

offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 7, 1999, or until such time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, May 27, 1999, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 12:30 p.m. on Monday, June 7, 1999, for morning-hour debate, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of the concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The Senate continued with the consideration of the bill.

AMENDMENT NO. 397

(Purpose: To repeal the restriction on use of Department of Defense facilities for privately funded abortions)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Ms. SNOWE, Ms. MIKULSKI, Mrs. BOXER, Ms. LANDRIEU, Mr. KERREY, Mr. SCHUMER, Mr. INOUE, Mr. KENNEDY, and Mr. JEFFORDS, proposes an amendment numbered 397.

Mrs. MURRAY. 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 VII, at the end of subtitle B, add the following:

SEC. 717. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

- (1) by striking subsection (b); and
- (2) in subsection (a), by striking “(a) RESTRICTION ON USE OF FUNDS.—”.

Mrs. MURRAY. Mr. President, this is the Murray-Snowe amendment that concerns our brave young women who serve in the military and their right to pay for their own safe, reproductive health care services. I am here today, again joined by Senator SNOWE and many others, to offer our amendment to protect military personnel and their dependents' access to safe, affordable, and legal reproductive health care services.

That is exactly what this amendment is all about—access to safe, affordable, and legal reproductive health care

services. That is why the Department of Defense supports this amendment, as does the American College of Obstetricians and Gynecologists. The Department of Defense recognizes that it has a responsibility to ensure the safety of all of its troops, including our women.

Many of you may wonder why Senator SNOWE and I continue to offer this amendment year after year. Why don't we just give up? Let me tell my colleagues, the reason I come to the floor every year during the Department of Defense authorization bill is to continue to educate in the hope that a majority of you will finally stand up for all military personnel.

As I have in the past, I come here today to urge my colleagues to guarantee to all military personnel and their dependents the same rights and guarantees that are enjoyed by all American citizens. These rights should not stop at our border. We should not ask military service women to surrender their rights to safe, affordable, legal reproductive health care services because they have made a commitment to serve our country.

Many of our military personnel serve in hostile areas in countries that do not provide safe and legal abortion services. Military personnel and their families should not be forced to seek back-alley abortions, or abortions in facilities that do not meet the same standards that we expect and demand in this country. In many countries, women who seek abortions do so at great risk of harm. It is a terrifying process.

I heard from a service woman in Japan who was forced to go off base to seek a legal abortion. Unfortunately, there was no guarantee of the quality of care, and the language barrier placed her at great risk. She had no way of understanding questions that were asked of her, and she had no way of communicating her questions or concerns during the procedure. Is that the kind of care that we want our service personnel to receive? Don't they deserve better? I am convinced that they do.

This amendment is not—let me repeat is not—about Federal funding of abortions. The woman herself would be responsible for the cost of her care, not the taxpayer. This amendment simply allows women who are in our services to use existing military facilities that exist already to provide health care to active-duty personnel and their families. These clinics and hospitals are already functioning. There would be no added burden.

I also want to point out that this amendment would not change the current conscience clause for medical personnel. Health care professionals who object to providing safe and legal health care services to women could still refuse to perform them. Nobody in the military would be forced to perform any procedure he or she objects to as a matter of conscience.

For those of you who are concerned about Federal funding, I argue that

current practice and policy results in more direct expenditures of Federal funds than simply allowing a woman herself to pay for the cost of this service at the closest medical military facility.

Today, when a woman in the military needs an abortion or wants an abortion, she first has to approach her duty officer to request from him or her medical leave. Then she has to ask for transport to a U.S. base with access to legal abortion-related services. Her duty officer has to grant the request, remove her from active duty, and transport her to the United States. This is an expensive, taxpayer-funded, and inefficient system. Not only is there cost of transportation, but there is cost to military readiness when active personnel is removed for an extended period of time.

As we all know, women are no longer simply support staff in the military. Women command troops and are in key military readiness positions. Their contributions are beyond dispute. While women serve side by side with their male counterparts, they are subjected to archaic and mean-spirited health care restrictions. Women in the military deserve our respect and they deserve better treatment.

In addition to the cost and the loss of personnel, we have to ask: What is the impact on the woman's health? A woman who is stationed overseas can be forced to delay the procedure for several weeks until she can get her travel to the United States where she can get safe, adequate, legal health care. For many women, every week an abortion is delayed is a risk to her health.

Why should a woman who is serving our country in the military be placed at a greater risk than a woman who is not serving in the military?

In talking about this amendment, I am often struck by how little some of my colleagues know about restrictions on reproductive health care services in many other countries. Many of my colleagues may be surprised to learn that in some countries abortions are illegal, and punishment is swift and brutal—not just against the provider but against the woman as well. In these cases, a back-alley abortion can be deadly. Not only are they risking their own health, but they are also risking their own safety and well-being.

We are talking about women who are serving us overseas in the military. Why should we put our military personnel in this kind of danger?

We are fortunate in this country, because abortion is an extremely safe procedure when it is performed by trained medical professionals. However, in the hands of untrained medical professionals in unsterilized facilities abortion can be dangerous and risky to a woman's health. The care that we expect—actually the care that we demand—is simply not universal.

Regardless of what some of my colleagues may think about the constitutional ruling that guarantees a woman

a right to a safe abortion without unnecessary burdens and obstacles, it is the law of our land. *Roe v. Wade* provides women in this country with a certain right and a guarantee. While some may oppose this right to choose, the Supreme Court and a majority of Americans support this right. However, active-duty servicewomen who are stationed overseas today surrender that right when they make the decision to volunteer and to defend all of us.

It is sadly ironic that we send them overseas to protect our rights, yet in the process we take their rights away from them.

I urge my colleagues to simply give women in the military the same protection whether they serve in the United States or overseas. Please allow women the right to make choices without being forced to violate their privacy, and, worse, jeopardize their health. This is and must be a personal decision. Women should not be subjected to the approval or disapproval of their coworkers or their superiors. This decision should be made by the woman in consultation with her doctor.

The amendment that is before us simply upholds the Supreme Court decision. It is not about Federal funding. It is not about forcing those who constitutionally object to providing these services. It is simply about the degree that we recognize the role of women in the military and whether we give them the respect that I argue they deserve.

Mr. President, I yield to my colleague from Maine, Senator SNOWE, what time she would like to use.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Thank you, Mr. President. I thank the Senator from Washington for, once again, providing leadership on this most significant issue. As she said, it is regrettable that we have to come back to the floor to seek support for our women in uniform who happen to be assigned overseas for this very basic right. I commend her for introducing this legislation once again to repeal the ban on privately funded abortions at overseas military hospitals.

It is unfortunate that this amendment is even necessary. It is unfortunate that we have to be here fighting for it once again. How could this debate be necessary? How can it be that this blatant wrong still needs to be righted? Yet, here we are, once again, having to argue a case that basically boils down to providing women who are serving this country overseas with the full range of constitutional rights, options, and choices that would be afforded them as American citizens on American soil.

We are here today because the U.S. law denies the right to choose to 227,000 spouses and dependents stationed with our servicemen overseas, and denies the right to choose for more than 27,000 servicewomen who volunteered to serve our country. Though these women are right now protecting our country's in-

terests, year after year this body denies them access to safe and sanitary medical care simply because they were assigned to duty outside the United States.

In very simple terms, this amendment will allow women stationed overseas that right to privately funded abortions at their local American military facility. It will allow women and their spouses the freedom to consider the most difficult, heart-wrenching decision they could make without fearing the potentially substandard care they would be faced with in a country that does not speak their language and that does not train their medical personnel the way in which they are here in the United States.

I don't understand why we insist in denying our service men and women and their families their right as Americans. We ask a great deal of our military personnel and their families—low pay, long separations, hazardous duty. When they signed up to serve their country, I don't believe they were told, nor do I believe they were asked, to leave their freedom of choice at the ocean's edge. It is ironic that we are denying the very people who we ask to uphold democracy and freedom the basic and simple right to safe medical care. The Murray-Snowe amendment would overturn that ban and ensure that women and military dependents stationed overseas would have access to safe health care.

I want to clarify the fact that overturning this ban doesn't mean we will be using Federal funds to support a procedure such as abortion. This would allow American personnel stationed overseas to use their own funds for the support of an abortion in a military hospital. It is very important to make that distinction.

As the Senator from Washington indicated, there is also a clause so that medical personnel cannot be forced to perform a procedure with which they disagree.

We had this ban lifted in 1993 restoring a woman's right to pay for abortion services with her own money. Unfortunately, that ban was reinstated back in 1995. I think it is important to understand what choices women are left with under our current policy.

Imagine a young servicewoman or the wife of an enlisted man living in a foreign country where language is a barrier. She finds herself pregnant and, for whatever reason, she has made a very difficult decision to terminate her pregnancy and she wants to have that procedure done in a military hospital and is willing to pay for it with her own funds. Under current U.S. law, she won't be able to do that. She won't be able to go to a base hospital near her family and friends. She won't be assured of the same quality care that she could receive here in the United States. She won't be able to even communicate under some circumstances because language might be a barrier.

So what are her choices? She must either find the time and the money to

fly back to the United States to receive the health care she seeks, or possibly endanger her own health by seeking one in a foreign hospital, or she may have to fly to a third country, again where the medical services may not equate to those available at the military base—if she can't afford to return home.

What is the freedom to choose? It is a freedom to make a decision without unnecessary government interference. Denying a woman the best available resources for her health care simply is not right. Current law does not provide a woman and her family the ability to make a choice. It gives the woman and her family no freedom of choice. It makes the choice for her.

Our men and women in uniform—and the families standing behind them—are our country's best and most valuable assets. When people sign up for military service, they promise us they will do their best to protect our country and its ideals. We promise them we will provide for them and their families the necessities of life—to provide them with the most advanced and the safest health care available. That is the arrangement. This is the benefit that we make available to them in return for their commitment to serve our country. Our men and women and their spouses should not be required to give up their constitutional protections, and the Supreme Court supported right to privacy, and our promise of safe health care.

Yet, we prohibit women from using their own money—not taxpayers dollars—to obtain the care they need at the local base hospital.

What we are saying to our women in uniform, or to the dependents of others who serve in our military, is: Sorry. You are on your own. So she faces a circumstance that she would not confront were she stationed at Fort Lewis, WA, or Brunswick Naval Air Station in Brunswick, ME, because she could go off base and be guaranteed safe and legal medical care.

The Murray-Snowe amendment is only asking for fair and equal treatment. It is saying to our men and women and their families, if you find yourself in a difficult situation, we will provide the service of safe medical care if you pay for it with your own money. Is that too much to ask?

We owe it to our men and women in uniform. We owe it to them so that they have the options to receive the care they need in a safe environment. They do not deserve anything less.

I urge my colleagues to join in voting for the Murray-Snowe amendment.

I yield the floor.

Mr. SMITH of New Hampshire. Mr. President, here we go again with the same amendment that comes up every year. The vote is always close. There are a lot of very strong feelings on both sides.

Again, as I have in the past, I rise in opposition to this amendment—this time the Murray-Snowe amendment—

which would allow U.S. military facilities to be used for the performance of abortions on demand.

Under current law, no funds may be made available to the Department of Defense for the performance of abortions. The amendment now before the Senate is completely inconsistent with the Hyde amendment, which has been existing law for 20 years. Under the Hyde amendment, no taxpayer dollars may be used to pay for abortions.

The issue here is whether or not you want to basically throw out the Hyde amendment and say that Members are willing to have taxpayer dollars used to pay for abortions in military hospitals. The Hyde amendment recognizes that millions of American taxpayers believe that abortion is the taking of an innocent life, an unborn human being. Those Members, myself included, who proudly call ourselves pro-life should not be forced to pay for a procedure with our tax money that violates our fundamental and deeply held belief in the sanctity of innocent human life. That is the issue here.

In the 1980 case of *Harris versus McRae*, the Supreme Court upheld the constitutionality of the Hyde amendment. The Court determined that there is no constitutional right to a taxpayer-funded abortion, no matter how we feel on the issue otherwise—no constitutional right, according to the *Harris versus McRae* decision in 1980.

Current law with respect to abortions at military facilities, then, is fully consistent with the Hyde amendment. This amendment by the Senator from Washington will overturn existing law. The proponents of this amendment, which would overturn current law and allow abortion on demand at military facilities, claim that their proposal is somehow consistent with Hyde. It is not. They say this because, under their proposal, servicewomen seeking these abortions would pay for them. That is true.

This argument, however, evinces a fundamental misunderstanding of the nature of military medical facilities. Military clinics and military hospitals, unlike private clinics and private hospitals, receive not 10, not 20, not 30, not 90, but 100 percent of their funding from the taxpayers of the United States. A woman cannot go into a military hospital and use those facilities without the taxpayers paying for the facility she is using to have that abortion. The clinics, the hospitals, the doctors, the equipment—all of it is paid for by the U.S. taxpayer.

Physicians who practice in those clinics and hospitals, government employees whose salaries and bills are paid by the taxpayers, all of it, all of the operational and administrative expenses associated with the practice of military medicine are paid for by the taxpayers of the United States.

Furthermore, equipment that would be used at these facilities to perform the abortions, equipment that we abhor—those of us who are pro-life,

who find it repulsive and reprehensible, and I won't go into the details about what happens with the equipment that is used on these innocent children—that equipment will be purchased by taxpayer dollars. It will be purchased by dollars that I pay in taxes and that many of my millions of friends around the Nation who oppose abortion, their dollars will be used to pay for this.

The Supreme Court of the United States has said that that is wrong and they ruled in the *McRae* case that it should not be done. In short, it is simply impossible to allow the performance of abortions at military facilities, even if the procedure itself is paid for by the servicewoman involved, without having the taxpayers forced to subsidize it. You can't have it.

The only way to protect the integrity of the taxpayer's dollars is to keep the military out of the business of abortion. We could go on and on, on just that issue. Just what business should the military be in? The military has gotten into a lot of things lately under this administration that don't belong in the realm of the military, but do we have to now go to the taking of the lives of unborn children and use the military to now do that? Do we have to really do that? Isn't it bad enough that we have to see throughout America since the illustrious *Roe versus Wade* decision in 1973—I ask everyone to reflect for a moment on what has happened since that decision.

In 1973, *Roe versus Wade* was passed. Since that date, 35 million babies, that we know of, have been aborted. Let's define abortion: The taking of the life of an unborn child. Thirty-five million. If you look at the statistics of how many girls are born and how many boys are born, that probably translates into about 18 million young girls who would now be as old as 30 years, perhaps, depending on when the abortion might have been performed. How many of those 18 million young women may have had the opportunity to serve in the U.S. military? They don't get that chance because our country, our Nation, supported a Supreme Court decision that said they didn't have a chance to ever have the opportunity to serve in the military, never have the opportunity to be a mother, never to have the opportunity to be a daughter, never to have the opportunity to live their dreams, to enjoy the liberties of the United States of America—never to have that opportunity. Never to have the opportunity to fight for the freedom of the United States as a member of the military because they were aborted—they were killed in the womb.

This Nation, through this Supreme Court decision, allowed it to happen. That is beyond the dignity, to put it mildly, of a great nation. We let it happen.

It is bad enough that happened, but now we have to go one step further with the amendment of the Senator from Washington and say that the taxpayers have to fund it.

Mr. President, I wish everyone who will vote on this amendment in the next hour or so had had the opportunity I have had to personally meet a young woman who is now in her midtwenties. She could not serve in the military because she was not physically able to serve in the military. Let me tell you why she could not serve in the military. She was aborted, and she lived, and she is crippled. So she cannot serve in the military. I have met this young woman, as many have. There are many like her, but I use her as an example, Gianna Jessen. Who knows, maybe Gianna would have liked to have been a woman in the military, but she cannot.

Why do we not wake up in America and understand what we are doing? Should we really be surprised when our children do some of the things they do in this country? Why should we be surprised? What is the underlying message? And this amendment sends the same message.

The underlying message is: Go to school today, Johnny. Go to school today, Mary. You be good kids. You do the right thing. And meanwhile, while you are at school, we will abort your brother or your sister.

That is the message we are giving to our kids. That is the message this amendment is giving to our kids. That is the message this amendment is giving to all Americans—that now we are going to say the taxpayers can support this kind of thing.

I wish the Senator from Washington would come down here on the floor with an amendment that might say we could provide a little help, a little counseling, a little love, a little compassion, a little understanding to this woman who wants this abortion, and explain to her the beauty of life and explain to her what a great opportunity it would be for her to have that child and to have that child grow up into a world where that child could be loved and could be understood and could have the opportunity to perhaps follow her mother's ambitions and serve in the U.S. military or perhaps to follow in her mother's wake and be a mother herself, to enjoy the fruits of the greatest nation in the world.

Let's not agree to this amendment and violate the spirit of the Hyde amendment and violate more unborn children, intrude into the womb, take the lives of unborn children.

When are we going to wake up? Would it not be wonderful to come down on the floor of the Senate just one year when we did not have to deal with this, when people would respect life and we would be offering amendments to protect life rather than to take it. That is an America I am dreaming of, Mr. President. That is an America I would like to see in the 21st century, not an America of death but an America of life, where we respect life.

Allowing abortion on demand in military facilities would violate the moral

and religious convictions of millions and millions and millions, tens of millions, of Americans who believe, through their own religious convictions, or in any other way, as I do, that the unborn child has a fundamental right to life, a right to life that comes from the Declaration of Independence, from the Constitution, and from God Himself. Yes, from God Himself. That is where it comes from, and we do not have the right to take it.

For the sake of one or two votes on the floor of the Senate, in a very few minutes we are going to make that decision. Whichever way it goes, we are going to find out how many more children have to die. How many more children have to die?

When are we going to wake up, America? How much more of this do we have to take? Why are you surprised when your children do something wrong? What kind of message do we send?

This amendment is not about the so-called right to choose abortion that the Supreme Court created in 1993. I disagree with *Roe v. Wade*. Everybody knows that. I just said it. I introduced a bill, S. 907, that would reverse *Roe v. Wade*, establishing that the right to life comes with conception and protecting that life. I dream of the America of the future when we will respect it.

But, as I said, this amendment is not about the larger issue of abortion; it is about taxpayer funding of abortion. Millions and millions of pro-life Americans, who believe to the very core of our being that abortion is the taking of an innocent life, should not be forced to pay for abortions, not directly, not indirectly, not any way you can define it, with taxpayer dollars.

I urge my colleagues, no matter what their personal views are, to reject this amendment, to vote to preserve current law, to vote to protect and be consistent with the Hyde amendment. Let's get the military involved in protecting America and not taking innocent children's lives.

I yield 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment Senator SMITH for his remarks. I join him in urging our colleagues to vote "yes" in favor of the tabling motion, to vote "no" on the Murray amendment.

Abortion is not a fringe benefit. People talk about a benefit that other people have. Abortion is the taking of a human life, so it should not be just a fringe benefit that is provided for at Government expense or provided for in Government hospitals. These are military hospitals. They do not have abortionists working in those hospitals. They have not been allowed through 1992. It was a change in the Executive order by the Clinton administration in 1993, saying we are going to have those. In 1993 and 1994, because of an Executive order—not because of a change in

Congress—the Clinton administration said we want to provide abortions at military hospitals.

Guess what. They could not find abortionists. They could not find doctors to perform abortions at military hospitals, because they had been prohibited for at least 10 years, if not 12 years before, when that was not the case. The Hyde amendment said we are not going to use Federal funds to provide abortions. We did not have abortions performed at military hospitals. The Clinton administration tried to change that. They did not have anybody to do it. They tried to recruit them.

We changed the law in 1995. The Murray amendment would change it back by saying to military hospitals: You must provide abortions—a fringe benefit. Granted, maybe the person receiving the abortion now would have to pay a little bit, but the military is going to have to find somebody to perform them. They are going to have to make sure they have somebody who is trained to do it, and trained to do it right. So they are going to have to hire people to perform abortions, people right now they do not have—they have not been able to find them. Frankly, in 1993 and 1994 we changed the law. Congress changed the law in 1995, and I think they were right in doing so.

I think it would be a mistake for Congress to overrule that now and say we think that should be a standard benefit that is provided in Government military hospitals all across the world, so it could be basically a fringe benefit, it could be standard operating procedure—yes, anybody can get an abortion in a military hospital. It would be a method of birth control. I think that would be a serious mistake.

We have to realize, it is not a fringe benefit; it is the taking of an innocent human being's life. So I urge my colleagues to support Senator SMITH in the tabling motion with respect to the Murray amendment.

Mr. JEFFORDS. Mr. President, we all recognize that the bottom line of our national defense is quality of our men and women in uniform. They are the core of our security. They make a commitment to the defense of this nation, and we make a commitment to them that includes access to high quality health care. Women serving overseas are particularly reliant on this commitment, as they often have no alternative access to quality health care.

The issue of abortion is a matter of individual conscience. The Supreme Court ruled in *Roe v. Wade* that the decision whether to have an abortion belonged to the individual, not the government. Yet, for American servicewomen, that right to choose is effectively being taken away from them. They are being denied access, even at no expense to the Government, to a safe medical procedure. In most cases, the service woman does not have access to this procedure anywhere else.

American servicewomen have agreed to put their lives on the line to defend

this country. But yet we are denying them a basic right that all other women are allowed—one that could easily be granted to them at no expense to the federal government. The Murray-Snowe amendment provides that the woman involved would reimburse the government for the full cost of the procedure. In my mind, this is a basic matter of fairness. I would argue that our military women should not be singled out to be unjustly discriminated. I urge my colleagues to oppose the motion to table the Murray-Snowe amendment.

Mr. KENNEDY. Mr. President, I strongly support this amendment, which will at long last remove the unfair ban on privately-funded abortions at U.S. military facilities overseas. This amendment will right a serious wrong in current policy, and ensure that women serving overseas in the armed forces can fairly exercise their constitutionally-guaranteed right to choose.

This is an issue of fundamental fairness for the large numbers of women who make significant sacrifices to serve our Nation. They serve on military bases around the world to protect our freedoms. In turn, it is our responsibility in Congress to protect theirs. It is wrong for us to deny these women who serve our country with such distinction the same medical care available to all women in the United States. Women who serve overseas should be able to depend on military base hospitals for their medical needs. They should not be forced to choose between lower quality medical care in a foreign country, or travelling back to the United States for the care they need. Congress has a responsibility to provide safe medical care for those serving our country at home and abroad.

Without proper care, abortion can be a life-threatening or permanently disabling procedure. This danger is an unacceptable burden to impose on the nation's dedicated servicewomen. They should not be exposed to substantial risks of infection, illness, infertility, and even death, when appropriate care can easily be made available to them.

This measure does not ask that these procedures be paid for with federal funds. It simply asks that servicewomen overseas have the same access to all medical services as their counterparts at home.

In addition to the health risks imposed by the current unfair policy, there is also a significant financial burden on servicewomen who make the difficult decision to have an abortion. The cost of returning to the United States from far-off bases in other parts of the world can often result in significant financial hardship for young women. Servicewomen in the United States do not have to bear this burden, since non-military hospital facilities are readily available. It is unfair to ask those serving abroad to suffer this financial penalty.

If military personnel are unable to pay for a trip to the United States on

their own, they often face significant delays while waiting for available military transportation. Each week, the health risks faced by these women increase. If there are long delays in obtaining a military flight, the women may decide to rely on questionable medical facilities overseas. As a practical matter, these women in uniform are being denied their constitutionally-protected right to choose.

A woman's decision to have an abortion is a very difficult and extremely personal one. It is wrong to impose an even heavier burden on women who serve our country overseas. Every woman in the United States has a constitutionally-guaranteed right to choose whether or not to terminate her pregnancy. It is time for Congress to stop denying this right to women serving abroad. It is time for Congress to stop treating service women as second-class citizens. I urge the Senate to support the Murray-Snowe amendment and end this flagrant injustice under current law.

