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Senate

(Legislative day of Tuesday, June 6, 2000)

The Senate met at 9:31 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You are never reluctant to bless us with exactly what we need for each day's challenges and opportunities. Sometimes we are stingy receivers who find it difficult to open our tight-fisted grip on circumstances and receive the blessings that You have prepared. You know our needs before we ask You but wait to bless us until we ask for Your help. We come to You now honestly to confess our needs. Lord, we need Your inspiration for our thinking, Your love for our emotions, Your guidance for our wills, and Your strength for our bodies. We have learned that true peace and lasting serenity result from knowing that You have an abundant supply of resources to help us meet any situation, difficult person, or disturbing complexity. And so we may say with the psalmist, ''Blessed be the Lord, who daily loads us with benefits.—Psalm 68:19. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Virginia is recognized.

SCHEDULE

Mr. WARNER. Mr. President, today the Senate will resume consideration of the Department of Defense authorization bill. Under the order, there will be a total of 90 minutes on the Kerrey amendment regarding strategic forces, and the Warner second-degree amendment. Following that debate, there will be up to 2 hours of debate on the Johnson and Warner amendments regarding CHAMPUS and TRICARE. After the use or yielding back of that time, there will be up to four votes on the pending amendments. Therefore, Senators can expect votes to begin not later than 1 p.m.

Those Senators who intend to offer amendments are encouraged to work with the bill managers in an effort to complete this important legislation prior to the end of this week. Further votes can be anticipated during today's session of the Senate.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2549, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will now be 90 minutes of debate equally divided on the Kerrey and Warner amendments.

Pending:

Warner modified amendment No. 3173, to extend eligibility for medical care under CHAMPUS and TRICARE to persons over age 64.

Kerrey amendment No. 3183, to repeal a limitation on retirement or dismantlement of strategic nuclear delivery systems in excess of military requirements.

Warner amendment No. 3184 (to amendment No. 3183), to provide for correction of scope of waiver authority for limitation on retirement or dismantlement of strategic nuclear delivery systems, and authority to waive limitation.

Mr. WARNER. Yesterday, Mr. President, we made progress on this bill—not quite as much as I had hoped, but nevertheless progress was made. I wish to draw to the attention of my colleagues that late last night the ranking member and I put forth an amendment to this bill regarding the D-Day memorial. As the last act, it seemed to the distinguished Senator from Michigan and myself that it was most appropriate that the 56th anniversary of D-Day be concluded with an amendment which provides the opportunity for, first, the Senate, and hopefully the entire Congress, to participate in the raising of the needed dollars for the World War II memorial. Over 1,000 World War II veterans are dying each day. Organizers are within $6 million of reaching that sum of money needed to complete the construction and design phases of this memorial.

I am pleased to say this amendment passed last night. I thank my distinguished colleague, Mr. LEVIN, for joining me. All the World War II veterans currently serving in the Senate were added as cosponsors. I served very briefly at the end of World War II. And the others, seven in number, were added as cosponsors together with our distinguished colleague, Senator KERREY—although not a World War II veteran, a veteran of Vietnam with greatest distinction. So I am pleased to

make that announcement. Some Senators may have missed it last night.

I note Senator KERREY's presence in the Chamber. We thank the Senator for cosponsoring the amendment last night by which the Senate goes on record endorsing a contribution of $6 million, I might add, out of nonappropriated funds. We were able to get the funding from that account.

Mr. LEVIN. Mr. President, I join my good friend from Virginia in commenting on that action last night, how appropriate it is for the heroes and heroines who served us so well in World War II, both in war and on the home front. As my dear friend from Virginia mentioned last night, there were an awful lot of heroes and heroines—obviously, veterans first and foremost, but a lot of folks here at home. And this memorial is to them. We have now nine World War II veterans remaining, I believe, in the Senate; is that correct?

Mr. WARNER. We have the number here. I will get it.

Mr. LEVIN. Every one of those were cosponsors, each one with extraordinary stories to tell. I was just delighted to be a small part of that, even though I am not a vet, just in some way to speak for the nonvets in this body about the contributions which have been made by those who served us.

Mr. WARNER. Mr. President, I want to make it very clear that this Senator, the Senator from Virginia, although his service at the end of World War II was brief, a little less than 2 years, does not put himself in the hero class with those in this body who, indeed, very humbly and rightfully earned that hero distinction. I may have served in Korea in the second engagement of our country in war but not at this particular time. Basically, the Navy educated me, for which I am grateful. The GI bill helped me, as it did all of those us who served at the time. That was probably the greatest investment the United States ever made in a bill.

Mr. LEVIN. The Senator from Virginia and I properly tipped our hats to Bob Dole last night.

Mr. WARNER. We did. I talked to him last night after we departed the Chamber. Guess what. He sat and watched us and critiqued us very carefully. We are proud of Bob Dole.

Mr. KERREY. Mr. President, if I could make a comment on that subject, very much a part of this effort to try to find a compromise on this memorial, in the beginning I opposed the design and they redesigned it. I am very pleased now to be able to support both the design and construction.

One of the things, I say to my friend from Virginia, that happened during this process was that there was a deletion made from this design that I think at some point needs to be corrected—not on this site because its too small a site to accommodate it—and that is the construction of a museum that tells the full story. And I think it has relevance, in fact, to the debate on this bill because when George Marshall accepted Roosevelt's appointment to be Chief of Staff of the Army on September 1, 1939, the Armed Forces of the United States of America were approximately 137,000 people. Marshall had to build the Army to 8 million people in order for it to be an effective fighting force, and it wasn't just the military people who responded. There was a huge civilian effort that supported that buildup. It is a story of how dangerous it is, even though you may not see an enemy on the horizon at the moment, how dangerous it is to stack arms for the United States of America.

We had a resolution a couple of years ago, I think, on this bill to try to allocate the resources and do the study to build. There were a number of terrific places in the Senator's State right across the river that were cited. I believe this will be a wonderful memorial, but the missing piece is to tell the full story of what happened from Versailles all the way through the Second World War. There was basically an interruption for 20 years while America tried to withdraw one more time from the world. We paid a terrible price for it. I appreciate very much the Senator's willingness to allocate the money for this.

Mr. WARNER. If I can advise my distinguished colleague, the subject of a military museum embracing the chronological history of the participation of men and women of our Nation in causes of freedom beyond our shores is very much in the minds of the members of the Armed Services Committee. At the moment, I and other Senators are promoting a museum colocated with Arlington Cemetery on the ridge that overlooks where the current headquarters of the Marine Corps is located. That is due for demolition. That site seems to me and others to lend itself to the convenience of tourists visiting this Nation's Capital. It would embrace the military history of all branches of our services. We are a modest size in comparison to others, but the Senator is right.

I noticed with interest yesterday in Great Britain the Queen opened an extraordinary exposition and permanent museum devoted to the Holocaust, again, a reminder of chapters of the tragedy that unfolded on the European Continent as a consequence of Hitler and the Axis powers.

Mr. KERREY. I know that site fairly well. I think it would be a terrific site for history of the Armed Forces, but I also believe oftentimes the most important decisions aren't the decisions the military is making but that the civilians made prior to the military having to act, at least as I see the history.

In the Second World War, there were an awful lot of mistakes made in the 1920s and the 1930s that created the necessity for that terrible war. It is a very important reminder, especially today. It is something I am asked all the time when debating authorization for the military.

People say: Do we need it? Who is the enemy? We are spending more than 20 leading nations, et cetera, et cetera.

People say: Why do we need to continue to do this? The cold war is over, and so forth.

The best answer lies in that 20-year period between 1919 and 1939 during which the United States of America tried, in the face of all evidence to the contrary, to stack arms and withdraw and become isolationist.

We have talked long enough on that subject. I appreciate very much the Senator responding to former Senator Dole's request. This is the minimum that the people of the United States of America ought to do to participate in constructing this important memorial.

Mr. WARNER. One footnote to this colloquy. Yesterday Senator Dole, who is chairman of the National World War II Memorial Campaign, received a check for $14.5 million from Wal-Mart stores. The contribution was presented by a group of World War II veterans and Wal-Mart associates during a special ceremony yesterday. That, together with the action by this Chamber which I hope will become law, are the final building blocks needed in that fundraising campaign.

Mr. KERREY. The junior Senator from Virginia and I actually sponsored legislation earlier. We have been trying to support what it is you are trying to do with this Armed Forces memorial that will tell the story of the Armed Forces of the United States of America.

Mr. WARNER. Senator ROBB is very active in that.

I yield the floor.

AMENDMENT NO. 3183

Mr. KERREY. Mr. President, the amendment before the Senate now presents to Members of the Senate a series of questions that we have to answer.

The first is, Should the Congress, under any circumstances, impose a limitation on the Commander in Chief? As it says, the Commander in Chief can't go below a certain level of strategic nuclear weapons. We imposed this for the first time in 1998. One of the strongest arguments made in 1998 and 1999 was that we needed that in order to put pressure on the Duma to ratify START II. They have now ratified START II. I think it is unwise to impose a limitation. Whether the President is a Democrat, whether the President is a Republican, I think it limits that President's ability to be able to negotiate. As a consequence, it puts the President in a weaker position when he is talking, whether to Russia or other nations—it puts that President in a weaker position and gives him less maneuverability to be able to protect the people of the United States. If we don't like the action a President takes, the Congress can intervene to act. That is question No. 1.

Do you think, under any circumstances that you can describe, we ought to pass a law that says a President cannot go below a certain level? In this case, the START I level is not only 6,000 warheads, but as the Senator from Arizona indicated earlier, we describe in the law the precise platform delivery systems for the warheads.

Mr. WARNER. The Senator posed a question. I will take responsibility to answer the question as we go along, and we can frame for colleagues where the differences are between yourself and my amendment, and then the distinguished Presiding Officer will take the second question.

Mr. KERREY. I am pleased to do that.

The first question is, Did the Congress do the right thing in 1998 and 1999, and would we be doing the right thing today or in the future to have a statute that imposes upon a President a floor, a limitation, under which that President cannot go as a consequence of our deciding that should only occur as we described in this law?

We did it in 1998 and again in 1999 and we are proposing to do it again this year.

Mr. WARNER. The answer to that question is very simple. It was first done in 1996. We repeated it in 1997, 1998, and 1999. In 2000, we made it permanent. That is the provision which the Senator from Nebraska is trying to strike.

In response to that, Congress took action and the President of the United States signed it into law one time, two times, three times, four times, five times. That should answer the question posed by the Senator from Nebraska.

The President concurred in the judgment of the Congress which said that you should not drop below those levels. What the amendment from the Senator from Virginia says is it doesn't, in my judgment, restrict the President's constitutional right to negotiate, but it says, Mr. President, you should not unilaterally, as Commander in Chief, reduce our Armed Forces in terms of those strategic levels until you do two things which have been followed by previous Presidents, and, indeed, this President when he first came to office. You make a QDR study.

For those that do not understand it, it is an entire study of the world threat situation, our force levels, force levels which are conventional, force levels which are strategic, and you do a comprehensive review of the nuclear posture.

Those two things having been done, then you can proceed to exercise your judgment as Commander in Chief to reduce certain force levels.

There it is. The President signed it five times, clearly. He could have vetoed it. He did not. He signed it into law five times. It remains the law of the land today. I will vigorously oppose the efforts of my colleague and good friend from Nebraska to repeal that law because that law very clearly says you must take prudent actions. My amendment sets out what those prudent actions are. Then my amendment gives the President the right, after taking those actions of the QDR and the posture review of the nuclear forces, to waive the statute that has been signed five times by the President of the United States.

Mr. KERREY. Mr. President, first, Congress should be making a decision based upon what we think is right. We oftentimes pass defense authorization bills that have things the President doesn't like. My guess is that the Senator from Virginia has urged the President on many occasions: I understand, Mr. President, you don't like this particular provision, but I urge you to sign it anyway. There are many other good things in the bill. Mr. President, we hope you will sign it because we can't get it any better.

That happens all the time here.

So the fact that the President signed it does not mean the President concurs. Nor should it cause a Senator to say, just because the President signed it, that doesn't mean it is a good act. We disagree with the President all the time around here. We will get behind him when we like what he is doing, and we will get out in front of him when we do not like what he is doing. That is the appropriate way, I suspect, it ought to be done. Members of the Senate should be deciding: Do we think it is a wise thing? Do we want to restrict future President Bush or future President GORE? It is not accidental that was imposed in 1996. It has not been imposed on previous Presidents. It has been imposed only on this particular President. So whether the President signs the bill or not, in my view, is secondary to the question: Do you think it is a sound policy?

In a post-cold-war era where we have had three Presidential elections in Russia—and understand, the bulk of our strategic weapons system is for Russia. That is the bulk of our system. What would the Senator say, 75 percent or 80 percent of the SIOP is dealing with the democratic nation of Russia with whom we have relations, with whom we are trying to work to help to be successful in their democratic experiment and their experiment with free markets? The question is, Does it restrict the President and make it less likely he can begin to think in a new way—which, in my judgment, needs to occur?

So, regardless, whether the President signs it or not, my guess is the President does not support this provision. But even if he said, ''I support it,'' I would still oppose it. I still think it is unreasonable for Congress to do. So that is question No. 1 that you have to decide. Whether the President signs it or not is secondary. My guess is a lot of folks on that side of the aisle think the President signs a lot of things they wish he would not sign, things they voted against. So it is not, to me, a very compelling argument to say we have to do this because the President signed five previous bills that had this provision in them.

Mr. WARNER. I simply say to my good friend, I strongly disagree. This President signed this five times. We saw an example where the distinguished Senator from West Virginia and I had the Byrd-Warner amendment regarding the deployment of our troops and taking certain steps by the Congress. What happened? Not only this President but the candidates for President, both Vice President GORE and George W. Bush, communicated in various ways they believed that amendment was an encroachment on Presidential power, and we missed that by a mere three votes, is my recollection, because of that very issue. It was an abridgement of Presidential power. Nothing is fought on this Chamber floor with greater vigor than protecting the powers of the President of the United States.

Mr. KERREY. Mr. President, first of all, is our time being charged to the two of us? Is that how this is being worked?

Mr. WARNER. It seems to me that is a fair allocation in the course of a colloquy.

The PRESIDING OFFICER (Mr. ALLARD). When the Senator from Nebraska speaks, that is charged against his time. When the Senator from Virginia speaks, it is allocated against his time.

Mr. KERREY. I do not think it is going to be persuasive to the Senator from Virginia, but this is the statement of policy on the Senate defense authorization bill:

> The administration appreciates the bill's endorsement of our plan to reduce the Trident submarine force from 18 to 14 boats, while maintaining a survivable, effective START I-capable force. However, we prefer repealing the general provision that maintains the prohibition, first enacted in the FY 1998 Defense Authorization Act, against obligating funds to retire or dismantle any other strategic nuclear delivery systems below specified levels. . . .

And on and on and on.

So the President has signed it, but the President does not support this policy. Again, I do not suppose that is going to be persuasive to my colleague, but he used an argument against repealing this provision that said the President supports it, or he signed the bill which implies that he supports the provision.

I personally believe the Congress should be making the decision. The Senator's argument, with great passion, that he does not like infringing upon the prerogatives of the President—I have heard him many times down here arguing, oftentimes against Members of his own party, against efforts to do that. So I am surprised, in fact, especially now that the Russian Duma has ratified START II, that we

want to continue this policy. I think it is not good. So that is question No. 1. You have heard very eloquent argument on the other side. Question No. 1 is: Does Congress want to do that under any circumstances with or without a review?

The second question we are now going to be asked, as a consequence of the second-degree amendment, is: Do we want to delay action? Do we want to restrict the action in accordance with the second-degree amendment which basically says we have to have a nuclear force structure review and that review is submitted concurrently with the quadrennial review which is expected December of 2001?

I believe it is time for the people's representatives, elected by the people, to be having a debate about what kind of force structure we want to maintain. And it is counterproductive, it is difficult for us to reach the right decision, if we once again farm it off and say we want somebody else to figure it out. It is the civilians who send instructions to the CINC at STRATCOM. It is PDD–60 that determines what the Single Integrated Operating Plan, the SIOP, is. The targets are selected as a consequence of civilian instructions, not the other way around. It is we who have to decide, Do we have enough? Do we have too much? Or is it right? It is we who have to bring commonsense analysis to the debate and answer the question: Given the current status, given what we expect out in the future, do we have enough?

We have the statements of General Shalikashvili in 1995, as he evaluated this, that seem to indicate that lower levels are safe. But even there, General Shalikashvili is following civilian instructions.

I understand this amendment provides people an opportunity to sort of vote for this thing and we are going to have a normal review. It may in fact carry the day. It is a very complicated argument, and it may in fact be that the second-degree amendment passes. I hope not, because it is time for this Congress to take back the responsibility for targeting and answer the question: Do we have enough, do we have too little, or do we have the numbers quite right?

I urge Members to look at what we now have in the public realm, data that indicates what that targeting is. We have an analysis, public analysis now, of what happens when we have 2,500 strategic warheads after we subtract that fraction that may not be available to us for a variety of reasons. Understanding we are not shooting bullets here, these are very complicated systems, and you cannot, with 100-percent reliability, predict that they are going to arrive on target in the manner that has been described. So they are very complicated systems. It requires modernization; it requires constant analysis. The men and women at STRATCOM and others who have that responsibility are highly skilled, and they work on that problem all the time.

This is why I think the review is not a good idea. It pushes away from us one more time the problem of just considering what these nuclear weapons can do instead of asking ourselves, with a commonsense analysis—because, again, the targeting begins with civilian instructions. It is the Presidential directive that determines what the targeting is. We have modified the targeting, certainly, to accommodate some of the changes that have occurred as a result of the end of the cold war. But I believe if you look at these things and say, oh, my gosh, what will those do, you will reach a commonsense conclusion that we have more than is necessary in order to keep the people of the United States of America safe.

That is the mission of this defense authorization bill, whether we are debating the pay for our military, whether we are debating our force structure, or readiness, whatever it is. We ought to authorize and we ought to appropriate such funds as necessary to keep the people of the United States of America and our interests and our allies safe. That is what our mission is.

But, again, on the question of the need for review, what is needed is for Congress to review it, for Congress to answer the question. We have, under what is called the minimal deterrent level, the 2,500 warheads: We have 500 100- to 300-kiloton weapons that will land on war-supporting installations in Russia, 160 on leadership, 500 on conventional forces, 1,100 on nuclear targets.

I urge, rather than doing a review, what we need to do is bring out a map of Russia and take a look and answer the question, What do 2,260 nuclear detonations of a minimum of 100 kilotons do to Russia? Remember, the war in the Pacific ended in 1945 as a consequence of two 15-kiloton detonations. I stipulated earlier my uncle died in the Philippines and my father was a part of the occupation force rather than invasion. I have a vested interest in declaring that I think Truman did the right thing. But those were two 15-kiloton detonations. We are talking about 2,260 detonations in excess of 100 kilotons. We do not need a review by professionals. The people's representatives need to do an analysis of this, and I urge my colleagues to do that kind of analysis. Imagine those kinds of detonations and ask yourself, Do we have enough?

Connected with that, do an analysis yourself, both of the command and control capability of Russia and of their ability to do warnings, because if they have mistakes made at either command and control or warning—and their capacity to do early warning not only is declining but it is declining enough so the President, in one of the few successes he had, in addition to getting an agreement to eliminate weapons-grade plutonium, got an agreement to do a joint warning center in Moscow because the analysis says their capacity to do accurate warning is declining. What does that mean? It means if they get a false alarm, they are going to launch because their instructions are to launch on warning.

So what we are doing is, as a consequence of maintaining higher levels pending more reviews, et cetera, et cetera, we are forcing the Russians to maintain a level higher than they are able to maintain, putting us at risk. It increases the risk today. That is how the end of the cold war has changed things. Russia cannot maintain 6,000 strategic weapons. They have been begging us for years. Indeed, one of the things I said yesterday, one of the paradoxes of this whole debate, is I am not sure this administration would take action.

(Mr. WARNER assumed the chair.)

Mr. ALLARD. Will the Senator from Nebraska yield for just a moment? I would like to be able to answer his question.

Mr. KERREY. I am pleased to.

Mr. ALLARD. The Chairman made a good point. We need to run a comparison. The question the Senator asked is, Do we need to delay actions? The answer is, No, we don't want to unnecessarily delay action. But I think we need to have a responsible decision-making process set up. These are very complex issues.

There are a lot of issues involved. Hearing the Senator's comments sounds to me as if he would agree with what the committee has tried to do. They said: Look, these are complicated issues. We need to have a careful review. In fact, the Strategic Subcommittee, which I chair, has set up a process where we have two studies to review our nuclear posture of where we are and move into negotiations.

For the committee to be informed means we have to hear from the professionals who deal with these issues. They need to bring the information to the committee.

We represent the people of the United States in the Congress and the Armed Services Committee tries to represent those interests. We have to set up a process to do exactly what the Senator from Nebraska is talking about.

A lot has changed since the last posture review in 1994, and what was relevant in 1994 is not necessarily relevant today. We have new leadership, by the way, since that review. In Russia, we have new leadership. We have new leadership around the world. We have leadership that has changed even in this country. We need to reevaluate in the context of this new political environment. We need to reevaluate in the context of new technology, new positions as far as the nuclear posture is concerned.

This amendment is critical to protecting our country and stabilizing the world. We need to get the current crop of experts, military and civilian—it is proper to bring in the civilian role—to formulate recommendations given today's dynamic changes.

It seems to me the Senator from Nebraska would agree with what the committee is trying to do. We agree perhaps times have changed. As the chairman pointed out earlier, the law expressly prohibited the President. Now we are saying, with a careful Nuclear Posture Review, maybe we can move ahead and review some of these issues.

(Mr. L. CHAFEE assumed the chair.)

Mr. KERREY. I appreciate that response. I made it clear in questions yesterday posed to the Senator from Virginia and the Senator from Colorado having to do with the issue of whether or not this action could be taken prior to December of 1991, whether or not an accelerated comprehensive review could occur if it was a President Bush or a President GORE. The answer was yes, leading me to say in that situation maybe I would support the amendment because if they can do an accelerated review, so can President Clinton.

