

The first question to my distinguished colleague, this amendment would have the effect of no longer holding them accountable for this tragedy. If that be the case, who is to be held accountable for this tragedy?

Mr. ROTH. I point out to my distinguished colleague that first of all, the Dorn Report makes the very clear finding that responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and General Short. It should be broadly shared.

When it says it should be broadly shared, it seems to me it is saying in effect that all of those who had any responsibility for the act should be treated the same. That is basically what we are saying here. These two distinguished gentlemen gave a lifetime of service to their country with distinction. There are many factors that were shown in the other investigations: That they did not have the intelligence, they did not have the information that they were entitled to if they were going to properly discharge their responsibility.

We are not saying here that they were not partly responsible, but they were no more responsible than other leaders in Washington. To me, it is unfair, inequitable and not in the tradition of the military to treat two individuals differently from others.

This is not an effort of a younger generation trying to correct what we think is an unfair situation. I, like the distinguished chairman of the Armed Services Committee, served in World War II with the military. I just think it is only right, it is only just that we treat them exactly the same and let them be promoted to their higher wartime ranks.

There is a responsibility, accountability, among many. Any number of these studies clearly showed that a large part of that responsibility was in Washington.

All we are asking is, let's treat all these people alike—fair and with justice.

Mr. WARNER. Mr. President, I think the Senator has raised a very key point. That is, equality of treatment.

First, the Dorn Report specifically said that they—Kimmel and Short—do bear part of the responsibility. We are in agreement on that.

Mr. ROTH. Yes.

Mr. WARNER. Can the Senator point to any of the investigations that I recited, beginning back in 1941, which in any way, totally or otherwise, exonerated Kimmel or Short?

Mr. ROTH. There were some findings that because of the lack of intelligence, they were not advised of the most up-to-date information that Washington had; they were not at fault.

As a matter of fact, the finding was made that their disposition based on

the information they had was appropriate and proper.

Mr. WARNER. Mr. President, before we leave that point, if none of these reports that I recited—some nine in number which had before them live witnesses, clarity of mind and clarity of recollection—did not exonerate these officers, then why should we now at this late date in history try to make a different finding? There could have been other officers who possibly were not advanced in rank. You cite they should be treated equally. How do I know there are not other officers, Army and Navy, who were not advanced in rank because they bore part of the responsibility for this tragedy? So, when you ask for equality, it would seem to me you would have to come forth with all the cases of all those who bore part of the responsibility and show that they were treated differently than Kimmel and Short.

Mr. ROTH. With all due deference to my colleague, that is hypothetical. It is possible that somewhere someone was mistreated. But those facts are not before us. I am not aware of any such charges.

But here we have two individuals about whom many different people agree, from those like Bob Dole, who served with great distinction, from the admirals who were in command, both of the Navy and our military forces, all coming forward with the recommendation that, to be fair, these two individuals should be advanced to their highest wartime rank.

The point the Senator is making is true in life. Many times lawsuits are brought but you cannot, in settling that lawsuit, with the individuals before you—you are not going to solve all the problems of mankind because you only have the facts of those you are considering. Our resolution is a follow-through for two individuals, about whom, time and time again, it was said they served with distinction.

Mr. WARNER. But the Senator said let's treat these two individuals equally with others who bear part of the responsibility—a reasonable request. But I would want to know beforehand, who are the others? How were they treated? Was their treatment commensurate with what the Senator asked for tonight?

Mr. ROTH. No one of whom I am aware, who served in World War II at the time of Pearl Harbor and had any responsibility in Washington, was held accountable and given less rank.

General George Marshall admitted that he had a responsibility, but I do not think anyone suggested, or would want to suggest, that he should have been penalized.

Mr. WARNER. Mr. President, I am primarily concerned with the junior officers in the command of the Army in Hawaii, the command of the Navy in Hawaii. There may have been a number of officers and, indeed, enlisted men—say an intelligence officer. There was a good deal of intelligence out there that

the situation was getting very serious, and I will refer to that momentarily. But how do I know their careers were not impeded? They may not have been general officers or flag officers of the U.S. Navy. But whether they were lieutenants or commanders, their careers may well have been blocked. There may be relatives out here and descendants of those officers who feel just as strongly as to the punishment that was meted out to their grandparents or whatever the case may be.