Ms. MIKULSKI. Mr. President, I rise today in strong support of the amendment offered by Senators MURRAY and SNOWE. I am proud to be a cosponsor of this amendment.

This amendment would repeal the current ban on privately funded abortions at US military facilities overseas.

I strongly support this amendment for three reasons. First of all, safe and legal access to abortion is the law. Second, women serving overseas should have access to the same range of medical services they would have if they were stationed here at home. Third, this amendment would protect the health and well-being of military women. It would ensure that they are not forced to seek alternative medical care in foreign countries without regard to the quality and safety of those health care services. We should not treat US servicewomen as second-class citizens when it comes to receiving safe and legal medical care.

It is a matter of simple fairness that our servicewomen, as well as the spouses and dependents of servicemen, be able to exercise their right to make health care decisions when they are stationed abroad. Women who are stationed overseas are often totally dependent on their base hospitals for medical care. Most of the time, the only access to safe, quality medical care is in a military facility. We should not discriminate against female military personnel by denying safe abortion services just because they are stationed overseas. They should be able to exercise the same freedoms they would enjoy at home. It is reprehensible to suggest that a woman should not be able to use her own funds to pay for access to safe and quality medical care. Without this amendment, military women will continue to be treated like second-class citizens.

The current ban on access to reproductive services is yet another attempt

to cut away at the constitutionally protected right of women to choose. It strips military women of the very rights they were recruited to protect. Abortion is a fundamental right for women in this country. It has been upheld repeatedly by the Supreme Court.

Let's be very clear. What we're talking about here today is the right of women to obtain a safe and legal abortion paid for with their own funds. We are not talking about using any taxpayer or federal money—we are talking about privately funded medical care. We are not talking about reversing the conscience clause—no military medical personnel would be compelled to perform an abortion against their wishes.

This is an issue of fairness and equality for the women who sacrifice every day to serve our nation. They deserve access to the same quality care that servicewomen stationed here at home—and every woman in America—has each day. I urge my colleagues to support this important amendment to the 2000 Department of Defense Appropriations Bill.

Mr. HELMS. Mr. President, I strongly oppose the Murray amendment because it proposes to legalize the destruction of innocent unborn babies at military facilities. And Mr. President, if precious unborn babies are allowed to be slaughtered on military grounds, it will be a stark contradiction to the main purpose of our national defense—the defense and protection of the human lives in America.

Small wonder that the men and women serving in the military are losing faith in the leadership of this country. In fact, Congress recently heard from members of the Air Force, Navy, Army, and Marines who testified about the low morale among U.S. service men and women—which they contribute to a general loss of faith and trust.

After all, the military establishment continues to have its moral walls chipped away by the immoral principles of the extreme liberal-left. In fact, the American people would be shocked and disturbed to learn that our military has been pressured to accept Witchcraft as a recognized religion.

Why would Congress wish to demoralize our military folks further by casting a dark cloud over military grounds—which is precisely what will happen if abortions are to be performed at these facilities.

Let us not forget, America's military is made up of fine men and women possessing the highest level of integrity and pride in defending their country. These are men and women who have been selfless in dedicating their lives to a deep held belief that freedom belongs to all.

Senators should not mince words in saying that military doors should be shut closed to abortionists. I urge Senators to vote against this amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I remind my colleagues, what this amendment does is simply allow a woman who is serving in the military overseas to use her own money to have an abortion performed in a military hospital at her expense.

I yield 5 minutes to my colleague from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank Senator MURRAY for yielding me this time. It is so hard to know where to begin to respond to the comments made by both of my colleagues who are the leaders in the anti-choice movement and who are using this amendment as a reason to once more come to this floor and to attack a basic constitutional right, that women have been granted, that they do not agree with.

So what has been their effort? It is, in essence, to take away that right bit by bit. I hate to say this: They have made great progress. They have taken away the right to choose in many ways, from poor women in this country, by denying them funding. A woman in D.C. cannot exercise that right, even if she does not use Federal funds but locally-raised funds. They no longer teach surgical abortion at medical schools as a result of the action of this anti-choice Congress.

Women in the military, as we now know, are denied the right to go to a safe military hospital. Native American women who rely on Indian health care cannot go to that health care center and obtain a legal abortion.

I want to make a statement, and I sure would like a response: Women in Federal prison who need to have this legal procedure get treated better than women in the military overseas. Let me repeat that. Under the laws of this Congress, women in Federal prison get treated better than women in the military who are stationed overseas when both need to have this procedure.

Under our rules, if a woman is in a Federal prison, she cannot count on Medicaid, that is so. But if there is an escort committee who can take her to get this procedure paid for privately, she gets that escort committee. What happens to a woman in the military? Suppose you are stationed in Saudi Arabia where abortion is illegal, and you cannot go to your military hospital. You, obviously, cannot go to a clean health facility in Saudi Arabia, so you have two choices: You can go to a back-alley abortionist and risk your life—you are already risking your life in the military—but risk your life or you can go to your commander, who is usually a man, and confide in him as to your situation which, it seems to me, is a horrible thing to have to do, to tell such a private matter to a commander. Then, if you can get a seat on a C-17 cargo plane, maybe then you can go back, in a situation where you really need immediate attention, and figure out a way to get a safe, legal abortion.

The Senator from New Hampshire and the Senator from Oklahoma say: Well, this is Federal funding.

This is not Federal funding. Senator MURRAY has stated that over and over. I compliment her and Senator SNOWE on their tenacity in bringing this back and forcing us to look at what we are doing to women in the military who risk their lives every single day, and because of this antichoice Senate, we are forcing them to put their lives at risk again. I commend them. This is not a fringe benefit. They will pay.

Medical facilities abroad are in a state of readiness. They do not have to turn the lights on when someone comes in for a health care procedure. The lights are on, and they will pay the costs. We all know when we pay our doctors the overhead is put into that bill. That is such a bogus argument. It is amazing that it is even made.

What you are doing in this current policy is telling women in the military they are lesser citizens than all the other women in the country when, in fact, they ought to be treated with even more dignity and respect perhaps than anyone else, because not many of us can say that we go to work every day putting our lives on the line. They can say that. Yet, because of this terrible way we treat these women, they are put in jeopardy.

I will sum it up this way. There are people in this Senate who disagree with the Supreme Court decision, and I say to my friend from New Hampshire, he certainly does and he does not mince words about it and he is very straightforward about it. He says he is proud to be pro-life.

I ask for 1 more minute.

Mrs. MURRAY. I yield 30 additional seconds to the Senator from California.

Mrs. BOXER. I say to my friend, I am for life—lives of children, lives of women, and I say that this policy puts lives in jeopardy, puts lives on the line in a way that is arbitrary, in a way that is capricious, in a way that treats these women far worse than we do women in Federal prison. I hope the Murray-Snowe amendment will get an overwhelming vote today.

The PRESIDING OFFICER (Mr. CRAPO). The time of the Senator has expired. Who yields time? The Senator from Washington.

Mrs. MURRAY. I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes.

Mr. DURBIN. I thank the Senator from Washington, as well as the Senator from Maine, for offering this amendment, which I will support. I join in saying what the Senator from New Hampshire said earlier. Senator SMITH suggested this is not a debate in which we are anxious to get involved. It is a very controversial issue, deeply felt on both sides. I respect the Senator from New Hampshire and his personal views on this, as I respect those who support my position in offering a vote in favor of this amendment.

Let me say a few things that need to be cleared up. The Senator from New Hampshire said repeatedly that this process uses taxpayer dollars to pay for abortion. Of course, that is a flash point. When people hear that, they say: Wait, I don't think we ought to spend taxpayer dollars on that. Maybe people want to do that personally.

Senator MURRAY addressed that point. Her amendment makes it clear that these procedures are to be paid for by the servicewoman out of her pocket at a cost that is assessed for the procedure itself. There are no taxpayer dollars involved in this. This amendment is clear.

Secondly, the Senator from New Hampshire says this does not abide by the Hyde amendment. The Hyde amendment, as important as it is, does not override *Roe v. Wade*. The Hyde amendment limits abortions to those cases involving the life of the mother. But the procedure now on military bases goes beyond the Hyde amendment. The procedure on military bases today says if there is an endangerment of the woman's life, she can have the abortion performed at a military hospital at Government expense. If she is a victim of rape or incest, she can have an abortion performed at a military hospital at her own expense.

We are talking about the other universe of possibilities out there. Senator BOXER of California really poses an interesting challenge to us: Two women, under the supervision of the Government of the United States of America, both of them pregnant, both of them wanting to end the pregnancy with a procedure. In one case, we say if you have the money, we will escort you to a safe and legal clinic in America for the performance of this procedure. In the other case, we say if you have the money, you have to fend for yourself; you cannot use a safe and legal clinic or military hospital.

What is the difference? The first woman is a prisoner in the Federal Prison System. For her, we have an escort committee. But for the woman who has volunteered to serve the United States to defend our country and she is in the same circumstance, we say: You're on your own; go out in this country, wherever it might be, and try to find someone who will perform this procedure safely and legally.

Whether you are for abortion or against it, simple justice requires us to apply it equally and not to discriminate against those women who are serving in the American military. That is what it comes down to.

The Senator from Oklahoma said abortion is not a fringe benefit. He is right. But health care is a fringe benefit that most Americans enjoy, and many hospitalization insurance policies cover abortion procedures. We do not cover them when it comes to the women who serve in the U.S. military. Abortion is not a fringe benefit; abortion is a constitutional right. If that constitutional right means anything,

we should support the Murray-Snowe amendment.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mrs. MURRAY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Washington has 4 minutes 12 seconds.

Mrs. MURRAY. Mr. President, I yield 3 minutes to the Senator from Pennsylvania. I retain the last minute for myself.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 3 minutes.

Mr. SPECTER. I thank my colleague from Washington.

I support this amendment. I believe a woman should have a right to choose, and under the circumstances involved here, if the woman is going to seek an abortion, she should not be compelled to come back to the United States. Having an abortion in many foreign spots poses very material risks. This is a common sense abortion amendment which ought to be adopted.

WAR CRIMES TRIBUNAL INDICTMENT OF SLOBODAN MILOSEVIC

Mr. SPECTER. Mr. President, I want to comment about another matter very relevant to the pending legislation, that is the dispatch from Reuters within the hour that the War Crimes Tribunal has issued an indictment for President Milosevic and that an arrest warrant has already been signed. I think that is very important news, because it not only puts Milosevic on notice but also all of his subordinates, that the War Crimes Tribunal means business, that those who are responsible for crimes against humanity and war crimes will be prosecuted.

I compliment Justice Louise Arbour who was in Washington on April 30, asking a bipartisan group of Senators, including this Senator, for assistance; and we appropriated some \$18 million in the emergency supplemental last week.

The next important point is to be sure that we do not permit a plea bargain to be entered into which will exonerate Milosevic as part of any peace settlement.

We ought to be sure this prosecution is carried forward. There is an abundance of evidence apparent to the naked eye from the television reports on atrocities, of mass murders, which can only be carried out with the direction of or at least concurrence or acquiescence of President Milosevic. Those crimes should not go unpunished. There should not be a compromise or a plea bargain which would give Milosevic immunity.

I ask unanimous consent that a copy of my letter dated March 30 to the President be printed in the RECORD, where I ask specifically that the extradition of President Milosevic to face indictments ought to be a precondition to stopping the NATO airstrikes; and a copy of my letter of April 30, to the

President urging that warrants be issued and executed for Karadzic, and that the full impact of the War Crimes Tribunal be carried out, that this is a very important movement, probably worth a great deal more than air-strikes or even ground forces, to indict Milosevic, let him know that indictments and warrants are outstanding, and that those under him who carry out war crimes will be prosecuted to the full extent of the law.

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

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, March 30, 1999.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: If today's reports are accurate, there is strong evidence that Serbian forces' massacres of Kosovo's ethnic Albanians constitute genocide and crimes against humanity, which should be prosecuted in the War Crimes Tribunal for the Former Yugoslavia.

There is probable cause to conclude that Serbian President Slobodan Milosevic himself is a war criminal, just as former Secretary of State Lawrence Eagleburger said as far back as 1992.

I strongly urge you to:

(1) Put President Milosevic and his co-conspirators, who carried out the massacres and crimes against humanity, on explicit notice that the United States will throw its full weight behind criminal prosecution against all of them at The Hague;

(2) seek similar declarations from our allies;

(3) turn over all existing evidence to Justice Arbour, the Chief Prosecutor at the War Crimes Tribunal, and make it an Allied priority to gather any additional evidence which can be obtained against President Milosevic and his confederates, so that such evidence might be evaluated at the earliest possible time with a view to obtaining the appropriate indictments.

I anticipate some will say that we should not complicate possible cease-fire negotiations with this focus on President Milosevic and his co-conspirators.

I believe that consideration should be given to whether our goals in Kosovo should include the extradition of President Milosevic to face indictments, if returned, as a precondition to ending NATO air strikes.

That is a hard judgment to make at this point. Many of us in Congress believe that the United States should meet the Serbian brutality with a very strong response so that future tyrants will know that this type of conduct will not help them personally in negotiations, but instead will be met with tough criminal prosecutions in accordance with international criminal law.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, April 30, 1999.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: This morning, I hosted a meeting with several of my colleagues and Justice Louise Arbour, Chief Prosecutor for the International Criminal Tribunal for the Former Yugoslavia and Rwanda (ICTY).

As a result of our meeting, I believe it is critical that the United States take the lead

in bringing indicted war criminals to justice in the former Yugoslavia. Specifically, I urge you in the strongest possible terms to direct United States Forces, Europe, as part of UNSFOR, to apprehend Radovan Karadzic and a number of other individuals in Bosnia for whom open or sealed indictments have been returned by the ICTY, and whose identities and locations are known to SFOR Commanders.

While many of us in Congress support the current air campaign, we are concerned that not enough is being done to convey to Serbian military and paramilitary commanders that they will be held responsible following the conflict for any war crimes they commit on the ground in Kosovo.

Mr. Karadzic has been an indicted war criminal since 1995, and his location is known to SFOR commanders. According to Justice Arbour, SFOR knows the location and identity of "a handful" of other individuals under sealed indictments for war crimes. Clearly, U.S. and SFOR units in Bosnia are sufficiently strong to apprehend these individuals if given that mission.

While there are always concerns of friendly casualties and ethnic unrest in the surprise apprehension of indicted war criminals, the signal of seriousness that such a move would send to every Serbian official from President Milosevic on down is important enough under present circumstances for you to shift our policy accordingly.

Sincerely,

ARLEN SPECTER,
Chairman.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

AMENDMENT NO. 397

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I yield 5 additional minutes of our time to the Senator from Washington.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

The Senator has 6 minutes 2 seconds remaining.

Mrs. MURRAY. Thank you very much, Mr. President. I thank my colleague from New Hampshire for his generosity. I truly appreciate it.

I yield 5 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 5 minutes.

Ms. LANDRIEU. Thank you, Mr. President.

I commend my colleagues, the Senator from Washington and the Senator from Maine, for presenting this amendment, on a very important issue, to the body today for us to discuss and to walk through. She has courageously offered this amendment for many, many years, and each year we seem to gain some support. I hope this year we will gain enough support to make this amendment part of the law of our land, because it makes such common sense and good sense.

When we ask women to join our military—and we are truly recruiting them rather vigorously, because we need their strength and their talent and their abilities to help make our mili-

tary be the strongest and the best in the world—it is just inconceivable that we would say: Come join the military. Put on the uniform. Put yourself in harm's way. But we are simply not going to extend to you all of the rights that are guaranteed to other Americans for medical decisions that should be yours to make. It just makes no sense.

So I urge Senators, regardless of how you might feel about this issue—and good arguments have been made on both sides—to think about this as it truly is—not asking for any new privileges, not asking for any expansion of the law, but simply to allow the women who we are recruiting at this age to serve in the military, to give them the medical options they may need at a very tough time for them.

One other point I want to make is, those who have opposed this amendment over the years have said: We most certainly would not mind except that we do not want this to be at Government expense. Let me remind everyone that this is not at Government expense, that these women are individuals prepared to pay whatever medical costs are associated with the procedures that they may need.

But if we do not change the law to allow this to happen, the taxpayers have to pick up a greater burden in transporting these women, sometimes in transport and cargo airplanes and helicopters back to the United States, which takes time away from their service. I argue that costs substantially more, than the taxpayers are underwriting, for medical procedures.

So it makes no sense from a military standpoint—for human rights, for civil rights, for equal rights—to just have the same laws apply. It really makes no sense for the taxpayers to have to pick up an additional expense, when every dollar is so precious that we need to allocate well and wisely in our military.

So I thank the Senator from Maine, the Senator from Washington, and others, who have spoken. I urge my colleagues, regardless of how you consider yourself or label yourself on this issue, to think of this as the right, common-sense thing to do for women and their families, their dependents, and, yes, their spouses, their husbands in the military, for our families who are in the military, serving at our request to protect our flag, to protect democracy, to protect freedom around the world, to please consider that in their votes this afternoon.

I yield back the remainder of my time to the Senator from Washington State.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 7 minutes 30 seconds; the Senator from Washington has 2 minutes.

Mr. SMITH of New Hampshire. Mr. President, I just want to respond to one point that was made on the other side regarding the payback, if you will, the fact that the woman agrees to pay out of her own pocket, therefore, I would assume the issue is that she would reimburse the Government.

But I would ask one to consider the accounting nightmare that would ensue as we try to figure out—we had a doctor paid for by the taxpayers, a clinic, a hospital paid for by the taxpayers, equipment paid for by the taxpayers, and supplies and special equipment involving abortions—how one would allocate all of this?

We would have to figure out, how many abortions were done and how all the allocations would be done. It simply is not workable. It would not work. The bottom line, as I have been indicating, is that the taxpayers would be subsidizing abortions in military hospitals. I think everyone understands that. I do not think there should be any confusion on that, that those who do not support abortion would be subsidizing abortions.

I just want to review, in closing, the current law. Just to summarize, no funds made available to DOD are used for abortions. Under current law, military facilities are prohibited, in most cases, in the performance of abortions. So the amendment now before the Senate is inconsistent with the Hyde amendment, which has been in existence for over 20 years, that taxpayer dollars may not be used to pay for abortions.

Current law, with respect to abortions at military facilities, is fully consistent with the Hyde amendment. The proponents of this amendment, which would overturn current law and allow abortion on demand, claim that their proposal is somehow consistent. As I said before, it is not. Under their proposal, women seeking abortions would pay for them, but this evinces a fundamental misunderstanding of the nature of military medical facilities, which I pointed out.

In conclusion, I say that it is just simply unfair, and it has been so ruled by the Supreme Court, that people, who, because of their own values and beliefs and principles, do not believe in abortion, that they should have to subsidize it with their tax dollars or pay for it with their tax dollars. That is the issue.

We have had a vote on this issue many years in the past. I hope people will see the light to see that this is wrong and basically unfair, and that we would respect the innocence of human life, and perhaps encourage the young woman in trouble to talk to a chaplain. There are military chaplains out there, and some darn good ones, who are available to counsel young women in need.

I would certainly be very excited to hear that some of these women went to the chaplain because this law didn't get changed and perhaps chose life over abortion.

At this point, I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Washington has 2 minutes remaining.

Mrs. MURRAY. Mr. President, let me conclude by letting my colleagues know that under current law today, a woman who volunteers to serve all of us, to protect all of us and our rights, when she goes overseas to serve us and finds herself in a situation where she requires an abortion, which is a legal procedure guaranteed by the Constitution in this country, has to go to her commanding officer and request permission to come home to the United States, flying home on a C-17, or a helicopter when one is available, to have a procedure that women here in this country who have not volunteered to serve overseas have at their disposal.

We are asking a lot of these young women. We should at least provide them the opportunity, as we do under my amendment, to pay for that procedure in a military hospital, where it will be safe, at their own expense. That is the least we should be offering them.

In a few moments we will be voting on this amendment. My colleague from New Hampshire has said the vote is close. Every vote will count. There is no doubt about it. So when you cast your vote today, ask yourself if women who serve us overseas to defend our rights should be asked to give up their rights when they get on that plane and they are sent overseas.

This is an issue which sends a message to all young people today that when they serve us in the military to protect our rights, we are going to be here to defend their rights as well. I urge my colleagues to vote against the motion to table.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 seconds remaining.

Mrs. MURRAY. Mr. President, I urge my colleagues to vote against the motion to table and to stand with the women and men who serve us overseas. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I urge my colleagues to do just the opposite and to support a motion that I am going to make in a moment to table, out of respect for those of us who believe deeply in the sanctity of life and who also understand and are compassionate about young women who are in need of an abortion, or feel that they are in need of an abortion in some way, and who hope we could save that life, that innocent life, and to show compassion for the unborn, which I think is really the issue.

At this point, I move to table the Murray amendment and 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. SMITH of New Hampshire. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 397. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—51

Abraham	Fitzgerald	McConnell
Allard	Frist	Murkowski
Ashcroft	Gramm	Nickles
Bennett	Grams	Reid
Bond	Grassley	Roberts
Breaux	Gregg	Roth
Brownback	Hagel	Santorum
Bunning	Hatch	Sessions
Burns	Helms	Shelby
Campbell	Hutchinson	Smith (NH)
Cochran	Hutchison	Smith (OR)
Coverdell	Inhofe	Stevens
Craig	Kyl	Thomas
Crapo	Lott	Thompson
DeWine	Lugar	Thurmond
Domenici	Mack	Voinovich
Enzi	McCain	Warner

NAYS—49

Akaka	Feingold	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Gorton	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Bryan	Inouye	Robb
Byrd	Jeffords	Rockefeller
Chafee	Johnson	Sarbanes
Cleland	Kennedy	Schumer
Collins	Kerrey	Snowe
Conrad	Kerry	Specter
Daschle	Kohl	Torricelli
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden
Edwards	Levin	

The motion was agreed to.

Mr. SMITH of New Hampshire. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 395

Mr. WARNER. Mr. President, the managers are desiring to turn to the Senator from Nebraska who desires additional time. Can we enter into a colloquy on this subject?

Mr. KERREY. I think we should be able to finish this up in an hour. I have four people on our side who want to speak. I don't know if they will all get to the floor. If they don't, they are aware of what is going on. I have no more than 15 or 20 minutes of closing remarks myself. I think we can wrap it up in an hour.

Mr. WARNER. I realize that what I offered to the Senator is hopefully a reduced period of time. In return, there would be no further debate on this side. That is a fairly generous offer. I thought we were in the area of 40 minutes.

Mr. KERREY. We can do it in 40 minutes and probably less than that.

Mr. WARNER. With that representation, I ask unanimous consent that we

proceed to the amendment by the Senator from Nebraska for a time not to exceed 40 minutes under the control of the Senator from Nebraska and, say, 5 minutes under the control of the Senator from Virginia, making a total of 45 minutes. At the conclusion of that we will proceed to a vote.

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

Mr. KERREY. Mr. President, the Senator from Virginia did not state this. Does this mean there will be no amendments offered prior to the vote on my amendment?

Mr. WARNER. Mr. President, I know of no amendments at this point. I ask unanimous consent that prior to the motion to table there be no amendments in order.

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

Mr. KERREY. Mr. President, again, this amendment strikes language that requires the United States of America to make its determination about how many strategic weapons we will have based upon a decision by the Russian Duma to ratify START II.

Some have described this amendment as encouraging unilateral disarmament. Nothing could be further from the truth. We make unilateral decisions and we decide what our forces are going to look like. On that basis, this entire bill is a unilateral decision. We haven't consulted with the Russians to determine what our Army is going to look like, how many divisions we will have, how many wings we will have in our Air Force. We have not made any consultation nor have we given the Russians a veto over any other part of our defense except for strategic defenses.

