Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—9

Bono
Brown (CA)
Cooksey
Hilleary
Holt
Kasich
Lofgren
Olver
Wynn

☐ 1144

Mr. MOLLOHAN changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mrs. EMERSON). Pursuant to House Resolution 200, the Chair announces that she will reduce to a minimum of 5 minutes the period of time in which a vote by electronic device will be taken on the additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 16 OFFERED BY MR. TRAFICANT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 242, noes 181, not voting 11, as follows:

[Roll No. 186]

AYES—242

Aderholt
Andrews
Archer
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Blunt
Boehlert
Boehner
Boswell
Boyd
Brady (TX)
Brown (FL)
Bryant
Burton
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Clay
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Doyle
Duncan
Dunn
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastings (WA)
Hefley
Herger
Hill (MT)
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Istook
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kelly
Kildee
Kind (WI)
Kingston
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Mascara
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Owens
Oxley
Packard
Pallone
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stearns
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thune
Thurman
Tiahrt
Traficant
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson
Wise
Wolf
Young (FL)

NOES—181

Abercrombie
Ackerman
Allen
Armey
Baldacci
Baldwin
Barrett (WI)
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Bonilla
Bonior
Borski
Boucher
Brady (PA)
Brown (OH)
Burr
Buyer
Callahan
Capps
Capuano
Cardin
Carson
Chenoweth
Clayton
Clement
Clyburn
Condit
Cox
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Edwards
Ehlers
Ehrlich
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gonzalez
Goodling
Graham
Green (TX)
Gutierrez
Hansen
Hastings (FL)
Hayes
Hayworth
Hill (IN)
Hilliard
Hinchey
Hinojosa

Hoeffel	Menendez	Schakowsky
Hooley	Millender-McDonald	Scott
Houghton	Miller, George	Serrano
Hoyer	Minge	Skelton
Hyde	Mink	Slaughter
Jackson (IL)	Mollohan	Snyder
Jackson-Lee (TX)	Moore	Stark
Jefferson	Moran (VA)	Stenholm
Jenkins	Morella	Strickland
Johnson, E. B.	Nadler	Stump
Jones (OH)	Napolitano	Stupak
Kanjorski	Neal	Tanner
Kennedy	Oberstar	Terry
Kilpatrick	Obey	Thompson (CA)
King (NY)	Ortiz	Thompson (MS)
Kleczka	Ose	Thornberry
Klink	Pastor	Tierney
Knollenberg	Paul	Toomey
Kolbe	Payne	Towns
Lampson	Pelosi	Turner
Larson	Pickett	Udall (CO)
Leach	Pombo	Udall (NM)
Lee	Pomeroy	Velazquez
Lewis (GA)	Porter	Vento
Maloney (NY)	Rangel	Visclosky
Markey	Reyes	Walsh
Martinez	Rodriguez	Waters
Matsui	Rothman	Watt (NC)
McCarthy (MO)	Roybal-Allard	Waxman
McDermott	Rush	Weiner
McGovern	Sabo	Wexler
McKinney	Sanchez	Weygand
Meehan	Sanders	Whitfield
Meek (FL)	Sanford	Woolsey
Meeks (NY)	Sawyer	Wu
		Young (AK)

NOT VOTING—11

Bliley	Hilleary	Manzullo
Bono	Holt	Olver
Brown (CA)	Kasich	Wynn
Conyers	Lofgren	

□ 1153

Messrs. CRAMER, OXLEY, and DEUTSCH changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mrs. EMERSON). It is now in order to debate the subject of the policy of the United States relating to the conflict in Kosovo.

The gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, as the 3-month air war appears to be winding down and NATO operations in Yugoslavia appear headed for a new and, in my opinion, perhaps more troubling phase for our country, I think it is entirely appropriate that the House have a debate over various aspects of our Kosovo policy.

Over the past few months, the issue of this administration's policy has been contentious and confusing not only to the Congress but to the American people, as well. Under such circumstances, I do not understand why debate is a bad thing.

In my personal opinion, the conflict in Kosovo and the wider wars in the Balkans do not directly impact on core United States national security interests. Our interests in the current conflict are primarily humanitarian.

Madam Chairman, in the words of NATO Secretary General Solana, Operation Allied Force is ''a war fought for values.'' I am not minimizing the importance of values. They mean a lot to the American people and to me personally.

Americans take their political values seriously. We declared our independence from Great Britain on the basis of inalienable rights. Yet, as a Nation, when it comes to matters of national security and foreign policy, when it comes to matters of these kind, we have always tempered our values with an appreciation of our broader national interests, as did the Founding Fathers, who were especially weary of foreign entanglements.

The need for a clear right assessment of the national interest is especially important when it comes to the use of United States military force. Committing our Armed Forces to combat should never be done without an objective reckoning of interest, cost, and benefits. Indeed, that ought to be our solemn obligation to the men and women in uniform who place their lives at risk to protect and promote American interests all around what remains a dangerous world.

We cannot afford to simply ask whether the cause is just but whether we are willing and able to pay the many direct and indirect costs necessary to achieve victory if victory can be clearly defined.

The costs to our Armed Forces of ongoing operations in the Balkans from 1995 until today has been substantial and continues to rise exponentially. Also, there is no end in sight.

Including the funds recently approved by Congress in the Kosovo supplemental and in this bill, the cost of operations in the Balkans is approaching $20 billion.

□ 1200

That figure represents just the incremental costs to the Department of Defense, the costs of the additional fuel, munitions, spare parts, personnel and other associated costs with operations in the Balkans. It does not begin to cover the capital costs associated with raising, equipping, training and maintaining our armed forces.

Put simply, American military commitments in the Balkans have risen to the level of a third major war, over and above the two potential major wars facing us in Korea and Southwest Asia, and form the basis of our United States national strategy. We are involved in an unanticipated major war in Europe with a military force that in my view is overextended and underresourced to the point where it cannot effectively protect our national interests around the world, nor can it execute the Nation's military strategy in time of war.

These basic realities have shaped my position in regard to our operations in the Balkans over the past several years. I do not downplay the humanitarian tragedy that has befallen the Balkans. None of us do. With our military already overextended, I have long maintained that it is unwise to commit our forces, especially United States ground forces, to an open-ended commitment in Southern Europe that would place our other vital interests around the world at immediate and, in my opinion, unacceptable risk. Parenthetically I note that the two new incoming Chiefs of Staff of the Army and the Marine Corps have expressed similar concerns about this matter.

Mr. Chairman, despite the fact that our armed forces are at a fraction of their Gulf War strength of the late 1990s, it seems that the administration has approached this entire Balkans policy for the past several years and certainly the past several months in isolation from Korea or the Persian Gulf. We must first and foremost consider our security and foreign policy with our heads, not just our hearts. And we cannot consider the signals we send to Serbia separately from the signals we send to Iraq and Iran and North Korea or any other nation that is or might become our adversary where the threats posed are a higher degree than that in the Balkans.

I urge my colleagues to bear in mind our global interests and responsibilities and the ability of our military forces to protect all of these interests as we debate the Kosovo policy today and in the future.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Let us speak of Kosovo today. We have achieved, our country has achieved, NATO has achieved a victory in the field of battle in the Balkans. The issues we debate today and the votes taken today will tell whether we keep that victory or whether we sour it or whether we throw ashes on it and tell those young men and young women who have been in harm's way that their efforts were for good or whether they were for naught.

Mr. Chairman, never in the history of this country has a Congress voted to deprive America of a military victory in the field after it has been achieved. It is my sincere hope that this Congress today will not deprive America, will not deprive the NATO nations of a victory that it has achieved by placing young men and young women in harm's way.

The House is now going to consider a series of amendments concerning our involvement in NATO operations in Yugoslavia. The House should approve my amendment to delete section 1006(a) of the bill and we should approve the Taylor amendment which outlines the goals for our military and peacekeeping operations in Yugoslavia. However, we should reject the Souder amendment, which is even more restrictive than the flawed language that is in the bill, and we should reject the Fowler amendment because the House debated and rejected a similar Fowler amendment in March by a vote of 178–237.