The answer then came back: No, we do not want President Clinton to do an accelerated view. We are willing to let President GORE or President Bush do it but not President Clinton. That is precisely why it is a bad provision because I believe it is there because of distrust of a single President. It is not wise, in my judgment, for the Congress to impose that kind of restriction because it does send a signal to our allies not to negotiate.

It makes it much more difficult for the President to negotiate not only arms control agreements but to take action as President Bush did in 1991 facing a problem of how do we leapfrog the arms control process.

I heard my colleagues on the other side say the old arms control process needs to be torn up. That is not inconsistent with this kind of thinking. That is exactly what Governor Bush said in his press club speech surrounded by Henry Kissinger, George Shultz, Brent Scowcroft, and Colin Powell. If those four men were part of that new administration and they came out and said we need a review in November, December, and January and we think we can go to lower levels and we want to go immediately, we can get Russia to agree to a robust missile defense, my guess is every single Member of the other side would go along with it immediately, understanding these men are qualified and they understand what is necessary to protect the United States of America.

They do not need another review, and they certainly do not need Congress imposing a limitation on where they can go. This is a limitation that has been imposed on a single President. If it becomes policy for Congress to do it, I believe it is going to be very difficult for us to take advantage of this new post-cold-war opportunity, as the other side has done repeatedly. There are times when the President submits a budget for defense and they say it is not enough. They do not say we need a review of this for another 3 or 4 months or a long period of time. They say we have done a review; we are not ready so we have to put more money in the budget, we have to put more weapons systems in the budget that were not in the President's request.

We do not have any difficulty confronting the President. We do not ask for reviews when the President is not asking us to do something we want. This is, in my judgment, a provision that was put in here as a consequence of not trusting a particular President, and it is a mistake. It is going to hamstring the next President, whoever that President is. This amendment attempts to soften it a bit, but it still leaves it in place. Senator KYL, I understand, was speaking for how they now interpret the amendment, saying, no, the review has to be submitted concurrently with a quadrennial review whenever that occurs. Maybe it is not in December 2001. Maybe it is done in January 2002. What if you have a President Bush coming online with Secretary of Defense Colin Powell and George Shultz and Brent Scowcroft and Henry Kissinger as part of that administration, and they do a review in November and December and come to you and say: We decided we want to go to 5,000 in exchange for an agreement; is that sufficient?

Mr. ALLARD. Let me tell you what the committee was thinking, as chairman of the Strategic Subcommittee, when we looked at this and said we need to have a careful Nuclear Posture Review. The Senator is trying to imply there was a political motive with that. This committee, made up of Democrats and Republicans, said we need to have a careful Nuclear Posture Review and we need to look at the facts. We recognized that in 1994 we had a review. We need to go back.

Mr. KERREY. I am not implying a political motivation. I am rereading your answers to my questions yesterday. I saw reason I would support this amendment, and the reason I could have supported the amendment is, if you had said to me, yes, a thoughtful and thorough review can be done by civilians in less time than done by a quadrennial review that would allow President Bush or President GORE, and the answer was that would be acceptable. I then said: What if Clinton did the same thing? The answer was no. I am reading back and remembering what the exchange was yesterday.

Mr. ALLARD. In considering this issue, we need to have a careful Nuclear Posture Review. It is not going to happen quickly. What the Senator from Nebraska wants to see happen in public policy where we would carefully evaluate where we are in comparison with the rest of the world is not going to happen in 3 or 4 months. It is going to take time. We have to have input from civilian experts. We have to have input from military experts. From a practical standpoint, it is probably not going to be an opportunity on which this President can act. Whether it is a Democrat or Republican President, whoever is in office next, I think the same policy is going to have to apply because the ultimate goal is to have a careful posture review and make sure we do not unilaterally disarm this country, that we do not make it more vulnerable than it is today.

I yield my time to the chairman of the committee.

Mr. WARNER. I will be happy to listen.

Mr. KERREY. Go ahead.

Mr. WARNER. I simply reiterate what my colleague, who is the chairman of the subcommittee, has said. This amendment, which I drew up carefully, is drawn in such a way that it does not preclude President Clinton from negotiating and, indeed, preclude him from exercising his authority as Commander in Chief to direct the Chairman of the Joint Chiefs and others in the Pentagon: This is a level to which you will drive nuclear weapons. He can do it.

We are saying it should only be done after a quadrennial review, after a nuclear posture study has been completed. From a practical standpoint, it simply, in my judgment, cannot be achieved. If it were forced to be done, it would be viewed not only by us but the Russians and all others who follow this as an imprudent, an unwise step by our President. That is it.

Mr. KERREY. May I ask the Senator a question?

Do you think that Congress made a mistake not having a similar provision in place so we could have prevented President Bush from taking his action in 1991?

Mr. WARNER. No. Fine. Let's review what President Bush did. In the final hours of the days of his Presidency, he did the START II. I understand that. But the point is, that was a process that evolved over many years. The work had been done. The studies had been done. All of it was in place ready for his signature.

I say to the Senator, that is not the case in this instance. The last posture review of importance was 1994. Why this administration sought not to bring those up to date, to bring up a current one——

Mr. KERREY. But I say to the Senator, the question directly is, Do you think Congress should have passed a similar restriction on President Bush so he could not have done what he did in 1991?

Mr. WARNER. I would say, if this situation today were of a parallel situation at the time of President Bush, I would have been the first to pass this same law. It was an entirely different factual situation, I say to the Senator. I hope those listening understand that. But you posed the question. If President Bush at that time was faced with the decision such as this to lower the numbers drastically, I would say it should not be done until the staff work and the careful work had been done by those entrusted, namely, the Chairman of the Joint Chiefs and the Joint Chiefs of Staff, to make the analysis before a President acts.

Mr. LEVIN. Will the Senator yield just for——

Mr. KERREY. I yield the floor to you.

Mr. LEVIN. I thank the Senator.

I must say, I am utterly amazed by the last answer of my good friend from Virginia. What the Senator from Virginia said is that President Bush carefully, after thorough deliberation and consideration, negotiated a START II treaty. That was done, to use my good friend's words: After the studies were done, after the work was done.

I am wondering if my friend from Nebraska would agree with what I am now going to say. The law that is on the books will not let us go down to the Bush START II level, which was so carefully negotiated.

Think about what our law is. We just heard—and I agree with the good Senator from Virginia—that President Bush carefully, thoughtfully, in the words of the Senator from Virginia, after the studies were done and the work was done, negotiated a START II treaty. I agree with that. The law on the books will not let us go to the level that President Bush negotiated. We have to stay at START I levels.

Mr. KERREY. I quite agree with that.

Mr. LEVIN. You cannot have it both ways. If President Bush thoughtfully—and he did—carefully—and he did—after work was done—and it was—negotiated a START II level—we have ratified START II—the Joint Chiefs want us to go to that level and have testified to that, that we are wasting money staying at the START I level—we have peacekeepers that we can't afford to maintain; it is wasteful—they say, please don't force us to keep to that level, but we have a law on the books which says we have to stay at the START I level of 6,000 warheads. We cannot go down to the START II level of 3,000 to 3,500 warheads because of the law on the books. You can't have this both ways.

To add insult to injury, now we are saying that the only way that can be waived, that limit, that START I requirement that we have on the books, is if there is another Nuclear Posture Review. We have had two very thoughtful, Nuclear Posture Reviews, one in 1994, one in 1997.

You will not let us implement it. This law will not let us implement the previous careful, thoughtful Nuclear Posture Reviews. I do not have any problem with another one, by the way. I do not have any problem with the bill the way it now reads.

The problem I have is with the Warner amendment, which says that we can't do what we negotiated in START II, even though it has been confirmed by two thoughtful posture statements, unless the President—the next President, not this one—first has another Nuclear Posture Review. That is the problem.

I think the amendment that has been offered by the Senator from Virginia is aimed very clearly at this President. I think it is a mistake in terms of its approach. It is being limited to hobble this President, to force him to maintain a force structure which was negotiated to a lower level by a previous President. I think that is a mistake in terms of precedent and in terms of what we should be doing in terms of a body. It should not be aimed at one President.

But in addition to that, I must say that we are maintaining a force structure which the Joint Chiefs say we do not need, a force structure which START II—which was negotiated by President Bush—says we do not need. So we are wasting a lot of money as well as engaging, I believe, in a partisan effort to hobble the President.

That is the sad news. That is one of the problems with the Warner amendment. But there is some good news—not in this amendment, but there is some good news that should give us a little bit of comfort.

It will not work. We can waste money. We are. We can maintain a dangerous level of force structure, for the reasons which the Senator from Nebraska gave, making us less secure, not more. We can do all that. But we cannot hobble the President, although I believe the intent of this amendment is to hobble this President. I believe that is the intent because it is only aimed at this President.

The next President—whether it is a Democratic or Republican President—we have been told last night, can go through this review in a matter of months, if they want to, and then waive this statute, but not this President. So I think it is aimed at this President. But this President has the constitutional right to negotiate a treaty, should he see fit. Thank God, the Constitution is there again to save us.

Because although this language will not allow a waiver by this President to get down to the level which President Bush negotiated, and which the Joint Chiefs of Staff say is all we need to keep us secure—half of the level which the current law forces us to maintain—even though that is what this language will force us to do, it cannot stop the President from carrying out his constitutional duty to his last day in office.

He can negotiate a treaty at a lower level. If he does so, we can reject it. The Senate has to ratify under the Constitution. But the President is nonetheless able to negotiate reductions below the START II level, as the Joint Chiefs have said he safely can.

In 1997, the Joint Chiefs said we can safely go down to 2,000, 2,500, which is about 1,000 below the START II level. They have already said that after a careful posture review. I hope the President succeeds in coming up with a treaty which allows us to deploy a limited national missile defense at a lower level of nuclear weapons. I hope he succeeds.

But I must say this amendment is not constructive. It is not something which I believe would be offered were a President of a different party in office. I do not believe that it would be offered. I think the answers last night give support to that conclusion.

It is a very sad conclusion on my part to reach that because I know my friend from Virginia is not ordinarily of that bent. We have worked together long enough so I know what his instincts usually are. But in this case, I am afraid it falls short of where we should be as a body, which should be supporting our right to ratify, supporting a force structure we need, but not maintaining a force structure we no longer need according to two careful posture reviews, for purposes which I believe are intended to restrict this President.

Before I yield the floor, I ask the Senator from Nebraska, is it not accurate that the START II level which was negotiated by President Bush was supported by a Nuclear Posture Review made by the Joint Chiefs of Staff?

Mr. KERREY. The Senator is correct. It is one reason additional review is not necessary. It is offered in good faith, but it is certainly not necessary to make this determination.

Mr. WARNER. Mr. President, if I might summarize, again, on five occasions President Clinton has signed into law actions by the Congress of the United States which state very clearly we should not go to these levels. There it is.

It is interesting, one of the reasons Congress took that action is we were not sure what the Duma would do on START II. We were right. They accepted START II, but with the following conditions on it: ABM treaty demarcation protocol, ABM treaty succession multilateralization protocol, START II extension protocol. Those protocols have not been sent to the Senate by the President. No one can refute that; they have not been sent here. They do not have his endorsement. That is why we should not undo hastily with this amendment this fabric of legislation which for 5 consecutive years has been passed by the Congress and signed by the President of the United States.

The Warner amendment does not preclude President Clinton from negotiating. It does not preclude our President from creating a QDR in the next few months, creating an updated nuclear posture. He could do it. But it would be imprudent and unwise to do it because it would run against the guidance provided by the Congress. No one should say this Congress, particularly the Senate, is not an equal partner on matters of seriousness of this nature, particularly as it relates to treaties. It is in the Constitution just as clearly as is the President's Commander in Chief role.

Mr. LEVIN. Mr. President, if I may have 1 additional minute, I will then yield the floor.

Mr. KERREY. I yield 1 minute to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. On the point of the President signing five bills, when the President signs bills—these bills are 600 pages long—he makes it very clear he doesn't agree with every single provision in every bill he signs. As a matter of fact, if that were the test, I am sure we could get a statement right now from the President indicating his opposition to this provision. I would think the Senator from Virginia would still not drop this provision, even though the President of the United States would indicate opposition to it.

The Chairman of the Joint Chiefs, speaking for the administration, I am sure, in 1995, said:

> Our analysis shows that, even under the worst conditions, the START II force levels provide enough survivable forces and survivable, sustained command and control to accomplish our targeting objectives.

That is the Joint Chiefs speaking for the administration in 1995. The current law will not allow this administration to go down to the levels which General Shalikashvili and the current Joint Chiefs say are adequate. It is wasteful as well as attempting to hobble the President. But if the test is whether the President supports the language or not, I am sure we can get a quick letter from the President indicating his opposition to the Senator's amendment. I wonder whether the Senator would drop his amendment if the President indicated opposition in a letter?

Mr. WARNER. Unequivocally, no, I say to my good friend.

Mr. LEVIN. I thank my good friend.

Mr. WARNER. In quick summary, he cites what the Chairman of the Joint Chiefs said in 1995. Fine. But General Shelton and others were acting on the predicate, on the assumption, which was a fair assumption, that the Russian Duma would adopt START II as it was written and not put these conditions on it. Once they put these conditions on, it was a clear signal to all of us, we had better go back and reexamine what in effect is the desire of Russia on arms control. These are conditions which they know this Chamber, as presently constituted, would never accept.

I yield the floor.

Mr. LEVIN. Mr. President, I ask unanimous consent that a statement of General Shelton be printed in the RECORD at this time, indicating that major costs would be incurred if we remain at START I levels, stating his opposition to the language which the Senator from Virginia would maintain in our law without the possibility of a waiver until next year.

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

TESTIMONY BEFORE THE SENATE COMMITTEE ON ARMED SERVICES, JANUARY 5, 1999

RATIONALE FOR STAYING AT START I FORCE LEVELS

Senator LEVIN. General Shelton, in your view, is there any military reason why we should freeze our strategic forces at the START I level until Russia ratifies START II?

What is the cost (a) in fiscal year 2000; and (b) through the FYDP; to maintain our forces at the START I level instead of a lower level that is required for military reasons?

General SHELTON. As a result, the force structure could undergo change. The Joint Chiefs and I are working with the Commander in Chief of our Strategic Command on a recommendation for the Secretary of Defense. There are a number of alternative force structures with fewer platforms that meet our national security needs and still provide 6,000 strategic warheads to maintain leverage on the Russians to ratify START II. 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. Since our START II baseline calls for Peacekeeper to be retired by 31 December 2003, costs in fiscal year 2000 include an additional $51 million to maintain all Peacekeeper missiles for 1 year. Overall Peacekeeper costs are approximately $150 million per year and maintaining them over the FYDP will cost $560 million. Keeping our SSBN force structure at START I levels (18 SSBNs) until fiscal year 2006 will costs an additional $5.3 billion, which includes refueling, overhaul, and backfitting four Trident SSBNs with D–5 missiles.

* * * * *

Secretary COHEN. . . . So the answer is, I do not think we need to have the legislation, which expires, and we can maintain the same level until such time as—level of warheads that we have under START I, until such time as the Russians ratify START II, so we can achieve that particular goal.

Senator LEVIN. So, the way the legislation is framed is not helpful or necessary?

Secretary COHEN. I think it is unnecessary at this point.

* * * * *

FISCAL YEAR 2000 DEFENSE AUTHORIZATION ACT

Senator LEVIN. Would you oppose inclusion of a provision in the Fiscal Year 2000 Defense Authorization Act mandating strategic force structure levels—specific numbers of Trident Submarines, Peacekeeper missiles and B–52 bombers?

General SHELTON. Yes, I would definitely oppose inclusion of any language that mandates specific force levels. It is important for us to retain the ability to deploy the maximum number of warheads allowed by START I but the Services should also have the flexibility to do so with a militarily sufficient, yet cost effective, force structure.

* * * * *

Senator LEVIN. Are there any military requirements for the 50 Peacekeeper ballistic missiles?

General SHELTON. The Commander in Chief United States Strategic Command conducted an extensive analysis of maintaining 14 Tridents, 500 Minutemen IIIs, and 0 Peacekeepers uploaded to the approximate warhead limits of START I in our inventory and he concluded this force was militarily sufficient and I concurred with this assessment.

* * * * *

Senator LEVIN. I would hope they take that into account and also the fact that they are doing that because that is what we wanted them to do under the START agreements, is to move to the new kind of weapons system. But whatever you want to take into account, please respond to that for the record.

[The information referred to follows:]

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. Specifically, we should move to the force structure levels recommended by the Nuclear Posture Review. For fiscal year 2000, this means programming for the reduction of our nuclear-powered fleet ballistic missile submarine (SSBN) force structure from 18 to 14 TRIDENTs while maintaining 50 PEACEKEEPERs. We strongly believe it is militarily prudent to review PEACEKEEPER annually. The four SSBNs will continue to operate until they reach the end of their reactor core life when they will be retired. With a strategic force of 14 TRIDENT SSBNs, 50 PEACEKEEPER and 500 MINUTEMAN III intercontinental ballistic missiles (ICBMs), and our nuclear capable bombers, we will still be capable of deploying approximately 6,000 strategic warheads as allowed by START I. 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.

Mr. WARNER. Mr. President, if I may make one observation in reply, the President's budget for 2001 includes funds to sustain our strategic forces at current levels. Why then did he send up a budget request to maintain those strategic levels, the levels you are now asking him not to knock down?

Mr. KERREY. Mr. President, the answer to that is a question back to the

Senator from Virginia. If the President is asking for these levels, why would he insist on a prohibition of his going lower? Why is he so concerned he is going to go lower, if the President is asking for these levels? Why does he need this provision?

Mr. WARNER. Mr. President, ultimately we will go lower. But we should take into consideration the actions of the Duma and the fact that we should study very carefully this nuclear posture in view of the actions taken by the Duma.

Mr. KERREY. The question the Senator from Virginia asked me was, Why did the President send up an authorization request for current levels if he was thinking about going lower? That is a good question. I am not certain the President would use his authority. The question that provokes is, Why, if the President is asking for existing levels, are this Senator from Virginia and others so concerned that he might go lower? Why do we have this prohibition on any President? It is an unnecessary and unwarranted interference, and it makes the people of the United States of America an awful lot less safe, given what is going on in Russia today.

The PRESIDING OFFICER. Who yields time?

Mr. KERREY. Mr. President, I yield 10 minutes to the Senator from Delaware.

Mr. WARNER. Mr. President, will the Chair state the allocation of the time remaining between the distinguished Senator from Nebraska and myself.

The PRESIDING OFFICER. The Senator from Nebraska has 14 minutes remaining, and the Senator from Virginia has 25 minutes remaining.

The Senator from Delaware.

Mr. BIDEN. Mr. President, the Kerrey amendment is a sensible proposal that merits bipartisan support.

The Joint Chiefs of Staff decided many years ago under the Bush administration that we could safely go below START I force levels. President Bush signed START II, and the Senate approved it in 1996.

Now the Russian parliament has approved START II. That treaty cannot enter into force yet, due to differences over the ABM Treaty, but both the United States and Russia could usefully go below START I levels.

The Joint Chiefs have consistently opposed the statutory ban on going below START I levels. As General Shelton said to Senator LEVIN in an answer for the record.

> The cold war is over. . . . 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 restraints will need to be removed before we can pursue these options.

The ban that the Kerry amendment would repeal is a hindrance to rational planning and resource allocation. It makes us maintain forces that are not needed, at the expense of more pressing needs. As General Shelton replied to Senator LEVIN: ''Major costs will be incurred if we remain at START I levels.''

The Warner second-degree amendment would retain this ban for another year-and-a-half, for no good reason.

It would prevent the President of the United States from implementing strategic force reductions that are supported by our military leaders. It would also prevent his successor from implementing such reductions for nearly a year, and from deactivating any of those forces for another 30 days beyond that.

This is not just a slap in the face of our President—although it is surely that. It is also a slap in the face of the likely Republican nominee for President, Governor Bush of Texas.

Two weeks ago, Governor Bush proposed cuts in U.S. forces below the START II level—not just below START I, but below START II. Governor Bush said: ''The premises of Cold War nuclear targeting should no longer dictate the size of our arsenal.''

He may think that the White House is the home of cold war thinking. If the American people should ever elect Governor Bush to be our President, however, he'll find that the cold war is alive and well a couple of miles east of the White House—in his own party.

Governor Bush added, 2 weeks ago:

> . . . the United States should be prepared to lead by example, because it is in our best interest and the best interest of the world. This would be an act of principled leadership—a chance to seize the moment and begin a new era of nuclear security.

Would the Warner amendment allow him to seize the moment? Not for many months.

Imagine our new President negotiating with President Putin of Russia in 2001. Putin says: ''Let's do START III.'' President Bush (or President GORE) replies: ''Heck, my Senate won't even let me go under START I. Come back next year!''

Hamstringing the President in this way is silly, and we all know that. The Joint Chiefs opposed it; the future Republican nominee for President wants to go far beyond it; and the Congressional Medal of Honor winner from Nebraska, whom the Senator from Virginia praised just last night, would never undermine our national security.

Let's stop playing games. Let's defeat the Warner amendment and support the Kerrey amendment.

Mr. President, I will respond to some of what I have heard in today's debate. My dad has an expression: Sometimes what people say is not what they mean, even though when they say it, they think they may mean it. That sounds confusing. I always used to wonder what he meant by that. I think I understand it better now.

The Senator from Virginia has an amendment that, with all due respect to him, is bad logic, bad law, and bad politics. I know him to be a much more informed fellow. I have asked myself why, why does he have this amendment? What is the real reason? I am not suggesting duplicity. I am not suggesting any kind of treachery, but why? Why would you have an amendment that says a President cannot do what a previous President said was proper to do and all the military people then and since then have said we should do? Why would you do this?

It has dawned on me that we are finally getting to the place—I suggest humbly—that I predicted we would get to 18 months ago. We are finally coming out of the closet in the real debate. The real debate is whether there should be arms control any longer or not. I ask unanimous consent to print in the RECORD at the conclusion of my remarks a piece by Charles Krauthammer on this very point.