There we say that even if, as is the case, we have former STRATCOM commanders—in this case, Eugene Habiger—saying we would be well advised to go to a lower level, it would keep the United States of America safer than we currently are. As a consequence not only of measuring accurately how many nuclear weapons we needed in our triad—the land, sea and air-based system that we developed over the years—the greatest threat of nuclear attack to the United States of America is not China, is not an authorized launch by the Nation of Russia, it is an unauthorized launch. That risk has increased over the past few years as the Russian economy declines. As a consequence of that decline, they have decreased capacity to control their systems. This is not a small item. This is a significant threat to the United States of America.

One of the points I have tried to make is that we have been lulled into a false sense of complacency as a consequence of the end of the cold war. Statements are made that we are no longer targeting the Russians, nor they us.

In the past, I have not supported an early deployment of the strategic defense initiative, of missile defense. I

have come to the conclusion as a consequence of this threat and others that the United States of America should. That is a unilateral decision. We made that decision not based upon what the Russians wanted but what we believed was in our best interest to keep America safe. That is how we ought to make our decisions about what our level is going to be of our force structure for nuclear weapons.

Not only are the people of the United States of America at greater risk as a consequence of forcing the Russians to maintain 6,000 at the end of 2001, but we are laboring under the optimistic scenario that maybe the Russians will ratify START II, in which case we can go to lower levels. But even at START II levels, the Russians would not be to 3,500 warheads until 2007.

We have to put an awful lot of our national security chips in the possibility that Russia will be in better shape in 2007 than it is today. These weapons systems are much more dangerous than the weapons systems in vogue today. There are serious threats from chemical weapons, from biological weapons, from weapons of mass destruction in that category, serious threats from terrorists such as Osama Bin Laden, serious threats as well that come from cyberwarfare and other sorts of things we are having conferences on all the time. China is unquestionably a threat, especially in the area of proliferation. But none of these, or all of them taken together, combined, are as big a threat as unauthorized launch of Russian nuclear weapons.

I hope, regardless of how this amendment turns out, the Senate will turn its attention to dealing with this threat. I think we are much better off dealing with that threat with a different strategy than the old arms control strategy. This is not an amendment that says we are going to tie our national security to START I or START II. Quite the contrary, I do not expect START II to be ratified in the next couple of years, if that, if it ever is ratified by the Duma. We should not hold up our national security decisions based upon what we expect or do not expect the Russian Duma to do.

I would like to describe some of these weapons systems so people can understand the danger of them, the kind of destruction they could do to the United States of America. The Russians have in their land-based system 3,590 warheads. They have in their sea-based system 2,424 warheads. They have in their air-based 564.

Just take one of these. Think, if you have a disgruntled, angry group of Russian soldiers or sailors or airmen who say: We have not been paid for a year; we are despondent; we do not think we have any future; we are suicidal. We are going to take over one of these sites, and we are going to launch. We are not going to blackmail the United States; we are not going to try to get them to do anything; all we are going

to do is launch, because we are angry and we do not like the direction of our country and we do not like what the United States of America is doing.

Let me just take the SS-18. I am not going to go through the details of where these are. I am not going to describe for colleagues a scenario to take one of them over. I am not going to build a case, but I think I could build a case, that an SS-18 site is not as secure today as it was 5 years ago. That lack of security should cause every American to be much more worried than they are about the threat of China or other things we talk about and put a great deal of energy into describing.

The SS-18 is a MIRV'd nuclear system. It has 10 warheads on each one of its missiles, and each one of these warheads has 500 to 750 kilotons. If you put one of those in the air and hit 10 American cities—I earlier had a chart showing what a 100-kiloton warhead would do to the city of Chicago. Nobody should suffer any illusion of what the consequences to the United States of America would be if 10 of our cities were hit with a 500- to 750-kiloton warhead.

You say it is not likely to happen. Lots of things are not likely to happen that have happened. That is what we do with national security planning. We do not plan for those things that are most likely to happen. We plan for those things that are least likely to happen, because the least likely thing is apt to be the one that does the most damage, and that is exactly what we are talking about here.

You do not have to kill every single American. If you put 10 nuclear warheads with 500 to 750 kilotons of payload on 10 American cities, I guarantee the United States of America is not the superpower we are today. Imagine the devastation it would do to our economy. Imagine the emergency response that is required. Imagine all sorts of things. This country would not be the same as it is today if that were to happen. It is a terrible scenario. It is one we used to talk about way back in the 1980s.

I remember campaigning in 1988. We had a big portion of our debate about nuclear weapons and the danger of nuclear weapons and what are we going to do to keep the United States of America safe. The most vulnerable of the Russian triad are their nuclear submarines. I went through it earlier. A Delta IV submarine has 64 100-kiloton warheads on it. You could put 1 in each State and have 14 left over to pick some States you might put 2 or 3 on top of.

This is a real risk. Is it likely to happen? No. The likelihood is low. But low is not comforting when you are thinking about something such as that. Low should not give any American citizen comfort. I just heard somebody say it is not likely to happen; it is a low likelihood it is going to happen.

In the State of Nebraska, it is not likely a tornado is going to hit tonight.

But tornadoes hit there relatively frequently. We look up at the sky and say, "It is blue; it does not look to me like a storm is coming," but storms hit out there just like that, and great destruction and devastation has occurred as a consequence. We have been lulled into a false sense of complacency about the Russian nuclear system and, as a consequence, we have not tried to figure out an alternative strategy. We need an alternative strategy. The Russian Duma is not going to ratify START II. I am here today to predict that is not going to happen.

We should not in our defense authorization say we are not going to take any action that might make America safer because we want to wait for the Russians to ratify START II. This amendment is described by some opponents as unilateral disarmament. It is not. It is no more unilaterally disarming than anything else we have in our defense authorization. We do not make decisions about what we are going to do for this Nation's security based upon what Russia is going to do in any other area of defense.

I cited earlier, I supported missile defense even though some said if we have missile defense, if we have an early deployment of missile defense, the Russians are going to do this, that, or the other thing, including maybe not ratifying START II. We did not make that decision based upon wondering what the Russians are going to do. We need to make national security decisions based upon what we think is in the best interests of the United States of America, to keep our people safe. This amendment does that.

The President has indicated he supports this amendment. He would like to get this limitation taken off. He does not have any plans to take action. I encourage him to do so. I think it is in our interests to think about taking our levels lower. I think the Russians would reciprocate. And even if they did not, the United States of America would still be safer as a consequence, by measurement of people who are a lot smarter and a lot more knowledgeable than I am on this subject.

For fiscal reasons, for reasons of scarce resources that need to be applied into our conventional readiness and things that our Air Force, Navy, Marines, and Army are more likely to have to be called upon to meet, for reasons of trying to reduce the risk of unauthorized launch that would be devastating to the United States of America, I hope my colleagues on both sides of the aisle will give this amendment their full consideration and I hope they vote for it. A vote for this amendment is not a vote for unilateral disarmament. A vote for this amendment is a vote for the United States of America deciding what we think is in our best interests in national security and then authorizing accordingly in a defense authorization bill.

Mr. President, I see the distinguished Senator from California wishes to

speak. The Senator from South Dakota, Senator DASCHLE, earlier said he would like to be a cosponsor. I am not sure he has been listed as a cosponsor. Senator KENNEDY as well, Senator BOXER as well, and Senator BIDEN as well.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

Mr. KERREY. I yield to the Senator from California such time as she needs.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Chair. I say to my friend from Nebraska how grateful I am for taking the time that he has needed to explain this amendment, not only to our colleagues but to the American people. This amendment is a very important amendment. It will delete the provision in law which prevents the United States from retiring additional nuclear weapons delivery systems until the Russian Duma ratifies the START II treaty.

The Senator from Nebraska has explained in great detail why that is not a prudent course for our Nation, and I agree with him. I will take 5 or 6 minutes to explain why.

For the last 2 years, the defense authorization bill has included a provision which bars reductions below 71 B-52H bombers, 18 Trident ballistic missile submarines, 500 Minuteman III intercontinental ballistic missiles, and 50 MX Peacekeeper missiles. Congress has told the Pentagon that we cannot reduce below that level.

In this year's defense authorization bill, this provision again is included with a revision that allows the number of Trident submarines to be reduced by six at the request of the Navy. This is a good step. It is a good first step, but more needs to be done to move in this direction.

As Senator KERREY has stated, there is no need to maintain these huge stockpiles of nuclear weapons. There is little doubt that Russia will fall well below START II levels whether or not the Duma gives its consents and ratifies the START II treaty. Edward Warner III, Assistant Secretary of Defense, Strategy and Threat Reduction testified that:

In light of the very small modernization efforts [Russia] has underway, and the obsolescence of many major components of both their submarines and their strategic military forces, Russia will be hard-pressed to keep a force of more than about 3,500 weapons. And our intelligence analysts say in light of current developments—again, we're projecting out over the decade—by about the year 2010, they will be hard-pressed to even meet a level of about 1,500 weapons.

If this is the case, if our own intelligence people are telling us that regardless of whether the Duma passes START II, the Russians are going to have a much lower level of capability, why do we need 6,000 deployed nuclear weapons with thousands more in reserve? What useful purpose do these thousands of weapons serve?

If we reduce our stockpiles toward START II levels of 3,500 nuclear weap-

ons, we would still have the ability to obliterate any nation anywhere anytime.

I will repeat that because I want the American people to understand that this amendment keeps us strong; it makes us safer; it makes us stronger. START II levels will still leave us with 3,500 nuclear weapons which could obliterate any nation anywhere anytime, and, I add, many times over.

It is dangerous to maintain 6,000 deployed U.S. nuclear weapons, half of which are on hair-trigger alert. The massive U.S. deployment pressures Russia to deploy as many of its nuclear forces as it can afford—and they do it on hair-trigger alert—at a time when the Russian command and control is stressed and when Russian launchers are dangerously over age.

What Senator KERREY is trying to point to here is not a situation of panic but of truth, and the truth is the more we deploy, the more they are compelled to deploy, and that is at a time when the Russian command-and-control system is stressed and when the launchers are dangerously over age. This sets up a very dangerous situation.

Certainly many of us are concerned about what we have learned about China's efforts to steal our nuclear secrets. This is very serious. Every one of us, regardless of party, is sick at heart about what has happened. It has happened over many, many decades, and there is blame to go everywhere. But the truth of the matter is, China has a few dozen strategic nuclear delivery vehicles and that threat is not comparable to the one we face in Russia, as Senator KERREY has pointed out. That is the real threat we face. We need to do something to diminish that threat.

There is a question of cost. There can be substantial savings from nuclear weapons cuts. The CBO has estimated that reducing U.S. forces to START II levels by 2007 could produce a savings of \$570 million in fiscal year 2000 and a \$12.7 billion savings over 10 years.

This is not small change. This is important. We just faced a situation where we saw a vote in the Senate, and we lost by four votes, to put some afterschool programs in place across this country. When I talked to my friends on the other side, I received two votes on the other side. The others all said: We love the program, but we can't afford it. We were asking for essentially an authorization of \$600 million, and the money was not there.

Why do we waste money and make a situation more dangerous when we can save money and make a situation less dangerous? I think that is the merit of the amendment that is before us. Mr. President, \$12.7 billion over 10 years is not small change. We have lots of things we can do, and we can always return it to the taxpayers.

The CBO further estimated that reductions in nuclear delivery systems within the overall limits of START II could produce savings of \$20.9 billion.

There is a precedent for what we would do here.

It is very important. The Senator from Nebraska said people call this unilateral disarmament. Let me prove to you that this is not the case. In 1991, President Bush had the courage to announce that we would withdraw our tactical nuclear weapons to the United States. That was not dependent on any action by the Soviet Union. He stood up and said this is in the best interest of the United States of America.

He also ordered 1,000 U.S. warheads deployed on strategic bombers and ballistic missiles slated for dismantlement to be taken off alert. I think we all remember that day. It was a very exciting and dramatic day. He did those two actions because it was in the best interests of America.

Do you know what happened after that? President Gorbachev responded in kind. He withdrew all tactical weapons from Warsaw Pact nations and non-Russian republics, removed most categories of tactical nuclear weapons from service, and designated thousands of nuclear warheads for dismantlement.

The point the Senator from Nebraska is making is, sometimes it does take courage to stand up and say this is what is in our best interests and show real leadership, the way George Bush did in 1991 in these two examples and the way President Gorbachev followed his lead.

I am very disappointed that the Russian Duma has not yet ratified the START II treaty. Again, if we follow the leadership of the Senator from Nebraska on this, we will be acting in our best interests, not in the best interests of the Russian Duma. We should lead and not wait for them to lead.

In conclusion, there are very good reasons for the United States of America to reduce its nuclear weapons. This amendment is carefully drawn. It is carefully thought out. It comes from a man who put his life on the line in the military and would do nothing to harm our national security. As a matter of fact, he would do everything to make us stronger. I hope we follow his lead and adopt his amendment. I yield back my time.

Mr. KERREY. I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I commend the Senator from Nebraska for his amendment. What he has done is to bring back before us and before the Nation a very important issue, which is, what is the necessary level of nuclear weapons in our inventory for our own security.

Do we need as many as we have? Should we legislatively bake in that level if we do not need the START I level or should we at least be free to consider options to go to what the necessary level is for our own security?

The Senator's gift to us and to the Nation here is that he is bringing be-

fore us an issue which the Joint Chiefs want us to consider but we have not yet considered, and that is, what is the level of nuclear weapons that we need for our own security and should that be determined by a legislative level, on a piece of paper, set in law, or should that be determined by our security needs?

If we have a larger number of nuclear weapons than we need, we do two things. The Senator from California has just illuminated those two things. No. 1, if we have more nuclear weapons than we need for our own security, we are wasting valuable resources. That is No. 1. But, No. 2, what we are doing is we are then telling the Russians: Look, we're going to stay at this level, which in turn will encourage them, unhappily, to remain at the same level. That increases the proliferation threat to us because as the Senator from Nebraska has pointed out, the greatest threat to this Nation is the inventory of nuclear weapons on Russian soil. The Chinese threat does not come close. You are talking dozens in that case and not nearly as accurate. In the case of the Russians, you are talking many, many thousands of nuclear weapons which are not only pointed at us but also the more that are there on Russian soil, the greater the risk that one of them might be lost or not counted and leave Russian soil and get into the hands of a terrorist state or a terrorist group.

So both from a proliferation perspective and from the perspective of the wise use of our resources, we ought to at least be open to consider options of fewer nuclear weapons than the START I level provides for.

We may decide we want to stay at that level. It may be determined that we want to stay at that level. But the Joint Chiefs say that it may not be necessary. They want to consider options that would go down to a lower level of nuclear weapons, because they may not need as many nuclear weapons, regardless of what the Russians do. Even if the Russians stay at the START I level, we may not need as many nuclear weapons as the START I level allows us.

There is no point in keeping them just because the Russians have them if we do not need them. There is no point keeping them if that helps to push the Russians to keep their own, with all of the proliferation threats which that engenders.

I close by reading a couple answers that we have received to questions that I have addressed to Secretary Cohen and to General Shelton.

I asked Secretary Cohen:

Should we maintain the requirement in law that our forces be maintained at the START I level or should we now let that expire and do what our military requirements indicate we should do, rather than to put it in a legislative form?

Secretary Cohen's answer:

... I do not think we need to have the legislation, ... I think it is unnecessary. ...

General Shelton was even more pointed. General Shelton, in answer to that question, said:

I would definitely oppose inclusion of any language. ...

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. LEVIN. I wonder if the Senator would yield 2 additional minutes?

Mr. KERREY. I yield the Senator 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. LEVIN. I thank the Senator.

General Shelton said:

I would definitely oppose inclusion of any language that mandates specific force structure levels.

This is the highest level of uniform military leadership we have in this Nation. This is what he says:

The Service Chiefs and I feel it is time to consider options that will reduce our strategic forces to the levels recommended by the Nuclear Posture Review. The START I legislative restraint will need to be removed before we can pursue these options. Major costs will be incurred if we remain at START I levels.

He went on:

The Service Chiefs and I agree it is time to reduce the number of our nuclear platforms to a level that is militarily sufficient to meet our national security needs. ...

"[M]ilitarily sufficient to meet our national security needs. ..."

General Shelton went on:

The statutory provision that keeps us at the START I level for both Trident SSBNs and Peacekeeper ICBMs will need to be removed before we can pursue these options.

So we have the leadership of this Nation's military—civilian and uniform—urging us not to have a restraint in law that will make it difficult for them to pursue options which they need to pursue in order to avoid the waste of resources, options which will allow us to be militarily sufficient and not to promote proliferation in Russia.

The PRESIDING OFFICER. The time has expired.

Mr. LEVIN. I thank the Chair, and I again thank my colleague from Nebraska.

Mr. KERREY. I yield 5 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all, I thank the Senator for offering this amendment. I am very hopeful that the Senate will adopt it.

I strongly support this amendment, and I commend Senator KERREY's leadership on this important issue of nuclear arms control. His proposal is a significant step in moving forward on the stalled process of nuclear arms reductions. Now more than ever, given the present climate of tension in the world, it is essential for the United States to reactivate arms control discussions with the Russians. It is also critical that we demonstrate to the international community our willingness to engage in continued nuclear arms reductions.

This initiative offers us a major opportunity to break the current impasse

that is preventing significant reductions in the stockpiles of nuclear arms. In addition, it can help to revitalize the START II debate in the Russian Duma, and move us toward greater cooperation on this critical global security issue.

At the Senate Armed Services Committee Hearing on Military Readiness on January 5, I pressed senior military officials about spending priorities in the armed services, and questioned the need for maintaining strategic forces at the START I level. In response to my inquiries, the Chief of Naval Operations, Adm. J.L. Johnson, agreed that he would prefer to reduce the number of Trident submarines from START I levels, and see some of the money currently used to maintain strategic forces at old levels reallocated to meet current and more critical needs. This amendment will give us the opportunity to do so in other parts of our strategic arsenal as well.

As Senator KERREY noted, history demonstrates the benefits of this kind of initiative in arms control, and the impact that can be made by a modest but significant gesture. In September 1991, President Bush ordered that 1,000 U.S. warheads scheduled for dismantling under START I be taken off alert, before that treaty was every ratified. This action resulted in a reciprocal response from President Gorbachev, who just one week later, designated thousands of Soviet nuclear warheads for dismantling and took several classes of strategic systems off alert.

Three years after the Senate ratified START II, we still have not moved closer to the goals in that important treaty. Russia has yet to ratify this treaty, and a move by the United States toward meeting our START II goals may encourage the Russian Duma to take up its ratification, and move us closer to the creation of START III.

This is an important time in our relationship with Russia. Earlier this year, we passed a bill calling for the creation of a National Missile Defense System, conditioned on an amended ABM treaty negotiated with Russia. The best way that we can move toward a new ABM treaty and work to improve global security is by demonstrating to our Russian allies that we are committed to arms control—and an effective way to demonstrate this commitment is by passing this amendment.

Moving closer to implementation of START II will also provide significant savings for the American taxpayer. This amendment will open the door to savings in the cost of upkeep for many unnecessary weapons. In addition, the tritium in these weapons can be recycled, eliminating the need for production of new tritium and the associated production costs.

This amendment is a constructive effort to breathe new life into the stalled arms control negotiations, move us closer to achieving the goals of START II, and send a strong signal to Russia

and the international community about our commitment to these goals. It will strengthen our ability to cooperate with Russia to combat the growing threat of rogue nuclear states, and to build a more comprehensive global security system. Reducing our military stockpile, even to START II levels, will not impair our national security in any way. As Admiral Johnson explained to us last January, this amendment is in the best interest of the armed services, and it will help us to meet more critical readiness needs. I hope this amendment will be accepted. I commend the Senator for initiating it.

I yield back the remainder of my time.

Mr. KERREY. Mr. President, does the Senator from Virginia want to speak?

Mr. WARNER. I will speak whenever you have completed. I want to accommodate you. You can follow me, if you so desire; whatever your desire may be.

Mr. KERREY. I would love to hear the Senator's remarks.

Mr. WARNER. I beg your pardon?

Mr. KERREY. You can go first. I would love to hear your remarks.

Mr. WARNER. You are thoughtful to say that, because I enjoyed listening to yours but I, regrettably, think you are wrong in this instance, and I will move to table your amendment.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I say to my good friend from Massachusetts, a fellow member of the Armed Services Committee, we have in this bill—you are ranking on that committee—the removal of those submarines as sought by the President and the administration.

The essence of what I have to say is that Congress expressed a willingness to do that. Hopefully, this legislation will go through, become law. It seems to me, if the administration has further reductions in the arsenal, let it come before the Congress. That is the procedure that I would follow.

So I just say, in opposition to this amendment, the amendment would strike section 1041. Section 1041 renews and modifies the provision that has been enacted in the defense authorization bill each year for the last 5 years. This is a measured, balanced, and needed provision which, in my view, all Members of the Senate should support. It simply prohibits the retirement of certain strategic delivery systems unless START II enters into force. Essentially, this provision seeks to prohibit unilateral compliance with the reduction of U.S. inventory implementation of the START II treaty and make clear to Russia that the benefits of our mutual arms control agreements can only be realized through mutual implementation of those agreements.

This year, the Secretary of Defense and the Navy requested we modify the limitation to permit the retirement of four of the older Trident submarines. The Secretary, however, made it very

clear that the administration was not advocating any unilateral implementation of START II. The Armed Services Committee reviewed the Secretary's recommendations to reduce the Trident force from 18 to 14 submarines and agreed to authorize such reduction. Section 1041 of the pending bill does, in fact, allow retirement or conversion of these four submarines.

In keeping with the administration's policy not to unilaterally implement START II—and that is the policy; I assume the Senator from Nebraska agrees with that—the Secretary also made sure that the fiscal year 2000 budget request fully funded all remaining operational strategic nuclear delivery systems, including the 50 peacekeeper intercontinental ballistic missiles deployed at the F.E. Warren Air Force Base. The Armed Services Committee supports this decision, and there is nothing in this bill that prohibits the Secretary from implementing any planned reduction to our strategic forces.

Section 1041, which the Kerrey amendment would strike, simply reinforces the administration's policy of remaining at START I force levels until START II enters into force. To strike this provision would send a signal that the Senate no longer supports this policy. This would be a dangerous and unnecessary signal to send, one that could undermine the integrity of the arms control process.

Since section 1041 does not prohibit any planned changes to U.S. strategic forces, it would appear that the supporters of this amendment are really interested in some form of unilateral arms control or some other steps that go beyond the administration's policy. At a time when our relations with Russia and China are quite uncertain, I say to my dear colleagues, now is not the time to consider unilateral reductions in our strategic forces.

The United States and Russia are now hopefully nearing full implementation of the START I agreement. The administration has worked very hard to get Russia to ratify START II. If the Senate votes to eliminate section 1041, this action could be interpreted as a sign that the Senate is giving up on START II. Unless my colleagues are willing to abandon the arms control process, I suggest that they not support the pending amendment. Indeed, the administration has acknowledged that section 1041 provides significant leverage over Russia to get them to ratify START II.

Mr. President, in closing, let me simply reiterate that section 1041 of the pending bill was crafted with the Secretary of Defense's views firmly in mind. Nothing in this provision prohibits the Secretary from undertaking any action he plans for fiscal year 2000. And, since the provision expires at the end of the fiscal year 2000, we will have an opportunity next year to review any new recommendations coming from the administration. For the time being, it

would send a very bad message to strike this important provision. I urge my colleagues to oppose the Kerrey amendment and support the bill.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I regret that Senators are on opposite sides of this issue, but we clearly are. I have offered this amendment because I believe our current strategy to deal with the threat of nuclear weapons is flawed in many serious ways.