Mr. Chairman, when I spoke during general debate on this bill, I mentioned that my only reservation about this legislation concerns section 1006 relating to budgeting for operations in the Federal Republic of Yugoslavia. This provision, which prohibits the use of funds authorized by this legislation for the conduct of combat or peacekeeping operations in the Federal Republic of Yugoslavia, is too restrictive and can result in funds being cut off while our troops are in the field. I agree with the necessity to fund our operations in the Balkans with supplemental appropriations and I have so stated. However, if the bill's provisions are left in place, we could have a situation where the funds from one supplemental run out before another is enacted. In that case, the section in question would prevent the use of these Department of Defense funds authorized by this bill to support our troops in the region whether in combat or peacekeeping. Moreover, if this language remains in the authorization bill, this otherwise excellent legislation that we have will be subject to a presidential veto.

The amendment which I offer will delete subsection (a) of section 1006 while leaving in place subsection (b) which requires the President to request supplemental appropriations in order to conduct combat or peacekeeping operations in the Federal Republic of Yugoslavia. Subsection (b), standing alone, adequately protects the funding authorized in this bill without running the risk of undermining America's and NATO's military peacekeeping efforts in Kosovo.

Mr. Chairman, 2 weeks ago when we were first scheduled to take this bill up on the floor, I would have argued that the language in the bill sent the wrong message at the wrong time. Now with the withdrawal of Serbian forces from Kosovo scheduled to begin today, the message we would send by rejecting my amendment and the timing of that message would be even worse. Specifically, retaining that harmful section would send a signal to U.S. and allied military personnel in the region that their superb performance to date may be cut off at a fiscally-driven date having nothing to do with operational or diplomatic considerations.

It would send a signal of uncertainty to our NATO allies at a time when American leadership on the ground, in the air and in various diplomatic venues is carrying Operation Allied Force and related efforts forward.

It would send a signal to Kosovar refugees depending on America and NATO that the Alliances's commitment to returning them safely to their homes is wavering.

It would send a signal to President Milosevic that he need only hold on or stall for a few more months before funding for American participation in the NATO air campaign or peacekeeping mission is accomplished.

Mr. Chairman, this is a very, very serious issue. It relates not only to Kosovo, it relates not only to Yugoslavia, it relates to the leadership of this bastion of freedom, of America, in this world.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, let me respond briefly to my friend from Missouri with respect to depriving us of what he calls victory in this war.

The war that I am concerned about, Mr. Chairman, is the next war, and I am concerned about the stocks of ammunition that are now very low. I am also concerned about those young men and women who have served us so well in the air war that has taken place over the last 78 days or so. The best way we can serve those men and women in uniform is to see to it that we get a large number of them off food stamps. I am talking about the 10,000 military families that currently are on food stamps.

Another way we can serve them is to see to it that we have the spare parts to get our mission capability rates up above 70 percent and to get that crash rate which last year was 55 aircraft crashing resulting in 55 deaths during peacetime operations down to a lower level, if not an acceptable level. All of that is going to take money.

Mr. Chairman, this war will be a disaster if we pay for it out of the moneys that would have gone to increase our munitions back to the two-war requirement, that would have gone to raise the pay of our military people up to the level where they can make more than the food stamp rate, if the money is taken out of the spare parts coffers where it has been taken in the past to leave 40 percent of our aircraft grounded because they are not mission capable.

I just say to my friend from Missouri, let us not pull money out of operations in this new euphoria that he thinks we should be engaged in, out of operations and out of the spare parts supplies and out of the ammunition coffers and out of the personnel benefit coffers. Otherwise, the next war will be a disaster for us. I hope that he will work with me to see to it that money is not taken out of the defense budget for Kosovo.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, we won the war. Now we must win the peace. We led NATO into that war in order for us to end the atrocities over in Kosovo and now we must be part of NATO to ensure that peace is there and that it will stick. Not only do the Republican amendments today undermine our efforts in Kosovo but the underlining provisions of this bill without the Skelton amendment make it nearly impossible to effectively implement the peace agreement because it cuts off the funds on September 30. Every major newspaper in the world has a peace agreement on the front page of every major newspaper. Why can our friends on the Republican side not read what is on the front page of every major newspaper in the world and declare that we have peace and we have the responsibility to be part of making sure that peace works.

Mr. SPENCE. Mr. Chairman, I yield 3½ minutes to the gentlewoman from Florida (Mrs. FOWLER).

(Mrs. FOWLER asked and was given permission to revise and extend her remarks.)

Mrs. FOWLER. Mr. Chairman, I do commend our young men and women in the military for this peace that we hope has been achieved today because it is due to their great efforts that we have this opportunity for peace.

Mr. Chairman, I do not often disagree with the gentleman from Missouri, he is a Member of this House for whom I have the highest regard and affection, but on this particular issue, I think he is wrong. Just this last weekend, General Shelton, the Chairman of the Joint Chiefs of Staff, stated that even with the peace agreement, the NATO operation in the Federal Republic of Yugoslavia is no longer one of peacekeeping but of peace enforcement. We are clearly going to be placing U.S. forces in a hostile environment.

On one side of our forces, we will have the Serbs who we have been bombing for the last 2½ months. On the other side we will have the Kosovo Liberation Army which will be frustrated by the failure of the peace agreement to require a referendum as the Rambouillet accord would have done on independence. NATO forces will be defending Belgrade sovereignty over Kosovo, a position which is directly at odds with the KLA's paramount goal of independence. Moreover, while all the details of the peace agreement are not clear, it appears that the Russian element will approximate 10,000 troops compared to America's 7,000. Their line of command remains undetermined.

Over the last 2½ months, the United States has provided the lion's share of the effort in the air campaign. The latest figures indicate that the United States has had 723 aircraft involved versus 257 provided by the European states of NATO. The ratio of U.S. to European aircraft is almost 3 to 1. Yet the European states of NATO combined have more than twice as many active duty troops than we do, and their combined gross domestic product of $8.1 trillion is actually slightly more than our own GDP of $8.08 trillion.

The gentleman from Missouri would delete the provision in this bill that adds teeth to it, that the President may not spend money in fiscal year 2000 authorized by this bill for our military for operations in Kosovo but rather must submit a request for supplemental funding to meet any cost associated with the Kosovo mission.

□ 1215

Given the inadequate funding that our military has received over the last 6 years, I believe this would be a grave mistake. I note that just this week the incoming chiefs of the Army and Marine Corps are quoted in the press as expressing concern about the long-term implications of the mission. I quote Army General Shinseki:

Each additional contingency operation impacts the Army's ability to remain focused on its war-fighting requirements. I am concerned about the prospects of a long-term commitment to Kosovo with ground forces.

I just want to put it down to home. Earlier this year I visited my naval air station in Jacksonville. I was shocked at what I saw. Of 21 P–3 aircraft on the tarmac, only four could fly. My S–3 pilots were only getting 5 hours a month flying time because there were not enough planes.

This House just passed the supplemental appropriations bill to reimburse the services for the President's air campaign and provide for other urgent service requirements. It was not enough, but it was a start. Now that we have met these urgent needs, we must prevent readiness from declining again.

The gentleman from Missouri's amendment would allow that to happen, and I urge my colleagues to oppose it.

Mr. SKELTON. Mr. Chairman, I yield 2½ minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, we have a peace plan for Kosovo. Milosevic's troops are moving out, peacekeepers are moving in, the refugees are going home. America can claim a victory by the outstanding young men and women in our armed services. Yet this House could snatch defeat from the jaws of victory.

We must support the agreement, provide the funds, back the peacekeepers. Instead, in this bill, the Republican majority has chosen to cut the funds, to pull back the peacekeepers.

This bill prohibits funding after September 30 for any U.S. military involvement in Kosovo, even to help secure the peace. Not only that, two other Republicans, the gentleman from Indiana (Mr. SOUDER) and the gentlewoman from Florida (Mrs. FOWLER) have amendments that would undermine the peace plan by banning peacekeepers. We should defeat these and approve the Skelton amendment to strike the provisions in the underlying bill.

Mr. Chairman, faced with tough choices, the President concluded that the risks of action were outweighed by the risks of inaction. Turns out he was right and the naysayers were wrong.

The naysayers said to ignore this ethnic cleansing, it is not our problem. The President said Milosevic's brutality must not stand. The naysayers said, never mind. The President said, never again. The naysayers warned of American battle deaths, but not one American has been lost in combat.

The naysayers said the conflict would spread, but it has been contained. The naysayers said it would sever relations with Russia, but Russia is our partner in the peace plan. Criticism is easy, but leadership takes courage.