If you are going to open up a case like this, it seems to me it is in the nature of a class action: Let everybody come forward.

Mr. ROTH. I say to the good chairman, the others have not presented the case. These individuals, their families, have tried to correct what I think is a serious wrong. Again, all I can say is that rare is it that by one stroke of action you correct all inequities, all injustices. But here we have two individuals who were scapegoated. Let's face it. They needed to blame somebody. I think as a matter of fact the Roberts investigation was not known for the legal jurisprudence with which it was conducted.

I believe, in fairness to these individuals, the record ought to be set straight. They served their country with great distinction through the years. Disaster occurred at Pearl Harbor, but they alone cannot be held responsible. Most of these reports will admit that. The others were permitted to rise to their highest rank, and I just say as a matter of justice.

Mr. WARNER. Mr. President, we do not know. You make an assumption that others were allowed to rise to their highest rank. I do not know that. There is no evidence before the Senate tonight.

This is but one of, what? How many volumes here? The hearings before the Joint Committee on the Investigation of Pearl Harbor, U.S. Congress, 1945, I count, what, 15 volumes here? To me, that is thoroughness of an investigation. I mean, document after document, page after page in which—let's see, how many Members of Congress, if they list the committee here? I do not see on this volume, but perhaps it is in others, how many Members of Congress were involved. Usually they list them.

How many Members were involved, does the Senator know?

Mr. ROTH. Let me say this. What I do know, as far as the record shows, only two officers were penalized, were punished.

Mr. WARNER. Mr. President, what record does the Senator speak of, that shows only two? Is there any record that shows only two officers in the U.S. military were ever penalized?

Mr. ROTH. No. But to me it is the same sort of thing. You are in a law case. Can you talk about the others who may be involved in the same kind of a problem? We are only trying to correct what I think are two serious cases.

Let me point out any number of distinguished groups and organizations who have come out in support.

Mr. WARNER. The Senator has re-cited them. Certainly, I accept that for the record. I also commend your able assistant, Mr. Brzezinski here, who has worked tirelessly on this for several years and done the research. But let me ask you this question. We are both lawyers; we spent years in courtrooms. What new evidence do you bring before the Senate tonight to ask for a reversal of some nine different boards and commissions that have reviewed this over a period of these many years? What new evidence do you bring in support of your petition?

Mr. ROTH. It really is not a question, I say to my colleague, of new evidence. The evidence has been there for many years, since 1944, when investigations were made both by the Army and Navy. Time and again, it has been found that these two individuals were not the only ones responsible. Admittedly, they share blame with others. But everybody else in the Service was permitted to keep their rank or raised to their highest.

Mr. WARNER. Mr. President, we do not know that as a fact. The Senator keeps repeating everyone else was allowed to advance. I do not see anything before me.

Mr. ROTH. I say, to the contrary, what is the evidence that there are others? Theoretically, you keep saying there are others. Who are they?

Mr. WARNER. Look at the Dorn report. I would like to refer to that at some point here. Let's just go over the Dorn report. This is a very comprehensive analysis by the Department of Defense over a considerable period of months. I would like to refer to some of their findings.

First, that these officers did receive warning messages on November 27, stating that Japan might take hostile action at any moment. Kimmel and Short concluded the attack would occur in the western Pacific and not Hawaii.

That was apparently their independent judgment.

The Army and Navy were separate departments reporting directly to the President. There is a question about the collaboration of these two senior officers on the islands of Hawaii.

Lack of mission discussion between Kimmel and Short on defense plans for Hawaii and long-range air patrols—in other words, they had not collaborated to coordinate the assets of the United States as a deterrent, or indeed a defense against any attack on which they had warning on November 27. Kimmel and Short did not share their internal intelligence with each other. That, to me, is a very troubling fact.

Just to say, as this report does, that responsibility is broadly shared does not absolve Kimmel and Short of accountability for this action to some degree. For example, the commander has plenary, that is, full, complete, and ab-

solute, responsibility for the welfare of the people under his command and is directly accountable for everything the unit does or fails to do. That is legendary in military history.