First of all, this amendment has the support of the Chairman of the Joint Chiefs and Secretary Cohen. They have not announced any intent to go below the START I levels, but we are not asking for unilateral disarmament. We make decisions about how many men and women we are going to have in our Armed Forces, how big our Navy is going to be, how big our Army is going to be, our Marine Corps, our Air Force is going to be. Sometimes it goes up, sometimes it goes down. Nobody accused President Bush of unilateral disarmament at the end of the cold war when he drew our defense forces down.

I happen to believe we have gone too far. I support reinvigorating our Armed Forces. I don't support giving the Russian Duma a veto over that decision.

That is basically what this is all about. I do not know whether the President would exercise the authority, but in my view this amendment would allow the President to make a decision independently and say, this is the level of nuclear weapons that we need. I have heard knowledgeable patriots who have served their country, who have spent a great deal of time on this subject, say to me that we are, as a consequence of this law, maintaining a level higher than we need to keep the people of the United States of America safe, spending money that is needed in other areas, especially in the conventional area, forcing the Russians to maintain a level of nuclear weapons higher than their economy gives them the capacity to control, and dramatically increasing the risk of an unauthorized launch as a consequence.

That is the new risk. In the old days when we had arms control agreements—and I am not as optimistic about arms control agreements any longer. The Senator from Virginia asked if I supported the policy inherent in this language. Frankly, I do not believe START II is going to be ratified by the Duma. And even if it is, it has been overtaken by events, in my judgment. Even at that level, the Russians would be required to maintain a force structure of nuclear weapons that their economy does not allow them to safely maintain.

I think we would see continued deterioration and continued increased risk to the people of the United States of America not from a hypothetical risk here. All of our armed services have been vaccinated now against anthrax. The Chairman knows there are conferences about all kinds of new threats

that are very real and very present. But there is no threat greater than the threat of Russian nuclear weapons. There is no threat that would arrive here faster, that would arrive here more accurately and more deadly than any one of a number of weapons systems that I could describe in the Russian nuclear arsenal.

In my view, what this does, quite the contrary to unilateral disarmament, is it allows the United States of America to decide what is in our interests. If I had reached a conclusion that I thought we ought to have 10,000 nuclear warheads in our arsenal, that that was in our interests, I would be on the floor arguing that we ought to; that rather than having a 6,000 floor, we ought to say that arms control is not going to work at all. If the Russians were doing something that caused me to conclude that I thought we ought to have a higher level, I would argue for that.

I am arguing that the United States of America should make its own decisions when it comes to nuclear weapons. And right now, in my view, that decision would cause us to go below the statutory floor that we currently have and a further benefit would occur as a consequence enabling us to reduce the threat of an unauthorized launch.

Again, I have a great deal of respect for the chairman and admire his work and agree with him on lots of things that are in this bill, but I come to the floor to offer this amendment because I believe very passionately that it will make the people of the United States of America safer and more secure if it is adopted.

Mr. WARNER. Mr. President, I say in reply that this section was crafted with the views of the Secretary of Defense firmly in mind. Nothing in this provision prohibits the Secretary from undertaking any action he plans for fiscal year 2000. And since the provision expires at the end of the fiscal year 2000, we will have the opportunity in the next year to review any new recommendations coming from the administration.

A year from now we will have more clarity, hopefully, of the relationship with China, of the relationship with Russia and, indeed, this Senator's concern about North Korea and its advancements in missile technology. So I think we can focus on the superpowers but this, in my judgment, talks to the entire strategic defense of the United States of America.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I appreciate that very much, although the only reason I was referencing Secretary Cohen and General Shelton's support, as Senator LEVIN indicated earlier and put in the RECORD, there has been some indication that perhaps the administration doesn't support eliminating this artificial floor. They do. They have no plans—they have not indicated that they intend to go any

lower than this. But they have put in the record at the Armed Services Committee, in response to Senator LEVIN's question, that they support this amendment. They support eliminating this artificial floor.

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

Mr. KERREY. Mr. President, I will do the same.

Mr. WARNER. I thank my colleague. It has been a good, spirited debate on a very serious subject. I think his historical context would be very helpful for all Senators. The bottom line is, we tend to forget, as you pointed out, in 1988, it was foremost in our minds. Not so.

Mr. President, if the Senate could now proceed to the vote with all time yielded back, I ask for the yeas and nays and move to table the Kerrey amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 395. The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—56

Abraham	Fitzgerald	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bayh	Graham	Nickles
Bennett	Gramm	Roberts
Bond	Grams	Roth
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Byrd	Hatch	Smith (NH)
Campbell	Helms	Snowe
Cochran	Hutchinson	Specter
Collins	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Kyl	Thompson
Crapo	Lincoln	Thurmond
DeWine	Lott	Voinovich
Domenici	Lugar	Warner
Enzi	Mack	

NAYS—44

Akaka	Feingold	Lieberman
Baucus	Feinstein	Mikulski
Biden	Harkin	Moynihan
Bingaman	Hollings	Murray
Boxer	Inouye	Reed
Breaux	Jeffords	Reid
Bryan	Johnson	Robb
Chafee	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Smith (OR)
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden
Edwards	Levin	

The motion was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

VOTE ON MOTION TO RECONSIDER AMENDMENT
NO. 392

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to reconsider the Gramm amendment, which amendment was not agreed to yesterday.

Mr. GRAMM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—51

Ashcroft	Durbin	Lott
Bennett	Feinstein	Mack
Biden	Fitzgerald	McCain
Bond	Frist	McConnell
Brownback	Graham	Murkowski
Burns	Gramm	Nickles
Byrd	Grams	Roberts
Campbell	Gregg	Rockefeller
Chafee	Hagel	Roth
Cochran	Hatch	Santorum
Collins	Helms	Snowe
Coverdell	Hollings	Specter
Craig	Hutchison	Stevens
Crapo	Jeffords	Thompson
DeWine	Kerrey	Thurmond
Domenici	Kohl	Torricelli
Dorgan	Kyl	Voinovich

NAYS—49

Abraham	Gorton	Moynihan
Akaka	Grassley	Murray
Allard	Harkin	Reed
Baucus	Hutchinson	Reid
Bayh	Inhofe	Robb
Bingaman	Inouye	Sarbanes
Boxer	Johnson	Schumer
Breaux	Kennedy	Sessions
Bryan	Kerry	Shelby
Bunning	Landrieu	Smith (NH)
Cleland	Lautenberg	Smith (OR)
Conrad	Leahy	Thomas
Daschle	Levin	Warner
Dodd	Lieberman	Wellstone
Edwards	Lincoln	Wyden
Enzi	Lugar	
Feingold	Mikulski	

The motion to reconsider the vote by which amendment No. 392 was rejected was agreed to.

Mr. GRAMM. Mr. President, I ask unanimous consent to vitiate the roll-call vote on the amendment, and I ask for a voice vote.

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

The question is on agreeing to amendment No. 392.

The amendment (No. 392) was agreed to.

Mr. GRAMM. I move to reconsider the vote.

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. I thank the Chair.

Mr. President, it is the desire of the managers and the leadership to continue to work on this bill and make good progress.

The pending amendment is the amendment by the distinguished leader from Mississippi, Mr. LOTT; am I not correct? I am fairly certain.

The PRESIDING OFFICER. Actually, the pending amendment is the Allard amendment.

Mr. WARNER. Fine.

Mr. President, we are then ready to proceed.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 396

Mr. ALLARD. Mr. President, the amendment I am offering with Senator HARKIN and a number of other people is now before the Senate.

I ask unanimous consent at the start that Senator GRASSLEY be added as a cosponsor to the amendment.

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

Mr. WARNER. Mr. President, if the Senator would yield?

The PRESIDING OFFICER. Does the Senator from Colorado yield?

Mr. ALLARD. I yield for an inquiry.

The PRESIDING OFFICER. The Senator from Colorado has the floor and has yielded to the Senator from Virginia for an inquiry.

Mr. WARNER. I thank the Chair.

I am very anxious to structure this so all Senators have an opportunity to speak on this important amendment. I have spoken to Senator HARKIN, and he desires 20 minutes.

Mr. ALLARD. That is correct.

Mr. WARNER. That is the amount of time he will require. It may be that we have to go off this amendment for a short time, but I have assured him that we would not, of course, vote, and we would come back on the amendment to give him the 20 minutes.

But I inquire of the Senator from Colorado the time that he desires, and the distinguished Senator, Senator INHOFE, the time that he desires.

Mr. INHOFE. Ten minutes.

Mr. ALLARD. I would guess about 15 minutes is what I would need.

Mr. WARNER. Why not give 15 minutes to each side; 20 minutes for Senator HARKIN.

Is there any other time that you know of, I ask my distinguished ranking member?

Mr. LEVIN. We do not know of any other time.

So we are clear then, we will not close off debate on this until Senator HARKIN has an opportunity to come back and claim his 20 minutes.

Mr. WARNER. Mr. President, I have assured him. In order to protect all parties—Senator STEVENS may wish to speak to this—I ask unanimous consent that we have 1 hour, divided 20 minutes under the control of the distinguished Senator from Oklahoma, and 40 minutes, which would include the time for Senator HARKIN, under the control of the Senator from Colorado.

Mr. ALLARD. That would be fine.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, in order to protect Senator HARKIN, which I

know the Senator from Virginia is determined to do—

Mr. WARNER. Yes.

Mr. LEVIN. —and I am determined to do, if he is unable to be back here by the time the 40 minutes is utilized, we would then go to some other matters and protect him?

Mr. WARNER. That is exactly right.

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

The Senator from Colorado has the floor.

Mr. ALLARD. Mr. President, I ask that the Chair let me know when I have reached the 15-minute mark.

The PRESIDING OFFICER. The Senator will be so informed.

Mr. ALLARD. Mr. President, the amendment I have offered, with Senator HARKIN, and others, dealing with the Civil Air Patrol, is, in the greater scheme of this defense authorization, probably not that big a measure. But for the Civil Air Patrol, its members, an the job they do, it will prevent a huge and unfortunate change.

This defense authorization contains a provision that would force the civilian, volunteer, locally controlled Civil Air Patrol wings into a more rigid and centralized Air Force command structure.

My fellow sponsors of the current amendment and I feel this forced change would hamper the patrol, hinder their activities, and hurt, ultimately, results.

The Air Force fights wars. Their structure and administration are designed for fighting wars. The Civil Air Patrol, a nonprofit civilian service organization, is fundamentally different.

The Patrol was started to watch our borders during war time. But now their focus is search and rescue, counterdrug operations, and humanitarian efforts.

Last year, the patrol saved 116 lives through their search and rescue operations. In 1998, they also flew 41,721 hours in support of counterdrug operations. Over the last 4 years, the Patrol membership has increased 20 percent, and the youth cadet program has increased its membership by 30 percent.

Newspaper are full of stories about Patrol efforts to find downed planes, lost hikers, and others, or emergency flights to provide supplies, transport people, and shuttle other vital items.

After the recent tornados in Oklahoma, Patrol wings flew damage assessment missions for relief authorities.

In January, the Colorado wing found two missing hikers in Mesa Verde park in Colorado. In April, they flew search and rescue looking for the Miller family of Iowa. As the Omaha-World Herald said on Tuesday, May 11, "When a small plan goes down in the unforgiving mountains of southwest Colorado, the story seldom ends well." But the Patrol kept at it, doing what they have been called on to do time and time again.

The Air Force conducted a week long review of the Patrol at national headquarters. They found what they

deemed to be irregularities. The Civil Air Patrol has responded to the review, point by point. They have shown a willingness to deal with the Air Force by instituting some of the proposed measures, and by negotiating on the others. But from my understanding the Air Force, however, does not wish to negotiate in a sincere manner.

While I understand Air Force Secretary Peters position, I do not believe the only option on the Civil Air Patrol was to do it the Air Force Way. I would prefer to do it the correct way.

And so what is the proper congressional response now? This section of the defense authorization is certainly not the answer. The provision that we are trying to remove with this amendment could very well be a "fix" for something that is not broken, or a surgical amputation instead of a band-aid.

There have been allegations of financial impropriety and safety lapses. I am willing—in fact, I am eager—to have these fully investigated.

The amendment before us mandates a Department of Defense Inspector General audit on the financial and management structure of the Civil Air Patrol, and requires them to present the report, with recommendations, to the congressional defense committees. The amendment likewise calls for the GAO to investigate and make recommendations on the CAP management and financial oversight structure, as well as the Air Force's management and financial oversight structure of the Civil Air Patrol and their recommendations for improvement. Both reports are due by February 1, 2000, so that we can consider the reports and recommendations for next year's authorization. But the amendment does not overwhelmingly change the makeup and leadership of the Patrol, without hearings, congressional oversight, or joint party consultations. It allows us to take an informed and reasoned approach to dealing with the allegations.

The Civil Air Patrol is not some loose-cannon. It is not some rogue agency. The Patrol is already an auxiliary of the Air Force. Their financial practices are overseen by the Air Force. Air Force personnel must sign off on Patrol expenditures and billing. Air Force personnel work at Patrol headquarters, with daily access to financial records, and these records are all public information.

I do not know the motives for this attempt to subsume the Patrol into the Air Force after all these years. If the desire is merely to react to charges of impropriety, then the language as it stands is obviously excessive, and our amendment is the far better approach.

But if I don't know the reason why, I certainly know reasons why not to allow this language.

I worry the Patrol will lose its local control.

It is very important in States such as Colorado that we have immediate decisions when a plane goes down. Because we live in a State that has a lot of

rough terrain, the weather changes quickly and dramatically, it is important that decisions be made quickly. With our local decisionmaking process, those decisions do get made properly and we can get out and save peoples' lives, in States such as Colorado, through the efforts of the Civil Air Patrol. It will sour those locally based volunteers who make up the overwhelming majority of the wings, who donate their time and energy and often equipment. Many of the assets of the Civil Air Patrol are gifts the Patrol received from donors willing to give to a charitable organization. How can we justify the Air Force wresting control of these items away from the local volunteers? How can we justify the added expense of substituting high-ranking, paid, benefit-earning Air Force personnel for unpaid, volunteer Civil Air Patrol leadership? How can we justify doing it with so little discussion, so little oversight, so little recognition of the severity of the action?

I urge my colleagues to support this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I yield myself such time as I may consume.

I rise in opposition to this amendment. I want to say that there is no one of the 100 Members of the Senate who has been historically closer to the CAP, who has participated in CAP activities than I have. There is not a year that goes by that I do not talk to the troops and those who are being promoted, those who have achieved really great things and have made great contributions to society. I also, just 2 weeks ago, could very well have been the product of a search by the CAP, had I not been able to glide my plane into an airport. So I understand that. I have been on various patrols where we go out. I know the valuable contributions that the Civil Air Patrol makes to this Nation every year, search and rescue, youth cadet program.

However, we are concerned with the continuing streams of allegations coming from the Air Force and from members of the Civil Air Patrol that senior members of the CAP have engaged in inappropriate, and in some cases, illegal activities. I will outline a few of the allegations that have been brought to the committee by either the Air Force or former members of the CAP.

I have some documents to include as part of the RECORD that I will want immediately following my remarks, but these are just some of the accusations that are out there. I know that the Senator from Colorado is just as concerned about these as I am.

One individual was charging the cost of his flying hours to the Civil Air Patrol counterdrug account when he was actually flying to visit his daughter. A second accusation: One CAP wing charged both its home State and the

CAP counterdrug budget for the same mission, essentially receiving double reimbursement for the same activity.

Here is a good one: The southeast regional commanders conference was held on a cruise to Nassau paid for by CAP headquarters. After the conference, some individuals requested and received a per diem, even though the cost of the cruise had been paid for by the CAP and, thus, by the taxpayers. I have often thought—I suggested this to the Senator from Colorado—what kind of a position would we be in, would I be in, as chairman of the Readiness Subcommittee of the Senate Armed Services Committee if I sat back and let these charges go unanswered? I could just imagine "60 Minutes" or some news account of this talking about the cruise to Nassau that was paid with taxpayers' money and then double dipping on top of that.

We have numerous other types of reports concerning missing equipment. Seventy percent of one wing's gear, communications gear, computers, et cetera, cannot be accounted for; 77 percent of another wing's gear is missing. The most extraordinary of all, however, is a letter we received from one former member alleging that Federal laws and Federal aviation regulations relating to aircraft maintenance were being violated, and quoting from that letter, "the lives of our cadet"—these are juveniles—"members were being jeopardized."

We are talking about human lives here. Because of these accusations and because the Civil Air Patrol is an auxiliary of the Air Force, receiving virtually all of its funding—some 94 percent of the funding for the CAP comes from the Air Force and the headquarters at the Air Force installation—the leadership of the Air Force requested that the committee pass legislation to grant the Air Force the necessary authority to ensure responsible management of the Civil Air Patrol.

That is exactly what this legislation does. This is in our mark that is before us today.

I do urge my colleagues to oppose this amendment. However, should it pass, I hope that the Secretary of the Air Force will refer the allegations to the FBI and seek to sever the Air Force's ties with the CAP. We can't hold the Air Force responsible for an organization that it doesn't have any authority to supervise. I do not know whether there is any other example anywhere, Mr. President, where you have the responsibility statutorily borne by some agency and they have no authority to police or discipline the behavior of that entity.

I ask unanimous consent that a letter to me from General Ryan, Chief of Staff of the Air Force, making this request be printed in the RECORD. And I ask that the internal memorandum that outlines many other examples, which I would be glad to share with the Senator from Colorado and with the Senate, should this debate pursue, be

printed in the RECORD immediately after the letter from General Ryan.

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

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE CHIEF OF STAFF,
Washington, DC, April 21, 1999.

Hon. JAMES M. INHOFE,
Chairman, Subcommittee on Readiness and
Management Support, Committee on Armed
Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Air Force has a long-standing and mutually beneficial relationship with the Civil Air Patrol (CAP). As a former CAP cadet, I am very familiar with the important role this organization plays in shaping the lives of thousands of young Americans.

However, there have been a number of recent incidents which have caused us some concern about the activities of the CAP headquarters. As an auxiliary of the Air Force, CAP receives most of its budget and a great deal of nonappropriated support, such as free use of on-base facilities, from the Air Force. Yet, it is not accountable to the Air Force for how it spends its budget or conducts its business. Consequently, we have developed a proposal to strengthen and preserve our relationship with CAP. It requires new legislation, but will not affect CAP's funding levels. It will be transparent to the CAP field units and will ultimately improve the level of support they receive from the headquarters.

We have briefed your personal staff and the Senate Armed Services Committee staff on our proposed changes to the Air Force-CAP relationship. We recently met with the CAP leadership and continue to seek solutions to our concerns. These efforts are ongoing and should they prove successful, we will recommend withdrawing this legislation.

I trust this information is helpful and ask for your support as we work to strengthen the bond between the Air Force and CAP.

MICHAEL E. RYAN,
General, USAF,
Chief of Staff.

From: AF/DXON.

Subject: Special Project Team Assessment of
Civil Air Patrol.

MEMORANDUM FOR THE SPECIAL ASSISTANT TO
THE SECRETARY OF THE AIR FORCE

As you know, I traveled to Maxwell AFB, AL from 18-23 April 1999 as part of the Special Project Team that the Secretary and Chief of Staff chartered to assess Civil Air Patrol (CAP) processes. Our purpose was not to perform a full-blown inspection of either CAP's administrative headquarters or the units in the CAP national chain of command. Nevertheless, in just a couple days time the team discovered a number of practices that convinced us of the Air Force need for greater oversight of CAP activities. I will cite a few examples that are of particular concern:

CAP recently conducted its Southeast Region Commander's Conference on board a Caribbean cruise ship with the National Commander and National Director in attendance. Our auditors discovered that executives claimed per diem for this meeting even though the cost of the cruise was inclusive of meals.

Senior corporate leaders travel by first class, and receive what could be regarded as generous salaries. Certain senior corporate employees are receiving full military retirement pay in addition to their salaries.

CAP units flew over 41,000 hours on "counter drug" missions, which were reimbursed, from appropriated funds. We are aware of several irregularities where per-

sonal travel and maintenance flights were charged to counter drug, as well as one wing that charged several counter drug missions to both the Air Force and the state.

Several CAP wings cannot account for over 70% of the communications equipment purchased for their units with funds that were reimbursed with Air Force appropriated funds.

Members and former members complain that they lack faith in the independence and effectiveness of the CAP Inspector General program. Members were refused membership renewal coincidental to raising complaints about equipment control, aircraft maintenance (safety) practices, and an assault. A flight check ride pilot was ostracized from her unit for restricting a CAP pilot from solo flight privileges. In each case, the affected members went to their IGs who deferred to command action.

Because this assessment was never intended to be an inspection, the observations made should be viewed only as symptoms. The team also observed truly excellent programs at certain wings and more generally at the administrative headquarters. Talented and dedicated volunteers and employees in many cases provide safe and valuable programs to cadets and the country as a whole. The CAP National Board seemed to satisfy a major concern by agreeing in principle to comply with OMB Circular A-110. Nevertheless, the Air Force should attempt to gain visibility through representation on an overseeing Board of Directors to assure that CAP's role as a civilian auxiliary to the Air Force will be a credit to the Air Force and the nation. The Board of Directors would operate at the macro level and provide the SECAF authority commensurate with the responsibility of overseeing CAP matters. This would clearly establish the auxiliary to principal structure to foster a healthy relationship for the future. Unless CAP CORP leadership convinces the National Board to reverse itself and embrace such a structure, it is regrettable that the only sure way to obtain this reasonable level of oversight will likely be through legislation.

ROBERT L. SMOLEN,
Col., USAF, Dep.
Dir. of Nuclear &
Counterproliferation
DCS/Air and Space
Operations.

Mr. INHOFE. I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator from Colorado has 15 minutes remaining. The Senator from Oklahoma has 14 minutes 18 seconds.

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

Mr. WARNER. Mr. President, if I could interrupt.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. The schedule of the Senate would permit additional time, if you so desire, I say to my colleagues, to seek additional time.

Mr. INHOFE. Well, I will respond to the chairman by saying that I do not have anyone who has requested time from me. I have pretty much stated the whole case. I would appreciate, of course, yielding time to him to hear his position on this, as chairman of the committee.

Mr. WARNER. I will ask unanimous consent that I have about 5 minutes on this matter.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Colorado.

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

In response to comments in the cases that were presented by my esteemed colleague from Oklahoma—I will add at this point, it is a pleasure to serve with him on the Armed Services Committee; he is somebody that I highly regard in the Senate, a very honorable individual. I know that he has a love for the Civil Air Patrol and he wants them to be able to do their job effectively. I know that his concerns are out of love for that very organization, because he is a pilot himself. I will respond that from the information I have on the misallocation of the personnel uses, I understand there is a high probability that that occurred. But in other organizations where this happens, we don't go and just take away complete control of the organization without some hearings, without some oversight from this Congress.

I understand that the Air Force has spent some time in overhauling it, and it has been done within the structure of the Air Force. I think, before we move ahead with an amendment as dramatic as what is in the defense authorization bill before us, that we ought to have some hearings, that we ought to, as Members of Congress, spend some time and delve into the actual facts.

I don't think we can do this without having some agency do some reporting for us. That is why in the amendment that I have put forward, I ask the GAO to look at the financial structure—this is an area my colleague has suggested where there could be some problems—and report back to Congress whether or not there are abuses. And also in the amendment, I have the Inspector General, who can look at the administrative aspects of it, how they established policy, see if they are following through with their goals, if they are doing what they have promised to the Congress and to the Air Force, and give a report on those incidents. And we ask that this be given in a timely manner so that next year when we come back in and this bill is before us then we can go ahead and look over the report and, hopefully, maybe have a hearing or two based on the report and put something reasonable and responsible forward.

I have some real concerns about saying, OK, we are going to turn over total control to the Civil Air Patrol, take it away from being a voluntary nonprofit organization. That is almost like a chapter 11 in the real business world. When you take over the board of directors, you completely change everything.