This House has not shown courage on Kosovo. It has acted irresponsibly, voting against withdrawing troops, voting against the air campaign, yet doubling funds for the campaign. If we vote today to cut off funding and renege on our commitment to NATO, Russia and the world, we bring further shame to this House.

Mr. Chairman, we are better than that. Our country deserves more than that. Bring peace in the Balkans, preserve America's role as a world leader, reject these ill-advised efforts to undermine a peace in Kosovo.

Reject the Souder and Fowler amendments. Vote for the Skelton amendment.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I thank the gentleman for yielding me this time.

Let me respond to the last speaker that talked about the House acting irresponsibly. Irresponsible action by this House would be to not properly fund the Nation's national military strategy to fight and win two nearly simultaneous major regional conflicts. That is exactly what would be irresponsible.

To come onto this floor and then to try to claim that if we are not funding some peacekeeping operation that does not even test the gut-wrenching test of vital national security interest, that we can somehow then go to sleep with our responsibilities in other areas of the world, baffles my mind.

I mean, let me share with my colleagues what I mean by the gut-wrenching test. Does the United States have vital interests? None that could be debated. Why? Because we see the President and the American people were unwilling to put troops on the ground. That is the gut-wrenching test.

America understands the test for ''vital'' is if, in fact, we would sacrifice or send our own son or daughter into combat. But if people in America are unwilling to do that, then there is a strong sense in their gut that it must not be vital to our particular interest.

Now, we are in NATO. Because of our interest in NATO, the United States is a leader in NATO, we are in it. That is what is very, very clear.

Now I am going to be a constructive critic, and that is what I have tried to do in this process. But there is a clear difference in foreign policy between Republicans and Democrats, and that is very clear in the enjoinment of this debate.

Presently, there is a foreign policy of engagement where we have 265,000 troops in 135 countries all around the world; we have reduced the force in half, we have placed great stresses on the force, increased the operational tempo. We cannot retain the force, and we cannot even recruit to meet the goals of the force structure to meet our national military strategy.

Now let me shift gears. This allegation boggles my mind: Somehow achieved a victory? Why are we so anxious to say a victory has been achieved? Do my colleagues realize that Milosevic was able to achieve his objectives on the ground and that because refugees have now been sent to all areas of the world, try to get these refugees back into Kosovo at a time when are they going to feel the security to even go back?

Now let me pose another question. Peacekeepers? Do my colleagues know what protects a peacekeeper? It is neutrality. I feel much more comfortable having an international force on the ground, not NATO. NATO, that is not neutral. We have been bombing for 2 months, 3 weeks. We are seen as the enemy by the Serbs. That makes us a target. In their eyes it makes us the occupiers, and if there is anything we ever learn about the Balkans in the thousands of pages I have read it is that a bad situation always gets worse in the Balkans when there is an outside intervening source, especially one that is seen as the enemy.

So, yes, there is some apprehension.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, does the gentleman believe that the situation in Bosnia-Herzegovina is worse today than it was 3 years ago?

Mr. BUYER. In Bosnia-Herzegovina it is better today than it was 3 years ago.

Mr. HOYER. Mr. Chairman, I remind the gentleman Bosnia-Herzegovina is in the Balkans.

Mr. BUYER. I understand that, I understand that. I am just saying that what I most fear about is, in Kosovo shots can be taken and that has not happened in Bosnia-Herzegovina. The gentleman's point is well taken.

Let me also compliment the gentleman who is the chairman of the Subcommittee on Military Procurement, and I think the gentleman from Missouri (Mr. SKELTON) understands this. What we are trying to achieve here is for the President, if he wants to use moneys for the peacekeeping operation, then come with the supplemental appropriation, do not take it out of hide. A lot of the things for which we are doing here is to fund the national military strategy; that is our goal, and I also would want to work with the gentleman.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT).

(Mr. SPRATT asked and was given permission to revise and extend his remarks.)

Mr. SPRATT. Mr. Chairman, 3 months ago I went with the Secretary of Defense to Aviano where, as the first order of business, we were to be briefed by Brigadier General Dan Leaf, the commander of our air forces there. General Leaf was there to meet us on the runway early that morning even though the night before he had flown a mission himself.

He briefed us with confidence, professional pride. And without bluster, he told us that his success to date was due more to the discipline and perfection with which his men had executed their mission, and, yes, their morale, because they believed in what they were doing; and not in the ineffectiveness of our adversary because our adversary was formidable. He did not promise us any quick results, but he did not shrink from the mission, and he left us believing the mission would be accomplished.

Well, Mr. Chairman, General Leaf and his troops did not disappoint us. They did what we asked them to do. They demonstrated the prowess of the United States Air Force, once again on a level with the Persian Gulf, and let me say I am proud to represent those troops because some of them came from my district, from Shaw Air Force Base. They did their job, they served us well, they made us proud, and I am here in the well of the House to commend them.

They must wonder, as many of us do, why this bill cut short what they have accomplished. The bill itself, the text of the bill, precludes further funding for peacekeeping or combat operations next year, and not satisfied with that, the majority has made in order three more amendments which pound the same issue: no money for military operations of any kind. I suppose that means no signal intelligence to see what Milosevic is up to, no overhead satellites, no CIA, no search and rescue.

What in the world are we doing considering amendments like this?

I know peacekeeping is onerous and expensive, I know our forces are stretched out around the globe, but I cannot believe that we are considering amendments like this at this time. We should be savoring our victory. We should voice vote up the Skelton amendment, remove the ban on funding, tell the President, sure, send us a supplemental next year to pay for the peacekeeping. But we should savor our victory, defeat these other amendments and see that our victory is consummated by a successful peacekeeping operation.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DREIER).

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Chairman, I want to compliment my friends, the gentleman from Missouri (Mr. SKELTON) and the distinguished chairman of the full committee for their fine work here, and I would like to say that the agreed-to settlement yesterday is, I believe, good news for Kosovo, good news for the North Atlantic Treaty Organization and good news for the American people and for our forces who have fought with tremendous professionalism and valor in dealing with what is obviously a very, very tough situation.

We all know that NATO's campaign had a specific goal. It was about bringing a political settlement that could be supported by both the Kosovar Albanians as well as the Serbs. At the same time, America's ultimate goal I believe must be a future which ensures that our troops will not be needed in Kosovo or, for that matter, anyplace else in the region. That is a very important goal that we need to pursue.

I frankly am troubled if we look at the historic pattern that we have seen in Yugoslavia, in the entire region, which has required that presence, but I think that we need to do everything that we can to continue to pursue that ultimate goal.

Now, having said those things, Mr. Chairman, I think it is very important for us to realize that we need to proceed with an important and rigorous debate on exactly what U.S. national interests are around the world; and as we look at the challenge of having deployed troops in many parts of the world beyond the Balkans, we need to decide what it is that we want to pursue, what our priorities as a Nation are, and I hope that in the not too distant future we will be able to proceed with that.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

□ 1230

Mr. TURNER. Mr. Chairman, the House will decide today not whether or not we will pursue the war, because the war is over and the settlement has been signed and the United States and NATO have prevailed. The question before the House today is whether, after winning the war, will we lose the peace?

In this bill there is language that would cut off all funding for the peacekeeping operations 3½ months from now. It is my view that we must send a very clear signal to the world community and to President Milosevic that we intend to keep the peace; that when the world community stood united, when our NATO allies stood united, when our forces prevailed in the 78 days of the bombing campaign, that this House of Representatives also will stand united in supporting those troops and supporting that peacekeeping effort.

There is no question that we all believe in a strong military and we all believe that the supplemental appropriation, the emergency appropriation that we passed, was important to funding adequately the military. But to hide behind that smokescreen and say that we will oppose the Skelton amendment and keep the language in the bill that cuts off funding 3½ months from now, just because we want to try to get another emergency appropriations bill passed sometime in the future, is, in my judgment, a wrong approach to a very serious issue.

It is my hope that this House will support the Skelton amendment, to tell the world community that we intend to do our part, and reject the Fowler amendment, which was the subject of legislation we debated back on March 11 before the conflict began, when this House agreed to authorize forces of the United States to participate in a NATO peacekeeping operation. In that debate I offered the amendment that would restrict our participation to 15 percent.