Even in the Navy, there are cases where the captain was in his quarters, properly, perhaps, taking a rest and arose with the ship, and there are hundreds of cases where he is held accountable, even though he was not on the bridge at the time.

Three- and four-star positions are listed as positions of importance and responsibility. Both commanders made errors in judgment. The most serious ones were failure to establish a state of readiness in light of warnings received and to liaison between the two commands, i.e., Army and Navy, and to coordinate defensive measures and to maintain effective reconnaissance. Intelligence available to Kimmel and Short was sufficient to justify a higher level of vigilance than was maintained. An officer may be relieved of command if a superior decides the officer has failed to exercise sound judgment. And that is precisely what was done in this case.

The Senator points out that history does show, facts and mitigation, that responsibility was shared in Washington for failure to communicate on a timely basis some intelligence, but it does not absolve them from taking prudent actions as field commanders at a time of very high tension. That is the point I make. Indeed, those facts may have been the mitigating facts that these men were not actually court-martialed and incarcerated for this tragedy. This was an absolute, at the time, frightful blow against the United States of America. All of us have seen the pictures, and we know the history well. That is why it concerns me to try this revisionist action at this late date.

Relief does not require a finding of misconduct or unsatisfactory performance, merely a loss of confidence with regard to the specific command in question. There is a vast difference between a degree of fault which warrants court-martial action and a level of performance which warrants removal of command.

Promotion is based on potential and not past performance. That is, promotion is based on expectation of performance to the level at which the individual is being considered for promotion. Posthumous advancement in rank would be based on the judgment that, at a minimum, they had served satisfactorily at the three- and four-star level. Their superiors at the time decided they had not, and there is no compelling basis to contradict this earlier decision, made at a time when there were live witnesses and clarity of memory in the minds of many.

There may be a debate as to fairness and justice, but there can be no argument about the legitimacy of those who exercised their power for relief in retirement. The official treatment—this report goes on—of Kimmel and

Short was subsequently temperate and procedurally proper; mention of court-martial but no charges brought; some allegations that there was no court-martial because the Government feared bringing charges would implicate other senior military and civilian leaders; could also be there were sufficient grounds for successful court-martial prosecution.

Mr. President, there is no new evidence before the Senate tonight. I would like to go on. I am going to put this in the RECORD. Is there some other point the Senator wishes to make? If I understand—you have been very forthright—there has been no new evidence. So what we are really doing is trying to exercise fair and impartial judgment by giving our own independent assessment of facts that were deduced in a timely manner in the period of 1941 to, say, 1946. That is the conclusion of this congressional review.

Now we are determining from those facts which were deduced at the time of clarity of memory and presumably many witnesses who testified before the Congress. We are now asked to make this important decision which is tantamount, in the minds of many Americans, to exonerating totally these two officers from any misconduct or dereliction of duty at the time of Pearl Harbor. I just simply cannot go along with that, I say to the Senator.

First, again, there are no new facts. We are agreed on that.

Mr. ROTH. The issue is not the question of new facts. The issue is the question of fairness. I believe that is as critically important today as it was at the time it occurred. The record is clear that these individuals, General Short and Admiral Kimmel, did not have the intelligence information available at the time that would have enabled them to better address the challenge from the Japanese.

Mr. WARNER. May I ask, is that fact not borne out in many of these hearings that were held in the period of 1941 to 1946? My recollection is that that was always presented at that time, or at least certainly in the congressional one when the war was over.

Mr. ROTH. To me, it is just a difference, I guess, in approach. If you take the position that it happened in the past and it should not be changed, I think that is wrong. I think there is a strong case that these individuals were not treated fairly. The President was given authority under the 1947 act to raise any retired flag officer to the rank—

Mr. WARNER. Mr. President, I remember it well. The Senator will recall we referred to it, those of us down in the ranks, as the tombstone promotion; am I not correct?

Mr. ROTH. That is correct.

Mr. WARNER. That shows our vintage.