I don't think it is that serious. I don't think we ought to put the Air Force in control of the board of directors. But I do think there are some things that we need to investigate. For example, on the cruise issue brought up by my colleague, my understanding is

that the Air Force was the one that OK'd the disbursement for that cruise. So there might be some question of where the responsibility lies, who was culpable for some of these actions. I know the Air Force has some oversight on some of the equipment.

Now, maybe we don't have the Air Force doing what their responsibility should be. So if that is the case, then there might be enough blame here to go around to everybody. I think the only way, as Members of the Senate, we can begin to sort this out is if we have hearings, we ask for a report from the General Accounting Office, and ask the inspector general to give us a report, so we have some facts on which we can work.

For that reason, I am continuing to push my amendment. I hope the Members of the Senate will support me. A number of my colleagues also come from mountainous States where the Civil Air Patrol is vital and their response needs to be made on a local decisionmaking process. We can't be waiting to go out to search until after it has been filtered through Washington and goes back to the State. On these search efforts, when they come up, there is an immediate need and there has to be an immediate decision made locally.

My hope is that we can adopt my amendment and take out the more onerous provisions that we have in the bill until we can get the facts before us. And then, after we have those facts, perhaps we can move forward in a more informed and responsible manner.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, I know the Senator has the best interests of the CAP at heart in making his comments. But I do believe that he needs to read this very carefully, and if any other Members want to read it, it is on pages 292, 293, and 294.

All we are doing is saying that if the Air Force is going to continue to be responsible for the behavior and the actions of the CAP, they be given some oversight, some ability to get into the books and check these things out. It is my understanding that the account that the Senator from Colorado has is not an accurate account of the cruise. I will repeat the accusation.

The Southeast Region Commanders Conference was held on a cruise to Nassau. Now, this is a cruise paid for by public funds, CAP funds, which came from the Air Force. After the conference, some individuals requested and received per diem, even though the cost of the cruise had been paid for by taxpayer money. I just think this is so outrageous. In fact, the Air Force personnel who was wanting to stop this from happening was so opposed to it that he refused to go on the trip himself. He canceled out.

All we are saying is that if they are going to be responsible for this, we are going to have to, in some way, give them the authority to oversee it. After a while, I am going to be giving a talk on what I find to be offensive about this whole bill that we are discussing today. It is primarily that we are not funding adequately our whole military, certainly in the area of readiness. Our service Chiefs, our four-stars, and our CINCs all got together and said, in order to meet the minimum expectations of the American people, and to meet our national requirements, our mission requirements, we would have to have \$17.4 billion a year more for the next 6 years, plus the amount for pay increases and retirement. That comes to about \$24 billion. The amount of increase here is only \$9 billion—totally inadequate.

I am supporting this legislation because it is the very best we can do. I say to the Senator from Colorado, we are looking everywhere to pick up a million dollars here and a little bit there; we want to do it. In spite of that, General Ryan recommended, because of his affection for the CAP, an additional \$7.5 million. That should demonstrate his feelings about the CAP. We were not able to give that additional amount. We kept the same levels as the previous year because we have problems in modernization, quality of life, force strength, and there is no place that isn't bleeding and hemorrhaging right now. So that is my concern.

I would hate to be in a position to deny the Air Force the right to at least look at the books and have an opportunity to stop this type of abuse if they are going to be responsible for their actions. Right now, they are responsible. That is why I said if this should pass, I think the Secretary of the Air Force really needs to refer these accusations to the FBI and sever the ties of the Air Force. CAP doesn't want that. They have had a very good relationship all these years. I think there may be a small number of people who perhaps have not exercised the proper behavior and don't want the oversight. But I can't think right now of any example in Government where someone is responsible for someone else and yet has no authority over their behavior.

I yield the floor.

Mr. ALLARD. I thank the Senator from Oklahoma for yielding. In response to the Senator from Oklahoma, I agree that funding for our military has been dismal, particularly in light of the fact that this administration has continued to have more deployments than President Bush and President Reagan put together. Yet, we have cut defense from time to time, and I am very sympathetic to and voted for increased funding for the Department of Defense. I understand there are problems with the Air Force, but I think this is where the Civil Air Patrol, with their voluntary program, helps with the budget; they don't hurt the budget.

If we have shortages at the Air Force, as far as adequate funding for

oversight, it seems to me that taking over the whole program is going to require more personnel, more time, and it is going to cost the Air Force more. It seems to me that the responsible thing to do at this particular point is to, first of all, get our studies and facts in order and then find out if we can't come up with a commonsense resolution that has some reasonable oversight by the Air Force and still keep this a voluntary organization. The strength of it is the voluntarism. I hate to take that away from it. I think we save the Air Force money.

So that is why I believe it is important that we go ahead with the amendment that I am proposing, because I think in the long run the Air Force can benefit. We just have to get the oversight problems taken care of. We can do that. Once we get the facts before us—and that is what my amendment does—then we can move forward.

I thank the Senator for yielding.

Mr. INHOFE. Mr. President, who has the floor?

The PRESIDING OFFICER. Actually, the Senator from Colorado has the floor.

Mr. ALLARD. Mr. President, I understand that the Senator from Oklahoma yielded to me. What is our time limit?

The PRESIDING OFFICER. The Senator from Oklahoma yielded the floor. The Senator from Colorado assumed the floor. At this time, the Senator from Colorado has 8 minutes and the Senator from Oklahoma has 10 minutes.

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

Mr. INHOFE. I yield myself such time as I may consume. I was going to ask a question of the Senator. First of all, I realize that the Senator from Colorado and I both are among the strongest supporters of our national defense. The Center for Security Policy has us both rated as 100 percent. That is not an issue on the table. We both feel that way.

My problem is, No. 1, they have made the specific statement that it is not going to cost any more to have some supervision over the CAP because the time they spend trying to look into these things without the authority to do it is more time consuming than if they had the legal authority that we are trying to give them with our defense authorization bill. If you just take the money in the examples I used on the trip to Nassau and all of that, I think you would have to agree that the money would be better spent on spare parts than it would be on some of the double-dipping in which they have engaged.

I would be glad to yield to the Senator from Alabama.

Mr. SESSIONS. I thank the Senator. I have supported Senator ALLARD's amendment, because, as I understand it, it calls for a GAO evaluation and an inspector general investigation for the potential wrongdoing.

Mr. INHOFE. Mr. President, I will reclaim my time, and yield the floor so the Senator will be talking on his time.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. Mr. President, how much time remains?

Mr. SESSIONS. Two or 3 minutes.

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. ALLARD. Mr. President, I yield 3 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I think it is time to reevaluate the way the Civil Air Patrol is supervised. I am inclined to think that the Air Force justifies and makes a good case for tighter accountability and for maybe more direct ultimate control over how the Civil Air Patrol operates. But, as Senator ALLARD has eloquently discussed, it is a popular volunteer agency that we don't want to become too bureaucratic, else we may lose the popularity that is involved with it.

I hope before we vote on this—I suspect the vote is set for tomorrow, is that correct, not tonight?

Mr. ALLARD. I am not sure whether it is going to be scheduled for tonight or tomorrow. I haven't heard one comment from the floor manager in that regard.

Mr. SESSIONS. I was hoping that perhaps we could get with the Air Force one more time, and maybe they would be amenable to improving this amendment to give them maybe more certainty or more prompt resolution of it and get this matter settled. I think that is going to be important.

I want to maintain the vitality and the attractiveness of the Civil Air Patrol and the many thousands of volunteers that do so much. We want to increase accountability. We want to increase their responsibility to professionally manage every dollar. They are an agency that receives our funding, and we have every right to expect rigorous accountability. I would like to develop a system in which the Air Force feels comfortable. I think we are close to that. Maybe we can reach that.

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

Mr. ALLARD. I ask unanimous consent that my time be allocated to the Senator from Oklahoma.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. INHOFE. I hope before this is over the Senator from Alabama is on my side. So I don't mind using my time to ask the question.

I ask the Senator. I know there are a lot of demands on time. Was the Senator from Alabama in here when I made my remarks concerning the accusations of those things that have taken place with the CAP?

Mr. SESSIONS. I am aware of some of those allegations.

Mr. INHOFE. I ask also if he is aware of what this does. It takes an entity

that is 94 percent paid for by taxpayers' funds and gives some authority of oversight as to the expenditure of that 94 percent of funds that are being used. That is essentially what the amendment does.

Mr. SESSIONS. I favor that. I certainly favor full investigation of every allegation of wrongdoing. I believe that Senator ALLARD's amendment calls for that. I think the difference would be: Are we prepared tonight to make the final decision about how this reorganization occurs or should we get a GAO report and an IG report first?

Mr. INHOFE. All right. I also want to make sure—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. INHOFE. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Oklahoma has 7 minutes and the Senator from Colorado has 5 minutes.

Mr. INHOFE. Let me yield myself whatever time I may need.

I say to the Senator that in my remarks I commented that there isn't a Member of the 100 Members of the Senate who has worked closer on an active basis, actually flying with and teaching and working with the CAP, than I have. I have attended every ceremony that they have had—unless there is something I don't know about—in the State of Oklahoma, because of my strong support for their group.

My problem is this wonderful group has a few bad apples in it, and there is no way to get at those bad apples. Here we have General Ryan suggesting that we increase the appropriations to them for the operation of their program by \$7.5 million that we had to deny when the Senator and I were sitting in the Armed Services Committee.

This is a time that we can't afford to be throwing away any money when we have all the readiness needs, when we have modernization needs, when we have force strength needs, and quality-of-life needs, and all of these things that need to be funded in this particular area. I just do not want to be in a position where I am passing an amendment to take away the authority of the Air Force in this case which is using public funds to fund this entity and taking away their ability to in some way dictate what is going on there if they are going to be responsible for it.

Here they are responsible for some of this activity, such as the one individual that was charging the cost of his flying hours to the CAP counterdrug account when he was actually flying to visit his daughter, or one CAP person charged his time both to the home State and the CAP counterdrug budget. So he is double-dipping. Those are public funds they are getting—funds that could be used to buy spare parts, funds that would keep us from having to cannibalize engines, funds that would keep us from having to keep these guys working 16 hours a day repairing aircraft that are broken down.

I think we are looking at so many issues. That is why we discussed it at some length in our committee, because we can't allow these abuses to take place and tell the Air Force, Your hands are tied; you have responsibility for their actions but you don't have anything to do with their performance.

Mr. SESSIONS. I appreciate and respect the insight of the Senator from Oklahoma, because he has stood steadfastly for good defense, and he knows this issue exceedingly well.

Again, I think maybe we can reach a compromise that would give us some opportunity to review the reorganization and the structure.

Mr. INHOFE. Reclaiming my time, let me throw out a suggestion. We can go ahead and pass this as a mark that dictates at this time. If there is any kind of abuse, we can change it. Anything we do can be changed. That is what we are trying to do right now. These abuses are not things that just happened in the last 6 months. They have been happening over a long period of time.

We talked about doing something about this in the last three authorization bills. We haven't done it. We put it off. Nothing has happened. Now we have an opportunity to do it. All we are doing here is allowing us to at least have some ability to monitor what is going on and stop some of these things.

I just keep thinking about the "60 Minutes" program coming up with all of these abuses. What do we do? We have debated this issue. We turned around and said we will leave the status quo. That is what we are going to do if we pass the amendment.

Mr. SESSIONS. Some change is necessary. I certainly agree with that.

Mr. INHOFE. I yield the floor. I yield whatever time the Senator from Virginia may consume.

Mr. WARNER. I thank my colleague from Oklahoma.

Mr. President, the chairman of the committee sat here and listened to the differences of views of three of his stalwarts. But as I listened, I said to myself, possibly you could work it out. We are at the point in time where I would like to go on another amendment. Senator HARKIN will return at circa 7 o'clock, and he desires to speak for about 15 or 20 minutes. We made in the unanimous consent agreement that provision. There is time within which you might consider it, because I stand very firmly with the decisions of the committee. I listened to the debate. As a matter of fact, ironically—I hate to keep dating myself—along about circa 1943, or 1944, I was associated somehow with the Civil Air Patrol, because I always wanted to join the Army Air Corps. It was called the Army Air Corps in those days. Also, it gave a young person—as I was 16—an opportunity to hop in a plane and fly. It was exciting to fly in those days. It was not a matter of routine in those days. It was a dream. So much for that trivia.

The point is that this is a very respected and venerable organization that has to be preserved.

As I listened to our colleague from Oklahoma recount the potential problems, "60 Minutes" is going to tune in on this pretty soon. There are just a few of us that understand the value of the Civil Air Patrol, and we could lose it.

For example, the junior ROTC and the junior NROTC and other programs to encourage young people to direct some portion of their life devoted to the military. I have seen those programs scaled back, funding reduced, and support reduced. It concerns me that this program, likewise, could face those situations.

I am going to support the Senator from Oklahoma in his position because it is a committee position. I listened to the debate and I believe some remedies have to be addressed.

With a little luck, maybe we can work it out.

Mr. ALLARD. Will the Senator yield?

Mr. WARNER. I have completed my statement. I yield the floor.

Mr. ALLARD. All Members cosponsoring this amendment recognize we have some oversight problems. We are struggling because we don't have the facts firmly before the Senate. It seems to me, as with any other problem that comes before this Senate, we can go through the same channel as any other agency. We can have hearings—public hearings; we can have a GAO study, and an inspector general study to have some basis in fact with which to work. Once we have all the facts, we can put together some reasonable recommendations.

At this point, to turn total control over to the Air Force is a rather draconian action until we get the facts. I hope I can sit down with the chairman of the committee and the chairman of the subcommittee, whom I respect dearly, and work out a way to make it accountable without having to turn over total control to the Air Force.

I am afraid we will lose the volunteer aspect. I think that is one of the real values of the Civil Air Patrol. The volunteer aspect used to go down to young students, high school age. They learn to work the radio; they learn to be part of a team; they get experience with flying, and eventually they may very well apply to the Air Force Academy or the Navy to fly. I think it is a great recruiting mechanism with lots of advantages. I think it all boils down to the volunteer organization.

My hope is we can work out a plan that would bring accountability to this very serious problem yet maintain the volunteer aspects of the organization and local control.

Mr. WARNER. Mr. President, I leave it to the experts on this.

Mr. INHOFE. The amendment merely gives oversight.

Here is the problem: I appreciate the voluntary aspect of it; unfortunately, the voluntary aspect of this only funds

about 5 percent, and about 95 percent is public funds, for which we are responsible.

Before the esteemed chairman of the committee arrived, I talked about how strapped we are. I believe the bill we are debating today is inadequate in terms of proper funding, but it is the best we can do, so we support it.

I can think of military construction projects right now that would love to have a little extra funding, and it does relate to our security interests.

I am happy to work with the Senator from Colorado on any kind of a compromise that will give oversight of the CAP to the Air Force so that they will have some degree of control.

If 95 percent of the funding of the CAP is taxpayers' dollars, the taxpayers have to have some degree of control. We have a lot of other anecdotal accusations. I don't want to get into that. Things like this are going on and things like this will continue to go on in any entity in society that doesn't have any oversight. I can cite some examples in another committee. We served on the Environment and Public Works Committee where one of the agencies has had no oversight over the past 5 or 6 years and was getting out of hand. They have to have oversight. Those people are dealing with public funds and the public has to have oversight.

My concern is what will happen if we don't do this. If we don't do this, as I suggested, the Secretaries of the Air Force may decide to sever relations, and then we really have a serious problem with CAP. I think there is not a person in here who is not a strong supporter of the CAP—certainly these three Senators are among the strongest. We are attempting to save it.

Mr. WARNER. Could I say to my colleagues, is it possible we could conclude this debate? We are anxious to bring up another amendment which we hope to vote on tonight.

Mr. ALLARD. I will sit down with my colleagues, both of my colleagues, and go over some of this language. The way I read the language, the Air Force Secretary appoints the national board of directors, and they have total control over the rules and regulations. It looks to me as if they have total control. Maybe I am misinterpreting it.

I am willing to sit down with my colleague and see if this happens or not, and maybe we can work out a compromise.

With that in mind, I yield the floor so the chairman can move ahead.

Mr. WARNER. I thank my distinguished colleague.

Mr. INHOFE. I make one last comment to the Senator from Colorado. The language where the local units would continue to be run by local commanders is not addressed in this. That doesn't change. That would remain as it is in the current law.

Mr. WARNER. I thank my colleagues.

Mr. President, we will ask unanimous consent that this amendment be laid

aside until such time as I bring it up again.

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

Mr. WARNER. At that time, we will have debate by Senator HARKIN for a period not to exceed 15 to 20 minutes, and then we propose to vote, unless good fortune strikes and these able Senators are reconciled.

The pending business now would be the amendment from the distinguished majority leader, Mr. LOTT; would that not be correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I ask unanimous consent that be laid aside.

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

Mr. WARNER. We now turn to an amendment by the distinguished Senator from New Hampshire, Mr. SMITH, a very valued member of the Armed Services Committee and chairman of the Subcommittee on Strategic Forces.

It would be my hope we could arrive at a time agreement and possibly vote on the amendment tonight.

Mr. SMITH of New Hampshire. If I may respond to the Senator from Virginia, how much time would the Senator like to have?

Mr. WARNER. I want to consult with my distinguished ranking member, but in fairness, I advise my good friend I have looked over this amendment—the Senator from Virginia, as chairman of the committee—and certainly my own judgment is that I will have to move to table.

I think my good friend understands that.

Mr. SMITH of New Hampshire. I say to the Senator, I understand that the Senator opposes it. I ask if the Senator would allow considering an up-or-down vote. But the Senator is the chairman, and I respect that. I prefer an up-or-down vote because I think it is an issue that is deserving of that one way or the other, no matter how we feel. It seems to me more appropriate to have a yes-or-no vote, but obviously I defer to my chairman.

Mr. WARNER. And I thank my colleague for that understanding.

So if the Senator will proceed and allow me to seek recognition as soon as the ranking member can give me advice, I will be in opposition, as will the ranking member.

I hope we could have, perhaps, 50 minutes equally divided.

Mr. SMITH of New Hampshire. My concern is the tabling motion. As the Senator knows, this issue is on the calendar now as a separate issue. My purpose in bringing it up on this bill: There are a lot of Senators on both sides of the aisle who support it. My assumption is there may be enough, but I haven't done a whip count.

My inclination would be, if the chairman is going to move to table it, to not bring it up at this time, because I do have the option of bringing it up as a separate resolution because it is on the calendar.

I hoped to have an up-or-down vote. I put it to the chairman this way: If the chairman will allow an up-or-down vote, I am happy to have a time limit, say, of 30 minutes, depending on what the other side desires. I don't need any more than 15 minutes.

If the chairman is going to table, I think at this point I will not offer the amendment.

Mr. WARNER. That is a development somewhat new, as opposed to what we had in earlier conversations. Might I suggest the Senator lay down the amendment and commence and give me the opportunity to consult with the ranking member?

Mr. SMITH of New Hampshire. All right.

Mr. WARNER. I thank the Senator.

AMENDMENT NO. 405

(Purpose: To express the sense of Congress with respect to the court-martial conviction of the late Rear Admiral Charles Butler McVay, III, and to call upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis*.)

Mr. SMITH of New Hampshire. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 405.

Mr. SMITH of New Hampshire. 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 CONGRESS REGARDING THE U.S.S. INDIANAPOLIS.

(a) COURT-MARTIAL CONVICTION OF LAST COMMANDER.—It is the sense of Congress that—

(1) the court-martial charges against then-Captain Charles Butler McVay III, United States Navy, arising from the sinking of the U.S.S. *INDIANAPOLIS* (CA-35) on July 30, 1945, while under his command were not morally sustainable;

(2) Captain McVay's conviction was a miscarriage of justice that led to his unjust humiliation and damage to his naval career; and

(3) the American people should now recognize Captain McVay's lack of culpability for the tragic loss of the U.S.S. *INDIANAPOLIS* and the lives of the men who died as a result of her sinking.

(b) PRESIDENTIAL UNIT CITATION FOR FINAL CREW.—(1) It is the sense of Congress that the President should award a Presidential Unit Citation to the final crew of the U.S.S. *INDIANAPOLIS* (CA-35) in recognition of the courage and fortitude displayed by the members of that crew in the face of tremendous hardship and adversity after their ship was torpedoed and sunk on July 30, 1945.

(2) A citation described in paragraph (1) may be awarded without regard to any provision of law or regulation prescribing a time limitation that is otherwise applicable with respect to recommendation for, or the award of, such a citation.

Mr. SMITH of New Hampshire. Mr. President, I spoke in morning business on this issue a couple of days ago, to call it to the attention of my colleagues, because I believe it is one that is very important and very relevant to this bill. I wanted my colleagues to be aware that I would probably be bringing it up at some point in the near future. I did not expect it to be quite this soon.

A lot of individuals who have expressed an interest in my bringing it up earlier rather than later, are not only my colleagues but many aboard the U.S.S. *Indianapolis* who survived this great tragedy at sea. In deference to them, I felt it would be appropriate to try to get a vote on this. I want to emphasize to my colleagues, I hope my colleagues are paying attention out there, watching on TV. Because if there is any doubt or concern about whether or not this should be supported, I urge Senators to listen to me for a few minutes as I try to explain why I believe this amendment should be agreed to.

First of all, I have a number of cosponsors who came in as original cosponsors. Not only myself, but Senator FRIST, Senator BOND, Senator LANDRIEU, Senator ROBB, Senator HAGEL, Senator BREAUX, Senator TORRICELLI, Senator HELMS, Senator INHOFE, Senator DURBIN and Senator EDWARDS. It is a joint resolution. I also, subsequent to that, received cosponsorship from Senator BOXER and from Senator INOUE.

We can see it represents all regions of the country and both sides of the political spectrum. It is not in any way, shape, or form a political issue. It simply expresses the sense of Congress with respect to the court-martial conviction of the late Rear Adm. Charles Butler McVay, III. It calls upon the President to award a Presidential Unit Citation to the final crew of the U.S.S. *Indianapolis*.

This is an incredible story of incredible bravery and at the same time it is a story of incredible prejudice to an individual with a great, distinguished record as a captain, as an officer in the U.S. Navy.

I want to share with my colleagues this brief story from the closing days of World War II, the war in the Pacific. I know as we debate the issues of the day, and believe me I have been involved in them all week, and there are some huge issues—the China issue and so many others. But I think it is important to understand. I just spoke a few moments ago to new flag officers who were just getting their stars. It was quite an honor to do that. But I think it is important, if we are going to ask people such as these new flag officers to come on board to serve and continue to serve in the military, not to leave after their enlistment is up, but to become those flag officers, they need to understand if there is some type of inequity or something that has happened that causes an injustice, we

need to look at it in a way so we can make a wrong right. I think they need to know that. If something was wrong and the military did something wrong, we need to be big enough to admit it and to correct it. That is what this story is about.

This is a harrowing story. It has a lot of bad elements—It has bad timing; it has bad weather. It has heroism and fortitude, but it also has negligence and shame. It has good luck and bad luck. And above all, it is a story of some very special men whose will to survive shines like a beacon even today, many decades later.

We have the opportunity, right now, perhaps as soon as an hour, to redeem the reputation of a fine man—a wronged man, in my view—and salute the indomitable will of a very fine crew of the U.S.S. *Indianapolis*. I had the privilege of hosting two—actually more than two, several survivors of the U.S.S. *Indianapolis*, a couple here yesterday or the day before that, and several before that at a meeting. The bill I offer today will honor all these men and their shipmates of the U.S.S. *Indianapolis* and redeem their captain, in my view—Capt. Charles McVay.

Captain McVay graduated from the U.S. Naval Academy in 1920. He was a career naval officer. He had an exemplary record in the military that included participation in the landings in North Africa, award of a Silver Star for courage under fire earned during the Solomon Islands campaign. Before taking command of the *Indianapolis* in November of 1944, Captain McVay chaired the Joint Intelligence Committee of the Combined Chiefs of Staff in Washington. That is the highest intelligence unit of the Allies during the war.