We need to continue on that course today, and we need to adopt the Skelton amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I want to ask the esteemed ranking member and anybody else who wants to speak on this, we have heard a number of statements about how much you love the troops. I do not have any influence with the President. The President is sending budgets down that do not pay for ammunition, do not give adequate pay to our troops, keep them on food stamps, do not give them spare parts and do not give them planes new enough to avoid a 55 crash a year crash rate. We all know what we are trying to do. We are trying to keep our money in the ammunition coffers so we do not spend that on other things and have empty ammunition coffers when the next war comes around.

I want to ask the gentleman, will the gentleman work to get the $13 billion ammunition shortage plussed up to where it is at parity with what we need to fight the two wars?

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, absolutely.

Mr. HUNTER. Will the gentleman make a pitch to the President to do that?

Mr. SKELTON. Absolutely.

Mr. HUNTER. Mr. Chairman, I will work with the gentleman over the next couple of weeks, and I hope all the other leaders and Members who have spoken on the Democrat side will use their influence to get this funding executed.

Mr. SKELTON. If the gentleman will yield further, the gentleman will recall that I put together just a few short years ago a military budget calling for an increase in three successive years. I know full well and the gentleman knows full well that we need additional funding for the military. We made substantial gains this year. I am very pleased with this bill.

What I do not want to happen is for this provision to stay in which cuts off the funds. We do need a supplemental. I would encourage that. That is why I have left section B untouched. We encourage and require the President to send a supplemental in the future.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am very pleased to serve with the gentleman on the National Security Caucus, and the gentleman does an outstanding job in that. I am going to join the gentleman and the gentleman from Missouri (Mr. SKELTON) and the chairman of the committee in the effort he speaks of, but I believe we ought to perceive this on a bipartisan basis.

I will be speaking about what I think the President's role has been and what Congress' role has been, both parties, in terms of under funding our defense. We have not passed bills that were adequate to the task. The President has not vetoed any bills. We simply have not passed them. I want to work with the gentleman, and I appreciate his comments.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey, Mr. ANDREWS.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I begin by offering my congratulations and thanks to the men and women in uniform who have done such a fantastic job in the Balkans. I hope that they and their families are listening and understand the unanimous feeling of pride and support for what they have done.

The question before us this afternoon is what do we do next? This bill offers a good prescription for what not to do next, because if this bill becomes law, on the 30th of September, whatever efforts we are making to sustain the peace that has been won will terminate. Now, that is a shortsighted and I believe irrational approach to solving this problem. So we need to amend the bill.

With all due respect, I do not think we need to amend the bill in the way that our friends from Florida and Indiana have proposed amending it, because they say before we could put peacekeeping forces in, as I understand it, since they are ground forces, there would have to be specific Congressional authorization.

What clearly has happened is that the objectives of this campaign are being realized. The refugees are going home, the Serbian troops are being withdrawn, and the objectives are being realized. To force us to go through a process now where we cannot follow through on this decision that has been made until there has been a debate and vote here I think would be a mistake. It would be an equally grave mistake to tie the President's hands and to terminate his authority on the 30th of September, a truly arbitrary deadline.

The right amendment to support is the Skelton amendment. It says the right thing, that the President in fact should come to this body for a supplemental appropriation and not pay for these operations out of the regular military budget. I agree with that. But it does not make the mistake of unduly tying the hands of the commander-in-chief and restraining him and our military leaders from following through on the peace that has been won with such valor and distinction in the last few weeks and months.

I strongly support the Skelton amendment; oppose the others.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

(Mr. SOUDER asked and was given permission to revise and extend his remarks.)

Mr. SOUDER. Mr. Chairman, years ago when George McGovern ran for president, our current President and National Security Adviser worked in his campaign. Sandy Berger supposedly even coined the phrase ''come home America.'' Our boys of the Vietnam era have now grown up. It has gone from come home America to go everywhere America, to stay everywhere America.

We do have the best military in the world. Nobody is disputing that. We are proud of them. But they can only do so much with poorly conceived political strategies.

This is certainly no victory. After 11 weeks of bombing, we have less world stability than when we started. After 11 weeks of bombing, we have a settlement that we probably could have achieved at the beginning. If this is a victory, what would a defeat look like? We are not snatching defeat from the jaws of victory, we are trying to snatch future victories from the jaws of this defeat.

Let me look at the specifics here. We probably have destabilized Montenegro, although hopefully we can get the pro-western government stabilized.

We certainly have put Macedonia at risk, which was a country where all the factions had pulled together, watched their trade get devastated, and now potentially have changed the mix and the politics of Macedonia.

We have set a precedent on autonomous semi-independent republics, and it is not clear whether Kosovo can actually stay under Serbian control. What does this mean for Palestine? What does this mean for the Kurds? Have we taken a foreign policy change and had a potential impact around the world?

What about internal interventions? What does this mean for Chechnya, what does this mean if there are Tiananmen Squares? Are we going to intervene in other countries, with terrible tragedies and the genocide in those countries. We do not have a clear policy of how and when we are going to intervene.

Furthermore, has this advanced the stability with Russia, has this advanced the stability with China, where we clearly have national interests and world peace interests. I would argue no.

Furthermore, we have disproportionately pinned down our forces in an area of the world where we do not have clear national interests, and where, after 700 or 1,500 or 2,000 years of fighting, we are unlikely at the second we pull out not to see reoccurrences. As long as Pristina is conceived as the Jerusalem of the Serbian people, they are not likely, whether it takes 20 years or 50 years or 200 years, to change that attitude.

Furthermore, why did I say that about the peace settlement? Milosevic remains in power. He keeps his military. Furthermore, we now disarm his enemies, the KLA. We have Russian troops, his friends, as part of the thing. I am not arguing against these points. I am saying this is something that he probably would have taken in the beginning.

Furthermore, it is under UN at this point, under UN control, where China has a veto in the Security Council. We do not even know what the Russian government is going to be like after the next elections, and we probably are going to be there a lot more than 3 months.

So you look at this and say, why is this peace settlement a defeat for Milosevic? He has moved the Kosovars out. He does not have enough Serbians to occupy that whole territory. We are looking at 100,000-some versus 1 million people. He wanted his enemies disarmed, and we are going to do that.

I do not think this in any way can be called a victory.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, the NATO mission in Yugoslavia has prevailed over the brutal dictatorship of Slobodan Milosevic. NATO has shown tremendous resolve, tremendous persistence, throughout this crisis. Now that this diplomatic resolution has been reached on NATO's terms, on NATO's terms, this is not the time to show weakness, to cut funding or to damage the unity of the western democracies.

What can the proponents of this bill be thinking by cutting funding for peacekeeping? This is not the Republican party of my father or the Republican party of my grandfather. I learned around the dinner table that the primary rule of foreign policy was politics ends at the water's edge.

The modern Republican Party in this House seems to have forgotten that lesson. They seem to be setting foreign

policy on personal considerations and a personal hatred for the President of the United States.

Important challenges continue to face us in Yugoslavia. We have got to return the refugees and house them and clothe them and feed them by winter. We have got to avoid partition of Kosovo. We have got to make sure that Milosevic does not receive immunity for his war crimes, and Serbia must not receive international aid until Yugoslavia becomes democratic.

What we have achieved is that NATO has shown it is willing and able to keep the peace in Europe. Until now they have been a defensive alliance. For the first time they have had to act militarily, and they have succeeded, they have prevailed, and they will keep the peace in Europe.

The central question here all this century has been do free peoples in democracies have the self-discipline to prevail against dictatorships and all the coercive power they can bring to bear? In this century we have answered that question affirmatively, in two world wars, in the Cold War, and now in Yugoslavia.

It is no time to step back. Support the Skelton amendment.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. GOSS), the chairman of the House Permanent Select Committee on Intelligence.

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

Mr. GOSS. Mr. Chairman, I thank the distinguished chairman for yielding me time.

Mr. Chairman, I believe it is not only prudent but part of a vital duty for this Congress to continue to discuss national security and policy questions relating to our ongoing operations in Kosovo. As part of this debate, I believe we must take a longer view of our foreign policy goals using lessons learned in this current crisis. In a nutshell, what does our intervention in Kosovo imply for our foreseeable future as the world's dominant power? And we are.