Mr. ROTH. I just think it is not fair to these individuals, to their reputation. Admittedly, even the Dorn report makes all kinds of conclusions that

they did not have the information to which they were entitled, that others shared in the responsibility for what happened.

In this country, in the tradition of the military—and I am not a professional soldier, although I did have the pleasure of serving several years in the military—

Mr. WARNER. Mr. President, I might say, with distinction; a fine officer.

Mr. ROTH. I appreciate that. I think the important thing is to show that in our country, individuals who were not treated equitably, the record can be set straight.

Mr. WARNER. On that point, so the Senator's argument tonight is one of fairness. But I say to him, if the Senate were to go along with him, implicitly it would say that all of these reports involving hundreds of conscientious men and perhaps women who were on these boards, some seven or eight boards, were unfair.

Mr. ROTH. I go back to the fact, it was the President who decided in the 1947 act not to raise them to their wartime ranks. I think it is a rank injustice. I think it is a blot on the history of World War II. There are many people one can probably point out who said this, that, or the other.

Here were two gentlemen, one an admiral who had been in command, a naval CO, who was in charge in Hawaii. General Short was in command of the Army Hawaiian department. They did not have the intelligence.

One has to remember, in a time of war and stress, one of the concerns was that the country was so shocked by what took place in Hawaii that there was concern over what would be the reaction of the American people. Even though they were found innocent of dereliction of duty, that did not become public information, for the simple reason they wanted to make certain that the American people supported the efforts of this country and more. That was kept secret indefinitely, until 1947, at which time it came out.

But I know the chairman is a fair man. I admire him greatly. I know there are those in the military saying: Well, don't go back and change now. Let history judge. I just think it is unfair to these individuals who did serve with excellence, who did serve with distinction, to be penalized when they were the only two.

Mr. WARNER. But, Senator, what do you say to all of these people—I wish we had a volume here that showed how many Members of Congress participated? Perhaps you can provide that. I do not know how many sat on all the boards that Frank Knox had. I recited all of them here, but I did serve in the Department of Navy as an Under Secretary for 5-plus years.

Mr. ROTH. With great distinction.

Mr. WARNER. I am not so sure, but you are nice to say it. It was a challenge. I was privileged and humbled to do so.

But my point is, a naval court of inquiry, that is usually about 9 or 10 officers certainly for a matter of this importance. All of these investigations involved, I think, at a minimum 10 or 12 people, not to mention all the staffs on both sides. I am sure they had the opportunity for these two officers to make known their own views and to turn over all of the investigations and say that they did not act fairly towards these two men.

Here we are, here in May of 1999, with no new evidence. I do not have the records of all these boards. I suppose somebody has gone through them. And Mr. Brzezinski maybe has.

Could I ask, have you got an estimate of how many persons were involved in all these boards which rendered a judgment that these two men must be held accountable for this tragedy at Pearl Harbor? Does anyone have an estimate of how many Members of Congress?

Mr. ROTH. I think the point is that in these investigations, the purpose of them was not to determine who was accountable but, rather, it was a statement of fact. But, again, let me underscore. You keep coming back and saying: Why should we be looking at it today?

I think that is what makes this country different. If there is a wrong, an error, it is never too late to correct it.

Here we have a case where these individuals were found not to be solely responsible for the attack on Pearl Harbor. As a matter of fact, there were findings in agreement that many in Washington played a key role. Most persuasive to me is the fact that the intelligence they needed to address the attack was not made available to them, yet they are the ones who were denied promotion. The only two.

Mr. WARNER. But you don't know that. I don't know that. There is no record before us to show that these were the only two men who were treated unfairly. You come back to that.

Mr. ROTH. We do know—

Mr. WARNER. I reject that argument.

Mr. ROTH. You reject the argument, but you give me no names. Who else was involved? These are the two who many distinguished former officers of the service, of the Navy, of the Army, the Veterans of Foreign Wars, find this is unfairly treating these individuals. I am merely trying to correct a wrong. I recognize different people—I think we are both fair minded, to be honest. We just happen to disagree.

Mr. WARNER. All right. You want to correct. On what basis do you correct other than the palpitations of your heart?

Mr. ROTH. Because of the fact that—

Mr. WARNER. Where is the evidence?