McVay led the ship through the invasion of Iwo Jima, then bombardment of Okinawa in the spring of 1945, during which *Indianapolis* antiaircraft guns shot down seven enemy planes before the ship was severely damaged. Captain McVay returned his ship safely to Mare Island in California for much-needed repairs.

Another great story about the *Indianapolis* which is not well known. In 1945, the *Indianapolis* delivered to the island of Tinian the world's first operational atomic bomb, which would later be dropped on Hiroshima by the *Enola Gay* on August 6. After delivering her fateful cargo, she then reported to the naval station at Guam for further orders. She was ordered to join the U.S.S. *Idaho* in the Philippines to prepare for the invasion of Japan.

It was at Guam that the series of events ultimately leading to the sinking of the *Indianapolis* began to unfold. It is quite a story.

There were hostilities in this part of the Pacific, but they had long since ceased. This is 1945. The war is almost over. The Japanese surface fleet is no longer considered a threat and attention instead had turned 1,000 miles to the north where preparations were underway for the invasion of the Japanese mainland.

So we have a picture here of very little Japanese activity in the Pacific. These conditions led to a relaxed state of alert on the part of those who decided to send the *Indianapolis* across the Philippine Sea unescorted, and consequently Captain McVay was randomly told, just zigzag at your discretion.

So the higher-ups were in a relaxed state. We were going into the Japanese homeland. There was little presence, Captain McVay was told. So we will send you out across the Philippine Sea unescorted. The *Indianapolis*, unescorted, departed Guam for the Philippines on July 28, 1945. Think about how close we are now to the end of the war. Just after midnight, on 30 July 1945, midway between Guam and the Leyte Gulf, the U.S.S. *Indianapolis* was hit by two torpedoes fired by the "I-58", the Japanese submarine that was not supposed to be there according to the higher-ups.

The first torpedo blew the bow off the ship. The second hit the *Indianapolis* at midship on the starboard side adjacent to a fuel tank and a powder magazine. You cannot imagine—no one could—the resulting explosion, but it split the ship completely in two.

There were 1,196 men aboard the U.S.S. *Indianapolis* on that fateful night. Mr. President, 900 escaped the ship before it sunk in 12 minutes. In 12 minutes, the naval ship went to the bottom and 900 men were able to get off that ship before it sank. Few liferafts were released, and at sunrise on the first day of those 900 men being in the water, they were attacked by sharks. The attacks continued until the remaining men were physically removed from the water almost 5 days later.

If you can imagine in the middle of the night aboard ship: It is hit by two torpedoes and sinks in 12 minutes, very few liferafts; you are in the water. The men were in the water for 5 days and the sharks began immediately to circle and attack and pick these men off, literally, one by one, as wolves might pick off a weakened antelope or some other animal they were pursuing.

Shortly after 11 a.m. on the fourth day, the survivors were accidentally discovered by an American bomber on a routine antisubmarine patrol. This is important for my colleagues to understand this—accidentally discovered.

A patrolling seaplane was dispatched to lend assistance and report. En route to the scene, it overflew the destroyer *Cecil Doyle* DD-368, and alerted her captain to this emergency. The captain of the *Cecil Doyle*, on his own authority—no orders—decided to divert from his mission and go to the scene of the *Indianapolis* sinking.

Arriving there hours ahead of the *Cecil Doyle*, the seaplane's crew—the seaplane's crew had called the *Cecil Doyle*; the *Cecil Doyle* is en route and the seaplane, in the meantime, began dropping rubber rafts and supplies to these men who had been in the water for 5 days. While doing so, they ob-

served the shark attacks. They literally saw men who were moments from rescue dragged under by attacking sharks. These men were so overcome by this that, disregarding standing orders not to land at sea, the plane landed and taxied to the stragglers and lone swimmers who were at greatest risk of shark attacks, as the sharks would pick off those who were not able to stay up with the rest of the group. It was an act of extreme bravery on the part of the seaplane crew.

As darkness fell, the crew of the seaplane waited for help, all the while continuing to seek out and pull nearly dead men from the water. When the fuselage of the plane was full, the survivors were tied to the wing with a parachute cord. That plane rescued 56 men from the water on that particular day, just literally sitting in the water allowing these men to cling to that plane.

Then came the *Cecil Doyle*. This was the first vessel on the scene, and it began taking survivors aboard. Again, disregarding the safety of his own vessel, the *Doyle's* captain pointed his largest searchlight into the night sky to serve as a beacon so other rescue vessels might catch it. This was the first indication to the survivors that their prayers had been answered. Help at last had arrived.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. SMITH of New Hampshire. I yield to the chairman.

Mr. WARNER. Mr. President, we have, I think, news that will be received as good news. The distinguished Senator from Colorado and the distinguished Senator from Oklahoma, at the suggestion of the chairman, got together and they resolved the amendment; am I not correct in that?

Mr. ALLARD. I think we are getting some common ground worked out. I am hopeful we can get something put on paper.

Mr. WARNER. The purpose of interrupting our distinguished colleague is to advise the Senate, because many Senators are engaged in other activities right now and the sooner we let them know there will or will not be a vote, it will be helpful to them and the chairman. I understood the Senator just now to indicate this thing was settled.

Mr. ALLARD. We think we have reached agreement. We are getting it put down on paper. We can put this vote off until tomorrow, if that is the Senator's question.

PRIVILEGE OF THE FLOOR

Mr. ALLARD. Mr. President, I ask unanimous consent that Tim Coy, a staff person, be granted the privilege of the floor for the debate.

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

Mr. WARNER. Mr. President, I was engaged in conversation with Senator SESSIONS, and he told me it was an absolute. I spoke with the Senator from Colorado just now and I felt I got an absolute answer.

Mr. ALLARD. When we get it down in writing, that is when we will have an absolute answer. We made a vocal agreement. I think we are there. I do not want to sign off completely.

Mr. WARNER. Mr. President, I am a moment premature.

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.

Mr. WARNER. Mr. President, I have listened very intently to my colleague from New Hampshire, and I have studied the history of the *Indianapolis*. His opening statement I found persuasive to the point where I would like to go back to neutral on any question of tabling and offer to my good friend the opportunity for the Senate Armed Services Committee to have a hearing, because, as you recall yesterday—I certainly do vividly, because I spent hours in the debate—our distinguished colleague, Senator ROTH of Delaware, brought in a most significant record, and I think the Senate would likewise want a live record on this critical issue that you bring before the Senate.

Therefore, a hearing would avail you—and I hope you would avail yourself to chair that hearing—of the opportunity to develop a record to bring to the Senate so Senators would have the benefit of that record to make this important vote.

For that reason—perhaps you would like to finish your presentation tonight so it is there in the RECORD—perhaps you will consider that, and we will not proceed with the amendment further, that you will take it down.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. Chairman, I appreciate the comments the Senator has made. I think clearly it would be in the best interests of the Senate, and certainly of the *Indianapolis*, to not have the amendment tabled. I believe you bring up some very valid points. There may be some Senators who have not had a chance to digest this.

I did send out a significant amount of information over the past several days, but we have been busy. So in deference to the chairman, as long as my rights are protected—I would like to complete 5 or 6 minutes to just finish the statement I was making, to finish the story, if you will, as to what happened—I will, with the chairman's commitment to a hearing, withdraw the amendment. We will have the hearing at some point, whenever is appropriate, where we can both convene it. Then perhaps we can bring it back after that hearing to the floor as a separate piece of free-standing legislation, which I have on the calendar, as is, anyway.

Mr. WARNER. I thank my good friend for his cooperation and understanding. This is an important chapter of naval history. Some of our colleagues have not had the opportunity to look at it as extensively as has the Senator, plus I think the record of some live testimony will be helpful.

So to inform Senators, the Senator from New Hampshire will proceed for such time as he desires to conclude his opening statement. Then following that, the Senator from New Hampshire will send to the desk an amendment relating to funding on the Kosovo operations; am I not correct on that, I ask the Senator?

Mr. SMITH of New Hampshire. That is correct. I will be happy to offer that amendment.

Mr. WARNER. I think we can agree now that the time agreement on that would be, why don't we say, 40 minutes. At the conclusion of that, again, I have to advise my good friend I will move to table. So I ask unanimous consent that there be 40 minutes to be equally divided between the Senator from New Hampshire and the two managers of the bill, and then we will have a vote.

Mr. SMITH of New Hampshire. Mr. President, just reserving the right to object, I do have six or seven cosponsors. I did not realize this was going to come at this point. I would just like to be able to protect their rights to speak. My intention would be not to go beyond the 40 minutes, if they did not show up. I ask you to amend the UC to 60 minutes. If we do not need it, I would be more than happy to yield it back.

Mr. LEVIN. About how much longer will you be taking?

Mr. SMITH of New Hampshire. Starting at 7:00.

Mr. WARNER. So, Mr. President, we would start at 7:00. All debate would be concluded at 8:00. The Senator from Virginia will move to table, at which time we will have a record vote.

Mr. LEVIN. Reserving the right to object, Mr. President.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Michigan.

Mr. LEVIN. Mr. President, I want to be certain that the chairman is in agreement with my understanding of what this would be. At 8:00, the chairman would move to table, and if in fact it is tabled, that would end it. But if it is not tabled, there will be then no limitation as part of this unanimous consent agreement on time.

Mr. WARNER. Mr. President, that is quite clear. I will read the UC and incorporate that in it. This gives an opportunity for Senators to plan the balance of the evening. I now ask unanimous consent that when Senator SMITH from New Hampshire offers an amendment regarding Kosovo, which will take place not later than the hour of 7:00, there be 60 minutes of debate equally divided in the usual form prior to a vote on or in relation to the amendment. I finally ask consent that

no amendment be in order to the amendment prior to the vote.

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

Mr. LEVIN. Mr. President, reserving the right to object, if I still have that standing.

Mr. WARNER. I think it is gone, but what is on your mind?

Mr. LEVIN. Senator HARKIN was informed that at 7:15 he would be granted, how many minutes?

Mr. WARNER. Mr. President, that is correct. But I am advised by the principal sponsor, Senator ALLARD, that the matter has been settled. It is being written up. Of course, Senator HARKIN would be consulted. If for any reason that writing fails to resolve it, then we will have to revisit this amendment tomorrow at a time that you and I will discuss to accommodate Senator HARKIN and other Senators.

Mr. LEVIN. It is my understanding that it is the intent, at least of the chairman, that this would then be the last vote?

Mr. WARNER. That is the prerogative of the leader, but I have reason to believe that you are correct.

Mr. LEVIN. That that is the intent?

Mr. WARNER. That is the intent.

Mr. LEVIN. I know that is not the decision until the leader —

Mr. WARNER. I am 99.99 percent certain that this would be the last vote at 8:00.

Mr. LEVIN. I add my thanks to the Senator from New Hampshire. As always, he is very cooperative with attempting to resolve issues. I didn't have a chance to thank him earlier today for his willingness to address the Trident submarine issue, even though he took a different position on the amendment of Senator KERREY, that part of that amendment really had been addressed, at least in committee, with the Trident reduction. While I very much supported Senator KERREY's amendment for the reasons that I gave, I didn't have an opportunity during that debate to thank Senator SMITH for his participation in addressing one part of that issue which the Defense Department was most anxious to address. I thank him for that as well.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I thank my colleague from Michigan for his comments.

Just finishing the story briefly, in 5 or 6 minutes, so we can go ahead to the next issue, there were 900 men who made it into the water and only 317 remained alive at the end of those 5 days. If you can imagine 5 days of shark attacks, starvation, thirst with only salt water, suffering from exposure. The men from the U.S.S. *Indianapolis* were finally rescued. Curiously enough, the Navy withheld the news of the sunken ship from the American people for 2 weeks until the day the Japanese surrendered, on August 15, 1945. So the press coverage was minimal. Also, it was somewhat suspicious that they

started the proceedings without having all the available data that was necessary. And less than 2 weeks after the sinking of the *Indianapolis*, before the sinking of the ship had even been announced to the public, the Navy opened an official board of inquiry to investigate Captain McVay, the captain of the ship, and his actions. The board, strangely enough, recommended a general court-martial for Captain McVay 2 weeks after the incident before it had even been made public. Indeed, many of the survivors' families were not even made aware that the ship had gone down.

Admiral Nimitz, commander in chief of the Pacific Command, didn't agree. He wrote the Navy's judge advocate general that at worst, McVay was guilty of an error in judgment, but not gross negligence worthy of a court-martial. Nimitz later recommended a reprimand. Nimitz and Admiral Spruance later were overridden by the Fifth Fleet, Secretary of the Navy James Forrestal and Adm. Ernest King, Chief of Naval Operations. They directed that the court-martial would go on and proceed.

It is pretty difficult to understand why the Navy brought the charge in the first place.

Explosions from torpedoes, as I said before, had knocked out the ship completely, knocked out its communication system so he was unable to give an abandon ship order except by word of mouth, which all of the crew said McVay had done. So he was ultimately found not guilty on that count.

Then the second count was not zig-zagging, and it goes on to talk about that.

The bottom line, Captain McVay was ultimately found guilty on the charge of failing to zigzag and was discharged from the Navy with a ruined career. And in 1946, at the request of Admiral Nimitz, who had now become the CNO, Chief of Naval Operations, in a partial admission of injustice, Secretary Forrestal remitted McVay's sentence and restored him to duty. But Captain McVay's court-martial and personal culpability for the sinking of the *Indianapolis* continued to stain his Navy records. The stigma of this conviction remained with him always. And as sometimes happens in these kind of tragedies, in 1968, he took his own life. To this day, Captain McVay is recorded in naval history as negligent in the deaths of 870 sailors. Not one sailor said that he was negligent, yet it still continues to be on the record.

This is an injustice. I look forward to having the hearing and hearing from these sailors who will tell us publicly how they feel about this.

We need to restore the reputation of an honorable officer. In the decade since World War II, the crew of the *Indianapolis*, to their everlasting credit, has worked tirelessly in defending their captain. Captain McVay could be and would be, if he were here, very proud of his men who are trying to see that his memory is properly honored.

We can do that. We can help the crew do just that right here in the Senate. It is at the request of the survivors that I introduce this resolution.

Since McVay's court-martial, a number of other things have come up. I will not get into those now because of time, but we will get into them in the hearing.

Let me conclude on this point: Many of the survivors of the *Indianapolis* believe that a decision to convict Captain McVay was made before the court-martial. That is a very serious charge. They are convinced that McVay was made a scapegoat to hide the mistakes of others higher up. McVay was court-martialed and convicted of hazarding his ship by failing to zigzag despite overwhelming evidence that the Navy itself had placed the ship in harm's way, not Captain McVay, despite testimony from the Japanese submarine commander that zigzagging would have made no difference, despite the fact that although 700 Navy ships were lost in combat in World War II, McVay was the only Navy captain, ship captain, to be court-martialed, and despite the fact that the Navy did not notice when the *Indianapolis* failed to arrive on schedule. In spite of that, he was court-martialed, thus costing hundreds of lives unnecessarily and creating the greatest sea disaster in the history of the United States.

AMENDMENT NO. 405, WITHDRAWN

Mr. SMITH of New Hampshire. Mr. President, at Chairman WARNER's request, I will withdraw my amendment at this time and look forward to the hearing.

The amendment (No. 405) was withdrawn.

AMENDMENT NO. 406

(Purpose: To prohibit, effective October 1, 1999, the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations)

Mr. SMITH of New Hampshire. I will now proceed to the next issue at hand, my amendment on Kosovo, which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself, Mr. SESSIONS, Mr. ALLARD, Mr. CRAIG, Mr. INHOFE, and Mr. HUTCHINSON, proposes an amendment numbered 406.

Mr. SMITH of New Hampshire. 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 new section:

SEC. ____ . RESTRICTION ON USE OF FUNDS FOR MILITARY OPERATIONS IN THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO).

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds available to

the Department of Defense (including prior appropriations) may be used for the purpose of conducting military operations by the Armed Forces of the United States in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress first enacts a law containing specific authorization for the conduct of those operations.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) any intelligence or intelligence-related activity or surveillance or the provision of logistical support; or

(2) any measure necessary to defend the Armed Forces of the United States against an immediate threat.

(c) EFFECTIVE DATE.—This section shall take effect on October 1, 1999.

Mr. SMITH of New Hampshire. Mr. President, this is an amendment I regret very much that I have to offer. I cannot express in words how strongly I am opposed to the war in Yugoslavia and the conduct of that war. I have to say that the only weapon in the arsenal of a Congressman or a Senator is funding.

Cutting off funding is the only way you can stop an administration policy that you do not approve of. It is the only instrument we have at our disposal under the Constitution. And I will be the first to admit that it is a blunt instrument, but it is the only weapon I have in my arsenal to stop a policy that I think is very dangerous, one which is going to cost us dearly if we continue.

So with great reluctance, I am offering this amendment, not because I want to but because I have to. As we deliberate funding the Department of Defense for the next fiscal year, I think the Senate of the United States should go on record as to whether or not we ought to be expected to vote on funding this operation in Kosovo.

We have been warned many times against interventions like the one in Yugoslavia. Our Founding Fathers themselves implored us in written statement after written statement, in speech after speech—George Washington comes to mind in his Farewell Address—not to meddle in the affairs of sovereign nations. He took care to warn us against the mischiefs of foreign intrigue. We would do well to heed his words.

But we did not heed his words when we attacked Yugoslavia. It is not the first time in American history, but we did not heed those words. We started the war in Yugoslavia. We attacked a sovereign nation in the midst of a civil war. The Founding Fathers explicitly gave the responsibility to Congress to approve or disapprove acts of war, and we cannot and we must not abdicate that.

We have already authorized airstrikes. We did that, regrettably, in a vote that I lost earlier this spring. But the issue here is: Are we going to have an operation of possible ground forces and a possible continuation of airstrikes in a sovereign nation in the midst of a civil war, without any statement from Congress other than one that was to fund an air war, which kept

the ground troops out, which allowed Milosevic to take over Kosovo? This policy has not worked. We are being dragged into a ground war. Believe me, there are plans on the table, and everybody in America should know it, right now as we speak, to put ground forces into Kosovo.

When a superpower uses military force against another nation, it has to do it with an intensity and ferocity that shows purpose and decisiveness. I do not want any more Vietnams. I served in Vietnam. I watched the politicians debate the war, and the people in the streets protest the war while the rest of us fought the war, and then were not treated very well when we came home. I have had enough of that. It has been said many times: "No more Vietnams." Well, to do anything less than to go in with absolute purpose and absolute decisiveness and end the war that you began—to do less than that is another Vietnam.

Somalia comes to mind. People lost their lives. We did not have a clear purpose there either. We just went in. And here, in Kosovo, we just went in. Yes, Milosevic is a terrible person and he has done terrible things to innocent people. The question is, though: Was bombing Milosevic the way to end it?

Well, apparently not, since there were 2,000 people dead and 50,000 refugees when we went in, and now there are 150,000 dead and a million refugees. Apparently, the policy that 58 senators supported in here two months ago is not working.

I have been on this floor repeatedly arguing against this war. I do not like doing so. But we are attacking a sovereign nation, and our national interests are not at stake. Humanitarian problems in Yugoslavia are serious problems, but are they national security interests of the United States of America? Every single person out there who has a son or daughter old enough to serve in the military should ask themselves: Is it worth my son's or daughter's life to die in Yugoslavia for a humanitarian crisis that does not involve the national security of the United States?

If the answer is yes, then you ought to tell all your Senators to vote against me. Call them up tonight and tell them that. I, for one, have two sons and a daughter, and I do not want any of them in Yugoslavia.

As the sole remaining superpower, we have a special obligation and responsibility. We have to be committed to democracy, we have to keep our markets open, and we have to have the finest military in the world. And we do. But most importantly, we have to act clearly, decisively, and within our explicit national interests. We have not done that here in Yugoslavia.

Some people have said: Let's go win the war. Maybe somebody can explain to me what "win" means. Does it mean that we occupy Yugoslavia for the next hundred years? That we put a partition up between Kosovo and the rest of Yugoslavia, or barbed wire, and keep

50,000, or 60,000, or 200,000 troops there for a hundred years? Perhaps we should just bomb every bridge, every building, every oil refinery, every railroad, flatten it to the ground, kill every Serb. Maybe that is how we win. Somebody tell me. I have been waiting. I have offered this challenge on broadcast after broadcast, in interview after interview, in conversation after conversation with administration officials, Senators, Congressmen, people on the street, people in the military. Nobody has given me the answer yet. How do we win? I have not heard the answer.

Our military is stretched to the breaking point. Recruiting is down. There are chronic spare part shortages. Deployments continue to increase. And now we are hearing reports about shortages of cruise missiles and other smart weapons. Over 30,000 reservists are being called up.

Let me ask my colleagues to reflect on something. God forbid, but what if North Korea were to attack the South tomorrow morning; or Iraq decided to invade Kuwait; or the Iranians, or the Libyans, or anybody else caused some problems somewhere in their part of the world? Are we ready to meet those threats? Could we meet those threats all at once, or any of them, and keep all of the commitments—including that in Kosovo—that we have now? If you have a son or daughter in the military, ask them. They will tell you that they cannot. Ask a general or an admiral in private, I say to my colleagues, and they will tell you that we cannot. If we cannot, then we ought not to be doing this.

Let me tell you something. If we get into a ground war in Yugoslavia, we are going to be there for a long, long time. I do not want that to happen. I do not want to be proven right. But we are at a turning point. If we continue to increase our intervention in Yugoslavia—which ground forces will certainly do—we are in fact committing ourselves to the Balkans, not for a day, not for a week, not for a month, not for a year, but for decades. Mark my words: we will be in the Balkans for decades.

We went into Vietnam in 1965. Thirteen years later and after 58,000 Americans were dead, when we tried to defeat and conquer an indigenous people who were dug in in their country, in their homeland, we still had not gotten it done.

These people are going to fight for their homeland, and we are going to have to be prepared to take heavy casualties to move them out.

Again, I will be blunt about it. If you think it acceptable to put your son or your daughter into Kosovo, then you ought to vote against me. But you ought to be prepared to put your son or daughter in there at the same time you put somebody else's son or daughter in there.

This region of the Balkans has been inflamed for centuries. If they attacked the United States, or if they threatened the national security of the

United States anywhere in the world, I would lead the charge here in the Senate for a declaration of war. But they have not done that.

I am hearing a lot of pious arguments about this humanitarian crisis. But the question we have to ask: "Will our grandchildren be patrolling the streets of Kosovo?"

Think about it—not you, not your son, but your grandson, and maybe his grandson. Are they going to be patrolling the streets of Kosovo to keep the Serbians from coming across their border and killing more ethnic Albanians? That is what you had better ask yourself.

There are those who say that the integrity of NATO is at stake. I hear that all the time—if we do not go to war in Kosovo, NATO will fall apart. Look—NATO survived the Soviet Union. It survived Joseph Stalin. It survived Khrushchev and Brezhnev. But it is not going to survive Slobodan Milosevic?

For goodness' sake. This alliance has stood for decades for all of these great powers, and has stood well. I supported NATO in those years. The administration would almost laughingly tell us that Slobodan Milosevic has the power to do what Stalin, Khrushchev, and Andropov could not do—destroy the NATO alliance. If the alliance is that fragile, maybe it is time to shut the door on NATO. Surely it is not that fragile.

The key for NATO's success has been that it is a defensive alliance. But it must stay true to its core mission—which it is not doing now; we are seeing tremendous broadening of the scope of NATO here, under this President—the collective defense of its members. If we use this as the overriding principle of NATO, that it should be there for the collective defense of its members, not only will the cohesion of the alliance not be in question, but we would never have gotten involved in the swamp in the Balkans. That is exactly what it is. It is a swamp. And we are going to get stuck in it.