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

(See Exhibit 1.)

Mr. BIDEN. It is in the latest Time magazine. Mr. Krauthammer is a very bright fellow. The thesis of his piece is that no one really listened to what George W. had to say. Everybody misunderstood what he meant when he stood up, with Henry Kissinger and Colin Powell and George Shultz standing behind him, and laid out his position, at least his position on nuclear weapons and on national missile defense.

He said that what Governor Bush really means is that this is a new era. No more arms control, period. START I, START II, START III, START anything, START V—no more. He ends his article by saying we should make our judgments about whether to reduce our weapons or to increase our weapons, or whether to build a national missile defense, irrespective of anything other than what we believe should be done at that moment. And that dictates, he says, the end of arms control.

That is what this debate is about. Cut through all the haze here. The problem with the Senator from Delaware, the Senator from Michigan, the Senator from Nebraska, and my two colleagues on the floor now, is that we know too much about this. We are like nuclear theologians. I have been doing this for 28 years. I used to know what the PSI of the Soviet SS–18 missile silo was. That is very valuable information for someone to have to walk around with. The old joke is that we have forgotten more about these details than most people ever learned. In the process, we also forgot what this is really about.

What is the logic of the Warner amendment? The logic is that this President cannot enter into any more agreements. Really he doesn't need an agreement to go down, but what they are worried about is that he could decide, either with Russian President Putin or without Putin, to take numbers down to the START II levels, and that that will be offered as a sign of good faith to Putin that the President, in fact, is ready to go lower, which is what the Russians want in a START III agreement.

This is about arms control. Let's cut through all the malarkey. Before this next 12 months are over, in the next administration—Democrat or Republican—it will finally be out in the open. This place will be divided between those who say that arms control has a place in our strategic doctrine and those who say it has no place. We are getting there. We are getting there, inching to it. They are feeling their way, I say to my friend from Nebraska, feeling their way around this because, up until now, arms control has been the Holy Grail of both Republicans who are informed and Democrats who are informed. Nobody except the wackos has been flat opposed to any arms control. But there is a feeling emerging in the intellectual community on the right, as well, that what we should be doing as the United States of America, because of our overwhelming military political and economic superiority relative to the rest of the world, not just the Russians—is taking advantage of the luxury of dictating outcomes without consultation.

My friend from Virginia knows that a lot of his friends and my acquaintances in think tanks on the right believe what I just said. I am not saying the Senator does. But that is the genesis, the root, the cause of this debate—a legitimate debate to have. But they are just a little afraid, in this election year, to say they don't like arms control: If we are elected, no more arms control. We will adjust, or not adjust, to the levels that we choose independently, not in the context of a negotiation with anyone else. That is what this is about, with all due respect to my friends who support the amendment; even if they don't think that is what it is about, that it is just logical, rational, political purpose.

Think what you are saying. You are telling the President of the United States of America: you can't go down—although, by the way, constitutionally we probably can't do this. He is Commander in Chief. Nobody has been more aware than I of the prerogative of the Senate as it relates to the war clause and the Constitutional relationship of the authority between the executive and legislative branches relative to the ability to use force and/or control the forces we have.

The reason that there was a provision on the Commander in Chief was not to allow Presidents to go to war unilaterally. It was rather to make sure Congresses didn't tell George Washington he could or could not move troops out of Valley Forge. They had a bad experience during the Articles of Confederation. So they wrote it in saying, hey, don't tell the Commander in Chief he can't steam here with the fleet or he can't move the flanks there, or he can't move troops from one place to another. That is what somebody should do day to day. We are telling him in the law and in the Warner amendment that he cannot reduce force numbers to something that has been negotiated and that everybody says makes sense.

Let me return to the Krauthammer piece, entitled ''The End of Arms Control; George W. Bush Proposed a Radical New Nuclear Doctrine. No One Noticed.''

Byline: Charles Krauthammer. Concluding paragraph:

We don't need new agreements; we only need new thinking. If we want to cut our nuclear arsenal, why wait on the Russians? If we want to build a defensive shield, why ask the Russians? The new idea—extraordinarily simple and extraordinarily obvious—is that we build to order. Our order.

Read my lips. No new treaties.

That is what this is about. Whether old ''W'' knows it or not—and I don't know that he does; I mean that sincerely; he may know more than all of us on the floor combined; he may know as little as it appears that he knows; I don't know—this approach says ''no new treaties.'' That is what this is about.

So I would like us to have national elections. There should be a national referendum as well. We should have a national debate on that. I urge my friends to come out of the closet completely. Let's have an up-or-down debate. It is a little embarrassing to make the case for the Warner amendment on either logical grounds or constitutional grounds or political grounds, based on the way it is now. It doesn't add up.

I thank the Chair. I see my time is up. I thank my colleagues, and I have a feeling this is only the beginning of what is going to be a big, big, long debate—not on this particular amendment, but for this Nation.

EXHIBIT 1

JUNE 12, 2000.

There have been two revolutions in nuclear theology since the doctrine of Mutual Assured Destruction became dominant four decades ago. The first came in 1983. President Reagan proposed that defensive weapons take precedence over offensive weapons. The second happened last week. It came from George W. Bush and was almost universally misunderstood. Bush was said to have proposed the primacy of defensive weapons over offensive weapons. That is old news. In fact, he did something far more important: he proposed the end of arms control.

This seems strange to us. For more than a generation we have been living in a world in which arms control is the norm. But for all of history before that, it was not: if you needed a weapon to defend yourself and had the technology to build it, you did not go to your enemy to get his agreement to let you do so.

When the world was dominated by two bitterly antagonistic superpowers, arms control made sense. Barely. The world was made marginally safer by the U.S. and the Soviet Union having a fairly good idea of, and a fairly good lid on, the nuclear weapons in each other's hands.

For the U.S. it was important because of a rather arcane doctrine called extended deterrence: we pledged to defend Western Europe not by matching the huge Warsaw Pact tank forces (which would have been outrageously costly) but by threatening nuclear retaliation against any conventional invasion.

Not a very credible threat to begin with. And as the Soviets overcame the American nuclear monopoly, it became less credible by the year. We needed arms control to ensure that there would be enough American nuclear firepower (relative to Moscow's) to make our security guarantee to Europe at least plausible.

As I said, arcane. But then again, the whole arms race with the Soviets had a distinctly academic, almost unworldly quality. It was really a form of bean counting. Like money to billionaires, it had little intrinsic meaning: it was just a way of keeping score.

Perhaps most important, arms control gave the Soviets and us something to talk about at a time when there was very little else to talk about. We were fighting over every inch of the globe, from Berlin to Saigon. So, every few years, we would trade beans in Geneva, shake hands for the cameras and thus reassure the world that we were not going to blow it up.

But now? That late-20th century world of superpowers and bipolarity and arms control is dead. There is no Warsaw Pact. There is no Soviet Union. What is the logic of tailoring our weapons development against various threats around the world to suit the wishes of a country—Russia—that is not longer either an enemy or a superpower?

Yet that is exactly what President Clinton has been intent on doing in Moscow this week. He is deeply enmeshed in arms-control negotiations (1) to revise the treaty that radically restricts America's ability to defend itself from missile attack (the ABM treaty) and (2) to set new numbers for American and Russian offensive missiles (a START III treaty).

The parts of this prospective deal that are not anachronistic are, in fact, detrimental to American security. One of the reasons the development of an effective missile defense has been so slow and costly is that the ABM treaty prevents us from testing the most promising technologies, such as sea-based and space-based weapons. Even today, we cannot test a high-speed interceptor against any incoming missile traveling faster than 5 km per SEC, because the Russians are afraid it might be effective against their ICBMs. This is quite crazy. It means that because of a cold war relic, the U.S. has to forgo building the most effective defense it can against nuclear attack by a rogue state such as North Korea.

But Bush's idea is significant because it goes beyond questioning why we should be tailoring our defensive weapons to Russian wishes. He asks, Why should we be tailoring offensive weapons—indeed, any American military needs—to Russian wishes?

He proposes to reduce the American nuclear arsenal unilaterally. The Clinton idea—the idea that has dominated American thinking for a generation—is to hang on to superfluous nukes as bargaining chips to get the Russians to reduce theirs.

Why? Let the Soviets keep, indeed build what they want. If they want to bankrupt themselves building an arsenal they will never use—and that lacks even the psychologically intimidating effects it had during the cold war—let them.

We don't need new agreements; we only need new thinking. If we want to cut our nuclear arsenal, why wait on the Russians? If we want to build a defensive shield, why ask the Russians? The new idea—extraordinarily simple and extraordinarily obvious—is that we build to order. Our order.

Read my lips. No new treaties.

Mr. WARNER. Mr. President, I would like to pose a question or two to my very dear friend and good colleague from Delaware.

Mr. BIDEN. I will answer on the Senator's time.

Mr. WARNER. Fine. We will do that. I ask my friend to not overextend his responses.

Mr. BIDEN. I won't.

Mr. WARNER. I think the Senator has raised a legitimate question. Are we as a body in the Senate to look in a bipartisan way to future arms control or are we not? It is a fair question given the action by this Chamber, which is a proper action, on the test ban treaty. I fought hard against that. The Senator was on the other side. We rocked the Halls of this Chamber with that debate. But that is history.

I want the Senator to know that this Senator from Virginia firmly believes in an ongoing arms control process, firmly believes that this country should continue its leadership with this very important endeavor to try to make this a more safe world. But every arms control agreement that comes along is not the one we should buy into. I say to my good friend, if he says this Chamber is divided, I commit this Senator to work, so long as I am privileged to be a Senator, for arms control. But for some reason, the Russian Duma, although it is in comparison a very new legislative body, had the opportunity to take START II and accept it, just as President Bush had signed it, put it into force and effect—but how well you understand, they put conditions on and those conditions they knew would not be acceptable in this Chamber. So they intentionally blocked going into force and effect the START II treaty. I say to my friend, why did they do that?

Mr. BIDEN. I am sorry?

Mr. WARNER. Why did the Russian Duma deliberately put conditions on START II, knowing that those conditions would never survive a vote in this Chamber?

Mr. BIDEN. Well, I would respond rapidly by saying that we have enough trouble figuring what happened in this Chamber, let alone a new parliamentary body in a place called Russia. I think what they did was to put those conditions on because we had said we wanted these protocols.

We negotiated with them. They cannot anticipate that we in the Senate do not want to do what our Presidents have negotiated with them to get done. But there is a little concern by them about this Senate like we are concerned about them.

They are saying: Look, you negotiated a START II treaty with us, and you also negotiated demarcation protocols with us that you asked for. We didn't say we want new protocols to allow certain missiles to fly at certain speeds, et cetera. We didn't ask for that. You came to us and you said that.

We agree. If you are going with the whole package you negotiated with us over the years, we are in on the deal. If you are not going with the whole package you negotiated with us, we are not in on the deal, because we don't know what you are about.

I think that is what they are thinking. That is what I think. Keep in mind that the demarcation protocols the Senators are talking about are not protocols that the Russians initiated. They did not sit down and say: By the way, let's accommodate your ability to have theater missile defenses. We said: We want to be able to do that. And we went to them. They said: We don't want to do anything on the protocol. We said: You have to. So there were negotiations for several years. And they said OK. Finally, they signed it.

That is what I think. I don't know. I have enough trouble figuring out this place, let alone the Duma.

Mr. WARNER. Mr. President, in quick reply to my good colleague, he knows full well that those protocols put on by the Duma relate to the ABM Treaty. That is a subject of great controversy.

Mr. BIDEN. If the Senator will yield for just a second, those demarcation protocols to the ABM Treaty were protocols that we—not the Duma—asked for. We asked for them. We said we will not ratify the extension of START II deadlines unless you, the Russians, allow us to test these theater missile defenses, which you claim are in violation of the ABM Treaty. Unless you amend the ABM Treaty to allow us to do this and also ratify START II, we will not ratify START II extension or go to START III. Right?

Mr. WARNER. Mr. President, our President doesn't take the exact turn in the way these things are written. The Duma knew full well that in this Chamber—and, indeed, in the Congress and, indeed, in the whole of the United States—there is a very serious and important debate going on; I hope it is part of the Presidential election debates, as to whether or not this Nation should allow itself to be held hostage by Russia in terms of a critical need to defend our Nation against the growing threat of strategic intercontinental missiles. You know that, and I know that. That is what these protocols go—the ability of this Nation to defend itself. They were very clever in the Duma because they knew that was putting out, as we say in the military, a ''tank trap.'' We were stopped cold once those protocols were put on.

Mr. BIDEN. Mr. President, will the chairman yield for another response? I will be very brief. Let me make an analogy for the chairman.

Say we have a contract with someone on the rental of an apartment building. We say we want to renegotiate that contract to be able to rent to build 12 more units on that apartment building. We say: By the way, although parking is no part of this lease, we want to renegotiate our parking lot agreement with you as well. Before we agree to go into a new deal with you on the building, we want to get 10 more parking spaces. The guy who owns the building says: Wait a minute. I don't want to. I will only negotiate with you on the building. We say: We are not going to do it unless you give us more parking spaces.

That is what we did here. They said they want to go to START III. We said we are not going to do that unless you give us more parking spaces—unless you allow us to do something the ABM does not allow us to do right now. You give us the ability to test these missiles at a faster speed to be able to intercept your missiles that are called theater nuclear missiles. You allow us to do that. If you do not, we are not going to renegotiate a deal on the whole building. Do the parking, or we will not even talk about the building.

That is what we said. We said allow us to amend ABM, or we are not going to go down to these levels.

That is what happened.

Mr. WARNER. Mr. President, I don't know.

I must regain the floor and control it.

I thank my colleague.

Mr. BIDEN. The Senator is welcome.

Mr. WARNER. Mr. President, I strongly disagree. I don't believe that linkage existed in these negotiations. What is clear is that our President, in good faith—I commend our President—at the summit did the best he could. I am concerned about some of the language he used in regard to the future discussions on the ABM Treaty.

I ask unanimous consent to have printed in the RECORD an article written by William Safire, which I think in a very clear and careful way points out the language about which I have a concern.

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

[From the New York Times, June 5, 2000.]

MISTAKE IN MOSCOW

(By William Safire)

WASHINGTON.—''We have agreed to a statement of principles,'' President Clinton told a joint news conference in Moscow, ''which I urge you to read carefully.''

Noting that the Russian and American sides disagreed on whether a limited missile defense against rogue states posed a threat to the mutual deterrence of the ABM treaty, Clinton added: ''The statement of principles that we have agreed to I thought reflected an attempt to bring our positions closer together . . . let me say I urge you all to read that.''

O.K., let's read it. The central issue is whether the U.S. will allow Russia to hold us to the ABM treaty negotiated 30 years ago with the Soviet Union. We want to build defenses against the few missiles from terrorist nations, not the thousands held by Russia. President Vladimir Putin of Russia wants to make us pay for his permission by slashing our offensive missile forces in Start III down to levels our military leaders consider imprudent.

Clinton went along with the sweeping assertion that the two nations ''reaffirm their commitment to that [ABM] treaty as a cornerstone of strategic stability.''

Putin then gave Clinton a little wiggle room by agreeing that the missile threat from other nations ''represents a potentially significant change in the strategic situation . . .'' and to ''consider possible proposals for further increasing the viability of the Treaty.'' That means allowing the U.S. to defend its cities against rogue nations, terrorists and accidental launches only in ways that Moscow approves.

Thrice did Clinton embrace the word viability, which means ''capable of living.'' He

committed the U.S. ''to strengthen the ABM treaty and to enhance its viability'' and agreed that we ''attach great importance to enhancing the viability of the Treaty. . . .''

So here we have Clinton breathing new life into the cold-war treaty provided Putin will allow some minor amendments that may not meet future U.S. defense needs.

And then the outgoing American president stepped into the incoming Russian president's trap. He paid for Putin's permission to tinker with the ABM treaty with an enormous concession:

''They agree that issues of strategic offensive arms cannot be considered in isolation from issues of strategic defensive arms and vice versa. . . .''

Read that again to savor its import: that is the principle of linkage. It's what Putin's military wanted and what Clinton never should have given.

''Issues of strategic offensive arms'' means Start III: the reduction of the massive U.S. and Russian arsenals. The issue there is how far to cut: our military says our strength would be sapped at fewer than 2,000 missiles, while the Russians—who can't afford to keep that many nukes—want us to weaken our worldwide missile forces by 25 percent more.

''Issues of strategic defensive arms'' means ABM and our national missile defense against dictators who could threaten us with nuclear blackmail and against a possible Chinese threat. By mistakenly linking reductions in Start III (our missile offense) to the minor modification of ABM (our missile defense), Clinton played into Russian hands, making future arms negotiation more difficult for his American successor.

Now here comes the strange part. Putin must know the substantial difference in approach between candidates Al Gore and George W. Bush, Gore goes along with Clinton and presumably will embrace his ABM-Start III linkage. Bush wants a free hand with a limited anti-missile system and would set our offensive missiles at a level to suit our deterrent needs, inviting the Russians to reciprocate. Huge policy difference.

And yet Putin said, ''We're familiar with the programs of the two candidates . . . we're willing to go forward on either one of these approaches.''

Did he mean to ad-lib that? Was he misinterpreted? Having won his linkage with Clinton-Gore, is the inexperienced Putin willing to toss that advantage aside with Bush? Is a puzzlement.

Despite Clinton's policy error, he neither embraced the K.G.B.'s man nor called him ''Volodya.'' Our president's demeanor remained coolly correct, and we can at least be thankful for that.

Mr. WARNER. Mr. President, it is very clear that the next President of the United States must be given every possible bit of leverage he can have as he readdresses in good faith, as did President Clinton, this issue of the ABM Treaty. It could well be that the levels we are debating right here in this amendment are the levels of those arms reductions which we all know as a certainty will be done at some point in time.

We believe, of course, in accordance with the Warner amendment, that it should be done after careful analyses and steps have been taken. In any event, we will come down to those levels. We know that.

But should not that next President have in his negotiating strategy the ability to do those negotiations of lower levels as a part of the essential requirement to get some reasonable modification to the ABM Treaty that enables this country, as George W. Bush said in his statement, to rightfully defend itself? That is what this is all about. Don't take away a possible negotiating bit of leverage he has with regard to the levels of these weapons.

Will the Chair advise us with regard to the time remaining.

The PRESIDING OFFICER. The Senator from Nebraska has 4 minutes, and the Senator from Virginia has 15 minutes.

Mr. WARNER. Mr. President, I see my distinguished colleague, the chairman of the subcommittee, rising. I see other distinguished colleagues.

I yield the floor.

Mr. ALLARD. Mr. President, I would like to take a moment to point out that the START II agreement is not a unilateral agreement, it is a bilateral agreement. It takes the approval of both the Duma and the Russian leadership, as well as the United States.

Also, to clarify the record, in 1997 the Quadrennial Defense Review didn't include a Nuclear Posture Review. I think it is entirely appropriate that we have a Nuclear Posture Review. Since 1994, a lot of leadership has changed. A lot of technology has changed. Certainly I would like to see us move forward with disarmament. But it needs to be verifiable. It shouldn't be unilateral. I think those are two very important conditions as we move forward on the disarmament discussion.

I congratulate the chairman because I think he is moving forward with this amendment pretty much with the strategic committee; that is, we need a very careful Nuclear Posture Review. It should involve civilians as well as the military.

This is not going to happen quickly. It is going to take time. This should happen no matter who the President of the United States is. We shouldn't rush into these agreements until we fully understand where we stand and where our posture is.

I know we have some Members on the floor who may want to speak. But I say to the chairman that I think perhaps at this time we ought to have a little bit of review as to what has been happening here in the debate. I would like to take the time to do that and to clarify some statements that have been made in this debate.

Since fiscal year 1996, Congress has passed, and the President has signed, legislation prohibiting the retirement of strategic nuclear delivery systems—bombers, intercontinental ballistic missiles, and strategic submarines—until the START II agreement enters into force. This provision was designed to put pressure on Russia to actually ratify the START II agreement.

The idea was not that they were going to send back a counterproposal to the United States. Again, it would have to be considered by this Congress. This was not an inflexible position.

I point out that, for example, last year the law was modified to allow the Navy to retire 34 Trident strategic submarines. Moreover, the law has been and continues to be consistent with the administration's own policy.

We have heard quite a bit about the statement made by Gov. George W. Bush relating to U.S. strategic forces. What has been overlooked in his focus on the need to have a comprehensive review of our strategic guided forces is the statement that originally was made by Governor Bush. He said, ''As President, I will ask the Secretary of Defense to conduct an assessment of our nuclear force posture.'' Then he goes on to say, ''the exact number of weapons can only come'' after this careful assessment.

I think we are very much in step with what the committee has been saying, what George W. Bush would like to see happen, and what I hear the chairman of the Armed Services Committee saying he would like to see happen.

I would like to again review where we are with the Warner amendment.

The Warner amendment substitute would include additional items to be considered in the review required by section 1015, including whether reductions can be conducted in a balanced and reciprocal manner, whether changes in our alert posture would enhance our security and strategic stability, and whether U.S. strategic reductions could adversely impact our conventional delivery systems, such as the B–52 bomber.

The Warner substitute amendment provides authority for the President to waive the limitations in current law regarding the retirement of the strategic nuclear delivery systems once the Secretary of Defense has completed the Nuclear Posture Review required by section 1015.

The amendment by the Senator from Nebraska, on the other hand, would not be consistent with a policy enunciated by Governor Bush, nor would it satisfy the concerns Congress has raised for the last 5 years. It could lead to misguided and uninformed reductions rather than a forced posture review based on careful review of all of our strategic requirements and how they relate to overall national military strategy.

I thank the chairman for his leadership. I pledge that I will continue to work with the Senator for disarmament, move towards disarmament, but it has to be bilateral and verifiable.

Mr. WARNER. I thank my colleague. He has served this committee very well in his chairmanship. I think he has stated very clearly the issues in this amendment.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. I have enjoyed the debate very much. I wish there was more opportunity to examine the subject. I ask unanimous consent to have two documents printed in the RECORD.