Mr. ROTH. There were findings that these individuals did not have the intelligence to which they were entitled. In Washington, it was known that war was imminent. If you had the full information, it was fairly clear that

there could be an attack on Pearl Harbor. There was a so-called bomb, 14-part message, all of which indicated that attack was an immediate threat.

That information was denied the two individuals with the key critical responsibility in Hawaii. I just think that to hold them responsible and not to give them the lifetime is unfair.

Mr. WARNER. If I could again refer to the Dorn Report:

The failure of Kimmel and Short to make adequate preparations in light of the information they did have.

That was a major finding.

They knew their primary mission, arguable their only mission, was to prepare for war.

They knew that war with Japan was highly likely.

They knew that a surprise attack probably would precede a declaration of war.

They knew Japan, not the US, would strike the first blow.

They knew the initial Japanese attack would fall on Pearl Harbor.

They knew that an attack on Pearl Harbor could come from aircraft carriers.

They knew from their own staffs of the danger of a surprise air attack.

They knew from recent events that the idea of a carrier air attack on Pearl Harbor was not new.

They made statements prior to December 7 that acknowledged the possibility of an air attack on their forces.

Now, that was the finding of the Dorn group here just in 1995. I have it here, some numerous pages of this report.

Mr. ROTH. Let me make—I do not want to interrupt.

Mr. WARNER. No. Please go ahead.

Mr. ROTH. Let me point out those findings were general findings. But the fact is, the up-to-date intelligence that Washington had in the days immediately before Pearl Harbor was not made available to General Short or Admiral Kimmel.

Mr. WARNER. Mr. President, that sum portion of intelligence, I think that all throughout history has been conceded. And these tribunals, particularly the Congress, had that before it. It is for that reason maybe they were not court-martialed and incarcerated, if found guilty.

Mr. ROTH. Yes, you knew an air carrier attack was possible. But to know, for example, as they knew in Washington in the days right before the attack that the Japanese wanted to know where the warships were located, it was this kind of information that gave immediacy to the threat. To me, that was critical.

You talk about the Dorn Report. Let me just say, as part of the Dorn Report, they sort of are all over the map in their finding. They say:

It is clear today, as should have been clear since 1946 to any serious reader of the JCC hearing record, that Admiral Kimmel and General Short were not solely responsible for the defeat at Pearl Harbor.

* * * * *

* * * more information was available in Washington but not forwarded to them. Army and Navy officials in Washington were privy to intercepted Japanese diplomatic

communications (notably the "bomb plot", "winds", "pilot", and "fourteen-part" messages) which provided crucial—

Now, this is the Dorn report—which provided crucial confirmation of the imminence of war. Read together and with the leisure, focus, and clarity of hindsight, these messages point strongly towards an attack on Pearl Harbor at dawn on the 7th.

That is the Dorn Report:

The immediacy of an attack on Pearl Harbor at dawn on the 7th.

The evidence of the handling of these messages in Washington reveals some ineptitude, some unwarranted assumptions and misstatements, limited coordination, ambiguous language and lack of clarification and followup at higher levels.

I could go on.

A careful reading of the proceedings and reports of those panels suggests clear recognition of the faults at all levels. Yet these two gentlemen were singled out and were not given advance to their wartime rating.

I think it was inequitable. I think it was not fair, and it seems to me the greatness of this country is that we can go back and make changes where warranted.

Mr. WARNER. Mr. President, I have just located, I think, a document that interests me a great deal. It is entitled, "Investigation of the Pearl Harbor Attack: Report of the Joint Committee on the Investigation of the Pearl Harbor Attack," pursuant to a resolution of Congress, S. Res. 27. And it was reported on July 5, 1946.

Just listen to those Senators who were on this commission: Alben Barkley, you remember him. What an extraordinary man; Walter George, George was considered one of the great, great internationalists; Scott Lucas of Illinois, one of the most senior Senators from the State of Illinois, the Presiding Officer's State; Owen Brewster from Maine; Homer Ferguson from Michigan.