Consider that NATO attacked a sovereign country that offered no military threat to the members of the alliance. Consider that NATO justified its attack on the basis of morality rather than self-defense, and NATO limited the accuracy and effectiveness of its attack to those measures that presented the least risk to NATO participants, even though this format predictably caused innocent civilians' deaths.

Where do these actions as a precedent take us? Who else has the ''right'' to mount such an attack? China? Russia? The Organization of African Unity? Some other power? Some rogue Nation?

Where else should NATO attack? The principles of morality have no geographic boundaries. We know that. For every ethnic cleansing in the Balkans, there will be several more, in Africa, Indonesia, any other headline you want to pick in the paper. How can NATO not intervene in the next Liberia, Rwanda or East Timor?

□ 1245

How committed are we to such attacks? Have standoff smart bombs become NATO's version of diplomatic demarche? Is this what we do every time negotiations stall at the bargaining table?

Underlying all these questions is the one most fundamental: What effect do such activities have upon our national security? I have, as chairman of the House Permanent Select Committee on Intelligence, seen a divergence of the intelligence capabilities and assets towards the Balkans that has left much of the intelligence field elsewhere empty.

What then is the end game for this and for future Kosovos? What is the lesson?

I have two recommendations on how to get there. First, I suggest we look with the wisdom of hindsight at the role of NATO in attacks other than for self-defense. I believe that the citizens of NATO countries support our purely humanitarian operations outside our territory, but I have less assurance that after the bloodshed on the ground in Yugoslavia, they will so readily support a military attack outside our territory unless it is in clear self-defense.

Second, I urge that any future interventions never again leave our national security, the United States of America, so vulnerable to surprise and to compromise. We must not allow such efforts to leave us vulnerable to unanticipated crises with our friends or with our adversaries.

We must, in short, have an intelligence and national security structure sound enough and broad enough to handle any such matters as Kosovo, if that is what the future portends, and still stand watch around the world in defense of our national security, which is the number one purpose, the number one duty, and the number one objective of our military.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, the critics were wrong. The headline in today's paper says, ''Kosovo Pullout to Start Today.'' NATO's 11-week, 78-day campaign to stop the genocidal policies of Slobodan Milosevic in Kosovo is producing the results we sought. Today's pullout is the first step towards a complete victory.

As William Kristol and Robert Kagan wrote this week in the Weekly Standard, the victory in Kosovo should send a message to would-be aggressors that the United States and its allies can summon the will and force to do them harm.

Syndicated columnist William Safire hit the nail on the head when he wrote recently, ''International moral standards of conduct, long derided by geopoliticians, now have muscle,'' said Bill Safire. Why? Because of NATO's unified, unwavering action in Kosovo.

The threat of a NATO ground invasion had a decisive impact on the butcher of Belgrade. Not surprisingly, Milosevic capitulated as President Clinton consulted his military advisers on options for ground troops.

Like the cowardly bully who picks on the weak and defenseless, Milosevic caved when he knew there would be no escape. President Clinton's resolve on the Kosovo crisis has enhanced the credibility of the United States and the Atlantic Alliance throughout the world.

Finally, let me state, our efforts to secure a peace in the Balkans are not over. Milosevic has properly been branded as a war criminal by the International War Crimes Tribunal in the Hague, and he must be held accountable. Our credibility has been enhanced, NATO has been strengthened, a brutal dictator has been repulsed, and the cause for human rights has been advanced. If those are not good causes, I do not know what are.

In that context, Mr. Chairman, I urge that we adopt the Taylor amendment, I urge that we adopt the Skelton amendment, and I urge that we reject the Souder and Fowler amendments, which will declare defeat, not victory, which is appropriately our task today.

Mr. Chairman, the doomsayers and the critics were wrong. The banner headline on today's Washington Post says it all: ''Kosovo Pullout Set To Start Today.''

NATO's 11-week, 78-day air campaign to stop the genocidal policies of Slobodan Milosevic in Kosovo is producing the results we sought.

Today's pullout is the first step toward complete victory.

Soon we will be able to count these as our accomplishments:

Success in providing the 1.3 million Kosovars who have been forced to flee their own country or displaced within the province with a safe re-entry to their homeland.

Success in stabilizing this most unstable region of Europe.

And, of utmost importance, success in vindicating the credibility of NATO—and the United States—in rejecting and punishing Milosevic's unbridled barbarism.

As William Kristol and Robert Kagan wrote this week in the Weekly Standard: the victory in Kosovo should ''send a message to would-be aggressors that . . . the United States and its allies can summon the will and the force to do them harm.''

With the Serb invaders retreating and the NATO peacekeepers ready to restore order, it's not too soon to consider the lessons in this campaign and what still must be done.

First, NATO's air campaign in Kosovo decisively demonstrates that the alliance can engage in military action to protect basic human rights and to deter aggression on the European continent.

This policy is not just the right thing to do—it's a strategic imperative.

Syndicated columnist William Safire hit the nail on the head when he wrote recently: ''International moral standards of conduct, long

derided by geopoliticians, now have muscle.'' Why? Because of NATO's unified, unwavering action in Kosovo.

Would-be aggressors everywhere have this message ringing in their ears—don't do it.

If you take aggressive, hostile action against others, you may pay a very steep price indeed.

Further, we have learned that our awesome military might—coupled with the will to use it—provides a very real strategic advantage.

Clearly, the threat of a NATO ground invasion had a decisive impact on the butcher of Belgrade—Slobodan Milosevic.

Not surprisingly, Milosevic capitulated as President Clinton consulted his military advisers on options for ground troops.

Like the cowardly bully who picks on the weak and defenseless, Milosevic caved in when he knew there would be no escape.

President Clinton's resolve on the Kosovo crisis has enhanced the credibility of the United States and the Atlantic Alliance throughout the world.

We make good on our word.

American credibility is a strategic asset of the highest order and well worth fighting for.

Finally, let me state our efforts to secure peace in the Balkans are not over.

Milosevic has properly been branded as a war criminal by the International War Crimes Tribunal at The Hague.

And he must be held accountable.

Our policy goal now should be his removal from office.

But we should encourage the Serbs to remove Milosevic and the brutal leaders who have caused this unnecessary suffering and misery.

Serbia also must be clear about this: so long as Milosevic remains in power, it will not receive financial assistance for its reconstruction.

Mr. Speaker, like some of my colleagues who have traveled to Macedonia and Albania, I have seen the devastating consequences of genocide.

These images have been seared into my memory forever.

We will not always be able to intervene to stop injustice wherever it occurs.

But we have laid down a powerful precedent in Kosovo.

Our credibility has been enhanced, NATO has been strengthened, a brutal dictator has been repulsed, and the cause for human rights has been advanced.

If those are not good causes, I frankly don't know what are.

I urge my colleagues to adopt the Taylor and Skelton amendments and reject the Souder and Fowler amendments.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I thank the gentleman for yielding time to me.

I wanted to respond to one allegation we heard here on the floor today, that what is in the bill under the chairman's language would cut the funds and pull back peacekeepers, once they are in place. I believe such comments are disingenuous and the allegation is false.

The emergency supplemental that we passed here on the floor is not only for 1999, but also for the 2000 cycle. So as we move through the 1999 cycle and we finish, and now we begin the October 1, the funds are not cut off. Yes, there were funds there through the emergency supplemental, but those funds were really used to pay the accounts and pay for the weapons and ammo and other things for the operations.

Can they reprogram? Yes. But what we would like and prefer is for regular order. That would be for the President to offer the amendment, a budgetary amendment in 2000, and to do that with offsets that are nondefense offsets and do not spend the social security surplus.

That is the obligation the Republican Congress has taken up: for every dollar of surplus, we will not spend it. That is what we request of the President.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank the ranking member for yielding time to me.

Mr. Chairman, I rise today in strong support of the Skelton amendment, and would strongly encourage my colleagues to oppose the Fowler and Souder amendments. I believe those are the wrong amendments at the wrong time when we are on the brink of peace in the Balkans. I believe that the NATO policy in Kosovo has been the right policy for the right reasons at the right time.

There were two overriding concerns that got the NATO democracies involved in the Balkans.

One of these, and not least of which, was the importance of trying to contain the conflict so it did not spread into other countries and ultimately result in much greater cost and greater sacrifice to the western democracies later.

But the overriding one, Mr. Chairman, was the humanitarian and moral concerns involved in trying to help the Kosovar families and end the atrocities.