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

U.S. NUCLEAR FORCES (APPROXIMATE)

Type	Name	Launchers/ SSBNs	Year deployed	Warheads x yield (kiloton)	Total warheads
ICBMs					
LGM–30G	Minuteman III:				
	Mk–12	200	1970	3 W62 x 170(MRV)	600
	Mk–12A	300	1979	3 W78 x 335(MRV)	900
LGM–118A	MX/Peacekeeper	50	1986	10 W87 x 300(MRV)	500
Total		550			2,000
SLBMs					
UGM–96A	Trident I C–4	192/8	1979	8 W76 x 100(MRV)	1,538
UGM–133A	Trident II D–5	216/10			
	Mk–4		1992	8 W76 x 100(MRV)	1,536
	Mk–5		1990	8 W88 x 475(MRV)	384
Total		408/18			3,456
Bombers*					
B–2	Spirit	21/16	1994	ALCM/W80–1 x 5–150	400
				B61–7/–11, B83 bombs	950
B–52H	Stratofortress	76/56	1961	ACM/W80–1 x 5–150	400
Total		97/72			1,750
Non-strategic forces					
Tomahawk SLCM		325	1984	1 W80–0 x 5–150	320
B61–3, –4, –10 bombs		n/a	1979	0.3–170	1,350

[1] First bomber number reflects total inventory. Second bomber number is "primary mission" number which excludes trainers and spares. Bombers are loaded in a variety of ways depending on mission. B–2s do not carry ALCMS or ACMS. The first 16 B–2s initially carried only the B83. Eventually, all 21 bombers will be able to carry both B61 and B83 bombs. B53 bombs have been retired and were replaced with B61–11s.

ACM—advanced cruise missile; ALCM—air-launched cruise missile; ICBM—intercontinental ballistic missile (range greater than 5,500 kilometers); MIRV—multiple independently targetable reentry vehicles; SLCM—sea-launched cruise missile; SLBM—submarine-launched ballistic missile; SSBN—nuclear-powered ballistic missile submarine.

Why does the Pentagon Say We Need 2,500 Warheads?

Vital Russian Nuclear Targets

	Amount
Nuclear	1,110
Conventional	500
Leadership	160
War-Supporting Industry	500
Total	2,260

Damage Expectancy Levels = 80%

80% of 2,260 targets = 1,800 warheads necessary to achieve damage expectancy in an attack against Russia.

Additional targets in China, Iran Iraq, and North Korea have been assigned to U.S. strategic nuclear forces.

In total, a minimum of 2,500 U.S. warheads are needed to fulfill the SIOP.

Mr. KERREY. Mr. President, in 1968 I had the good fortune, or misfortune, to be given the chance to go down to Fort Benning and go through Army Ranger School. We had a little joke that was keying in on a line from a John Wayne movie. We looked out in the darkness and said: It sure is quiet out there. Somebody else would come back with a punchline: Too quiet.

That is precisely my instinct when it comes to strategic nuclear weapons. There is a real danger. For some reason, we understand the danger if it is North Korea maybe getting nuclear weapons or Iraq maybe getting nuclear weapons or Iran maybe getting nuclear weapons.

Russia has 7,000 strategic nuclear weapons and 12,000 tactical. These are not inaccurate, unreliable systems. These are very accurate, reliable, and deadly systems. They have more than they need, and we have more than we need. Instead of pressing the President to go to lower levels, the current language of law and this amendment says we want further delay; we want to push the President in the opposite direction. We are pushing this President in the wrong way. We should be pushing the President to go to lower levels because it keeps America safe if we do.

Why does it keep America safe? Not only is it sort of odd to be negotiating with Putin on all sorts of things at the same time that we have 160 nuclear weapons aimed at Russian leadership, but in addition, the Russian economy simply doesn't generate enough income to enable them to be able to sustain the investments necessary to control their community system and most importantly, their warning system.

So what happens? We are pushing the President to go slow, we are asking for more studies.

Mr. President, we don't need more studies. We can make this debate about more and more studies, but for gosh sakes, this is one subject on which we don't need more studies. This has been examined up one side and down the other. We have studies coming out the wazoo. We need decisions. Looking at the current situation, one can reach no other conclusion than that we are requiring the Russians, as a consequence of current law, to maintain a level beyond what they can safely control, increasing the risk far beyond the risk of rogue nations such as Iraq or Iran or North Korea, far beyond that. If there is an accidental or unauthorized launch that occurs as a consequence of a mistake made because of a warning failure, they are not going to send a couple. It will be a couple hundred or a couple thousand.

I smell danger. I am glad we have had this debate, but we are pushing the President in the wrong direction both with the amendment of the Senator from Virginia and the existing law. I hope that enough colleagues on the other side of the aisle have listened to this debate and will vote against the Warner amendment. I believe quite seriously that it increases the risk to the people of the United States of America.

Mr. WARNER. Mr. President, this has been a good debate. It is on a very important issue. I express my gratitude to so many colleagues who have participated.

In summary, I simply say this body, five times, has passed the statute which my good friend desires to have repealed. Do not repeal this statute. Do not, I say to my colleagues, in good faith, repeal a statute which was signed into law five times by the President. I ask my friend, what has changed to justify repealing it? He says the ratification of START II by the Duma. Had that ratification been in accordance with the way this Chamber ratified it, I would say it is time to let the statute go. But they did not do it. They put protocols on that treaty which pose a great problem to the next President—indeed, to this President—as he saw when he went to the summit.

And nyet, nyet, nyet, nyet, time and time again when our President tried in a very rational way to determine the flexibility that Russia might have on the ABM Treaty, which flexibility is essential for this Nation to provide for its own defense. Nyet, nyet, nyet. Those are the only changes since five times this Chamber has adopted that law; five times the President has signed it. The only change is a ratification of START II by the Duma, with impossible conditions put on it, which not only the Senate would not accept but nor would this Nation accept.

Mr. LEVIN. Any time remaining?

The PRESIDING OFFICER. The Senator has 30 seconds.

Mr. LEVIN. I ask unanimous consent the portion of the 1997 QDR saying that the 1994 posture review still applied and was adequate be printed in the RECORD.

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

NUCLEAR FORCES

Our nuclear forces and posture were carefully examined during the review. We are committed to reducing our nuclear forces to START II levels once the treaty is ratified by the Russian Duma and then immediately negotiating further reductions consistent with the START III framework. Until that time, we will maintain the START I force as mandated by Congress, which includes 18 Trident SSBNS, 50 Peacekeeper missiles, 500

Minuteman III missiles, 71 B–52H bombers, and 21 B–2 bombers. Protecting the option to maintain this force through FY 1999 will require adding $64 million in FY 1999 beyond the spending on these forces contained in the FY 1998–2003 President's budget now before Congress.

Mr. LEVIN. That posture review supported the START II levels. Our Joint Chiefs of Staff support the START I levels. They want to be able to go to the START II levels. It has nothing to do with the ratification by the Duma. It has to do with what we no longer need in our force structure, which the law requires them to maintain, and costs dollars that could be better used elsewhere, including for perhaps health care.

Mr. WARNER. I regain 30 seconds of my time. I simply say at the time that was done, they did not foresee the Duma would put these conditions on the START II treaty. That is the essence of this debate.

Mr. LEVIN. Mr. President, I am a cosponsor of the Kerrey amendment and urge the Senate to adopt this important amendment.

Current law prohibits the U.S. from reducing its strategic nuclear delivery systems below START I levels. This law requires the U.S. to stay at START I levels—to maintain 6000 nuclear warheads, until START II enters into force. This law was enacted, in 1996, just 16 months after the START II treaty was signed. The amendment offered by Senator KERREY will repeal this law which is neither needed or helpful.

The START II treaty allows the U.S. to reduce the number of nuclear warheads to 3000–3500, but the law requires that we maintain 6000 warheads. We do not need 6000 thousand warheads and we do not need this law.

The Department of Defense has consistently argued that the law is not necessary. When asked his view about this provision, the Chairman of the Joint Chiefs of Staff, General Shelton, was clear: ''I would definitely oppose inclusion of any language that mandates specific force structure levels.'' General Shelton made it clear that the Chiefs also oppose this provision: ''The Service Chiefs and I feel it is time to consider options that will reduce the 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.'' We have already spent millions staying at the START I, 6000 warhead level. For instance, we are unnecessarily spending to maintain the 50 Peacekeeper ICBMs.

The Nuclear Posture Review, conducted in 1994, reaffirmed that the U.S. did not need 6000 warheads and that the START I level of 3000–3500 warheads was adequate. General Shalikashvili stated, in 1995, in testimony before the Armed Services Committee that ''Our analysis shows that even under the worst conditions the START II force levels (3000–3500 warheads) provide enough survivable forces, and survivable, sustained command and control to accomplish our targeting objectives.''

It is ironic that Governor Bush criticizes the Clinton administration for ''remain(ing) in a Cold War mentality'' and for failing ''to bring the U.S. force structure into the post-Cold War world'' when it is this law, put in place by Congress, that requires staying in the Cold War mentality.

If this law is not repealed now, it will tie the hands of the next President, the next Secretary of Defense, as well as the Chairman of the Joint Chiefs.

The Warner second degree amendment would require the U.S. to stay at the START I 6000 warhead level for at least another 18 months. Even though there is general agreement that we need to go below the START I level of 6000 warheads, the Warner amendment would keep the U.S. at this high warhead level, even though the 3000–3500 START II level has been reviewed and validated repeatedly and continually since 1992 when the START II Treaty was signed.

In 1994 the DOD conducted a comprehensive Nuclear Posture Review that validated the START II force structure levels—3000–3500 warheads. The 1997 Quadrennial Defense Review carefully reviewed and affirmed that the START II nuclear force structure was appropriate to protect U.S. national security requirements. In 1997, in preparation for discussions in Helsinki between the United States and Russia, the DOD and the Joint Chiefs again reviewed nuclear force structure levels and determined that an even lower force structure level at the proposed START III level of 2000–2500 warheads was adequate.

Just last month, in extensive testimony before the Armed Services Committee, the Chairman of the Joint Chiefs and the Commander of the Strategic Command testified that the 2000–2500 warhead level proposed for START III level was adequate to meet U.S. military requirements. Only Congress is still stuck at a START I force structure levels.

In light of the nuclear force structure reviews that have been conducted since START II was signed, it is clear that force structure levels will be at or below START II levels of 3000–3500 warheads. Why do we have to wait another 18 months to go below the START I force structure level—a level that no one seriously argues should be maintained?

Mr. President, the Kerrey amendment is a simple amendment to repeal a law whose time and usefulness has past. I urge its adoption.

Mrs. FEINSTEIN. Mr. President, I rise today in strong support of the Kerrey motion to strike the Section 1017 of the Defense Authorization Act regarding U.S. strategic nuclear force levels.

I do not believe that the restrictions that this bill contains, which prevents the Department of Defense from reducing U.S. strategic nuclear delivery vehicles—warheads—below START I levels until START II enters into force, is necessary or, given the current international security environment, needed.

Striking this provision does not mandate any cuts in U.S. nuclear forces: It merely makes it possible, now that the Russian Duma has ratified the START II treaty, for the U.S. to make further cuts below START I levels.

In fact, I believe that it is important that the President, the Joint Chiefs, and the Secretary of Defense have the flexibility to determine the appropriate force level and alert status for U.S. nuclear forces based on military and security need.

In fact, the original reason for including this provision in the Defense Authorization bill in 1998 was not based on military or security need per se, but rather to encourage the Russian Duma to ratify START II. Well, now they have, and the U.S. should be prepared to reduce our nuclear forces below START I levels, consistent with our national security needs, if and when Russia moves to reduce its forces below START I levels in a verifiable manner. That is what the Kerrey Amendment will allow.

Before I conclude, I would also like to take a few minutes today to speak to some of the larger issues raised by this debate.

We no longer live in the world of the superpower nuclear arms race of the 1950s, 1960s, 1970s or 1980s.

During the Cold War the threat of nuclear war was omnipotent, and the size and configuration of the U.S. nuclear arsenal was very much a function of the Cold War international security environment and the needs of nuclear deterrence with the Soviet Union.

But the Soviet Union is gone. The Berlin Wall came down over ten years ago. Poland, Hungary, and the Czech Republic are now members of NATO. The world in the year 2000 is not the same as the world of twenty, thirty, or forty years ago. And I believe that our nuclear weapons policy should reflect these new realities.

We live in a transformative moment for international politics: The security structures and imperatives that guided our thinking during the Cold War have either melted away or are malleable to change. Both AL GORE and George W. Bush recognize that. Why should the U.S. Senate remain captive to the thinking of the Cold War, or to the nuclear weapons counting arithmetic of the Cold War?

The world has changed, yet as Dr. Bruce Blair, President of the Center for Defense Information, has pointed out, the Single Integrated Operating Plan (SIOP) which guides our nuclear weapons targeting, has been growing steadily since 1993, and grew over 20 percent in the last five years alone. It includes over 500 weapons aimed at Russian factories in a country whose economy is all but defunct and which produced almost no armaments last year, and over

500 Russian conventional military targets for an army of a country that can not even successfully invade itself.

Something is amiss. Clearly we need to retain a force capable of robust deterrence. But we can not allow ourselves to pursue an outdated policy that dictates an arsenal far larger than new, current-day reality suggests we need or is advisable.

I strongly believe that deterrence can remain robust with a smaller nuclear arsenal. Analysis by Dr. Blair and others suggests that with a force of 10 Tridents, each with 24 missiles, 300 Minuteman III land-based missiles, 20 B–2 bombers and 50 B–52 bombers we can assure the destruction of between 250 and 1,000 targets worldwide in retaliation for any strike against the United States. If this sort of retaliatory capacity does not deter any adversary, than it is hard to imagine what would.

I also believe that it is critical, as we move into this new world, for the United States to review our own nuclear alert status and those of other nuclear capable-states. Right now the U.S. maintains 2,300 warheads on launch-ready alert: 98 percent of the Minuteman III and Peacekeeper land-based force on 2-minute launch readiness and 4 Trident submarines, two in each ocean, on 15 minute launch readiness. The Russians, likewise, maintain their forces on hair-trigger alert. Keeping these forces on hair-trigger alert is a potential accident waiting to happen, with devastating consequences if it does.

In January 1995 a commercial space-launch off the coast of Norway in the middle of the night was almost misinterpreted by Russia as a U.S. Trident missile launch, despite the fact that we had pre-notified them about the launch. As I understand it, Russia prepared for a nuclear retaliatory strike. It was only at the last minute that the Russians realized that this was a commercial launch headed for space, not a nuclear weapon headed for Moscow and stood-down their forces.

These risks—these needless risks which do nothing to add to our security but, just the opposite, make the world a less safe, stable, and secure place—need to be addressed.

And they need to be addressed in a way that will allow us to embrace the challenge of the new century, not be held captive to the grim math of the old. As Governor Bush pointed out on May 23, ''These unneeded weapons are relics of dead conflicts and they do nothing to make us more secure.''

Mr. President, I think that it is important to point out that the Kerrey Amendment does not mandate that we cut U.S. nuclear force levels. It merely gives the President, the Secretary of Defense, and the Joint Chief the flexibility to determine whether, if and how lowering U.S. force levels below the START I limits would be a net-plus for U.S. national security and, if it is, to do it.

As Senator KERREY has argued, by mandating force levels higher than are needed or desired for national security needs, we actually run the risk of undermining our security interests. If we force the Russians to maintain at hair-trigger status more nuclear weapons than they can safely control we run the risk of an accidental or unauthorized launch. If we maintain our own nuclear arsenal at high levels when it is unnecessary to do so, we encourage rouge nations to pursue their own nuclear weapons programs.

A decade after the end of the Cold War, and on the cusp of the twenty-first century, I believe that it is critical that the United States Senate show a willingness to engage in the serious business of forging a new strategic vision. We must do so with no preconditions or preconceived notions about how many, or how few, nuclear weapons are necessary. If an objective review of our national security needs dictate that we should maintain an arsenal at START I levels, then I will be second to none in this body in insisting that our arsenal remain at that size. But if, as Governor Bush has suggested, deeper cuts are advisable, then I do not believe that artificial barriers to achieving this goal should be put in place by this legislation.

I urge my colleagues to support the Kerrey Amendment and strike Section 1017 of this bill.

The PRESIDING OFFICER. All time is yielded back on both sides.

Under the previous order, amendments numbered 3183 and 3184 shall be laid aside, and the Senate will resume consideration of the Warner amendment, No. 3173. Under the previous order, amendment 3173 shall be laid aside, and the Senator from South Dakota is recognized to offer a similar amendment.

Mr. LEVIN. What is the time agreement on the upcoming two amendments?

The PRESIDING OFFICER. Under the previous order, there are 2 hours equally divided for the two amendments.

The Senator from South Dakota is recognized.

AMENDMENT NO. 3191

(Purpose: To restore health care coverage to retired members of the uniformed services)

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

The PRESIDING OFFICER (Mr. BURNS). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. JOHNSON], for himself, Mr. MCCAIN, Mr. BINGAMAN, Mrs. MURRAY, Mr. REID, and Mr. JEFFORDS, proposes an amendment numbered 3191.

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

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

The amendment is as follows:

On page 241, strike line 17 and all that follows through page 243, line 19, and insert the following:

SEC. 703. HEALTH CARE FOR MILITARY RETIREES.

(a) FINDINGS.—Congress makes the following findings:

(1) No statutory health care program existed for members of the uniformed services who entered service prior to June 7, 1956, and retired after serving a minimum of 20 years or by reason of a service-connected disability.

(2) Recruiters for the uniformed services are agents of the United States government and employed recruiting tactics that allowed members who entered the uniformed services prior to June 7, 1956, to believe they would be entitled to fully-paid lifetime health care upon retirement.

(3) Statutes enacted in 1956 entitled those who entered service on or after June 7, 1956, and retired after serving a minimum of 20 years or by reason of a service-connected disability, to medical and dental care in any facility of the uniformed services, subject to the availability of space and facilities and the capabilities of the medical and dental staff.

(4) After 4 rounds of base closures between 1988 and 1995 and further drawdowns of remaining military medical treatment facilities, access to ''space available'' health care in a military medical treatment facility is virtually nonexistent for many military retirees.

(5) The military health care benefit of ''space available'' services and Medicare is no longer a fair and equitable benefit as compared to benefits for other retired Federal employees.

(6) The failure to provide adequate health care upon retirement is preventing the retired members of the uniformed services from recommending, without reservation, that young men and women make a career of any military service.

(7) The United States should establish health care that is fully paid by the sponsoring agency under the Federal Employees Health Benefits program for members who entered active duty on or prior to June 7, 1956, and who subsequently earned retirement.

(8) The United States should reestablish adequate health care for all retired members of the uniformed services that is at least equivalent to that provided to other retired Federal employees by extending to such retired members of the uniformed services the option of coverage under the Federal Employees Health Benefits program, the Civilian Health and Medical Program of the uniformed services, or the TRICARE Program.

(b) COVERAGE OF MILITARY RETIREES UNDER FEHBP.—

(1) EARNED COVERAGE FOR CERTAIN RETIREES AND DEPENDENTS.—Chapter 89 of title 5, United States Code, is amended—

(A) in section 8905, by adding at the end the following new subsection:

''(h) For purposes of this section, the term 'employee' includes a retired member of the uniformed services (as defined in section 101(a)(5) of title 10) who began service before June 7, 1956. A surviving widow or widower of such a retired member may also enroll in an approved health benefits plan described by section 8903 or 8903a of this title as an individual.''; and

(B) in section 8906(b)—

(i) in paragraph (1), by striking ''paragraphs (2) and (3)'' and inserting ''paragraphs (2) through (5)''; and

(ii) by adding at the end the following new paragraph:

''(5) In the case of an employee described in section 8905(h) or the surviving widow or widower of such an employee, the Government contribution for health benefits shall be 100 percent, payable by the department from which the employee retired.''.

(2) COVERAGE FOR OTHER RETIREES AND DEPENDENTS.—(A) Section 1108 of title 10, United States Code, is amended to read as follows:

"§ 1108. Health care coverage through Federal Employees Health Benefits program

''(a) FEHBP OPTION.—The Secretary of Defense, after consulting with the other administering Secretaries, shall enter into an agreement with the Office of Personnel Management to provide coverage to eligible beneficiaries described in subsection (b) under the health benefits plans offered through the Federal Employees Health Benefits program under chapter 89 of title 5.

''(b) ELIGIBLE BENEFICIARIES; COVERAGE.—(1) An eligible beneficiary under this subsection is—

''(A) a member or former member of the uniformed services described in section 1074(b) of this title;

''(B) an individual who is an unremarried former spouse of a member or former member described in section 1072(2)(F) or 1072(2)(G);

''(C) an individual who is—

''(i) a dependent of a deceased member or former member described in section 1076(b) or 1076(a)(2)(B) of this title or of a member who died while on active duty for a period of more than 30 days; and

''(ii) a member of family as defined in section 8901(5) of title 5; or

''(D) an individual who is—

''(i) a dependent of a living member or former member described in section 1076(b)(1) of this title; and

''(ii) a member of family as defined in section 8901(5) of title 5.

''(2) Eligible beneficiaries may enroll in a Federal Employees Health Benefit plan under chapter 89 of title 5 under this section for self-only coverage or for self and family coverage which includes any dependent of the member or former member who is a family member for purposes of such chapter.

''(3) A person eligible for coverage under this subsection shall not be required to satisfy any eligibility criteria specified in chapter 89 of title 5 (except as provided in paragraph (1)(C) or (1)(D)) as a condition for enrollment in health benefits plans offered through the Federal Employees Health Benefits program under this section.

''(4) For purposes of determining whether an individual is a member of family under paragraph (5) of section 8901 of title 5 for purposes of paragraph (1)(C) or (1)(D), a member or former member described in section 1076(b) or 1076(a)(2)(B) of this title shall be deemed to be an employee under such section.