Let me assure you of one thing. If this war against Yugoslavia continues to escalate, then NATO truly is finished, because NATO will disgrace itself. Even today on the news we have our commander, General Clark, saying we need to hit more targets, we need to hit more specific targets in Belgrade, we have to come closer to those embassies, closer to those populations, take more risks, take out more facilities, risk more collateral damage, because, if we do not, we will never win—or, if we do not, we are going to have to put in ground troops.

Should ground troops be introduced? Should we be forced to attack and occupy Yugoslavia? This will certainly be the end of NATO. This alliance is not an offensive force. It never has been. The greatness of NATO is the fact that it is defensive—that is what allows it to function by consensus.

Already our allies have tried to find a way to end the airstrikes. Anybody

who tells you that there are no cracks in NATO and that NATO is solidly behind this is not telling you the truth. Who can blame those in NATO who are taking a different position now? They joined NATO to prevent a European war. Now they find that the U.S. has led them into one—in the Balkans, of all places.

One of the main reasons I do not support this war is because I want to preserve our standing in the world. It is because I believe our relationship with Russia is on the line. It is because I believe that we should not draw precious military resources from our overseas commitments. It is because I care about the stability in Bosnia. It is because I believe in the sovereignty of other nations that I am against the escalation of this conflict. Some call that isolationism. It is not isolationism, and I resent that reference. It is actually realism.

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

Mr. SMITH of New Hampshire. Yes, I yield to my friend from Oklahoma.

Mr. INHOFE. First of all, I don't want the Senator to get the impression that he is alone in his feelings. I agree with everything the Senator said.

I would like to ask the Senator if he didn't leave out one very significant reason why we should not be involved in that war—or that civil war within a sovereign nation—is that in our state of readiness right now we cannot carry out the national military strategy in defending America's regional fronts. In fact, it is even questionable, according to our air combat commander, that we could defend America on one front, with all the allocations of our scarce assets that are going into Bosnia, Haiti, and Kosovo.

Right now my major concern, with 5,000 of our troops already over there in Albania, is that they are virtually naked; they have no force protection, no infrastructure.

I hope the Senator will add to his list of reasoning why we shouldn't be there is because it is draining our ability to defend America on such fronts as North Korea or the Middle East.

Mr. SMITH of New Hampshire. I certainly will add that to the list. I referred to that a few moments ago. But it is a point well taken.

Mr. President, great powers use discretion. They do not allow themselves to be bogged down in places where their interests are not at stake. They use their power judiciously.

When do we use force? When do we use diplomacy? We have made commitments around the world in places like Korea and the Middle East. The United States has shown resolve. We place American lives at risk when our vital interests are the stake. We have done it all over the world. Americans have died in places all over the world that some cannot pronounce and never heard of. It has been happening for decades. There is no question about it. But our vital interests are not threatened in Yugoslavia.

We have troops in warships across the world. Every year we send billions of Americans' tax dollars overseas in foreign aid. The American people are the most generous in the world. Private citizens, corporations, and charitable organizations send hundreds of millions of dollars every year to help needy people throughout the world. If we have a flood, or an earthquake, or a tornado in America, how many times do you hear about all of these other countries pouring in money to help the people in Des Moines, or to help the people someplace else where a tornado or a flood occurs?

To somehow say now that we have to get into this conflict when we have countries in Europe who can, and should, deal with it—how much more blood do we need to shed in Europe for Europe? It is about time Europe stepped up to the plate.

The United States does not need to resort to airstrikes to show we are not isolationist, and we certainly should not put our troops at risk. And we do not need somebody who has never been a strong military leader—indeed, who has never been in the military—to be the macho man who drags us into a war where we do not belong in.

With this legislation, I am just trying to keep the administration from throwing money and forces at Kosovo without regular accountability. If Congress wants operations after 1 October, all we have to do is authorize them. This vote tonight will not be the mission. We have made that vote. This vote is going to be on whether or not we want to have another opportunity fund this operation after October 1.

I respect my colleagues on both sides of this question. I respect immensely the thought that they put into it. I respect their convictions. Again, the only instrument I have as a Member of Congress, blunt as it may be, if I disapprove of this policy, is to cut off the funding. That is the reason I offer this amendment.

I yield the floor.

Mr. WARNER. Will the Senator yield for a question on my time?

Mr. SMITH of New Hampshire. I yield.

Mr. WARNER. Senator, we have had many debates on the floor of the Senate about this very divisive war. The Senator from New Hampshire, from the very beginning, has been absolutely clear as to his views, and I respect them. I differ with them, but I respect them.

I will not go over the entire history of what I and other Senators have said about this. These are those Members who believed that once the commitment was made by this Nation as an integral part, as a full partner, of NATO, to the other 18 nations, that was it; it was to support our troops and to do what we can.

What worries me about the amendment is that it would send a signal to Milosevic: Hang tough.

This is the man who, as just clearly stated, has divided the whole world,

has divided every precedent of human rights. Would it not send a message to him to hang in there? No matter what we are able to inflict, hang in there, because on October 1 the United States pulls out of NATO and leaves it to the other 18 nations if they wish to carry on?

That is my first question.

The second question: What do we say to the men and women of the United States Armed Forces and the other nations flying missions, some eight or nine nations flying missions? What do we say to them? They are in the cockpit right now, taking risks, risking life and limb. Did the Senator think about stopping it as of tonight? That was an option I am sure the Senator considered.

Those are the two questions I pose to my good friend.

Mr. SMITH of New Hampshire. Responding to the leader on his time, I lost that vote earlier, regrettably. I lost that vote on the floor.

What I am trying to do now is to not authorize any funds for operations in Yugoslavia beyond the October 1, the beginning of the next fiscal year, unless we again authorize those operations.

Mr. WARNER. What do we say to the young men and women flying these missions? Their mission tonight, tomorrow night, and into the indefinite future is to carry out the orders of the Commander in Chief of the United States and the guiding military group in NATO. They salute, march off, get in the cockpit, fly off, and take risks. In my judgment, they are making some slow but, nevertheless, steady progress in degrading the military machine of Milosevic. When they fly home, they drop their orders, and they can at least say it was another chip away toward the end result and the five basic points that NATO has laid down to resolve this conflict.

If we are to pass this and they fly the mission, they will wonder: Am I going to be the last person to die on the last day of this war, which would be September 30, 1999?

Mr. SMITH of New Hampshire. What do we say? First, we tell them that we are ensuring that the American people, through their representatives in Congress, should either support it, if it is to continue, or not.

If my amendment were to prevail and I were one of those pilots, I would hope that my Commander in Chief, after this amendment did prevail, would begin to make a compelling case for our actions against Yugoslavia, and would bring that case before the American people for a vote in Congress. That is all this amendment requires. It is the only way to ensure that the American people are behind their troops in the field.

Mr. WARNER. The first part of my question was, Does this not send a signal to Milosevic to just hang tough and disrupt every effort being made, whether by the United States, Germany or,

indeed, Russia, in trying to negotiate some diplomatic resolution?

I understand that the Russian delegation could be arriving within the next 48-72 hours. The Deputy Secretary of State, Strobe Talbott, is finishing—if he hasn't already today—some discussions in Russia relating to that mission. It seems to me that the diplomatic process would come to a standstill.

Milosevic will say to his people, we have stayed this long, stay the course. If the United States pulls out, I think Milosevic could go to his people and say there is little likelihood that the other nations might continue on. And, furthermore, look who is flying the missions. Over 50 percent of the tactical missions are by U.S. pilots. Over 70 percent of the support aircraft, the tanker aircraft, the intelligence aircraft, are all flown by the United States.

It would have the effect of disabling NATO from carrying on if it so desired.

Mr. SMITH of New Hampshire. Mr. President, I think that if we were to look at the resolve of Mr. Milosevic, he has done pretty well for himself, considering after 60-some days of bombing he has cleared out Kosovo of just about every ethnic Albanian he can clear out, with the exception of those who can serve him as human shields to protect his army and tanks.

That is despicable. I am not going to stand on the floor of the Senate and defend Slobodan Milosevic. I am concerned about the long-range situation and what our objective is. We can bomb and bomb and bomb. We have been doing that. How long that goes on, I do not know. The bottom line is: he has achieved what he wanted to achieve, which is to get the ethnic Albanians out of Kosovo. He has accomplished what he wanted to accomplish in spite of the bombing—and maybe because of the bombing.

I do not know what we are gaining by continuing. But I do think that, as a minimum, the President must get Congressional authorization to continue the war.

Mr. WARNER. I thank my colleague for taking questions. I did not mean to importune the distinguished Senator.

Mr. INHOFE. I inquire of the Presiding Officer how much time remains on both sides.

The PRESIDING OFFICER. Senator SMITH controls 8 minutes 30 seconds, and the Senator from Virginia, the manager, controls 23 minutes.

Mr. SMITH of New Hampshire. I yield 6 minutes to the Senator from Oklahoma.

Mr. INHOFE. I thank the Senator for yielding.

I am not going to take that long, only because I don't want the Senator to be left with no time to respond to what I think we will be hearing in the next 22 minutes. I want to make sure the Senator has adequate time.

Let me take a minute and say that I don't like the amendment but I don't

know any other choice. I wish there were other choices out there.

We got involved in this. I am sure I can visualize what was happening when they made the decision to invade a sovereign nation, sitting around a table saying, we will send bombs out there for a couple of days and that will take care of him and everything will be fine.

That was not the plan. We heard the plan criticized by the very best people out there. I will be in the region again this weekend.

My concern, as I voiced several times, without a well laid out plan in a war we shouldn't be involved in—we have troops out there, as I said before, who are virtually naked and have no protection right now.

I am concerned about Albania and the threat to our lives there as much as I am crossing that line into Kosovo. Because right now there is no force protection over there.

As far as the pilots are concerned, I don't think there is a person in this U.S. Senate who has visited with the pilots more than I have, because as chairman of the Readiness Subcommittee I go around to all these places. I take journalists with me, frankly, so these people will realize why we are only retaining 19 percent of our Navy pilots, 27 percent of our Air Force pilots. It is not just the attractive economy on the outside. It is not just the fact our mechanics are overworked and they are not sure the spare parts are going to be there. As they said in one of the places, with witnesses there, our problem is we have lost our sense of mission. They are sending us in places without adequate training. With all the money we are spending in these contingency operations where we do not have strategic interests, it is draining us from our ability to properly train should we have to meet a contingency where our national strategic interests are at stake.

Our time that we are training these guys in red flag exercises in Nellis is cut way down; the National Training Center out in the desert, cutting down Twenty-nine Palms for the marines; they are not getting adequate training because we are busy deploying our troops in places where we do not have a national strategic interest. So I just look upon this as a way out. We have been looking for a way out of Bosnia since 1995. Now there is no end in sight there. I do not want to get ourselves in that position, so I see the only way out right now is what the Senator from New Hampshire is suggesting. I do support his amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

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

Mr. President, this amendment contains a funding cutoff that is far broader than the one that was contained in the Specter amendment that the Senate tabled yesterday. This would cut

off funding effective October 1 for U.S. air or ground operations, including peacekeeping operations. So the Senator from New Hampshire has in no way stated inaccurately what this amendment does. It is his intention, and he said so quite clearly, that this amendment leads to the withdrawal of our effort, the termination, the ending of our effort in Serbia, including the air campaign.

The Senate voted just a few months ago, 58-to-41, to support that air campaign. What this amendment says is we want to terminate the air campaign. This would have the Senate blow hot and blow cold on the same issue, whether or not we want to support an air campaign which is presently going on.

At the same time, it tells Milosevic all you have to do is hang in there until October 1 and you will not even face an air campaign. You will not face any kind of campaign. You will have succeeded in Kosovo.

Milosevic has not accomplished what he set out to accomplish because he is under severe attack in Kosovo and in Serbia. He will accomplish what he set out to accomplish if this amendment passes. That will be the victory. That will seal the success for Milosevic if this amendment is agreed to, because this amendment cuts off all funds, including those for the air campaign to attempt to reduce Milosevic's military capability, which is our military mission, and our broader mission will then be totally impossible. The broader mission is to return over 1 million refugees who have been burned out, who have been raped, whose villages have been destroyed—500 villages. Those refugees, then, will have no hope of returning. Whereas now they have, indeed, a very real hope of returning because Milosevic is gradually being weakened and his forces are under tremendous stress. There is great evidence of that all over.

The KLA, the Kosovo Liberation Army, is beginning to move back in to their villages and into their homes. Nothing will scare Milosevic much more than having to face the KLA again, which will be the result of his failure to negotiate a settlement which provides for the return of these refugees in safety with protection.

We cannot allow Milosevic to succeed, which is what this amendment hands to him. We cannot allow Milosevic to shape the future of Europe. That is what his success would do. His ethnic cleansing, if not reversed, will shape Europe for the next century.

This century began with a genocide against the Armenians. It is ending with an ethnic cleansing of the Kosovars. And in between was a Holocaust. If we do not want the next century to be a repeat of this century, Milosevic cannot succeed. Europe's future is on the line and that means our own security is on the line. NATO's future is on the line. The adoption of this

amendment will tell NATO they have failed. The adoption of this amendment will be the statement to Milosevic: You have succeeded. We are pulling out.

That is what the intention of this amendment is, according to its sponsor. This amendment will tell our 19 allies in NATO: Forget NATO. Forget NATO cohesion. Forget NATO unity. We are pulling out.

And this amendment will send the worst possible message to the most important of all the people, the men and women who wear our uniform who are out there in harm's way now, who would then be told by this amendment we are pulling out.

This Senate must send a very different message than that. I hope this amendment is tabled by an overwhelming vote.

I will be happy to yield 5 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 5 minutes.

Mr. BIDEN. Mr. President, I think we owe a debt of gratitude to our colleague from Oklahoma and our colleague from New Hampshire. They are among only a few who will bluntly state why they want out. They are straightforward. The Senator from Oklahoma says this is a way out of Kosovo, just like we should find a way out of Bosnia. They say we have no interest in Yugoslavia. We have no ability to do anything about it. And we have no right.

I find this absolutely fascinating. We talk about a sovereign nation being invaded by a horde of 19 democracies who are doing such an injustice to them.

Then I hear that one of the reasons we should not be involved is because Yugoslavia is a sovereign country. I cannot remember what their explanation was as to why we should not be involved in Bosnia, where Slobodan Milosevic was crossing the Drina River with these very forces that are cutting off the noses, ears and then cutting the throats of captured men in Kosovo, who are taking their women to the third floor of army barracks for the pleasure of the troops and picking what they believe to be the most attractive of the women who happen to be Moslems. These are the same fellows that crossed the Drina River and invaded another country. I heard the same arguments from you all about how we should not be involved there. So do not let anybody fool you, this is not about sovereignty.

The second point I would make is that we have reached the conclusion, straightforwardly, that Slobodan Milosevic's business is his business. What do we have to do with that? Let them work it out.

I never thought I would live to see the day when a European leader was herding masses of women and children onto boxcars and trains in the sight of all the world, shipping them off to another border, destroying, as they crossed the border, their licenses, taking their birth certificates, going into

the town halls and destroying the property records of those very people. And it is so convenient to say that is not our business.

Then I hear another argument. You know, we have commitments around the world. We will not be able to fight a two-front war. But what is the threat to America beyond the nuclear one? And that will not be deterred by American ground forces. I hear my friend from New Hampshire say: Let the Europeans take care of this. Have we not shed enough blood in Europe?

But we have to worry about Korea? Why not say let the Asians take care of Korea? There are more of them than us. We have shed enough blood in Asia.

Are we protecting the use of American force in Europe so we can use it in Korea?

If that is the logic, explain to me why the Japanese and the South Koreans cannot take care of themselves. I find this incredibly selective logic.

And, by the way, this so-called failure in Bosnia—what a fascinating notion. Nobody is being killed there now; the raping, the rape camps, the ethnic cleansing have stopped; people are actually living next door to one another again. There are 6,800 American forces there, and that is supposedly too high a price to pay without, thank God—as my mother would say, knock on wood—one American being killed? I am sure glad you guys were not around in 1955 and 1956 and 1957 to say: By the way, all those forces we have in Germany, they are sitting there occupying a country and protecting a country, but their mission must be a failure because if they left, there would be war.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BIDEN. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I yield 4 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 4 minutes.

Mr. DORGAN. Mr. President, I have not been a cheerleader for our participation in this conflict. I supported it, but I am nervous about it. But I must say, this is wrong. At 7 o'clock this evening, with no notice, we have an amendment that suggests we shall terminate our participation in the NATO campaign to stop the ethnic cleansing and the massacre in Kosovo. At 7 o'clock tonight, with no notice, we are going to have this debate probably for an hour?

I just heard one of the sponsors of this amendment talk about what Mr. Milosevic has achieved. He is right about that, Mr. Milosevic has achieved the following: massacre, we don't know how many; troops burning villages; raping people; killing innocent men, women and children; hauling people like cattle in train cars or herding them in groups to the border; displacing 1 million to 1.5 million people from their homeland.

Yes, he has achieved that. What hasn't he achieved? What he has not achieved he is about to achieve if the Senate adopts this amendment. He wants to achieve an end to the airstrikes that cause him great inconvenience and a great threat to his movement in this massacre and in this ethnic cleansing. Does the Senate want to allow him to achieve that goal? I do not think so.

Five or 10 years from now we will look in our rear-view mirror and see that on our watch ethnic cleansing and massacre occurred and we said: Gee, that didn't matter; it wasn't our business.

We have already decided that is not the position we will take. It is our business. It does matter. Do you want to know what ethnic cleansing is? Do you want to know what are the horrors of this kind of action visited upon those men, women, and children? Go to the museum not many blocks from here and see the train cars where they hauled people in Europe before, see the shoes of the people who died in the gas ovens, and then ask yourself: Does this kind of behavior matter? It does matter, and this country, with our allies, is trying to do something about it.

Imperfect? Is this operation in Kosovo with us and our NATO allies imperfect? Yes, it is imperfect, but are we trying? Is this country, with our allies, saying this does matter? Yes. That is exactly what we are doing.

Do we really want to say to Mr. Milosevic tonight: You can achieve the rest of your goals through the help of the Senate. You can do all this—rape, burn, massacre, move people out of their homeland, clean out a country, engage in ethnic cleansing—and when this country and others stand up to say we will not allow that on our time and our watch, you can achieve your objective and remove that nuisance called airstrikes and bombing campaigns and the Senate will help you do that? I do not think so. I certainly hope not, not this Senate.

My hope is that history will record this effort as a noble effort that said when this kind of behavior exists, we will do what we can with our allies to stop it. I do not know how this ends, but I know it should not end tonight on a Wednesday night vote by the Senate to say to Mr. Milosevic: This country will no longer continue to be a problem for you.

The rape, the burning, the massacres, the ethnic cleansing will not stop, but the airstrikes should? I do not think that is a decision this Senate will make. It is not a decision the Senate should make, and I hope in a short time, with an amendment that should not be offered in this kind of circumstance, the Senate will say: No, this effort by this country at this point in time is important. This is not about us alone. It is about this country with NATO, with our allies attempting to stop this man, Slobodan Milosevic, from the kind of behavior we would not

accept from anyone in the world. I hope when this vote is cast, we will not achieve the objective Mr. Milosevic wants most, and that is a cessation of the bombing and the airstrikes. That is the price this man is paying for his behavior, and he must pay that price until he stops.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

PRIVILEGE OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent, on behalf of Senator BINGAMAN, that Dr. Michael Cieslak, a fellow, be granted the privilege of the floor during the pendency of this bill.

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

Mr. LEVIN. Mr. President, how much time do the opponents have?

The PRESIDING OFFICER. The proponents have 5 minutes 39 seconds; the opponents have 7 minutes 11 seconds.

Mr. LEVIN. I yield 3 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 3 minutes.

Mr. WELLSTONE. I thank the Chair.

Mr. President, my framework is a little different. Murder is never legitimate, and we have tried to do the right thing to stop the slaughter of people, albeit we have not been anywhere close to 100 percent successful. I have deep concerns about the conduct of this war and where it is heading.

On May 3, I called for a temporary pause in the bombing for a focus on diplomacy. I wished we had done that. I wished we had not seen the bombing of the Chinese Embassy. I think we had momentum for a diplomatic solution consistent with our objectives: That the Kosovars go back home, that there be a force there to give them protection, that they be able to rebuild their lives.

I say to colleagues tonight that I do have serious reservations about part of the direction in which we are heading. The airstrikes have gone beyond degrading the military, which was to be our objective, and I really worry that we begin to undercut our own moral claim when we begin to affect innocent people with our airstrikes, when we begin to kill innocent people, albeit that is not the intention.

I focus on diplomacy. I still believe we need to have a pause in the bombing. We have to have a diplomatic solution. That is the only option that I see available to bring this conflict to an end and to enable the Kosovars to go back home, which is our objective.

Once again, I worry about these airstrikes when we go after power grids and it affects hospitals and it affects innocent civilians. That goes beyond just degrading the military. I sharply call that into question.

I say to my colleague from New Hampshire, I believe this amendment is profoundly mistaken. It takes Milosevic completely off the hook.

This amendment takes us in the opposite direction of where we need to go toward a diplomatic solution to end this conflict.

This is the wrong amendment. This is the wrong statement. This is at the wrong time. Therefore, I rise to speak against it. But I will continue to speak out and raise questions. I will continue to talk about the need to move away from the bombing and to focus more seriously, and in a more concentrated and focused way, on a diplomatic solution and an end to this conflict on honorable terms.

I hope my colleagues tonight, however, will vote against this amendment. I hope it will be a strong vote against this amendment.

I yield the floor.

Mr. BYRD. Mr. President, I have listened carefully to the debate on this amendment, and I appreciate the wrenching emotion that has motivated those on both sides of this issue.

The NATO operation in Kosovo is a difficult issue for many of us to come to terms with. Our hearts ache for the suffering of the Kosovar Albanians who have been banished from their homeland by the forces of Yugoslav President Slobodan Milosevic. At the same time, we fear for the safety of U.S. and NATO military forces who are engaged in a perilous mission in a corner of the world that has been torn by ethnic conflict for centuries.

We cannot foresee the outcome of this operation. We have a duty to watch it carefully, to debate it fully on the floor of this Senate. But in our concern to do what is right, we should not act in so much haste that we run the risk of making a fatal mistake.

There may come a day when I will stand on the floor of the U.S. Senate with the Senator from New Hampshire and call for a cutoff to the funding of U.S. operations in Kosovo. But that day is not today. That time is not now. A decision of that magnitude must not be taken on the run, after a hastily called 60-minute debate among a handful of Senators.

Mr. President, this amendment sends the wrong message at the wrong time. By all means, let us debate the U.S. involvement in Kosovo. But let us do it with deliberation and forethought. I urge the Senate to table this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. As I said when we began the debate, I respect the views of my long-time friend. He comes from a distinguished military family. He served, himself, in the uniform of the United States. We have a very diverse group in the Senate with regard to their views on this conflict.

There is not a one of us who was not deeply concerned before we became involved in this conflict. We are in it now. I salute here tonight the profes-

sionalism that has been shown by the men and women of the Armed Forces of the United States, in particular, and joined by their counterparts from some eight other nations in the air, and the other NATO nations in one way or another that have participated in this conflict.

We are in it because our generation cannot tolerate what we have seen Milosevic do to human beings. To do so would be to reject, indeed, what other men and women have done in previous generations to bring about freedom for others: World War II, followed by Korea, followed by Vietnam. We are there to protect freedom. We are there to protect the rights of human beings to have some basic quality of life and ability to exist.