I say to my good friend, those names still reverberate with absolute distinction and credibility in this Chamber today. They made the findings which left history intact. And we here, just the two of us, really, on the floor tonight, are to urge our colleagues tomorrow to reverse that history?

With all due respect, there is not the foundation, in my judgment, for the Senate to so act and overrule the findings of these men.

Mr. ROTH. Mr. President, as the Senator knows, I have the greatest respect for his soundness of judgment, for his honesty and integrity. I have the same for the Senators named. But the fact remains, honorable men and women often disagree. Here we do disagree.

I am just trying to join my colleagues—there are 23 of us—in seeking to correct what we think was unfair treatment to two individuals who devoted a lifetime of service to this country. Yes, there are differences of opinion on this matter, but nothing seems to me more important than to try to correct a record which I think, on the basis of the studies I have seen, results in unfairness. We are trying to correct that.

I understand you disagree with the basis of our proposal, but I think both of us want the same thing, and that is fairness.

Mr. WARNER. Mr. President, there is no one in this body for whom I have greater respect than my dear friend and colleague, Senator ROTH. He has put a lot of work, together with his able staff, into this case. But it seems to me that we stand in a momentous hour in the history of this country. We are asking our colleagues to trust in our own judgments and our findings as to whether or not one of the most remarkable and tragic chapters in the history of this Nation, in effect, should have this significant reversal these many years hence, based on no new evidence, based on the fervent plea of my colleagues, Senator ROTH and Senator THURMOND.

I shall take the floor tomorrow and most vigorously oppose this. I think for the night we have pretty well concluded this debate. I have to tell the Senator, it is an interesting one for me and not altogether without some implications in my own life, thinking back in that period of history. I will never forget Pearl Harbor.

If I could just reminisce for a moment, it is hard to believe that shortly thereafter this city, the Nation's Capital, endured periods of blackout. I remember it very well, as a small—well, I wasn't so small. I remember my father was a physician and he was able to drive at night only with a slit on the headlights to get to the hospital. I remember very well our home was equipped with blackout curtains. All the streetlights went out. We were fearful of an attack here in Washington, DC, and, indeed, other east coast cities. There were Nazi submarines patrolling off the east coast of the United States, sinking ships.

How well I recall on the beaches of Virginia there was washed up debris from sunken ships. The people on the west coast lived in constant fear that there would be an invasion. These were serious and strenuous times, calling on the men and women of the Armed Forces for a duty and a commitment and an assumption of risk without parallel, because this Nation in many respects was unprepared. How well we recall the pictures of the Army practicing maneuvers with broomsticks rather than rifles.

When I think of the tragic death, loss of life and property, indeed, if we were to follow your logic—President Roosevelt had that intelligence—we could go back and judge the record of many others. It seems to me that what is before the Senate tonight is clear facts that men and women of clear conscience, with the ability to assess fresh information, have painstakingly gone through it, reached their conclusion year after year, and then a President, Harry Truman, is my recollection, am I correct, made the decision that he did with respect to these two officers.

I just do not believe that the Senate at this time should reverse that history.

MORNING BUSINESS

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

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, May 21, 1999, the federal debt stood at \$5,596,857,521,196.34 (Five trillion, five hundred ninety-six billion, eight hundred fifty-seven million, five hundred twenty-one thousand, one hundred ninety-six dollars and thirty-four cents).

One year ago, May 21, 1998, the federal debt stood at \$5,503,780,000,000 (Five trillion, five hundred three billion, seven hundred eighty million).

Fifteen years ago, May 21, 1984, the federal debt stood at \$1,485,189,000,000 (One trillion, four hundred eighty-five billion, one hundred eighty-nine million).

Twenty-five years ago, May 21, 1974, the federal debt stood at \$470,357,000,000 (Four hundred seventy billion, three hundred fifty-seven million) which reflects a debt increase of more than \$5 trillion—\$5,126,500,521,196.34 (Five trillion, one hundred twenty-six billion, five hundred million, five hundred twenty-one thousand, one hundred ninety-six dollars and thirty-four cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF PROPOSED LEGISLATION "EDUCATIONAL EXCELLENCE FOR ALL CHILDREN ACT OF 1999"—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 30

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate on May 21, 1999, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report;