''(5) An eligible beneficiary who is eligible to enroll in the Federal Employees Health Benefits program as an employee under chapter 89 of title 5 is not eligible to enroll in a Federal Employees Health Benefits plan under this section.

''(6) An eligible beneficiary who enrolls in the Federal Employees Health Benefits program under this section shall not be eligible to receive health care under section 1086 or section 1097. Such a beneficiary may continue to receive health care in a military medical treatment facility, in which case the treatment facility shall be reimbursed by the Federal Employees Health Benefits program for health care services or drugs received by the beneficiary.

''(c) CHANGE OF HEALTH BENEFITS PLAN.—An eligible beneficiary enrolled in a Federal Employees Health Benefits plan under this section may change health benefits plans and coverage in the same manner as any other Federal Employees Health Benefits program beneficiary may change such plans.

''(d) GOVERNMENT CONTRIBUTIONS.—The amount of the Government contribution for an eligible beneficiary who enrolls in a health benefits plan under chapter 89 of title 5 in accordance with this section may not exceed the amount of the Government contribution which would be payable if the electing beneficiary were an employee (as defined for purposes of such chapter) enrolled in the same health benefits plan and level of benefits.

''(e) SEPARATE RISK POOLS.—The Director of the Office of Personnel Management shall require health benefits plans under chapter 89 of title 5 to maintain a separate risk pool for purposes of establishing premium rates for eligible beneficiaries who enroll in such a plan in accordance with this section.''.

(B) The item relating to section 1108 at the beginning of such chapter is amended to read as follows:

''1108. Health care coverage through Federal Employees Health Benefits program.''.

(C) The amendments made by this paragraph shall take effect on January 1, 2001.

(c) EXTENSION OF COVERAGE OF CHAMPUS.—Section 1086 of title 10, United States Code, is amended—

(1) in subsection (c), by striking ''Except as provided in subsection (d), the'', and inserting ''The'';

(2) by striking subsection (d); and

(3) by redesignating subsections (e) through (h) as subsections (d) through (g), respectively.

Mr. JOHNSON. Mr. President, I am pleased to be joined by Senators MCCAIN, BINGAMAN, MURRAY, REID, and JEFFORDS in offering an amendment dealing with military retiree health care. I first want to thank Senators WARNER and LEVIN for their continued hard work in the Armed Services Committee in attempting to address this critical and urgent issue.

Last year, the Senate began to address critical recruitment and retention problems currently facing our nation's armed services. The pay table adjustments and retirement reform enacted with my support in the fiscal year 2000 Department of Defense authorization bill were, frankly, long overdue improvements for our active duty military personnel.

However, these improvements did not solve our country's difficulty in recruiting and keeping the best and the brightest in the military. In order to maintain a strong military for now and in the future, our country must show that it will honor its commitment to military retirees and veterans as well.

Too often, military health care is treated as an afterthought rather than a priority. That's why on the first day of this legislative year, I introduced the Keep our Promise to America's Military Retirees Act, S. 2003. This legislation currently has 32 bipartisan cosponsors including 18 Republicans and 14 Democrats.

Companion legislation in the House has over 300 bipartisan cosponsors. The bill also has the strong support of military retirees across the country and organizations including the Retired Enlisted Association, the Retired Officers Association, the National Association of Uniformed Services, and the Disabled American Veterans.

The amendment I offer today is the same language as that contained in S. 2003. This legislation honors our nation's commitment to the men and women who served in the military by keeping our Nation's promise of health care coverage in return for their service and selfless dedication.

In doing so, it also illustrates to active duty men and women that our country will not abandon them when their military career ends.

Our country must honor its commitments to military retirees and veterans, not only because it's the right thing to do, but also because it's the smart thing to do.

We all know the history: For decades, men and women who joined the military were promised lifetime health care coverage for themselves and their families. They were told, in effect, if you disrupt your family, if you work for low pay, if you endanger your life and limb, we will in turn guarantee lifetime health benefits.

Testimony from military recruiters themselves, along with copies of recruitment literature dating back to World War II, show that health care was promised to active duty personnel and their families upon the personnel's retirement.

In fact, Chairman of the Joint Chiefs of Staff, General Henry Shelton, testified before the Senate Armed Services Committee and said:

> Sir, I think the first thing we need to do is make sure that we acknowledge our commitment to the retirees for their years of service and for what we basically committed to at the time that they were recruited into the armed forces.

Defense Secretary William Cohen also testified before the Senate Armed Services Committee and said:

> We have made a pledge, whether it's legal or not, it's a moral obligation that we will take care of all of those who served, retired veterans and their families, and we have not done so.

Prior to June 7, 1956, no statutory health care plan existed for military personnel, and the coverage which eventually followed was dependent upon the space available at military treatment facilities.

Post-cold war downsizing, base closures, and the reduction of health care services at military bases have limited the health care options available to military retirees.

That's right: Many of the people who helped us win the cold war have lost their health care because the cold war ended.

Some military retirees in South Dakota and other rural states are forced to drive hundreds of miles to receive care. Furthermore, military retirees are currently kicked off the military's TRICARE health care system when they turn 65.

This is a slap in the face to those men and women who have sacrificed their livelihood to keep our country safe from threats at home and abroad.

My amendment honors the promise of lifetime health care coverage. It does so in two ways:

First, it allows military retirees who entered the armed services before June 7, 1956 (the date military health care for retirees was enacted into law) to enroll in the Federal Employees Health Benefits Program (FEHBP), with the United States paying 100 percent of the costs.

Second, military retirees who joined the armed services after space-available care was enacted into law on June 7, 1956 would be allowed to enroll in FEHBP or continue to participate in TRICARE—even after they turn 65. Military retirees who choose to enroll in FEHBP will pay the same premiums and fees—and receive access to the same health care coverage—as other Federal employees.

In my own family, my oldest son is in the Army and currently serves as a sergeant in Kosovo. I fully appreciate what inadequate health care and broken promises can do to the morale of military families.

This stress on morale not only effects the preparedness of our military units, but also discourages some of our most able personnel from reenlisting, making recruitment efforts more difficult.

I have long contended that all the weapons and training upgrades in the world will be rendered ineffective if military personnel and their families are not afforded a good ''quality of life'' in our nation's armed forces. I have been a strong advocate of better funding for veterans health care, military pay, active duty health care, education and housing.

The Johnson amendment continues these efforts led by Senator WARNER, Senator LEVIN, and others to address these important quality of life issues.

Senator WARNER's modified amendment incorporates an important part of S. 2003—the extension of TRICARE to Medicare-eligible retirees and dependents. I applaud the Senator for his work.

However, only my amendment fulfills the promise of health care for military retirees while illustrating to current active duty personnel that our country supports its commitments to men and women in the military.

I am also concerned that Senator WARNER's modified amendment terminates in 2004. This could leave military retirees once again wondering where their health care will come from. The Johnson amendment does not terminate.

I understand the rationale for Senator WARNER's amendment. I am going to support the amendment of Senator WARNER. It is a good-faith effort to do the best that can be done on the health care issues, within the context of the budgetary marching orders that have been imposed on Senator WARNER's committee. I understand that. I understand he is doing the best he can within the fiscal envolope that he has been afforded.

But it frustrates me, as I know it frustrates tens of thousands of military retiree and active duty personnel, that for years and years we have been told: Yes, we know we have a commitment to you for health care but we can't afford it. The Nation's budget is in the red. We are running deficits. We simply cannot afford to live up to those promises.

That was never entirely true. In fact, in the context of a $1.5 trillion budget, we could have reoriented priorities, I believe, in such a way that we could have kept our promises to military personnel and retirees. But there was an element of truth to the fact that we were running red ink and we were running massive deficits.

Those days are gone for a lot of different reasons. We have had much debate on this floor as to why we now find ourselves running significant budget surpluses over and above that attributable to Social Security and why those surpluses, projected out 10 years from now, will run in the $3 trillion range, some $700 billion to $1 trillion over and above what is required for Social Security because we are certainly in agreement we are not going to dip into anything that is attributable to Social Security. That is off the table, and rightfully so. There is the question about what will we do with the $700 billion to $1 trillion budget surplus that is being projected by both the White House and by the congressional budget experts.

The amendment pending is an expensive amendment. I understand that. It could run around $3 billion next year and $9 billion a year after that, according to our friends at the Congressional Budget Office. That is a significant expense. What I am asking is if this is not a time when we can afford to live up to our promises to our military retirees and our military personnel, then when will that time ever occur?

There are those who see other uses for that $700 billion to $1 trillion surplus over and above Social Security. I have other things I would like to do as well, including some tax relief. There are those who want tax relief in the range of essentially the entire surplus. I am suggesting there is room for tax relief, there is room for paying down the debt, there is room for education, and a number of other things. If we do this right, this is a once-in-a-lifetime opportunity to utilize some of that projected surplus to, in fact, finally—finally—live up to our commitment to our military personnel and retirees, many of whom, frankly, have gone to their graves without the benefits they were promised. We do have that once-in-a-lifetime, unique opportunity this year to do something constructive, to make a commitment that we will fund this, not out of military readiness, not out of active duty budgets, but, in fact, out of this projected surplus that the CBO and OMB people tell us is headed our way.

Military retirees and veterans are our Nation's most effective recruiters. Unfortunately, poor health care options make it difficult for these men and women to encourage the younger generation to make a career of the military. In fact, in Rapid City, SD, which is outside of Ellsworth Air Force Base, a very significant B–1 military base in my State, I was talking to military personnel and talking to retirees who are as loyal and as patriotic, who have paid a price second to none for our Nation's liberty, and they told me: Senator, I can't in good faith tell my nephews, my children, young people whom I encounter, that they ought to serve in the U.S. military, that they ought to make a career of that service because I see what the Congress has done to its commitment to me, to my family, to my neighbors. The health care promises were never lived up to, and we don't think you ever will live up to them. You have no credibility with us. It has gone decades, it has gone generations, and you have not lived up to the health care obligations and responsibilities that you said, if we put our lives in danger, we would have. How can I in good faith tell these young people they ought to make a career of the military, that it is a distinguished professional option they ought to consider, when you treat us shabbily?

That is the message I hear from active duty as well as retired military personnel in my State. It is the same in the mail and e-mail I get from all across the country saying: 2003 is the only legislative option we see that truly lives up to Congress' obligations.

No more excuses. The money is there. The only question is, Is the political will there? Is this a priority or is it not? I am pleased we are having this debate.

Mr. DORGAN. Will the Senator from South Dakota yield?

Mr. JOHNSON. I yield to my colleague.

Mr. DORGAN. Mr. President, Senator JOHNSON has been working on this issue for a long while. I ask unanimous consent to be added as a cosponsor.

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

Mr. DORGAN. Mr. President, this amendment addresses a critical need. I ask him if he sees in South Dakota what we know and see in North Dakota with respect to the veterans' health care system. The system is not working. We have a fellow in north central North Dakota who went to Vietnam and took a bullet in the brain and is severely disabled for life. Because of that, he has muscle atrophy and a range of other health problems and had to have a toe removed.

The VA system said to his father: Haul him over to Fargo, ND, and we will do that in the VA system.

In other words, take this severely disabled person, put him in a car, drive him nearly 200 miles to the east and have this procedure done—not a major procedure—and then drive him 200 miles back, and that is the only way we will cover that expense.

The father said: Is this the way to treat a son who served his country in

Vietnam and was shot in the head and is now consigned to a very difficult life? Is this a way to treat him? It is not. The health care system is not working. The VA system is not able to meet the needs.

I ask the Senator from South Dakota, is it not the case, in his opinion, that the cost of veterans' health care is part and parcel of the cost of defending this country? It ought to be part of the cost of defense because it is a promise we made and have not kept to veterans in this country when we said: Serve your country, and we will provide you a health care system that works for your needs.

Mr. JOHNSON. Mr. President, the Senator is exactly right. We have a problem both on the VA health care side and on the military retiree side; that is, those who have served their 20 years in the military and rely on TRICARE currently, previously CHAMPUS, for their health care needs in both instances.

These people who have served this Nation in such an extraordinary fashion have, in all too many instances, not received the quality, the accessibility, or the affordability of health care they deserve. It is doubly difficult in rural States, such as our own, but it is a problem everywhere.

It is suggested as a compromise that we simply extend TRICARE to those who are age 65 and older. That is an additional option which I applaud, but that does not extend the Federal Employees Health Benefits System to either people prior to 65 or older and, frankly, up until now, TRICARE is not viewed in my State with great enthusiasm by many of our military retirees. I understand it is a new program, and it may improve as time goes on. Simply doing that alone falls far short of living up to the obligations Congress made during times of war when we were not sure if our Republic was going to survive World War II, when we did not know what would happen and we called these people into service, followed with Korea, Vietnam, and other conflicts, with people dying for our liberty. We were quick to make promises at that time: If you help us out, if you work for almost nothing, disrupt your families and serve this Nation, we will provide you with quality health care.

They did their share. They came home and we said: Wait a minute, this is a little more costly than we thought, and we have decided to forget about it.

We are not going to live up to those obligations. That is what this Congress has said through administrations of both political parties over the years.

We have an opportunity now to bring that, at last, to a halt and to deal with our military retirees with a spark of integrity, at last. That is what this amendment is about.

Mr. DORGAN. Will the Senator yield for a last question?

Mr. JOHNSON. Yes.

Mr. DORGAN. I appreciate the indulgence of the Senator from South Dakota.

I assume he agrees with me we are not in any way attempting to denigrate the wonderful men and women who work at the VA health care centers around the country. Many of them do an extraordinary job. But they are not funded well enough. We do not have the resources to do the job we should.

I just want to mention, on a Sunday morning some while ago, I was at a VA hospital presenting medals that had been earned, but never received by an American Indian. His family came, but also at this VA hospital, the doctors and the nurses came into his room. I pinned those medals on the pajama tops of this man named Edmund Young Eagle. He died 7 days later. He was very ill with cancer. But it was an enormously proud day for him because he served his country in Africa and Europe in World War II. The fact is, this man served this country around the world. He never complained about it.

The day I pinned the medals on his pajama tops, you could see the pride in his eyes. I appreciated the fact that at this VA hospital the doctors and nurses came around and were part of that small ceremony.

But there are so many people such as Edmund Young Eagle and others who served their country, have never asked for much, but then need health care, only to discover that the system for delivering that health care is not nearly funded well enough, while in the Congress, somehow we are more eager to say that defense relates to the things in the Defense Department and that the VA health care system is somehow not part of that obligation. It is part of that obligation. That is why I am pleased to support this amendment.

As I mentioned, I say to Senator JOHNSON, he has been working on these issues for a long while. I hope the Congress will embrace this approach now so that we can be as proud of what we are doing for veterans and for their health care needs as Edmund Young Eagle was proud that day of serving his country.

Isn't it the case that we have dramatic needs—underfunding in these facilities—and that the Senator's approach to dealing with this would say it is a priority in this Congress to address the health care needs of veterans and we believe the health care needs of veterans are part and parcel of this country's defense requirements?

Mr. JOHNSON. I think the Senator from North Dakota raises an excellent point. He himself has been a champion for veterans and military retirees.

Obviously, when we come to the point of the VA-HUD appropriations issues, we will do the very best we can within the VA context, while at the same time trying to address the military retiree issues. They go hand in hand. They are both very much part and parcel of our overall effort towards military recruitment, retention, and readiness. They are part of that same package. I certainly commend the Senator from North Dakota for his leadership in that regard.

Mr. WARNER. Will the Senator yield?

Mr. JOHNSON. I certainly yield to the Senator from Virginia.

Mr. WARNER. I want very much for the Senator to have a full opportunity to present his viewpoints, of course, in the time remaining. But at some point I think it would be very helpful to the other Senators following this debate to frame exactly what the differences are between the Senator's approach and the approach I have in my amendment. If he could indicate in the course of his presentation when we can bring that into sharp focus for the benefit of our colleagues, I would like then to get into a colloquy, on my time for such portion of the colloquy as I expend in my statements.

Mr. JOHNSON. The chairman, the Senator from Virginia, has a very constructive suggestion. I certainly will not put words in his mouth relative to the interpretation of his legislation. I applaud him for his legislative efforts. But I will draw some distinctions as to his pending amendment and my amendment.

I intend to vote for both amendments. My amendment is farther reaching and, as I am sure the distinguished Senator from Virginia would note, is more costly. Because of that, it runs into additional parliamentary issues perhaps. But I will attempt, in closing, to draw some distinctions between what it is we are trying to do.

Mr. WARNER. If the Senator would indicate such time it would be convenient for him to proceed to questions, then I would seek recognition.

Mr. JOHNSON. Very good.

The opponents of S. 2003, in my amendment, again would claim that it simply costs too much; roughly $3 billion in fiscal year 2001, and, over 10 years, CBO estimates an average cost of $9 billion a year to fulfill our promise of health care for military retirees. This does not come cheaply. I am very up front on that fact. However, we are talking about a $200 billion budget surplus—$9 billion here; $200 billion surplus—$800 billion to $1 trillion over 10 years. That is a conservative estimate.

So if we look at the larger scheme of things, in terms of where this ought to be within our budget, and also with the possibility of some reprioritization of the existing budget, I believe the argument that we simply can no longer afford to live up to our promises to military personnel who sacrificed so much, including families of those who have died defending our right to be here debating this issue today, simply no longer holds.

We invest billions of dollars each year to build new weaponry, and rightfully so. But all the weapons in the world will be rendered useless or less useful without the men and women in uniform and without the high-quality, qualified personnel we need to operate them.

I believe a promise made should be a promise kept. We owe it to our country's military retirees to provide them

with the health care they were promised. The effort behind this amendment has been 100-percent driven by military retirees taking action on the benefits to which they are entitled. It is the right thing to do. No more tests; no more demonstration projects; no more experiments.

I think we need to act now on a program that works, building on the Federal Employees Health Benefits Plan system. On average, 3,784 military retirees are dying each month. The time to act is now. These retirees have mobilized in a grassroots lobbying campaign throughout the country to fight for lifetime health care.

I hope we do not leave this floor today without giving true access to health care to these soldiers, sailors, and airmen who have patriotically served our country. We have a long way to go. I will continue to work with Senators WARNER and LEVIN, and my colleagues, to be sure that our country's active-duty personnel, military retirees, and veterans receive the benefits they deserve.

Senator WARNER has suggested we draw some clear distinctions between the amendments. I think that is a very constructive suggestion. I am sure he will elaborate on the differences.

A difference, as I understand it, is that my amendment would allow those who retired before June 7, 1956, to have fully paid participation in the Federal Employees Health Benefits Plan. That is the plan in which all Federal employees, including Members of this body, participate. Frankly, it is a very successful and very popular health system. Ask any Federal employee. They will tell you the Federal Employees Health Benefits Plan is an excellent one. It provides every citizen with an option, a menu, from a ''Cadillac'' to lower-priced option, depending on how extravagant they feel in relation to their share of premiums in the health care plan.

For those who retired before 1956, we will say, if you want to continue to participate in TRICARE, you certainly can, but your other option is to move over to the Federal Employees Health Benefits Plan, like other Federal employees and like your Senator. What is good for your Senator is good for you.

For those who retired after the magic date of June 7, 1956, we say, you, too, have the option of participating in the Federal Employees Health Benefits Plan, or you can continue to use TRICARE. You will, however, pay premiums similar to what Federal employees pay.

It is not entirely free, but you will have this additional option, and you may continue to stay there post age 65 in retirement.

Our plan builds on utilization of the Federal Employees Health Benefits Plan, fully premium paid for those older military personnel with premiums for the somewhat younger personnel, optional. And it is perpetual. This is not a pilot project. This is not an experiment. We will not take this away from you 2 years down the road because we ran out of money. This is a commitment. You have to decide what your retirement plans are. You have to plan for that. We don't want to be jerking the rug out from under you. We have a plan. It is there. You choose it, if you choose it. No more demonstration projects that apply to some parts of the country and not other parts or it is in for a couple years and then we will assess it and decide whether to continue it or not. We are not interested in that.

The Warner amendment, which I think is certainly a step ahead of where we are now, does move the health care benefits down the road in a constructive way. I applaud the Senator for that. But as I understand the Senator's amendment, it essentially allows those who are 65 and older, rather than to be pushed out of TRICARE on to Medicare, to continue their participation in TRICARE health care services post 65. That is an additional option. I am all for options. I think that is a good thing.

It does cost some money. Senator WARNER's amendment does fit within the current budget resolution, but in order to get it within the budget resolution, it would terminate in 2004. It may be, if this is successful, there will be additional revenue, and maybe we will continue it post-2004. But there is no certainty to that within the legislation. It fits within the current budget resolution because it has been chopped short in fiscal year 2004. So while TRICARE works better for some people than for others, it has not worked terribly well in my home State. My State is a rural State, which may be a bit different. Trying to make managed care work in my State is a little more difficult than it might be in other areas. I certainly concede that. But in my area, even if we gave people a continued TRICARE option, I am not sure they would beat a path to it particularly. Some may. Again, I certainly applaud the option.

That is the basic difference between Senator WARNER's amendment, which is constructive and does give an additional option to those who are post 65, and my plan, which builds on the Federal Employees Health Benefits Plan, applies both to pre-56 and post-56—pre-56 with premiums paid—and on into retirement, and gives people those options.

Frankly, most people I talked to, if they had a choice between TRICARE and the Federal Employees Health Benefits Plan, they would run as fast as they can go to the Federal Employees Health Benefits Plan, the plan their Senators and Congressman have, and, for that matter, all Federal employees in their hometown have.

As I see it, put very shortly and perhaps not with as much detail towards the plan of the senior Senator from Virginia, that is the basic difference from which we have to choose. They are not inconsistent necessarily, but I do believe that 2003 is a far, far more expansive and permanent approach to the urgent crisis we have for military retiree health care.

The distinguished Senator from Virginia has suggested that he may want to comment at this stage on his amendment. I think it is appropriate that we discuss both of them in this context.

Mr. President, I renew my request for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. I advise my colleagues that at an appropriate time someone from the Budget Committee on this side of the aisle will make a point of order.