I remember the peak of this event. When we got started, it was just before Easter. I went back to my constituents and, indeed, they asked me: Why should we be there? I said: Could you be at home on Easter Sunday, sharing with millions and millions of Americans the experience of your respected place of religion, sharing with your family a bountiful meal, and watch the pictures of the deprivation, the murder, the rape, the mayhem inflicted by Milosevic and his lieutenants on fellow human beings?

Yes, they are Kosovars; yes, they are far away; yes, they speak a different language. I was there in September. I traveled in Kosovo, in Pristina, in Macedonia. At that time, I saw these people being driven from their homes. Not distant from where we were driving—we were permitted by the Yugoslav Army to take certain roads—we could see the burning houses; we could hear the shells. The war was in full progress in other areas several miles distant from the route that we took.

We could not stand by, as a free people, and see in Europe a repetition of the horrors that visited Europe in World War II. So we are there. My vote tonight in opposition to my good friend is because I am pledged and committed to the men and women of the United States Armed Forces and the other nations. I am pledged and committed to the survival of NATO, not just as a political entity but for what NATO stands for, the principles for which it stands. I encourage my colleagues to do likewise.

We will somehow, as a collection of free nations, bring this tragic conflict to a halt. When and exactly how, none of us knows.

The PRESIDING OFFICER. The time of the opponents has expired.

Mr. WARNER. Mr. President, I understand my time has concluded. I say to my friend, I respect you, but I vote against you. I shall move to table at the appropriate time.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. The respect is mutual, as my friend knows.

Mr. President, there have been a few misstatements about my amendment that I would like to clarify, as Senators now begin to make their way to the floor. I will only be a few minutes in closing.

All this amendment requires is that the President make the case and get congressional approval to go forward with this war after October 1. No funds are cut off until October 1, and unless Congress chooses not to authorize the President to continue. That is what this amendment requires.

I heard one of my colleagues on the other side of the issue say a few moments ago that this is coming at the last minute and that we do not have time to deliberate. I will tell you how much time you have to deliberate. You have the rest of this month, you have June, July, August, and September. You have 4 months to think about whether or not you want this war to continue and whether or not you want to authorize more funding. It does not send any message to Milosevic other than the fact that Congress intends to exercise its constitutional authority. That is all.

I could probably give emotional speeches about a number of human tragedies around the world. My colleague from Delaware got very emotional; and that is a good quality when you believe in something. But this decision should not be based on emotions. This is a decision about how we should use our finite power. We should make the decision on how we use our power on the basis of American interests. No American life should be risked based on any Senator's emotions, for goodness' sake.

In 1995, 500,000 Rwandans were slaughtered in six weeks—most of them hacked to death by machetes—in tribal warfare in the nation of Rwanda. Maybe I am mistaken—and if I am, I will apologize to any Senator who says he came down here and said that we should enter the war in Rwanda, enter that civil war, fire cruise missiles, bomb the blazes out of all the cities, bring those tribes back to their knees to stop the hacking—but I did not hear it. That was a humanitarian crisis of the highest magnitude, and we did not enter it. And we should not have entered it.

Those 500,000 people are just as precious under the eyes of God as anybody else in the world, and we said nothing. We did not fire cruise missiles, we did not drop smart bombs, and we did not talk about ground forces, we did not talk about NATO forces, or any other forces of the world going in and setting up a partition to keep two warring tribes apart. Why? Because, as in Kosovo, the conflict posed no threat to the United States. No American lives were worth risking.

This is not about tying the President's hands as he tries to defend America. It is about guiding and restraining an incompetent administration as it muddles around in a place

where U.S. interests are, at best, peripheral.

There are terrible humanitarian situations that Mr. Milosevic has created. I will be the first to admit it. The question is, as I said at the outset of this debate, How do we resolve it? Do we resolve it with more bombs? By bombing and causing collateral damage to innocent people? Or do we do it through diplomacy?

I am not trying to send a message one way or the other to Milosevic with this amendment. I am trying to send a message to the American people and to the Senate to say, if we are going to put Americans at war in a sovereign nation in a civil war, the least the Senate can do is have the intestinal fortitude to say yes or no, rather than to let this thing string on like Vietnam did and then, after 58,000 people are dead, we say, oh, my goodness, if we had just stopped this war a little bit earlier—or perhaps, as Senator Goldwater said, we had fought it to win a little bit sooner. Meanwhile, there are 58,000-plus people on the Vietnam Wall.

Now is the time to speak, not 5 years from now. All I am asking in this amendment is that we have from now until October 1 to decide whether or not we want to fund this war any further. That is the message I am sending. I am sending that to my colleagues who represent the people of the United States of America.

I yield the floor.

Mr. WARNER. Mr. President, I ask unanimous consent to speak for 2 minutes to address the Senate with regard to tomorrow's schedule prior to the vote so Senators coming to vote can depart and know what will take place tomorrow.

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

Mr. WARNER. The order was to be handed to me. We were not able to resolve the Allard amendment, so that will be the recurring order of business tomorrow morning. Of course, the Lott amendment is still in place; am I not correct, Mr. President?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. So we will endeavor tomorrow morning, without specifying exactly how and when we will do it, to bring up the Allard amendment. Senator HARKIN has 20 minutes, and we will divide, say, another 20 minutes between the distinguished ranking member and myself, should we need it. That would be a total of 40 minutes on the debate. I think maybe I will say 15 minutes between the two of us and 15 minutes to Senator ALLARD, 20 minutes for Senator HARKIN. I think that should do it.

We will just have to establish the time that we will vote on the Allard amendment tomorrow morning.

This will be the last vote for tonight, and Senators can expect early on in the morning that we will address the Allard amendment.

Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 406. The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND) is necessarily absent.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

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

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

The result was announced—yeas 77, nays 21, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—77

Abraham	Feinstein	Mack
Akaka	Frist	McCaig
Ashcroft	Gorton	McConnell
Baucus	Graham	Mikulski
Bayh	Grams	Murkowski
Bennett	Hagel	Murray
Biden	Harkin	Reed
Bingaman	Hatch	Reid
Boxer	Hollings	Robb
Breaux	Hutchison	Roberts
Brownback	Inouye	Rockefeller
Bryan	Jeffords	Roth
Byrd	Johnson	Sarbanes
Campbell	Kennedy	Schumer
Chafee	Kerrey	Shelby
Cochran	Kerry	Smith (OR)
Collins	Kohl	Snowe
Conrad	Kyl	Specter
Coverdell	Landrieu	Stevens
Daschle	Lautenberg	Thomas
DeWine	Leahy	Thompson
Dodd	Levin	Torricelli
Domenici	Lieberman	Warner
Dorgan	Lincoln	Wellstone
Durbin	Lott	Wyden
Edwards	Lugar	

NAYS—21

Allard	Feingold	Inhofe
Bunning	Fitzgerald	Nickles
Burns	Gramm	Santorum
Cleland	Grassley	Sessions
Craig	Gregg	Smith (NH)
Crapo	Helms	Thurmond
Enzi	Hutchinson	Voinovich

NOT VOTING—2

Bond Moynihan

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that at 9:30 a.m. on Thursday, the Senate resume the DOD authorization bill, and that the Allard amendment No. 396 be the pending business, and that there be 30 minutes remaining on the amendment with 20 minutes under the control of Senator HARKIN and 10 minutes equally divided between Senator Allard and myself, with a vote occurring at 10 a.m. on or in relation to the amendment, with no amendments in order prior to the vote.

Mr. REID. No objection.

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

Mr. WARNER. Mr. President, in light of that agreement, there will be no further votes this evening. The next vote will be at 10 a.m. on Thursday relative to the Allard amendment.

Mr. President, at this time there will be no further action on the DOD bill.

FEDERAL PRISON INDUSTRIES

Mr. THURMOND. Mr. President, I am in strong support of the amendment to strike Section 806 of S. 1059, the Defense Authorization Act.

Many of us, including Senator GRAMM, Senator HATCH, and Senator BYRD, discussed the importance of Federal Prison Industries on the floor yesterday when this amendment was first considered. I would like to speak for a moment on a few issues that have been raised in this debate.

Some have argued that the taxpayers would save money if Federal agencies were not required to use FPI because FPI prices are not competitive. However, studies from the General Accounting Office and the Department of Defense Inspector General show that FPI prices are generally within the market range. Indeed, the DoD IG report found that FPI prices were generally lower than the private sector for the products reviewed.

Moreover, it is important to note that Prison Industries is a self-sufficient corporation. As we discussed at my Judiciary hearing on this issue, if Prison Industries did not exist, it would cost taxpayers millions of dollars per year to fund inmate programs that would provide similar security to prison facilities and similar benefits to prisoners. FPI is the most successful inmate program. We should support it strongly and not pass legislation that could undermine it.

The April 1999 study between DoD and BoP discusses the relations between the two agencies in great detail. The study concludes that no legislative changes are warranted in Defense purchases from FPI. It made some recommendations for improvements that are currently being implemented. We should give the study time to work.

This joint study shows that Defense customers are generally satisfied with FPI. Although some concerns remain such as timeliness of delivery, these issues are being addressed. It is best to allow the joint study to speak for itself. The Executive Summary states: "In response to questions regarding the price, quality, delivery, and service of specific products purchased in the last 12 months, FPI generally rated in the good to excellent or average ranges in all categories. On the whole, respondents seem to be very satisfied with quality and service, mostly satisfied with price, and least satisfied with delivery. * * * Most respondents rated FPI either good or average, as an overall supplier, in efficiency, timeliness, and best value. FPI was rated highest as an overall supplier in the area of quality." The survey generally shows a

positive, productive relationship. It is clear that drastic changes are not warranted in the relations between DoD and BoP.

Indeed, the Administration strongly opposes Section 806. The Statement of Administration Policy on S. 1059 explains that this provision "would essentially eliminate the Federal Prison Industries mandatory source with the Defense Department. Such action could harm the FPI program which is fundamental to the security in Federal prisons."

FPI is a correctional program that is essential to the safe and efficient operation of our increasingly overcrowded Federal prisons. While we are putting more and more criminals in prison, we must maintain the program that keeps them occupied and working.

DEFENSE PRODUCTION ACT

Mr. GRAMM. Mr. President, I commend the manager of the bill, the distinguished chairman of the Armed Services Committee, Senator WARNER, for including in this legislation a one-year extension of the Defense Production Act. As the Senator knows, the Defense Production Act falls under the jurisdiction of the Committee on Banking, Housing, and Urban Affairs.

The Defense Production Act is due to expire on September 30, 1999. The Banking Committee has a great interest in the Defense Production Act and we intend to conduct a thorough review when we consider its reauthorization. However, due to the press of other business, specifically the time-consuming task of passing the first modernization of our financial services laws in sixty years, the Banking Committee is unable to conduct such a thorough review at this time.

Therefore, I requested that Senator WARNER include a provision in the Department of Defense authorization bill to extend the Defense Production Act until September 30, 2000. This extension will allow the Banking Committee the time to give the reauthorization of the Defense Production Act the attention it deserves. Senator WARNER was kind enough to include this provision at my request.

Mr. WARNER. We understand that the Banking Committee intends to take a close look at the Defense Production Act, but may not be able to do so prior to the September 30, 1999 deadline. The Armed Services Committee is happy to accommodate the Banking Committee, as we did last year, and include a one-year extension of the Defense Production Act in the DOD authorization bill.

Mr. GRAMM. Mr. President, I thank the chairman of the Armed Services Committee for his courtesy and assistance on this issue. I ask unanimous consent that a letter I wrote to Senator WARNER on this issue be printed in the RECORD.

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

COMMITTEE ON BANKING,
HOUSING, AND URBAN AFFAIRS,
Washington, DC, May 25, 1999.

Hon. JOHN WARNER,
U.S. Senate Committee on Armed Services,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR WARNER: I am writing to request that the Armed Services Committee include a one-year authorization of the Defense Production Act in S. 1059, the Department of Defense authorization bill. As you know, pursuant to the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs has jurisdiction over the Defense Production Act. This Act is due to expire on September 30, 1999.

While it is the Banking Committee's intention to give more thorough attention to the Defense Production Act in the future, other issues such as financial services modernization have taken priority this year. As a result, it would be of great assistance if you would include in the upcoming defense authorization bill a provision to renew the Defense Production Act through September 30, 2000.

Thank you for your assistance in extending the Defense Production Act for another year.

Yours respectfully,

PHIL GRAMM,
Chairman.

164TH AIRLIFT WING

Mr. FRIST. Mr. President, I thank the chairman of the Armed Services Committee, Senator WARNER, for coming to the Senate floor today to discuss the follow-on aircraft designation for the 164th Airlift Wing of the Tennessee National Guard.

Mr. WARNER. As the Senator from Tennessee is aware the C-141 aircraft has served this nation well but its useful life is coming to an end. In the report to accompany the Defense Authorization Act, the Committee urges the Secretary of the Air Force to designate a follow-on aircraft for those Air Force Reserve units affected by the retirement of the C-141, and notify the relevant congressional committees as soon as the new mission assignments are available.

Mr. FRIST. Mr. Chairman, it is my understanding the 164th Air Wing is the only Air Guard C-141 unit in the country not to have a follow-on mission designated.

Mr. WARNER. The Committee's urging of the Secretary of the Air Force to designate a new mission for the C-141s of the Air Force Reserve was in no way meant to neglect the similar urgency in the Tennessee Air Guard. Moreover, I would like to take this opportunity to reiterate the importance of strategic airlift to our ability to project force globally. The Guard and Reserve are a critical part of the total force equation. Let me assure the Senator from Tennessee that I strongly support his efforts to have a follow-on mission designated for the 164th Air Wing in Memphis.

Mr. FRIST. I thank the Chairman for his strong words of support. At a time when our nation considers the possibility of sending ground troops to Kosovo it is clear to me that we must support strategic airlift. Airlift re-

mains one the largest challenges our forces face. It is my desire to see the Air Force act to resolve this issue with expediency and consider designating the C-5 or the C-17 airframe for the future of the Tennessee Air Guard.

Mr. WARNER. Again, let me assure the Senator from Tennessee that I am confident working with the Armed Services Committee and the Air Force that this issue will be resolved soon.

MEDAL OF HONOR TO ALFRED RASCON 1999

Mr. THURMOND. Mr. President, I am pleased to be an original cosponsor of the amendment which recommends the Congressional Medal of Honor be awarded to Mr. Alfred P. Rascon. I would like to take just a moment and introduce you to Mr. Rascon.

Alfred Rascon was born in Chihuahua, Mexico, and emigrated to the United States with his parents in the 1950's. He served two tours in Vietnam, one as a medic. When Rascon volunteered for the service, he was not yet a citizen but was a lawful permanent resident, and he was only 17 years of age but convinced his mother to sign his papers so he could enlist.

On March 16, 1966, then Specialist Alfred Rascon, while serving in Vietnam, performed a series of heroic acts that words simply cannot describe. For Rascon and the seven soldiers he aided while under direct gunfire, that day will long be remembered. Rascon's platoon found itself in a desperate situation under heavy fire by a powerful North Vietnamese force. When an American machine gunner went down and a medic was called for, Rascon, 20 at the time, ignored his orders to remain under cover and rushed down the trail amid an onslaught of enemy gunfire and grenades. To better protect the wounded soldier, Rascon placed his body between the enemy machine gun fire and this soldier. Rascon jolted as he was shot in the hip. Although wounded, he managed to drag this soldier off the trail. Rascon soon discovered the man he was dragging was dead.

Specialist 4th Class Larry Gibson crawled forward looking for ammunition. The other machine gunner lay dead, and Gibson had no ammunition with which to defend the platoon. Rascon grabbed the dead soldier's ammunition and gave it to Gibson. Then, amid relentless enemy fire and grenades, Rascon hobbled back up the trail and snared the dead soldier's machine gun and, most important, 400 rounds of additional ammunition. Eyewitnesses state that this act alone saved the entire platoon from annihilation.

The pace quickened and grenades continued to fall. One ripped open Rascon's face, but this did not stop him. He saw another grenade drop five feet from a wounded Neil Haffy. He tackled Haffy and absorbed the grenade blast himself, saving Haffy's life.

Though severely wounded, Rascon crawled back among the other wounded and provided aid. A few minutes later,

Rascon witnessed Sergeant Ray Compton being hit by gunfire. As Rascon moved toward him, another grenade dropped. Instead of seeking cover, Rascon dove on top of the wounded sergeant and again absorbed the blow. This time the explosion smashed through Rascon's helmet and ripped into his scalp. Compton's life was spared.

When the firefight ended, Rascon refused aid for himself until the other wounded were evacuated. So bloodied by the conflict was Rascon that when soldiers placed him on the evacuation helicopter, a chaplain saw his condition and gave him last rites. But Alfred Rascon survived. He was so severely wounded that it was necessary to medically discharge him from the Army.

The soldiers who witnessed Rascon's deeds that day recommended him in writing for the Medal of Honor. Years later, these soldiers were shocked to discover that he had not received it. It appears their recommendations did not go up the chain of command beyond the platoon leader who did not personally witness the events. Rascon was instead awarded the Silver Star. Rascon's Silver Star citation details only a portion of his heroic actions on March 16, 1966.

Perhaps the best description of Alfred Rascon's actions came 30 years later from fellow platoon member Larry Gibson:

I was a 19-year-old gunner with a recon section. We were under intense and accurate enemy fire that had pinned down the point squad, making it almost impossible to move without being killed. Unhesitatingly, Doc [as Rascon was called] went forward to aid the wounded and dying. I was one of the wounded. Doc took the brunt of several enemy grenades, shielding the wounded with his body.

In these few words, I cannot fully describe the events of that day. The acts of unselfish heroism Doc performed while saving the many wounded, though severely wounded himself, speak for themselves. This country needs genuine heroes. Doc Rascon is one of those.

Rascon was once asked why he acted with such courage on the battle field even though he was an immigrant and not yet a citizen. Rascon replied, "I was always an American in my heart."

Mr. President, these actions speak for themselves. I first met Mr. Rascon in 1995. He came to see me as the Inspector General of the Selective Service System, where he continues to serve his nation today. In the course of our conversation I learned of his amazing story, and as the Chairman of the Senate Armed Services Committee at that time, I realized I had to act.

I contacted a number of officials at the Department of Defense and learned that his case could not even be examined because the law said time to consider those awards had expired. So, in the 1996 Defense Authorization Bill, we changed the law. Four years have passed since then; however, the Secretary of the Army and the Chairman of Joint Chiefs of Staff now agree and have recommended that Alfred Rascon

be awarded the Medal of Honor, the Nation's highest award for valor. You have heard this story. The legislation authorizes the President to award the Medal of Honor to Alfred Rascon. If ever there was a case to recognize heroism and bravery far above and beyond the call of duty, this is it.

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 up to 10 minutes each.

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

APPROPRIATIONS COMMITTEE RECOMMENDATIONS—H.R. 1664

Mr. BYRD. Mr. President, yesterday afternoon the Committee on Appropriations met and reported, en bloc, the Fiscal Year 2000 Department of Defense Appropriation Bill, the Fiscal Year 2000 302(b) allocations for the committee, and H.R. 1664, by a recorded vote of 24-3. At that full committee markup, the committee also adopted an explanatory statement of the committee's recommendations in relation to H.R. 1664. That explanatory statement, which was adopted in lieu of a committee report, was filed with the Senate by Mr. STEVENS (for himself and Mr. BYRD, Mr. DOMENICI, Mr. BINGAMAN, Mr. DURBIN, Mr. SPECTER, Mr. BENNETT, Mr. HOLLINGS, Mr. SHELBY, Mr. ROCKEFELLER, Mr. BAYH, Mr. DEWINE, Mrs. HUTCHISON, Ms. LANDRIEU, Mr. SESSIONS, Mr. DASCHLE, Mr. DORGAN, and Mr. HATCH). Subsequent to that markup, I ask unanimous consent that the following Senators be added as cosponsors: Mrs. LINCOLN, Mr. KOHL, Mr. HELMS, and Mr. BREAUX.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. BYRD. I further ask unanimous consent that the explanatory statement of the committee be printed at the appropriate place in the CONGRESSIONAL RECORD.

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

EXPLANATORY STATEMENT OF THE RECOMMENDATIONS OF THE SENATE COMMITTEE ON APPROPRIATIONS ON H.R. 1664, A BILL MAKING APPROPRIATIONS FOR OPERATIONS IN KOSOVO

Mr. Stevens (for himself and Mr. Byrd, Mr. Domenici, Mr. Bingaman, Mr. Durbin, Mr. Specter, Mr. Bennett, Mr. Hollings, Mr. Shelby, Mr. Rockefeller, Mr. Bayh, Mr. DeWine, Mrs. Hutchison, Ms. Landrieu, Mr. Sessions, Mr. Daschle, Mr. Dorgan, and Mr. Hatch)

The Committee on Appropriations, to which was referred "H.R. 1664, making emergency supplemental appropriations for military operations, refugee relief, and humanitarian assistance relating to the conflict in Kosovo, and for military operations in Southwest Asia for the fiscal year ending September 30, 1999, and for other purposes" reported the same to the Senate with various

amendments and an amendment to the title and presents herewith information relative to the changes recommended.

In order to expedite completion of congressional action relative to the emergency appropriations contained in H.R. 1664, as passed by the House of Representatives, as well as the emergency appropriations contained in H.R. 1141, the Fiscal Year 1999 Emergency Supplemental Appropriation Act, funding for both measures was included in H.R. 1141. The conference agreement on that measure was passed by the House of Representatives on May 18, 1999, by the Senate on May 20, 1999, and the bill was signed by the President on May 21, 1999.

In accordance with an agreement with the bipartisan House and Senate leadership, two provisions which were contained in the Senate version of H.R. 1141 were deleted, without prejudice, from the conference agreement thereon. Pursuant to that agreement, these two provisions, the Emergency Steel Loan Guarantee Program and the Emergency Oil and Gas Guaranteed Loan Program, are to be considered expeditiously by the Senate in a freestanding emergency appropriation bill.

Since the conference agreement on H.R. 1141 included the necessary funding for Kosovo operations, the committee recommends that the text of H.R. 1664 as passed by the House be amended to remove House language, and that language relating to the Emergency Steel Loan Guarantee Program and the Emergency Oil and Gas Guaranteed Loan Program, with offsets, be added. In light of the emergency nature of the funding contained in the bill for these two critical programs, the committee hopes that no amendments will be offered to the measure and that it can be sent directly to the House. The Speaker of the House has agreed to permit a motion to go to conference within one week of receiving this bill after Senate passage, to allow normal appropriation conferees to be appointed, and to permit the resulting conference report to be brought up before the House. The committee urges that this matter be expedited by the Senate in order to hopefully complete action prior to the Memorial Day Recess on this critical emergency facing the steel and oil and gas industries and the tens of thousands of steel and oil and gas workers who have recently lost their jobs as the result of the massive influx of cheap and illegally-dumped imported steel and oil and gas over the past year.

EMERGENCY STEEL LOAN GUARANTEE PROGRAM

The Emergency Steel Loan Guarantee Program, as reported by the committee, provides a two-year, GATT-legal, one billion dollar guaranteed loan program to back loans provided by private financial institutions to qualified U.S. steel producers. The minimum loan to be guaranteed for a single company at any one time would be \$25,000,000 (subject to a waiver), and the maximum would be \$250,000,000. A board is established to administer this program consisting of the Secretaries of Commerce (who would serve as chairman), Treasury, and Labor. This board would have the authority to determine the specific requirements in awarding these loan guarantees, including the percentage of the guarantee, appropriate collateral, as well as loan amounts and interest rates thereon. Repayment of the loans guaranteed under this program would be required within six years.

The committee makes these recommendations in response to the critical situation facing the U.S. steel industry. As a result of global financial chaos, in 1998, a record level of more than 41 million tons of both cheap and illegally-dumped imported steel flooded the U.S. market. This represents an increase of 83 percent over the 23-million ton average