We were reminded by Elie Wiesel what this was all about. When he was asked about the NATO air strike campaign in the Balkans, he responded, listen, the only miserable consolation the people in the concentration camps had during the Second World War was the belief that if the western democracies knew what was taking place, they would do everything in their power to try to stop it, bomb the rail lines and the crematoriums.

Unfortunately, history later showed that the western leaders did know, but did not take any action. This time it is different. This time the western democracies do know what is going on, they are taking action, they are intervening. This time, he said, we are on the right side of history.

Mr. Chairman, we woke up this morning with the news that the first Serb troops are being withdrawn from Kosovo. The policy is working. I think credit should be given where credit is due. It was through the perseverance and unity of all 19 democratic nations of NATO that forced Milosevic to capitulate and end the atrocities in Kosovo.

Now we are at the dawn of a new era of peace in the Balkans. Let us hope it is a peace that sees the eventual removal of Milosevic from power, that sees true democratic reforms take place so the Balkan countries can eventually join the European Union, the community of democratic nations, and perhaps even the NATO alliance itself.

A pipe dream? An illusion? I do not think so. Who among us could have predicted that within 10 short years, some of the most repressive Communist regimes in all of Europe would be today flourishing democracies, members of the European Union and NATO itself?

The same can happen in the Balkans. Let us give this policy of peace in the Balkans a chance.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, NATO has achieved not a victory but a cessation of war, for now. It is important that Congress maintain a tight rein on the administration's policy in the Balkans through not providing a blanket authorization past September 30, which the Skelton amendment would effect.

The agreement that was signed is significant for what it does not say. The KLA was not a party to the agreement. The KLA is not even mentioned in the text of the agreement. The agreement does not limit the types and quantities of weapons the KLA must turn in. The agreement does not require the KLA to turn in rifles and machine guns purchased in Albania and on the black market.

Keep in mind the KLA's goal is still an independent Kosovo. They will not accept NATO's new goal of autonomy. They will return to the province well armed and well protected.

The agreement also provides for Yugoslav forces to be allowed back into Kosovo, but it does not say when. This agreement may have established a fertile ground for more war. This agreement could exchange the ill-fated and ill-advised quest for a greater Serbia for an ill-fated and ill-advised quest for a greater Albania.

It is urgent that Congress keep control in such an undefined and unpredictable environment created by an undefined agreement. Our young men and women could end up trapped in a ground war in Kosovo. Our young men and women could end up in a circular firing squad between an armed KLA and Serbs, Serb units trying to get back into the province.

Only congressional oversight will keep America from getting deeper and deeper into a reignited war between the KLA and Serbia. That is why I am going to support the Fowler and Souder amendments.

The administration already has funds appropriated for peacekeepers and

military. There is no cut in funds being affected here. The Skelton amendment will permit the administration to have more authority to use money to send in troops or peacekeepers after October 1. This is June 10. Vote against the Skelton amendment.

Mr. SKELTON. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DeFAZIO. Mr. Chairman, the Skelton amendment would allow a legitimate and proportionate role in peacekeeping, 7,000 troops. Earlier the gentleman from Indiana questioned whether that would stretch our forces too thin, whether they were overextended.

I do not believe the short-term commitment of 7,000 peacekeepers is an overextension. But the thoughtless, nonstrategic, nontactical permanent garrison of 100,000 troops in Europe is expensive and does overtax our military resources.

Ask a military strategist, why a permanent garrison of 100,000 troops in Europe? They say, well, to show commitment to Europe. I think we have shown commitment. Commitment to what, I might ask? To subsidizing and offsetting the legitimate defense obligations of our allies in Europe?

For years we were poised to repel an attack through the Fulda Gap. The only invasion going on in Eastern Europe into the former Soviet bloc involving the Gap is an invasion by a U.S.-based clothing store into that area. There is no threat from the Soviet bloc any longer. We no longer need to permanently garrison 100,000 troops in Europe.

Support the later vote on the Shays-Frank amendment to phase down our obligation to 25,000 troops, and help our military to husband its resources so they can serve their core obligations to defend our Nation against real threats.

That would be a vote here. If Members are really concerned about the military being stretched too thin, vote to stop that permanent, thoughtless, anachronistic deployment of 100,000 troops.

Mr. SKELTON. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY).

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Chairman, a peace has been negotiated in Kosovo, and are we not relieved? And are we not proud of our troops, and are we not proud that we did not do this in a unilateral effort, it was a multilateral effort?

But at the same time, we must not overlook the United States' share of the burden to reach this agreement. In this effort, the United States forces have flown about 65 percent of the air sorties, including combat and support operations. The U.S. is also providing at least 25 percent of refugee and migration assistance, shouldering the major burden of the Kosovo conflict.

Even when this conflict is right in their own backyard, as the situation in the Balkans takes its toll, many of our allies are continuing to enjoy higher standards of living than our constituents, the American people. These nations can support education, health care, child care, and vital social programs because we pay their military bills.

□ 1300

Our Europeans have gotten used to the American taxpayer picking up the tab for their defense. When they are allowed to do this, we cheat our children, we cheat our seniors, we cheat ourselves.

Mr. Speaker, the time has come for our allies to pay their fair share and come to the United States with that share so that we can invest in our children, our seniors, and our environment. Vote for Shays-Franks this afternoon.

Mr. SKELTON. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Chairman, the Yugoslav surrender is the first mark of hope in a long time for more than a million Albanian Kosovars. The horror that they have endured has ignited outrage around the world.

In a recent trip that I took with some of my colleagues to Albania and Macedonia and to the border of Kosovo, I talked with refugees coming and streaming across the border and into the camps.

I talked with one 16-year-old boy who told me he watched in horror as the paramilitary police tore the eyes out of his father's head.

I talked to a woman who told me how they came into her home, took her jewelry, stole her money, took her documents, and then ordered her out of the House as they burned her house with her mother and father still in it.

I talked to a woman, who had five children, who told me they could not get food for 4 days. They were locked in their house, afraid to go out because of the troops. When they sent the grandfather, who volunteered to go out to get them food, he was executed in the street.

The horrors go on and on and on. From a moral perspective, Mr. Speaker, America and our NATO allies had no choice but to hit Milosevic, hit him hard, hit his forces in Kosovo hard in order for them to withdraw.

Now, this has not been easy, nor without controversy. Military action never is. I respect those in the House whose opinions differ from mine. Each of us must answer to our own conscience in these very difficult issues.

I want to thank those Members on this side of the aisle who, under tremendous pressure, stood firm in their support for this policy. I believe their resolve has been vindicated.

The Speaker was in a difficult decision in terms of his own conference pulled one way and the other way, and he stood up at various times throughout this process and helped move it forward, I think, in a positive way. I only hope today that he will stand up again.

I regret to say, though, there are those who have tried to politicize the war. For more than 2 months, they have rallied against this war, they have called it, quote-unquote, the Clinton-Gore war. This was America's effort, not the Clinton-Gore war, America's effort to say never again. It was our effort to try to say to those who were trying to commit ethnic cleansing, no, you cannot do that. We will not sit idly by.

Now these forces are attacking the peace. Our troops are still engaged. Their lives are at risk. From the beginning of this conflict, the brave men and women of America's armed forces have performed magnificently. They have answered the call of duty with tremendous bravery and skill and determination. We owe it to them to support their critical work in the months ahead.

This House of Representatives has not handled, in some instances, this matter with dignity. We have sent contradictory signals throughout the past several months. We have been divided too long. But today we have a chance to set aside these divisions.

This is an historic moment for NATO and for the strength of our alliance. Let us come together today in this House. Let us support the peace process. Let us recognize that America has once again stood tall for the values that our great-grandparents, our grandparents, our fathers and mothers stood for when they fought in the First and Second World Wars in Europe.

The road ahead will be arduous. It is not going to be easy. Kosovo must be secured, and nearly half a million of their people must be settled in their homes. We owe it to those who fought bravely for us and to those who have been persecuted so much, we owe it to finish this thing in a responsible way.

It will not be finished by September. Cutting off their funding would only undermine their mission, even as they stand on the bridge of success. So let us support our troops and let us support a strong peace.

I urge my colleagues to vote yes on the Skelton amendment and no on the Fowler and the Souder amendments.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Let me just say a couple of things here. First, the devil is in the details. Mr. Milosevic has burned every village in Kosovo, or almost every village, and the simple fact is that he is now going to stop burning, now that there is nothing left, is not necessarily a victory.