Mr. President, we are almost parallel in thought here, certainly parallel in thought for the need to help the retirees. I have been privileged to be in this institution 22 years. This is the first time, I say to my colleague, we have ever taken a step to provide for retirees. No one can refute that. If I may say, to push aside a little humility, it came from this side of the aisle. It was not in President Clinton's budget. It hasn't been in any of his budgets. We took the initiative. We have done it carefully step by step. I commend my colleague for his leadership on this issue. Indeed, it is the interest in his bill which has been garnered across our land that has helped our committee to, step by step, begin to increase these provisions.

I see my colleague wishes to make a point.

Mr. LEVIN. I wonder if the Senator will yield for one quick comment?

Mr. WARNER. I will.

Mr. LEVIN. The provision in the bill that provides the prescription drug benefit for retirees was a bipartisan effort in our committee.

Mr. WARNER. Absolutely, Mr. President.

Mr. LEVIN. I think the Senator said it came from a certain side of the aisle. It was not in the President's budget, but it was a bipartisan effort in committee which I now believe the President supports.

Mr. WARNER. Mr. President, once we took the initiative on our side of the aisle in the committee, we had bipartisan support across the board. The Senator is absolutely right. The point is where we are. We are faced with constraints in military spending, as we are in all other avenues. Let's make it clear—let's see if the Senator and I can agree—the CBO, in costing out my bill, said it would be about $40 billion over 10 years. Will the Senator agree with that?

Mr. JOHNSON. That is as I understand it.

Mr. WARNER. The CBO, looking at the Senator's bill, said it would cost about $90 billion over 10 years.

Mr. JOHNSON. Nine billion per year.

Mr. WARNER. Correct. So the difference between the two approaches is very significant in terms of dollars. In fact, the distinguished Senator's bill would cost along the following lines: He said $3 billion in fiscal year 2001; $5.7 billion in 2002; up to $8.3 billion in 2003; $9.4 billion in 2004; and going out to 2010, $12 billion. So those are the figures. I think we are in agreement as to the dollar consequences of the two bills.

Yesterday, my distinguished colleague, the ranking member of this committee, when I raised the amendment, said that a point of order would rest. The inference was clearly that it would be brought against my amendment. Whereupon, I thought it imperative that I take my amendment and amend it, which I did, to just go out to the year 2004. By so doing, the expenditures under my bill, as they flow out through these years, bring it within the Senate budget resolution and, therefore, does not make it subject to a point of order.

I think we can agree on that point.

Mr. JOHNSON. I am in agreement with the Senator on that issue.

Mr. WARNER. But my distinguished colleague proposing this amendment has decided not to try to take a similar action with regard to his amendment. Am I correct in that?

Mr. JOHNSON. The Senator is correct.

Mr. WARNER. The retiree community, in particular, following this, will say to the Senator from Virginia: Why did you cut short to 2004? I simply say: Because the likelihood of getting 60 votes was in doubt, and I didn't want to have that doubt. I wanted to make sure we got started on some major incremental series of benefits for retirees. That is why I did it. I made that calculation. I take full responsibility for having done it.

Now, let's see if we can narrow the differences between the approach of my colleague and the one I take. I summarize it as follows: I have provided in my bill, albeit only through 2004, every provision the Senator has. Particularly, I commend him for waiving the 1964 law—not waiving it, but taking it off—which was essential. We did that together.

The main difference is the coverage that is given to these retirees under the Federal Employees Health Benefits Program; would I be correct in that?

Mr. JOHNSON. I believe that is a key difference. Also is the fact that this legislation of mine does address the issue of free medical care.

Mr. WARNER. But my point is, had it been able to go out 10 years, we continue to use that baseline. I am absolutely confident that this issue of retiree health care will be injected into the Presidential campaign. Each candidate will be asked what position he wants to take on that. I am certain they will. And should my amendment be adopted by the Senate and become the law of the land, and given that it has to stop in 2004, the first question I would ask the candidates is, Are you going to support rewriting the Warner amendment such that it goes out in perpetuity? I forewarn the candidates to be prepared to answer that question.

I support, of course, that action by the Congress, with the support of the next President, to make it in perpetuity. But going back to the Senator's point, coverage under the Federal Employees Health Benefits Program is what takes my bill from $40 billion to yours to at $90 billion; are we correct on that? Let's address the situation.

We passed—I believe it was 2 years ago—a program to allow the retirees to decide whether or not they wanted to go into this Federal health program. Interestingly, we allowed up to 66,000 to enter under that experimental test program. Mr. President, astonishingly, only 2,500 of those eligible opted to do it, indicating to our committee that they felt if they could get the full benefits offered to them when they were on active duty in their retired status, they preferred to have that rather than to go into the Federal health program. What clearer evidence could there be? We offered 66,000 a chance to do it and only 2,500 accepted.

Mr. JOHNSON. If the Senator will yield on that point, apart from the fact that the military retiree organizations themselves are telling us in no uncertain terms that they prefer the Federal Employees Health Benefits Plan coverage, I think the following points need to be made. First, relative to this 66,000 test program, there was, in fact, I am told, a lack of timely delivery of accurate, comprehensive information about the Federal Employees Health Benefits Test Program. Some of those surveyed claimed that townhall meetings sponsored by the Department of Defense to promote the test were poorly planned and publicized. Many retirees noted the inability to get accurate information and forms from the Department of Defense call center.

Frankly, there has been a fear of the unknown with the test program. Retirees are being asked to change health programs for a test program that ends in 2002. Many retirees are worried they would have to simply change back at the end of the test period. One retiree responded to the military coalition survey by saying, ''I just could not risk having to try to get insurance at age 73 should the demonstration fail to be renewed.'' That may have been a misperception, but it was one that skewed the results of the 66,000-member test. There is no doubt about that.

Mr. WARNER. I say to my good friend, clearly some of that may have taken place. It is better that retiree organizations should certainly have tried to give them the information and explain it. They have done a magnificent job in explaining what my colleague is offering in his amendment.

I wish to return to the following. Here we go. We are now taking the retirees who are given only Medicare, and the Warner bill now restores them to the full rights they had when they were on active duty in terms of health care. My good friend, Senator JOHNSON, wants to offer them also the chance to go into the Federal program, and the cost of that is largely borne by the Federal Government. That raises his amendment up to twice the cost of mine, using the 10-year average. But we are giving them both.

At the same time, I project that the Congress is going to be called upon, should the Warner amendment or the Senator's amendment become law, to begin to add funds for the existing military health care program so that it can absorb back this community. That is not an insignificant expenditure. Now, having done that, which we have to do under either amendment, then to offer them the chance to go into the Federal program, you put the infrastructure in place, they don't avail themselves of it, they go into the Federal employees program, and you have built a big medical program that will not be fully utilized.

Mr. JOHNSON. If the Senator will yield for a moment, one of the benefits of the Federal Employees Health Benefits Plan is it doesn't require a large, new infrastructure to be set up. People simply choose the insurance policy of their wish and they go to whomever they wish, whether managed care or fee for service, and you are not left with trying to create a new Federal bureaucracy or structure.

Mr. WARNER. The Senator is correct. But am I not also correct that if we mandate by law that the existing military health program has to absorb back into it this class of retirees, they will have to augment doctors, nurses, perhaps modest increase in facilities, and all of the other infrastructure that is necessary to give these people fair, good quality health care; am I not correct?

Mr. JOHNSON. I am not sure I understand the Senator's point on this. In fact, it would seem to me that more military retirees will have their own personal health care services taken care of, and there would be less reliance on the existing military health care structure.

Mr. WARNER. Mr. President, the number of retirees over 65 is roughly 1.4 million persons. Under the Warner amendment, as well as the Johnson amendment, they are now taken back into the existing infrastructure that cares for active duty and under-65 persons. Anyone would know that with 1.4 million now given the opportunity to come back in, you would have to augment and refurbish that system. This will be a justifiable issue before the Congress very quickly. I am certain the Secretary of Defense—the next Secretary—in the posture statement of the next President will say: All right, Congress; you said we are to take them back. We are happy to take them back, but give us the funds to refurbish and

augment that system. That will be done.

That system will be prepared to take back these people, and at the same time, you are saying to these people while we put the infrastructure in place, you may decide not to use it and go off here and avail yourself of other taxpayer dollars—namely, paying a premium of 70-plus percent, in most cases, to go into the private sector. Of course, there is no augmentation to the private sector. The private sector could probably absorb this class. There could be a competition between the private sector and the military infrastructure. But the military infrastructure has to be put into place. As you say, very little would have to be done in the private sector to absorb them.

So that is the reason, I say to my colleagues, no matter how laudatory the amendment would be. I suggest we go a step at a time in treating these people fairly. And we have taken the initiative to do it. Let's do it a step at a time and first refurbish the existing military system to accept them back and give it a period of several years under my amendment to see how it works before we take the next leap and put on the American taxpayers double the amount of money that my amendment would cost.

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

Mr. WARNER. Yes.

Mr. LEVIN. This is to clarify the differences between the approaches. I understand there is another difference between the two, which is that TRICARE would be available to all over 65 under both proposals, but under the proposal of the Senator from Virginia, TRICARE would only be available for those who pay Part B.

Mr. WARNER. He is accurate in his statement.

Mr. LEVIN. Whereas, under the Johnson proposal, Part B would not have to be paid for by retirees in order to have TRICARE provided to them.

Mr. JOHNSON. The Senator is correct.

Mr. LEVIN. I believe the Senator indicated before that TRICARE was available to all retirees under both proposals, that this would be one difference in that regard, and that under your proposal, Part B would not have to be paid for by the retiree; whereas, under the proposal of the Senator from Virginia, it would have to be. I am not arguing the merits or demerits, but factually that is a difference; is that correct?

Mr. JOHNSON. The Senator is correct.

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

The PRESIDING OFFICER. The Senator has 23 minutes.

Mr. WARNER. Mr. President, would you give both times?

The PRESIDING OFFICER. The Senator from Virginia has 46 minutes remaining.

Mr. WARNER. Mr. President, I yield such time as the distinguished Senator from Arkansas may require.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I join Chairman WARNER in expressing my gratitude to Senator JOHNSON for his leadership on this issue. He made some very salient points on which I hope to reflect in my comments in support of the Warner-Hutchinson amendment.

The question here is not one of sentiment. It is not one of seeing the problem. It is not one of wanting to act and to act now. The question is, What is the realistic way?

The fact that the Johnson amendment will cost over $90 billion and will be subject to a budget point of order, which Senator LEVIN saw fit to raise in regard to the underlying Warner-Hutchinson amendment which would have made this permanent but has not seen fit to raise against Senator JOHNSON, but undoubtedly that is going to happen, that is a huge barrier, as we know, and a big problem.

I think we have to do something this year. That is why I am glad to rise and join Senator Warner in introducing the Warner-Hutchinson amendment for the national defense authorization bill for fiscal year 2001.

I want to comment also on Senator DORGAN's points concerning the VA health care system; that it was this Congress last year that increased VA medical care spending by over 10 percent, the largest single increase in VA health care spending in over a decade; that, indeed, with our veterans, as well as with our military retirees, our credibility is in tatters when it has been this Congress that has been determined to take the steps necessary to restore that credibility and to restore that confidence—with the pay raise last year, with the 10-percent increase in VA medical spending, far above the President's budget request, and now with this enormous step. Let us not, in comparing it with Senator JOHNSON's broad amendment, try to minimize the significance of the step that will be taken under the Warner-Hutchinson amendment. I am glad to be a sponsor of this amendment in introducing it.

In my experience as the Armed Services Committee Personnel Subcommittee chairman, and in my experience as a member of the Veterans' Affairs Committee—I have served on the Veterans' Affairs Committee in the House and in the Senate since I came to Congress—I visit regularly with retired military personnel on a broad range of topics.

Time and time again when speaking with military retirees, or responding to letters of concern, the subject of adequate health care coverage comes up. Senator JOHNSON is absolutely right about the feelings expressed by our military retirees and their concerns since we have broken our commitment and our promise to them.

The citizens of our country who have served proudly in the armed services prefer to be doing other things than spending their time petitioning Members of the Senate. They are mature, humble, and they are patriotic by nature. But in this situation, they simply must speak out. These fine Americans have been slighted as the years have passed. They have seen benefits erode. They have seen promises broken or the fulfillment of promises delayed.

No issue causes more distress than the lack of comprehensive medical care as part of their retirement benefits. Military retirees are annoyed. They are more than annoyed. They are distressed. They feel betrayed. They have witnessed bureaucratic stalling through trial programs and tests that serve no purpose and simply nibble around the edges of the problem. They do not provide the kind of permanent and tangible fixes to the inadequacies and shortfalls of the medical care system.

I want to share a couple of quotes from several of the thousands of heartfelt letters I have received on the subject of military retirees in my home State of Arkansas. These letters from Arkansans who have served faithfully in our Nation's Armed Forces are a mere representation of the sentiments expressed by military retirees all across the Nation.

Col. Bob Jolly, of Hot Springs, AR, echoes the feelings of many others when he writes:

> Thousands of military retirees are dying each month while denied the health coverage our government willingly gives all other federal retirees. We older retirees, now in our sixties and seventies, cannot wait for your Senate colleagues to prescribe years of tests to receive the care we were promised and have earned through decades of fighting our nation's wars.

Then, in a letter Mr. Stewart Freigy, a retired Air Force pilot from Hardy, AR, writes:

> My decision to make a career of the Air Force was based on two things. First a sense of patriotism instilled in me as a child. The second factor was a promise by my government that if I served twenty years, I would receive half of my base pay plus free medical and dental care for myself and my dependents for the rest of my life. By the time I retired, the dental benefits were already gone. Since then I have watched the erosion of my benefits through Champus and then through Tri-Care. In short, like many other military retirees, I feel I have been deceived by a government that I served faithfully.

Mr. President, it is time we let retired military personnel know that the Senate hears their plea for justice and equity. How we handle this issue will not only send a message to these Americans that correction is on the way, but it will also send the proper message to those on active duty and to those young people who are considering whether or not they want to enter the Armed Forces or whether they want to make a career of the military.

I have heard from recruiters time and time again since I assumed the position as chairman of the Personnel Subcommittee that the most important pool from which to attract military recruits is the children of those who had

careers in the military. When their parents feel betrayed, it becomes increasingly less likely that they are going to make the choice to go into the military themselves. It is important that Congress and the American people demonstrate that we are going to honor our promises to our military personnel.

The Warner-Hutchinson amendment will permit military retirees to be served by the military health care system throughout their lives regardless of age and active duty or retirement status. That is an incredibly huge and important step for this Congress to take. Under our proposal, the current age discrimination will be eliminated. No one will be kicked out of the military health care system just because they turn 65.

Let us not minimize and let us not underestimate the dramatic step of the Warner-Hutchinson proposal: No more age discrimination, no more kicking military retirees out of the health care system and forcing them to leave the doctors and the system with which they have been served for many years and with which they are familiar. Beneficiaries will continue their health care coverage in a system with which they are comfortable and will not be forced to pay the high cost of supplemental insurance premiums to ensure their health care needs are adequately provided. Medicare will pick up what Medicare pays for, and TRICARE will be the supplemental plan to pick up the remainder.

It is a dramatic, important, and positive step and commitment we are making. This initiative will act as a statement of our absolute commitment to the promises made to those who have faithfully served the United States of America in our Armed Forces.

As Senator WARNER stated, improving the military health care system has been the top priority of the Senate Armed Services Committee this year.

Last year, we did the pay raise. Personnel chiefs tell me that has made an enormous difference in their ability to go out and recruit. It has improved morale in the Armed Forces. This is the next big step: Improving the health care system both with the prescription drug component as well as this very major step we are taking for our retired military. Hearings have been held on this issue, and input from retirees has been received and has been heard loud and clear.

Time and again, our extensive review of the situation has highlighted the importance of retiree access to the health care system and to pharmaceuticals, with pharmaceuticals and prescription drugs being the No. 1 concern for retirees. This already addresses the issue of pharmaceutical actions by providing a pharmacy benefit with no enrollment fee for both the retail and mail order programs. On a bipartisan basis, that has been included. It is an important provision with overwhelming support.

The Warner-Hutchinson amendment complements that pharmacy benefit and continues the efforts of the committee to provide a comprehensive solution to the issue of health care for America's deserving military retirees. By adopting this amendment the Defense authorization bill will provide a comprehensive health care benefit for all of our country's military retirees.

As chairman of the Personnel Subcommittee, I am well aware of the other legislative alternatives that have been proposed. There has been a very positive, productive colloquy and debate on the floor on these alternatives. However, I believe strongly that the Warner-Hutchinson amendment provides the most effective and realistic remedy in a fiscally responsible manner. America's military retirees were promised a health care benefit. They served our country and we, as a nation, need to fulfill our duty by honoring the commitments made to them. This amendment does that.

I applaud Senator WARNER and his leadership on this issue, his willingness to take this bold step. I believe this amendment will pass with overwhelming support. I appreciate Senator JOHNSON's continued leadership. I know this will be a debate that continues in the years to come. It should not preclude first taking this step. I urge my colleagues to support this amendment.

I yield the floor.

Mr. JOHNSON. I applaud the work the Senator from Arkansas and the Senator from Virginia have done.

Mr. LEVIN. If the Senator will yield.

Mr. JOHNSON. I certainly yield to the ranking member.

Mr. LEVIN. I assure my friend from Arkansas, when I inquired yesterday about whether or not the amendment of the Senator from Virginia was subject to a point of order, that was the only amendment that was at the desk to which I could make such an inquiry to which the Parliamentarian could respond.

Now that the Johnson amendment is there, I ask the same question: Is the Johnson amendment subject to a point of order?

The PRESIDING OFFICER (Mr. HUTCHINSON). In the opinion of the Parliamentarian, it is.

Mr. LEVIN. While we are on the subject, there is now apparently some indication that there may still be a point of order problem with the Warner amendment which we are trying to assert.

Mr. WARNER. At this time, I will address that issue. In the course of our floor consideration, we frequently ask the CBO for their estimates. They gave me estimates yesterday which they have now revised this morning.

AMENDMENT NO. 3173, AS FURTHER MODIFIED

Mr. WARNER. I ask unanimous consent that the Senator from Virginia may modify his amendment. I have sent to the desk such an amendment, which reduces the year of my amendment from 2004 to 2003.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, reserving the right to object, and I will not, so we are all very clear, because there has been some discussion as to the differences between the two amendments, if this modification is made, the length of time that the Warner provision would be in effect, then, would be the years 2002 and 2003 instead of 2002, 2003, and 2004. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. I have no objection. I think it is important everyone understand.

Mr. WARNER. I thank my colleague from Michigan. We all have to rely on these estimates.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 3173), as further modified, is as follows:

Strike sections 701 through 704 and insert the following:

SEC. 701. CONDITIONS FOR ELIGIBILITY FOR CHAMPUS UPON THE ATTAINMENT OF 65 YEARS OF AGE.

(a) ELIGIBILITY OF MEDICARE ELIGIBLE PERSONS.—Section 1086(d) of title 10, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) The prohibition contained in paragraph (1) shall not apply to a person referred to in subsection (c) who—

''(A) is enrolled in the supplementary medical insurance program under part B of such title (42 U.S.C. 1395j et seq.); and

''(B) in the case of a person under 65 years of age, is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act pursuant to subparagraph (A) or (C) of section 226(b)(2) of such Act (42 U.S.C. 426(b)(2)) or section 226A(a) of such Act (42 U.S.C. 426–1(a)).''; and

(2) in paragraph (4), by striking ''paragraph (1) who satisfy only the criteria specified in subparagraphs (A) and (B) of paragraph (2), but not subparagraph (C) of such paragraph,'' and inserting ''subparagraph (B) of paragraph (2) who do not satisfy the condition specified in subparagraph (A) of such paragraph''.

(b) EXTENSION OF TRICARE SENIOR PRIME DEMONSTRATION PROGRAM.—Paragraph (4) of section 1896(b) of the Social Security Act (42 U.S.C. 1395ggg(b)) is amended by striking ''3-year period beginning on January 1, 1998'' and inserting ''period beginning on January 1, 1998, and ending on December 31, 2001''.

(c) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall take effect on October 1, 2001.

(2) The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

(d) ADJUSTMENT FOR BUDGET-RELATED RESTRICTIONS.—Effective on October 1, 2003, section 1086(d)(2) of title 10, United States Code, as amended by subsection (a), is further amended by striking ''in the case of a person under 65 years of age,'' and inserting ''is under 65 years of age and''.

Mr. WARNER. My amendment is now modified so it is not subject to a point of order.

Our distinguished colleague is subject to a point of order, and at an appropriate time he will raise that point of order.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 3191

Mr. JOHNSON. Mr. President, I make a clarification relative to my amendment. There may have been some confusion earlier. I wish to make it very clear that under my amendment those who entered the armed services prior to June 7, 1956, would be eligible for Federal employee health benefit plan coverage with the Government paying 100 percent of the premiums. Those who entered the armed services after June 7 of 1956 can choose Federal employee health benefit plans with premiums or TRICARE. I want to make sure that point is very clear.

There has been reference to points of order, and the Senator from Virginia is very correct that a point of order will be raised on my amendment. My amendment does cost more. It does more and it costs more. It is perpetuating. It is not a 2-year commitment.

A point of order, while not taken up lightly, is simply an opportunity to determine whether 60 votes in this body believe the issue at hand is of sufficient importance that it ought to have that first level of concern, that priority.

The question is, Are we going to pass or waive a point of order with 60 votes and invade surplus dollars that otherwise are available for tax cuts or are we going to put our money where our mouth is? Do we have the 60 votes to say we will use those dollars, at least that part of it that is required, that $90 billion out of the $800 billion or so that is available, for this purpose?

One of the things that makes this debate interesting, and the parliamentary process interesting, I don't know if we have the 60 votes to waive the order or not. After all these years of Veterans Day and Memorial Day rhetoric about how important our veterans are, this at last will be an opportunity for every Member of this body to stand up and be counted. Is that rhetorical support or are you willing to put these priorities ahead of other budget priorities, including tax relief? Are you willing to waive the Budget Act and make this happen or not? If you are not, I respect your views. Members can go home and explain that. That is certainly your prerogative.

It is long overdue. We have an opportunity for some accountability for the American public to understand who is willing to truly make this a budget priority and who is not. If you are not, then you have those justifications that you can make. That is what the nature of this is. This is not because it is more costly, that this is an impossible program. It will require 60 votes, assuming that the point of order is raised, rather than the 50 votes of the Senator from Virginia.

It will allow the Senate to make a determination in this body whether these priorities are ahead of other priorities that people have, a thousand other things for which they want to use the budget surpluses. No doubt almost all of them are worthy causes. But is this only one of many, many causes, one that we are going to cut short after only 2 years, and then provide less than the full level of commitment to the promises made to our veterans or is this, in fact, a first priority and we are complying with our promises, albeit belatedly, but a full commitment permanently, and in order to do that invade into surpluses dollars that no doubt other people on both sides of the aisle have other purposes for which they can use the dollars? That is the question with which ultimately we have to contend.

My colleague from New York has come to the floor and has a 1 minute request on an unrelated issue. I ask unanimous consent the Senator from New York be permitted 1 minute.

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

Mr. WARNER. Mr. President, let's have clarified the amount of time remaining under the control of the Senator from South Dakota and the amount of time under my control.

The PRESIDING OFFICER. The Senator from Virginia has 33 minutes. The Senator from South Dakota has 17 minutes.

Mr. WARNER. That is 17 and 33. I say to my friend, I am prepared to yield back a considerable amount of my time because I think our caucuses are about to meet. It is very important. If he would give me some estimate of what he desires, and I will just do basically half that time remaining and do a quick wrapup?

Mr. JOHNSON. Mr. President, I say to the distinguished Senator from Virginia, we have no additional speakers on my side. I agree we ought to expedite this debate at this point, unless the Senator has other speakers to whom I would choose to respond.

Mr. WARNER. No, I am ready.

Mr. JOHNSON. I will be open to conveying back my time.

Mr. WARNER. At this point?

Mr. JOHNSON. Yes.

Mr. WARNER. Fine. Let's clarify one other thing. Senator LEVIN brought up the points of order.

Mr. President, I ask unanimous consent at this time that it be in order for the Senator from Virginia to raise a point of order that the Johnson amendment, No. 3191, violates section 302(F) of the Budget Act, and that would take effect after my vote. Then there would be a point of order, and the Senator could, at this time, ask for the waiver.

Mr. JOHNSON. Mr. President, I move to waive the point of order. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. So at the conclusion of the brief remarks from my colleague, say not more than 2 minutes on my behalf, we then proceed to the votes as they have been ordered previously? That order, of course, is we will vote—I think the Presiding Officer should state the order of votes.

The PRESIDING OFFICER. The first vote will be on the Warner amendment No. 3173, followed by a vote on the waiver of the budget point of order. If the waiver vote is successful, that is to be followed by a vote on the Johnson amendment. If it is not successful, the vote will be on the Warner amendment, No. 3184, followed by a vote on the Kerrey amendment.

Mr. WARNER. I thank the Chair.

Does the Senator have anything further? Otherwise, I will just say two words.

Mr. JOHNSON. It is my understanding, then, the Johnson amendment, the waiver vote on the Johnson amendment, will be the first vote? If that is successful——

The PRESIDING OFFICER. That will be the second vote, following the vote on the Warner amendment.

Mr. JOHNSON. The Warner vote then is the first vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. JOHNSON. Followed by the point of order on the Johnson amendment?

The PRESIDING OFFICER. The waiver.

Mr. JOHNSON. Yes. And we would each be permitted 2 minutes apiece at that time, at the time of that vote—that is my understanding—if that is acceptable?

Mr. WARNER. Mr. President, I will follow my colleague with maybe 2 minutes of remarks if he has any concluding remarks before we proceed to the sequence of votes.

Mr. JOHNSON. That is satisfactory.

Mr. WARNER. At this time, you yield such time under your control?

I am prepared to yield my time, reserving a minute and a half.

The PRESIDING OFFICER. Time is yielded back.

Mr. WARNER. I simply say once again I thank the Senator from South Dakota. He has been a leader on this issue. Indeed, his amendment has been widely supported throughout the retirement community.

I have come in with the second-degree simply to say we should take these steps incrementally, one after another. Let us bring the retirees back into the fold of the military health care system. Let us build the infrastructures necessary to take care of them and try that out in the light that only 2,500 ever opted for the Federal program out of 66,000 eligible. Let us try that out for the 2 or 3 years my program would be in effect.

The next President will have to address this situation. The next Congress will address this situation. But we will have made enormous progress if the Senate will adopt the Warner amendment. Indeed, it represents well over two-thirds of the amendment by our distinguished colleague from South Dakota.

The only thing remaining is whether or not we should give both at this point in time, which would double the cost over a 10-year period. It would double

the cost if we gave them the option of the Federal program in addition to what we are giving them under the Warner amendment; namely, now back into the system which has taken care of them for the period of their active duty and that period between the termination of their active duty and retirement up to age 65.

Mr. BYRD. Mr. President, the Senate is making important strides in working to improve health care benefits for our military retirees. A case in point is the Defense Authorization measure before the Senate today, which includes significant improvements in pharmacy benefits for military beneficiaries as well as several demonstration projects intended to evaluate long range health care solutions for military retirees.

But more needs to be done. We recognize that, and we are working to remedy the current situation. Senator WARNER's proposal to permit military retirees aged 64 or older to remain under CHAMPUS and TRICARE by requiring these plans to be secondary payers to Medicare is a good step in the right direction, a responsible step, and I strongly support it.

I also commend Senator JOHNSON for the laudatory goal of his amendment, but absent a plan to pay for such a sweeping reform, I fear that we are getting ahead of ourselves. The Senate has not set aside any money to pay for this proposal, and without a sure source of funding, we are offering our military retirees little more than an empty promise. For this reason, I am opposed to waiving the budget point of order against the Johnson amendment.

The Senate has been moving toward improved medical benefits for all members of the military, active and retired, over the past several years. Health care benefits remain a top priority. Senator WARNER's proposal to provide specific enhanced health benefits for older retirees for a three-year period while continuing to explore, test, and evaluate a long term solution is a prudent course of action. It gives us the opportunity to address the immediate health care needs of military retirees, while also giving Congress needed time to assess the best long-term solution, and to provide the necessary funding for whatever solution we reach.

Mr. DASCHLE. Mr. President, the Senate has just spoken on one of the most important national security issues facing this Nation today—the quality of health care services we provide for those who have so selflessly served this Nation. As pointed out during this debate, we promised millions of Americans lifetime, quality healthcare as partial compensation for their service to this country. Sadly, for far too many of America's veterans, this promise remains unfulfilled.

The amendments just voted on by the Senate represent efforts by their supporters to keep that commitment. These measures adopted a fundamentally different approach toward solving this problem. And although I had some reservations about each, I supported both.

I would like to briefly discuss my reasons for doing so. However, before getting into the specifics of these very different amendments, I would like to commend the efforts of Senators JOHNSON and WARNER. As a result of their hard work, we are much closer than ever before to keeping our health care commitment to this Nation's veterans. They are both to be commended for keeping this issue alive and forcing the Senate to deal with it on the bill currently before us.

Under current law, military retirees under the age of 65 are eligible to enroll in TRICARE Prime or to use TRICARE's insurance programs. Those who use TRICARE's insurance may also seek care at a military treatment facility, MTF, on a space-available basis. Once retirees turn 65, they are no longer eligible to use TRICARE, though they may continue to seek care at an MTF when space is available. The same eligibility rules apply to survivors of veterans. Unfortunately, the shortcomings of the current system are well known to thousands of America's veterans. I receive letters virtually every week describing the failures of TRICARE.

Senator JOHNSON's amendment would address some of these failures and increase health insurance benefits for retirees. Specifically, retirees who entered military service before June 7, 1956 and their spouses would be able to use military health insurance and enroll in the Federal Employees Health Benefits Program, FEHBP. Those enrolling in FEHBP would pay no out-of-pocket premiums. Military retirees who entered the service after June 7, 1956 and their survivors would be eligible for increase coverage regardless of their age. They could either enroll in FEHBP or use TRICARE's insurance program.

Senator JOHNSON's amendment clearly would provide better health care coverage for millions of veterans. My concerns with it are twofold and both are cost-related. First, I am somewhat troubled by the overall cost of this proposal. Although I believe no price is too high to keep our commitment to America's veterans—and Senator JOHNSON's amendment certainly represents a giant step in that direction—I wonder whether there may be a more cost effective means of doing so. Second, I am concerned that for those retirees who entered service after 1956 and who choose FEHBP, the Government would only pick up about 70 percent of the premium. Retirees and their families would be expected to pick up the remaining 30 percent. Depending on the plan chosen, this could represent an annual out-of-pocket expense of $2,000 or more—not an insignificant expenditure for many.

Senator WARNER's amendment also has merit as well as one fundamental flaw. Under the Warner amendment, all Medicare-eligible retirees would be allowed to remain in TRICARE. In other words, TRICARE would be a second-payer to Medicare, covering certain costs above and beyond those covered by Medicare. This change would greatly improve the quality of health care provided to our Nation's veterans. Unfortunately, in order to comply with a flawed Republican budget resolution, Senator WARNER was forced to sunset this new benefit in 2003. In other words, the Warner amendment provides veterans a new health benefit with one hand and, two years later, takes it away with the other.

As I said at the outset, I supported both of these amendments despite the flaws I have just discussed. I did so because I believe it is important we focus on the forest and not the trees and because both of these amendments would bring us closer to keeping this Nation's commitment to its military retirees. And I did so because I believed it was the right thing to do. I commend Senators WARNER and JOHNSON for their work on behalf of our veterans and look forward to working with them to fulfill the promise we made to those who sacrificed so much to serve this Nation.

Mr. KENNEDY. Mr. President, I support the amendment by the distinguished Chairman of the Armed Services Committee, Senator WARNER. It takes the next step toward honoring the promise of lifetime health care for our military retirees. It removes the Title 10 provision that limits eligibility for military health care benefits to retirees under the age of 65.

The amendment expands health care benefits for Medicare-eligible military retirees by removing the age limitation on who qualifies for military health care programs. It gives all military retirees one consistent health care benefit, with TRICARE supplementing Medicare after the retiree reaches the age of 65. This is the right thing to do for our retirees.

I also support the amendment offered by Senator JOHNSON. It corrects an inconsistency in access to the Federal Employees Health Benefits Program. Currently, our retired service members do not have the opportunity to participate in this program. While the out-of-pocket costs for some health plans offered under FEHBP may make this approach less attractive to senior military retirees, they should be given the option to join. Again, this is only fair. One, consistent health care program for all beneficiaries makes sense and is the right thing to do.

I commend Senator WARNER and Senator JOHNSON for their leadership in this important area. I support their amendments, and I urge my colleagues to approve them.

This year is, indeed, the Defense Department's ''Year of Health Care!'' In the Armed Services Committee, we began the year considering how to improve health care for active duty service members and their families, and to address the well-documented health

care needs of military retirees, especially those over the age of 65.

The Administration's budget request was a major positive step for active duty service members and their families. It proposed to expand TRICARE Prime to the families of service members who live far from military hospitals. It also proposed to eliminate the co-payments by active duty service members' families for medical care by civilian health care providers in TRICARE Prime.

We heard testimony from Secretary Cohen, General Shelton, the Service Secretaries, and each of the Service Chiefs, that the availability of health care for senior military retirees is a serious problem. They are conducting a variety of TRICARE demonstration programs to find the best way to address it. We also heard from retirees and the organizations that represent them that the problem is urgent, and that Congress needs to act now.

A promise of lifetime health care was made to our service members at the time of their enlistment. We have an obligation to meet that commitment. It is wrong that service men and women who have dedicated their lives serving and defending our country should lose their military health care benefits when they reach the age of 65. We must fix this injustice, and we must do it now.

The pending DOD Authorization Bill takes a first step towards honoring this promise by giving military retirees a retail and mail-order pharmacy benefit. Almost a third of them already have this benefit. 450,000 military retirees over the age of 65 have a pharmacy benefit under the base closing agreement. It provides a 90-day supply of prescription drugs by mail for an $8 co-payment, or a 30 day supply of prescription drugs from a retail pharmacy network for a 20 percent co-payment. The pending Defense Authorization Bill expands this benefit to all 1.4 million Medicare-eligible retirees. It makes sense, and it is fair that all military retirees over 65 have the pharmacy benefit, not just those affected by the base closing process.

This pharmacy benefit addresses one of the most important concerns of the military retiree community—the high cost of prescription drugs.

All of us are pleased that the Senate is taking this step to make good on our promise of health care to military retirees. But we should not forget the millions of other senior citizens who need help with prescription drugs too.

It's long past time for Congress to mend another broken promise the broken promise of Medicare. Medicare is a guarantee of affordable health care for America's senior and disabled citizens. But that promise is being broken every day because Medicare does not cover prescription drugs. It is time to keep that promise.

When Medicare was enacted in 1965, only three percent of private insurance policies offered prescription drug coverage. Today, ninety-nine percent of employment-based health insurance policies provide prescription drug coverage—but Medicare is caught in a 35-year-old time warp.

Fourteen million elderly and disabled Medicare beneficiaries—one-third of the total have no prescription drug coverage today. The most recent data indicate that only half of all senior citizens have drug coverage throughout the entire year.

The only senior citizens who have stable, secure, affordable drug coverage today are the very poor, who are on Medicaid. The idea that only the impoverished elderly should qualify for needed hospital and doctor care was rejected when Medicare was enacted. Republicans say they want to give prescription drugs only to the poor. But senior citizens want Medicare, not welfare.

Too many seniors today must choose between food on the table and the medicine they need to stay healthy or to treat their illnesses.

Too many seniors take half the pills their doctor prescribes, or don't even fill needed prescriptions—because they cannot afford the high cost of prescription drugs.

Too many seniors are paying twice as much as they should for the drugs they need, because they are forced to pay full price, while almost everyone with a private insurance policy benefits from negotiated discounts.

Too many seniors are ending up hospitalized—at immense cost to Medicare—because they aren't receiving the drugs they need at all, or cannot afford to take them correctly.

Pharmaceutical products are increasingly the source of miracle cures for a host of dread diseases. But millions of Medicare beneficiaries will be left out and left behind if Congress fails to act. In 1998 alone, private industry spent more than $21 billion in conducting research on new medicines and bringing them to the public. These miracle drugs save lives—and they save dollars too, by preventing unnecessary hospitalization and expensive surgery.

All patients deserve affordable access to these medications. Yet, Medicare, which is the nation's largest insurer, does not cover outpatient prescription drugs, and senior citizens and persons with disabilities pay a heavy price for this glaring omission.

The ongoing revolution in health care makes prescription drug coverage more essential now than ever. Coverage of prescription drugs under Medicare is as essential today as was coverage of hospital and doctor care in 1965, when Medicare was enacted. Senior citizens need that help—and they need it now.

So I say to my colleagues—while we are making good on broken promises, it's long past time to cover prescription drugs under Medicare for all elderly Americans. If we can cover military retirees, we can cover other senior citizens too.

Elderly Americans need and deserve prescription drug coverage under Medicare. Any senior citizen will tell you that—and so will their children and grandchildren. It is time to make this need a priority as well.

Mr. MCCAIN. Mr. President, I rise today to voice my support for the need for responsible military health care reform.

There is a critical need for real military health care reform. I am concerned that if this amendment passes today, that this body, as well as the lower chamber, will wipe their hands of this problem and move on to other issues. Our servicemembers past, present, and future deserve a world class military health care delivery system, and the Congress should accept no less.

When the defense bill before us today came out of committee, I voted against it for several reasons. One of the most pressing reasons was that the health care legislation included in the defense authorization bill did not address the broken ''promise'' of lifetime medical care, especially for those over age 65. Voting for its passage would have been an abrogation of my responsibility as a Senator to let our declining military health care system continue without a responsible legislative remedy.

One of the areas of greatest concern among military retirees and their families is the ''broken promise'' of lifetime medical care, especially for those over age 65. While the Committee included some key health care provisions, they failed to meet what I think is the most important requirement, the restoration of this broken promise.

This week, we recognize the anniversary of the invasion of the European continent to free hundreds of millions of people from the grasp of a tyrannical dictator. Our servicemembers have served courageously in Korea, Vietnam, the Persian Gulf, and other locations throughout the world. We owe our servicemembers, past, present, and future a health care delivery system that adequately supports those who have served with honor and courage throughout the years.

Today, our military health care delivery system is facing some very difficult and costly challenges. One of these is how best to reconfigure the military health care delivery system so that it might continue to meet its military readiness and peace-time obligations at a time of continuous change for the armed forces. In the process of deciding how to proceed, I have met with and heard from many military family members, veterans and military retirees from around the country. I have been inundated with suggestions for reform.

In every meeting and in every letter, I encountered retired service men and women who have problems with every aspect of the military medical care system—with long waiting periods, with access to the right kind of care, with access to needed pharmaceutical drugs, and with the broken promise of lifetime health care for military retirees and their spouses. I heard these

concerns expressed as I have traveled across the United States over the past year. I was proud to introduce S. 2013, the Honoring Health Care Commitments to Service Members Past and Present Act of 2000.

S. 2013 was drafted with the help of the Military Coalition and the National Military and Veterans Alliance. The Military Coalition has strongly endorsed S. 2013, stating, ''We applaud your leadership in introducing comprehensive legislation aimed at correcting serious inequities in the military health care benefit.'' I am proud of the work on S. 2013, and I was prepared to re-introduce key provisions of this bill as an amendment to the defense authorization bill.

However, the Warner amendment, and the more comprehensive Johnson, Coverdell, and McCain amendment, are coming up for a vote today, and I would like to comment on their attributes and my concerns.

I would like to commend my colleagues, Senators JOHNSON and COVERDELL, whose amendment fully restores the ''broken promise'' to our military retirees and their families. I am proud to be an original cosponsor of this amendment, as well as their companion bill, S. 2003.

This amendment fully restores the ''broken promise'' by providing free military medical health care to military retirees and their spouses. I am a strong proponent of this amendment, because it gives the retirees what they were promised, military medical health care for life. This health care would be provided through the Federal Employees Health Benefits Program (FEHBP). I urge my colleagues to vote for this amendment. Our service members deserve our support, and we have an obligation not to renege on a promise made to them many years ago.

As I have mentioned, I was prepared to offer an amendment today—a version of S. 2013—that builds on the limited health care improvements provided in the defense authorization bill. However, I have decided to withhold my amendment at this time to fully support the Johnson amendment, as well as vote for the Warner amendment. The Warner amendment provides a substantial increase in the health care benefit provided to over-65 military retirees and their families that current law and the Armed Services Committee-reported bill, S. 2549, have failed to address. The Warner amendment is not a perfect solution, but it is a step in the right direction.

Mr. President, I commend my colleagues for their efforts to address many of these important military health care challenges. Not lost on any of us is the urgent need to address the over-age-65 issue, since there are reportedly 4,000 World War II, Korean and Vietnam War-era military retirees dying every month. It is imperative that as changes are made to our nation's armed forces, Congress not only stay focused on bringing health care costs under control, but that steps be taken to retain the health care coverage so critical to our nation's active duty personnel, their families, retirees, and survivors.

Make no mistake, retiree health care is a readiness issue as well. Today's servicemembers are acutely aware of retirees' disenfranchisement from military health coverage, and exit surveys cite this issue with increasing frequency as one of the factors in members' decisions to leave service. In fact, a recent GAO study found that ''access to medical and dental care in retirement'' was a significant source of dissatisfaction among active duty officers in retention-critical specialties.

Mr. President, this year will be, in the words of the Joint Chiefs, the year of health care reform. Whether we are successful or not will depend on several factors: Congress' ability to realize real health care reform and provide the necessary resources, the Pentagon's ability to work with private industry to control costs on pharmaceuticals and health insurance plans, and the military retirees who utilize the system coming together and galvanizing support for the future of military health care.

VOTE ON AMENDMENT NO. 3173, AS FURTHER MODIFIED

Mr. WARNER. Mr. President, I ask for the yeas and nays on the Warner amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3173, as further modified.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Idaho (Mr. CRAPO) are necessarily absent.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN) is necessarily absent.

The PRESIDING OFFICER (Mr. ENZI). Are there any other Senators in the Chamber who desire to vote?—

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—96

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

NAYS—1

Kerrey

NOT VOTING—3

Crapo	Domenici	Harkin

The amendment (No. 3173), as further modified, was agreed to.

Mr. COVERDELL. Mr. President, the Senate just conducted two very significant and unprecedented votes—unprecedented in the respect that, as the good chairman of the Senate Armed Services committee has pointed out, this is the first time that the Congress has taken steps to provide health care equity for our Nation's military retirees. This effort was not led by the White House. It was led by Congress and by military retirees across the country.

I have been deeply involved in this issue for many years now. As my colleagues know, I am the lead cosponsor of S. 2003, Senator JOHNSON's bill to restore the broken promise of lifetime health care made to military retirees. The mere presence of this bill, as Chairman WARNER noted, drove the debate on military retiree health care this year and moved us to the point where we are today—on the verge of enacting the first comprehensive solution to the military retiree health care issue. This is a matter of fairness for military retirees, but our goal must be accomplished without destroying the fiscal discipline that has made this day possible.

As a result, even though I am the lead cosponsor of S. 2003 and fully support its objectives, I could not vote to waive the budget point of order raised against the amendment today. The Senate has budget rules that must be protected if we want to ensure, year-in and year-out, that all of the Nation's priorities are fairly and appropriately funded. These are the fiscal rules of the road that have enabled us to balance the budget, to create unprecedented surpluses for the first time in decades, and to contemplate any funding for a military health care proposal such as this. Once the rules are broken, fiscal discipline will evaporate. Deserving long-term priorities would be pitted against the politically popular causes of the moment in a rush to tap the surplus dollars first.