I have two staff members who, as volunteers, have delivered some 20,000 packages of food and medicine to the refugee camps. They report to me that massive numbers of men are missing. By British estimate, I believe it is, 100,000 men from the Kosovar peasant population. We need to know what has

happened to those men. Have they been executed? Are there mass graves? Are they in the custody of Serbs?

So the Serbs are moving back, in theory, or moving back into Serbia, but many questions remain.

But a very important thing has happened here, Mr. Chairman. The ranking member has informed me that the President has called just a few minutes ago and said, in response to our concerns, that he is not going to spend any readiness money on reconstruction or on peacekeeping operations, but that he will come to us with a supplemental appropriations request.

Mr. Chairman, I yield, and I would like the gentleman from Missouri (Mr. SKELTON) to make that clear.

Mr. SKELTON. Mr. Chairman, yes, I will restate what the President told me just briefly a few moments ago. First is that he fully intends to ask for a supplemental from the Congress for peacekeeping.

Second, after I raised the matter of timeliness with him, he said he fully intends to ask for it well before September 30.

Third, he said it is not his intent to use any readiness funds that we are authorizing and appropriating for peacekeeping.

Mr. HUNTER. Mr. Chairman, reclaiming my time, I thank the gentleman for the clarification, and I hope he will work with me and other members on both sides who are concerned about getting our ammunition stocks back to where they need to be. I know the gentleman knows they are very low right now.

Mr. SKELTON. Mr. Chairman, if the gentleman will yield, that is the reason I left section B out of my amendment. It has always been my intent that there should be a supplemental request and now, of course, fortunately, it is just for peacekeeping as opposed to both combat and peacekeeping.

Mr. HUNTER. Mr. Chairman, I think that makes very, very clear the point of the gentleman from South Carolina (Mr. SPENCE), which was that the President had put nothing for peacekeeping in this defense bill. So the logical deduction was that any peacekeeping, absent a supplemental, had to come out of ammunition, had to come out of readiness; and that is something that would have disserved the country.

I appreciate the gentleman from Missouri (Mr. SKELTON) for explaining the President's recent statement.

Mr. UNDERWOOD. Mr. Chairman, there is no doubt that the underlying bill is worthy of support. However, the language contained within, which prohibits funds from being utilized for Kosovo operations next year, will destroy the faith in the peace accords that were just yesterday agreed to.

Section 1006, as drafted by the Republican majority, will prohibit any funding authorized under this act from being used for the current NATO operations in Kosovo. While almost impossible to enforce and monitor, this section has a demoralizing effect upon the morale and welfare of our troops engaged in the NATO operations. This section is completely unnecessary and sends the wrong message to our allies and troops. I applaud Congressman SKELTON's efforts to strike this language.

The insidious language built into this bill is there for the purpose to embarrass the President and his efforts to broker peace in the Balkans.

As this operation was conducted on the basis of coalition forces, it is absolutely essential that American forces participate without any hesitation. This spending ''road block'' may prevent military peace keeping planners and commanders from placing necessary equipment in place to do the job and do it right.

Mr. Chairman, I can appreciate that many may fear that this unforeseen operation would place extra burdens on our troops. I can also appreciate that the President must be reminded that he should not pay for this operation out of hide. But by pinching off this artery of military funding, we are removing the flexibility of our commanders to make deployment decisions based on practical military and peace keeping operations. That is irresponsible.

Furthermore, Mr. Chairman, I do not understand the rhetoric on this debate about the need to ''protect the funding of our military.'' I would ask my colleagues in opposition to simply read the amendment. That is precisely what Mr. SKELTON's amendment does—it asks that the President return to this body to seek additional funds for Kosovo operations.

Additionally, I do not understand the rhetoric over ''winning'' or ''losing'' in terms of Operation Allied Force. There was no real victory—thousands of Kosovars have been killed in a Serbian campaign of genocide—and there was no real defeat—Belgrade has capitulated and accepted the peace accords that will bring a durable armistice to the Kosovo region. Indeed what we do have is success—the success of President Clinton and his leadership, the success of NATO, and the success of a measured response—air power—to a complex situation that was engineered by a now indicted war criminal, Yugoslavian President, Milosevic. My dear colleagues, let us not turn this success into failure.

Mr. Chairman, by passing the Skelton amendment, Congress will send two strong messages: First—we let our NATO allies know that our full resources are behind the peace accord 1000 percent. Second—we let the Administration know of our strong concern to not let this peace keeping operation further degrade the readiness of our military. The President should return to Congress for an Emergency Supplemental next year to pay for this peace accord and our role within it. Mr. Chairman, let's choose leadership over fear and pass the Skelton Amendment.

The CHAIRMAN. All time for general debate has expired.

It is now in order to consider the last five amendments printed in part A of House Report 106–175 which shall be considered in the following order: Amendment No. 17 offered by the gentleman from Mississippi (Mr. TAYLOR), Amendment No. 18 offered by the gentleman from Indiana (Mr. SOUDER), Amendment No. 19 offered by the gentleman from Missouri (Mr. SKELTON), Amendment No. 20 offered by the gentlewoman from Florida (Mrs. FOWLER), and Amendment No. 21 offered by the gentleman from Connecticut (Mr. SHAYS), the gentleman from Massachusetts (Mr. FRANK), the gentleman from California (Mr. ROHRABACHER), the gentleman from California (Mr. CONDIT), the gentleman from California (Mr. BILBRAY), the gentleman from Florida (Mr. FOLEY) or the gentleman from Michigan (Mr. UPTON).

It is now in order to consider Amendment No. 17 printed in House Report 106–175.

AMENDMENT NO. 17 OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 17 offered by Mr. TAYLOR of Mississippi:

At the end of title XII (page 317, after line 17), insert the following new section:

SEC. ___. OPERATIONS IN THE FEDERAL REPUBLIC OF YUGOSLAVIA.

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

(1) Article I, section 8 of the United States Constitution provides that: ''The Congress shall have Power To . . . provide for the common Defence . . . To declare War. . . To raise and support Armies . . . To provide and maintain a Navy . . . To make Rules for the Government and Regulation of the land and naval Forces . . .''.

(2) On April 28, 1999, the House of Representatives by a vote of 139 to 290, failed to agree to House Concurrent Resolution 82, which, pursuant to section 5(c) of the War Powers Resolution, would have directed the President to remove United States Armed Forces from their positions in connection with the present operations against the Federal Republic of Yugoslavia.

(3) In light of the failure to agree to House Concurrent Resolution 82, as described in paragraph (2), Congress hereby acknowledges that a conflict involving United States Armed Forces does exist in the Federal Republic of Yugoslavia.

(b) GOALS FOR THE CONFLICT WITH YUGOSLAVIA.—Congress declares the following to be the goals of the United States for the conflict with the Federal Republic of Yugoslavia:

(1) Cessation by the Federal Republic of Yugoslavia of all military action against the people of Kosovo and termination of the violence and repression against the people of Kosovo.

(2) Withdrawal of all military, police, and paramilitary forces of the Federal Republic of Yugoslavia from Kosovo.

(3) Agreement by the Government of the Federal Republic of Yugoslavia to the stationing of an international military presence in Kosovo to ensure the peace.

(4) Agreement by the Government of the Federal Republic of Yugoslavia to the unconditional and safe return to Kosovo of all refugees and displaced persons.

(5) Agreement by the Government of the Federal Republic of Yugoslavia to allow humanitarian aid organizations to have unhindered access to these refugees and displaced persons.

(6) Agreement by the Government of the Federal Republic of Yugoslavia to work for the establishment of a political framework agreement for Kosovo which is in conformity with international law.

(7) President Slobodan Milosevic will be held accountable for his actions while President of the Federal Republic of Yugoslavia in

initiating four armed conflicts and taking actions leading to the deaths of tens of thousands of people and responsibility for murder, rape, terrorism, destruction, and ethnic cleansing.

(8) Bringing to justice through the International Criminal Tribunal of Yugoslavia individuals in the Federal Republic of Yugoslavia who are guilty of war crimes in Kosovo.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Mississippi (Mr. TAYLOR) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. TAYLOR).