We must also remember that we are working with the fourth consecutive balanced budget that protects Social Security—a tremendous exercise in fiscal restraint that the Senate must not abandon. Preserving Social Security has been a priority for the American people for a long time and it took the Congress many years to make it a reality. If we begin our fiscal work by

eviscerating the budget rules, we will put the Social Security surplus and the retirement benefits for millions of senators at great risk.

I could have taken the politically expedient route, the easy route by casting my vote to waive the budget rules. But that vote would not have changed the outcome or brought us closer to passage of S. 2003. Had the motion to waive the budget rules prevailed, it would have set a dangerous precedent and ultimately would make it more difficult to protect the funding needed to restore the broken promise. My vote today to preserve the budget rules, notwithstanding my strong support for military retirees, represents my view that the work of the Nation must move forward and that it will not unless the Senate works responsibly within the budget process in order to balance competing demands for funding.

There is no doubt in my mind that the gains on this issue today would not have been achieved without the introduction of S. 2003. At the beginning of this Congress, we were at ground-zero on this issue—the same place as in every previous Congress. We made headway this year in the Armed Services Committee and with our colleagues on the Budget Committee. Today, Senator WARNER's amendment, while not everything we wanted, did take an important step forward by giving military retirees one part of what they deserve—the ability to keep their military health benefits when they reach Medicare eligible age. I believe the Senate has demonstrated a new found commitment to our Nation's military retirees and I look forward to continuing our work to restore the broken promise in full.

AMENDMENT NO. 3191

Mr. WARNER. We are ready for the vote on a point of order.

I ask unanimous consent, on behalf of the two leaders, that the next two votes be limited to 10 minutes.

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

There will be 2 minutes of debate equally divided.

Mr. WARNER. Mr. President, a point of order has been raised on the amendment of the Senator from South Dakota. I would like to have Senator GRAMM of Texas recognized to argue that point of order and that his name replace my name on having made it. He is on the Budget Committee. I simply made it on behalf of the Budget Committee. He makes it in his own right, my name to be deleted.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me remind everyone that 4 years ago we moved to begin to correct an injustice in military medicine, and the injustice was that if you served in the military for 20 or more years, you received a commitment, at least in your mind and I believe in reality, that you and your dependents would have access to military medicine for the rest of your life. When Medicare came in and the federal government started making the military pay Medicare payroll taxes, it stopped allowing retirees over 64 to use military medicine. That was a breach of faith. Then we started an experiment 4 years ago to allow them to use their Medicare coverage to obtain treatment at base hospitals again. The Warner amendment we just adopted will allow people who served a career in the military to get treatment at base hospitals from military doctors, and have Medicare pay the cost. It is a good idea and I strongly support it.

Now, Senator JOHNSON has offered an amendment that on its face has merit, and that is to put military retirees into FEHBP. Maybe in the long run that is the answer to the problem. But the problem with Senator JOHNSON's amendment today is that it busts the budget by $92 billion. So I urge my colleagues, whether they support the FEHBP solution or not, to not bust the budget today. Let's stand with the taxpayers today, and let's also complete the Medicare subvention experiment, and let's take up Senator JOHNSON's proposal when we know how to pay for it. I thank the chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I join Senator MCCAIN and the other cosponsors in support of this legislation. We have a fundamental question before us, and that is whether the military retirees of this Nation deserve to have the same kind of health care system that Members of this body have, or other Federal employees, through the Federal Employees Health Benefits Plan. That is the amendment that the military retiree organizations are asking to have and we can, once and for all, be done with the question about whether we are going to live up to our commitment to our military personnel in terms of the medical care that they were promised and which they deserve.

I think there is an across-the-board agreement in this body that if we are truly going to live up to this obligation, this legislation is what we have to pass. It would involve a waiver, and the fundamental question we have, then, is whether we have 60 votes in this body to get into the surplus dollars, or whether those surplus dollars will remain available for tax cuts and other purposes.

If you believe that military health care is a first priority, ought to come first, rather than the crumbs that come after we have made other budget decisions, you will support the Johnson-McCain amendment.

Mr. WARNER. Mr. President, we had a very good debate on this. I see it slightly different. What we are doing in the Johnson amendment is giving two health care programs to military retirees. We are giving them the military health care program and then asking the taxpayers to add on the tax burdens of the Federal program. So it is not the same as we get; we do not get the military program. I have to correct the Senator. There are two systems if you vote for that. That is why his is $90 billion over 10 years versus the Warner amendment, which is $40 billion.

Mr. JOHNSON. Mr. President, given Senator WARNER's observation, I ask unanimous consent for 10 seconds.

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

Mr. JOHNSON. Saying our military retirees would beat a path to the Federal system offering TRICARE as an alternative—frankly, that is an unpopular option. This Johnson amendment is what the military retirees want and deserve.

Mr. GRAMM. Mr. President, the issue before us is whether we are going to waive the budget point of order. I insist on the point of order and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to waive the Buget Act. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Idaho (Mr. CRAPO) are necessarily absent.

The yeas and nays resulted—yeas 52, nays 46, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—52

Abraham	Edwards	Moynihan
Akaka	Feinstein	Murray
Ashcroft	Gorton	Reid
Bayh	Grams	Robb
Bennett	Harkin	Rockefeller
Biden	Hatch	Roth
Bingaman	Hollings	Santorum
Boxer	Jeffords	Sarbanes
Breaux	Johnson	Schumer
Bryan	Kennedy	Shelby
Burns	Kerry	Smith (NH)
Cleland	Kohl	Snowe
Collins	Landrieu	Thomas
Conrad	Leahy	Torricelli
Daschle	Lieberman	Wellstone
DeWine	Lincoln	Wyden
Dorgan	McCain	
Durbin	Mikulski	

NAYS—46

Allard	Graham	Mack
Baucus	Gramm	McConnell
Bond	Grassley	Murkowski
Brownback	Gregg	Nickles
Bunning	Hagel	Reed
Byrd	Helms	Roberts
Campbell	Hutchinson	Sessions
Chafee, L.	Hutchison	Smith (OR)
Cochran	Inhofe	Specter
Coverdell	Inouye	Stevens
Craig	Kerrey	Thompson
Dodd	Kyl	Thurmond
Enzi	Lautenberg	Voinovich
Feingold	Levin	Warner
Fitzgerald	Lott	
Frist	Lugar	

NOT VOTING—2

Crapo	Domenici

The PRESIDING OFFICER. On this question, the yeas are 52 and the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained.

Mr. GRAMM. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. WARNER. It is my understanding we are now to turn to the amendment by the distinguished Senator from Nevada, Mr. REID, after the next two votes.

The PRESIDING OFFICER. There are 2 minutes equally divided on the amendment of the Senator from Virginia.

Mr. WARNER. Following that, after the two votes, if two votes are necessary, the Senator from Nevada is recognized.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. After the amendments of the Senator from Nevada are disposed of, I ask unanimous consent to be recognized as the manager of the bill.

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

AMENDMENT NO. 3184

Mr. WARNER. Mr. President, for 5 consecutive years, the Senate has put language into law with the President's signature reserving these numbers, which the distinguished Senator from Nebraska now wishes to strike from 5 years of consecutive law signed by the President.

The Warner amendment simply says that the President, whether it be President Clinton or the next President, should follow a very careful procedure before changing the numbers, of strategic systems; namely, to do a QDR process which takes into consideration not only the strategic weapons but the conventional weapons and then do an updated posture statement regarding exclusively the strategic.

Those are prudent steps that should be taken. In essence, this Chamber recognized that in the 5 consecutive years we have kept this language in.

Given the nyet—no, no, no—that our President received in Moscow on the ABM issue, he may well need the leverage given by the 5 consecutive years of law. My amendment gives the President the right of waiver, but it imposes on him the need to take a prudent managerial course of action before any decision is made.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, with great respect to the Senator from Virginia, both the underlying law and his amendment push the President in the wrong direction. Both Russia and the United States have more nuclear weapons than we need. This has been studied to death. There are plenty of studies, plenty of reviews, plenty of evaluation. Gov. George W. Bush, with Henry Kissinger, with George Shultz, with Brent Scowcroft, and with Colin Powell, has it right. It requires new thinking. We will not only be pushing President Clinton in the wrong direction, but if Governor Bush wins, we push him in the wrong direction. We are forcing the Russians to maintain nuclear weapons in excess of what they can control. As a consequence, we are increasing the risk, threat, and danger to the people of the United States of America.

I urge my colleagues, in as strong a language as possible, to vote against the Warner amendment.

The PRESIDING OFFICER. All time has expired. The yeas and nays have not been ordered on the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3184.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI and the Senator from Idaho (Mr. CRAPO) are necessarily absent.

The PRESIDING OFFICER (Mr. GREGG). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 51, nays 47, as follows:

[Rollcall Vote No. 119 Leg.]

YEAS—51

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

NAYS—47

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

NOT VOTING—2

Crapo	Domenici

The amendment (No. 3184) 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.

The PRESIDING OFFICER (Mr. L. CHAFEE). The question is on the underlying amendment, as amended. The yeas and nays have been ordered.

Mr. WARNER. Mr. President, I ask unanimous consent to vitiate the yeas and nays.

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

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3183) 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, we have worked out, hopefully, a mutually agreed upon unanimous consent request. I will slowly propound it.

I ask unanimous consent that the previous order for Senator WARNER to be recognized to offer an amendment on working capital be laid aside to recur following the disposition of the BRAC amendment.

I further ask that on the Reid amendment, it be limited to 1 hour, with 45 minutes under the control of Senator REID and 15 minutes under the control of Senator WARNER, and no second-degree amendment in order prior to the vote in relation to the amendment.

I further ask consent that following the disposition of the Reid issue, Senator KENNEDY be recognized to offer his HMO amendment, and that there be 2 hours equally divided prior to a vote in relation to the amendment, with no second-degree amendments in order prior to the vote.

I further ask that following the disposition of the Kennedy issue, Senators MCCAIN/LEVIN be recognized to offer their amendment, re: BRAC, on which there will be 2 hours equally divided, under the same terms as outlined above; namely, an hour under the control of Senators MCCAIN and LEVIN, and 1 hour under the control of Senator WARNER.

I further ask that following the disposition of the Warner amendment, Senator WELLSTONE be recognized to offer his amendment, re: Child soldiers, on which there will be 30 minutes equally divided in the usual form and under the same terms as outlined above.

I further ask consent that during the debate today or tomorrow, the following Members be recognized for debate only: JOHN KERRY for up to 60 minutes and Senator FEINGOLD for up to 12 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, reserving the right to object, I appreciate the distinguished chairman and his interest in accommodating the many colleagues who want to offer amendments. I think we are almost there. I don't think we are quite able to reach agreement yet on this side. I wonder if it would be appropriate, given the fact that we could not yet agree to that sequencing, if we might proceed with the amendment to be offered by the Senator from Nevada, and while that amendment was being considered, address the other parts of the unanimous

consent request just propounded by the Senator from Virginia. If he would be interested in pursuing that approach, we might be able to find some final resolution to the other elements of the proposal he suggested.

Mr. WARNER. Mr. President, I certainly respect the contribution by our distinguished minority leader. I don't have any other recourse.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WARNER. Mr. President, the other side has advised Senator WARNER that the unanimous consent can be accepted provided that paragraph 3 relating to Senator KENNEDY be taken out. I agree to that.

Mr. LEVIN. Mr. President, reserving the right to object—I will not—we agreed that Senator KENNEDY would have an amendment or amendments sequenced at a later time.

Mr. WARNER. That is correct.

Mr. BIDEN. Mr. President, reserving the right to object—I am not sure I will—I ask for a continuation of the quorum call for another 3 minutes, if I may. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WARNER. Mr. President, I again propound the amended unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3198

(Purpose: To permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada (Mr. REID), for himself and Mr. INOUYE, Ms. LANDRIEU, Mr. JOHNSON, Mr. DASCHLE, Mr. MCCAIN, Mr. DORGAN, and Mr. BRYAN, proposes an amendment numbered 3198.

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

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

The amendment is as follows:

At the appropriate place in title VI, insert the following:

SEC. ___. CONCURRENT PAYMENT OF RETIRED PAY AND COMPENSATION FOR RETIRED MEMBERS WITH SERVICE-CONNECTED DISABILITIES.

(a) CONCURRENT PAYMENT.—Section 5304(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(3) Notwithstanding the provisions of paragraph (1) and section 5305 of this title, compensation under chapter 11 of this title may be paid to a person entitled to receive retired or retirement pay described in such section 5305 concurrently with such person's receipt of such retired or retirement pay.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and apply with respect to payments of compensation for months beginning on or after that date.

(c) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits shall be paid to any person by virtue of the amendment made by subsection (a) for any period before the effective date of this Act as specified in subsection (b).

Mr. REID. Mr. President, 109 years ago, for reasons no one can quite understand, a law was passed that prevented someone who had a service-connected disability from drawing disability at the time they were drawing retirement pay from the U.S. military.

If someone is injured, for example, in combat, they are eligible for a disability pension. If they have military service for 20 or 30 years, they are eligible for retirement. But under a quirk in the law that has been around for 109 years—let's assume the disability is $200 a month, and the retirement is $500 a month—the person who has been injured in combat must either waive his entire disability or take $200 from retirement to receive the $200 of disability.

To say the least, this is certainly not an incentive for someone to stay in the military, in addition to its basic unfairness. For example, someone can retire from the Forest Service or the Department of Energy or the Department of Treasury —any executive office—and have a disability from the military. They could draw both retirements. But if you retire from the military, you can't. Certainly this is a nonincentive to stay in the military.

If an individual leaves the military and begins a career in the executive branch, that person may receive both entitlements, but not if they choose to serve our country in the U.S. military.

It seems unusual to me at a time when the military is having difficulty retaining personnel. This is, to say the least, ridiculous. This amendment will encourage improvement and retention for armed services.

This bill has been introduced in its substantive form in this body. There is a similar measure in the House of Representatives that has approximately 250 sponsors.

In effect, this amendment will permit retired members of the armed services who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

The original law was passed in 1891 to prohibit concurrent receipt. It is time we eliminate this unfair law that has been an injustice for 109 years. This law discriminates against military men and women who decide to serve their country as a career, whereas a civil service retiree's pension may be received in its total in addition to the disability from the U.S. military.

Totally unfair.

This discriminates unfairly against disabled career soldiers. In effect, they must pay their own disability as a result of this quirk in the law. Military retirement pay and disability compensation are earned and awarded for entirely different purposes: One is for having served your country for a specific period of time; the other is for having been injured while you were a member of the U.S. military.

Retirement with service disability compensation for injury incurred in the line of duty certainly is deserved. This amendment represents an honest attempt to correct an injustice that existed for far too long. It affects approximately 437,000 disabled military men and women. Each day, this great country of ours loses 1,000 patriots who served as military combatants in World War II. Every day, there are 1,000 deaths of World War II veterans. Each day we delay the passage of this legislation, thousands of men and women are denied their benefits.

Some say this is too expensive. I say no amount of money can equal the sacrifices these military men and women have made. Yesterday, in this Senate, STROM THURMOND, who is approaching 100 years of age, spoke eloquently of his feelings about World War II. Following his statement, Senator DURBIN of Illinois gave a very compelling statement regarding STROM THURMOND. STROM THURMOND is an example of the sacrifices people made in World War II. Even though he was over the age where people would normally go into the armed services, he went into the armed services as a combat military man and, in a glider, went into Europe where he was injured and still suffers some disability from his injuries.

In this Chamber there are many others who sacrificed significantly as a result of World War II: Senator DAN INOUYE, who I am happy to say is going to receive a Congressional Medal of Honor for his valiant service in Italy; Senator FRITZ HOLLINGS served valiantly in World War II; Senator WARNER served toward the end of World War II, as he stated on the floor today. This amendment recognizes the people who served in World War II, the Korean conflict, Vietnam, and the other skirmishes we have had since then. People who have been injured and have service-connected disability who have been able to finish their full term in the U.S. military deserve both benefits. That is what this amendment is all about.

Recently, the Congressional Budget Office reported a budget surplus of about $160 billion. A few of those dollars should be used to take care of this

anomaly in the law. The best use of the budget surplus is to support this concurrent receipt legislation. Our veterans earned this. Now is our chance to honor their service to our Nation. It comes a little late for many of these service-connected veterans.

This amendment is supported by veteran service organizations: the Disabled Veterans, the American Legion, and the Paralyzed Veterans of America.

The interesting thing about this law that prevents this concurrent receipt now is that nobody knows why it originally was passed. There is a lot of conjecture. Maybe it was to relate to the fact that we didn't have large standing armies in 1891; maybe it was that only a small portion of what we did have in the military consisted of career soldiers. We don't know. What we know now, 109 years later, is it is unfair. It is unfair that a person who served this country, was discharged honorably, and has a service-connected disability, can't draw both benefits. That is what this amendment does.

The present law discriminates against career military men and women, when you consider when they retire from some other branch of our Government they can draw both benefits.

I respectfully request of the managers of this legislation that this amendment be accepted. I am happy to have a vote, if that is what is required. I think if there were ever an example of where we should send this to the House by unanimous vote, this is it. This is fair. This amendment is supported by many veterans organizations; to name only a few, the Disabled American Veterans, American Legion, and Paralyzed Veterans of America. They and the American public deserve to have this injustice corrected.

I yield the floor.

How much of the 45 minutes have I used?

The PRESIDING OFFICER. The Senator from Nevada used 9 minutes and 20 seconds of the 45 minutes.

Mr. WARNER. Mr. President, the amendment by the distinguished minority whip, the Senator from Nevada, is one I intend, as manager of the bill, to accept because it has in it some provisions we have studied for many years. I think it is important we study it in the context of the conference. I am strongly in favor of a number of the concepts the Senator has raised.

At the appropriate time I will indicate the acceptance of the measure.

Mr. REID. If I could ask the Senator, would it be appropriate, then, if the Senator accepts my amendment, that following accepting this amendment, the Senator from Wisconsin have 12 minutes and the Senator from New Jersey have 10 minutes?

Mr. WARNER. Fine. If I might inquire, for the purpose of addressing the Senate—not for putting in an amendment?

Mr. REID. For debate.

Mr. WARNER. It is 12 minutes and 10 minutes. That falls within the period the Senator has reserved. We will put that in the form of a unanimous consent request.

I thank the Senator for reference to those who served in World War II. I don't want to put myself in any category of the heroism displayed by Senator INOUYE. I was a simple sailor serving in training command, waiting for the invasion of Japan. I always want to be careful.

Mr. REID. I only say to my friend, we are all aware of the work the Senator has done and the love the Senator has for the military, having been one of our Secretaries.

Yesterday was a very moving day, to see our President pro tempore step down here and speak with the strong voice that he has, recognizing the sacrifices made by others. He didn't, of course, mention his own name, but he is an example of what has made our country great.

Mr. WARNER. I thank the Senator for that reference to Senator THURMOND. Indeed, he crossed the beaches in a glider and crashed and was wounded. He got out and took right on his duties.

Also, late last night, Senator CARL LEVIN and I put in an amendment which was accepted, was cosponsored by all the veterans of World War II who are now in the Senate, some eight or nine, and it provided $6 million toward the memorial that is being constructed on The Mall.

Earlier that day, our former distinguished majority leader and colleague, Robert Dole, accepted a $14.5 million contribution. Together with the $6 million of the Senate, and my understanding from Senator Dole, with whom I spoke late last night, that brings within completion the budget they had for design, construction, and otherwise for that memorial.

It was a historic day.

Mr. REID. I ask unanimous consent, following the acceptance of my amendment, the Senator from Wisconsin, Mr. FEINGOLD, be recognized for 12 minutes on general discussion, not to offer an amendment; following that statement, the Senator from New Jersey, Mr. TORRICELLI, be recognized for 10 minutes to speak on an unrelated subject and not to offer an amendment.

Mr. WARNER. Reserving the right to object, and I will not object, I want to advise Senators that was in the timeframe allocated to the distinguished Senator from Nevada for the purpose of his amendment. That is how this time was freed up. Otherwise, Senator LEVIN and I are anxious to keep this bill moving.

Following presentations by two distinguished colleagues, we should proceed, then, to the McCain-Levin amendment on base closure.

Mr. REID. I say to my friend, he is absolutely right. The only reason we are doing it this way is just to make the process a little more orderly.

Mr. WARNER. I understand that.

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

Mr. REID. Has my amendment been accepted then?

Mr. WARNER. I urge adoption of the amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3198) was agreed to.

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

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

The motion to lay on the table was agreed to.

THE ZIMBABWE DEMOCRACY ACT OF 2000

Mr. FEINGOLD. Mr. President, I rise today to speak in favor of the Zimbabwe Democracy Act of 2000. I am very pleased to join my colleague, Senator FRIST, in cosponsoring this legislation and sending an unambiguous signal to the current government of Zimbabwe that the international community will not passively stand aside while that country's great promise is squandered; the United States will not remain silent while the rule of law is undermined by the very government charged with protecting a legal order; this Congress will not accept the deliberate dismantling of justice and security and stability in Zimbabwe.

Since the ruling party lost the outcome of a February referendum, in which voters rejected a new constitution which would have granted President Robert Mugabe sweeping powers, a terrible campaign of violence has gripped the country. Veterans of Zimbabwe's independence struggle and supporters of the ruling party have invaded a number of farms owned by white Zimbabweans. When the courts ordered the police to evict the invaders, President Mugabe explicitly continued to support the invasions, and called on the police force to ignore the court. Predictably, confusion and violence have ensued, and the rule of law, the basic protections upon which people around the world stake their safety and the safety of their families, has been seriously eroded.

This is not a race war. Let me repeat that—this is not a race war. Race is not the critical issue in Zimbabwe today. And no one need take my word for that. One need only look at the facts on the ground. One need only observe the disturbing frequency with which members of the opposition have been the targets of violence. It is the Movement for Democratic Change, an opposition party that has been rapidly gaining the support of the disillusioned electorate, that is the real target of President Mugabe's campaign. It is the electorate that rejected the ruling party's proposed constitution that is suffering, and this is not unprecedented. In the early 1980s, supporters of a rival political faction were brutally slaughtered in Matabeleland—a dark period