MODIFICATION TO AMENDMENT NO. 17 OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I ask unanimous consent that the amendment be modified in the form at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification offered by Mr. TAYLOR of Mississippi—

In the text of the matter proposed to be inserted, strike clauses 2 and 3.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

Mr. HUNTER. Mr. Chairman, reserving the right to object, I would simply like to ask the gentleman from Mississippi (Mr. TAYLOR) to explain his modification.

I yield to the gentleman from Mississippi (Mr. TAYLOR) for that purpose.

Mr. TAYLOR of Mississippi. Mr. Chairman, I thank the gentleman from California (Mr. HUNTER) for yielding to me, and I very much appreciate his previous remarks about the willingness to work with all parties to see to it that the military is adequately funded while we ensure the victory that has been won.

As the gentleman knows, we began this debate 2 weeks ago. At that time, American armed forces were at war, as far as I am concerned, with the Yugoslav army and Serbians. Because of the Memorial Day district work period, because of the other delays in getting this vote to the floor, a great many things have happened, all, in my opinion, good for the United States and good for NATO and good for the good guys, the forces of peace in the world.

One of the things that was included in the original motion was to have Congress admit that a conflict does, indeed, exist between the United States of America and Yugoslavia. Because of the good news that came out of the Balkans yesterday, that is no longer necessary.

A second portion that the gentleman from California (Mr. CAMPBELL) and others might have found offensive was a reminder of Congress' failure to act on this matter before.

At the request of the gentleman from California (Mr. CAMPBELL), I am removing those two portions. The first one makes absolute sense because, thank goodness, we are no longer involved in armed conflict with the people of Yugoslavia.

The second one, I must admit, was probably done, I felt, to help strengthen the cause of what needed to be done then when we were still in conflict and no longer is necessary. So, therefore, I have agreed to remove it at the request of the gentleman from California (Mr. CAMPBELL).

The CHAIRMAN. The Chair requests that the gentleman from Mississippi (Mr. TAYLOR) provide another copy of his proposed modification to the Chair.

The Clerk will rereport the modification.

The Clerk read as follows:

Modification to part A amendment No. 17 printed in House Report 106–175 offered by Mr. TAYLOR of Mississippi:

In the text of the matter proposed to be inserted, strike the section heading and all that follows through the end of paragraph (a) and insert in lieu thereof the following:

At the end of title XII (page 317, after line 17), insert the following new section:

SEC. 1206. GOALS FOR THE CONFLICT WITH THE FEDERAL REPUBLIC OF YUGOSLAVIA.

(a) FINDING.—Article I, section 8 of the United States Constitution provides that: ''The Congress shall have Power To . . . provide for the common Defence . . . To declare War . . . To raise and support Armies . . . To provide and maintain a Navy . . . To make Rules for the Government and Regulation of the land and naval Forces . . .''.

(b) GOALS FOR THE CONFLICT WITH YUGOSLAVIA.—Congress declares the following to be the goals of the United States for the conflict with the Federal Republic of Yugoslavia:

(1) Cessation by the Federal Republic of Yugoslavia of all military action against the people of Kosovo and termination of the violence and repression against the people of Kosovo.

(2) Withdrawal of all military, police, and paramilitary forces of the Federal Republic of Yugoslavia from Kosovo.

(3) Agreement by the Government of the Federal Republic of Yugoslavia to the stationing of an international military presence in Kosovo to ensure the peace.

(4) Agreement by the Government of the Federal Republic of Yugoslavia to the unconditional and safe return to Kosovo of all refugees and displaced persons.

(5) Agreement by the Government of the Federal Republic of Yugoslavia to allow humanitarian aid organizations to have unhindered access to these refugees and displaced persons.

(6) Agreement by the Government of the Federal Republic of Yugoslavia to work for the establishment of a political framework agreement for Kosovo which is in conformity with international law.

(7) President Slobodan Milosevic will be held accountable for his actions while President of the Federal Republic of Yugoslavia in initiating four armed conflicts and taking actions leading to the deaths of tens of thousands of people and responsibility for murder, rape, terrorism, destruction, and ethnic cleansing.

(8) Bringing to justice through the International Criminal Tribunal of Yugoslavia individuals in the Federal Republic of Yugoslavia who are guilty of war crimes in Kosovo.

The CHAIRMAN. Does the gentleman from California (Mr. HUNTER) continue to reserve the right to object?

Mr. HUNTER. Yes, Mr. Chairman.

Further reserving the right to object, I yield to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I simply wish to be clear and offer the gentleman from Mississippi (Mr. TAYLOR) a chance to respond if he would be so kind. First of all, I express gratitude to the gentleman from Mississippi for his kindness. Secondly, I express admiration to him for his consistency. Though we disagree on the policy in Kosovo, I note that the gentleman and one other Member of our body had the courage of his convictions to recognize that what was happening was war and to so vote when I brought a resolution to the House floor on April 28. I admire him for that. I have so said so publicly and I repeat it today.

I wish to be clear, and I ask the gentleman from Mississippi if he would be so kind as to make it clear that the purpose of his unanimous consent to remove clauses 2 and 3 in his amendment is to prevent any possible implication of relevance to the pending litigation one way or the other, which I commenced with other Members of the Congress regarding the legality of this war.

Mr. HUNTER. Further reserving my right to object, I yield to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, let me return the compliment to the gentleman from California (Mr. CAMPBELL). I thought it was of the utmost importance that this body, which has the constitutional duty to declare a war, had to vote on that issue. It was the gentleman from California (Mr. CAMPBELL) that forced that to happen on the House floor.

Although I regret the outcome of that vote, we did at least what the Constitution says that we were supposed to do, which was to vote on that. I have no intention of trying to do anything legislatively that affects the outcome of the gentleman's lawsuit or any other lawsuit.

As the gentleman knows, as Members of Congress, things I have to remind my constituents on on a regular basis, that we are barred by law from getting involved in anything that involves another person's litigation as Congresspeople.

So, therefore, I certainly do not want to adversely affect the gentleman's suit in any way. If this helps the gentleman to accomplish his goals, which is to clarify the War Powers Act, and reestablishes Congress' constitutionally mandated duty to declare a war that is our decision, then I want to see to it that that happens.

Mr. HUNTER. Mr. Chairman, further reserving my right to object, I yield to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I thank the gentleman from Mississippi (Mr. TAYLOR), and I renew my expression of high regard for him. We share this common goal.

Mr. HUNTER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the modification offered by the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi (Mr. TAYLOR) for 15 minutes.

Mr. TAYLOR. Mr. Chairman, 2 weeks ago yesterday, an extremely high-ranking member of the American forces in Europe took the time to visit, at our request, the gentleman from Missouri (Mr. SKELTON) and myself.

□ 1315

At that time, that extremely high-ranking American officer expressed his concern that the Congress really had not gotten behind this effort, and he felt that it was bad for morale, bad for the troops and quite possibly could affect the outcome of the conflict.

The question, as I recall, from the gentleman from Missouri (Mr. SKELTON) was what can we do; how can we help? If I recall, that officer, being the good officer that he is, he said that is not my place to tell Congress what to do. So, then, a suggestion was made by the gentleman from Missouri, well, what if we came out for something? What if after all this time, and at that time it had been over 45 days, Congress finally says what we are for in this conflict? That extremely high-ranking officer said, yes, that would help; the troops need to know that Congress is for something.

He then went on to say that it would probably be helpful to say that we are for the goals already articulated by NATO. And at some point someone said, well, what about the war criminals; what about the ones who made this happen? Should they not be held accountable? The answer was yes, they should be, and that should be one of America's goals. With that in mind, the gentleman from Missouri and I drafted this amendment.

I want to take the time to compliment the new Speaker of the House. He may not even remember the conversation, but 2 weeks ago today, as the rule for this bill appeared to be going down, I took the time to ask the Speaker to sit right there, explained to him what had happened, and told him how important I thought it was that America's Congress, if the 435 elected representatives of the people elected just last November, express what we are for in this conflict. I do not think it is a coincidence that we are where we are today, and I do thank the Speaker for what I think is his help in seeing that this will happen.

The amendment before my colleagues takes the stated goals of NATO and adds to them two additional goals. Number one, Slobodan Milosevic, who by all accounts has now started four wars, one in Slovenia, one in Croatia, one in Bosnia, one in Kosovo, be held accountable for the rapes, the murders, the torture and the destruction caused by him and his lackeys in four wars.

I took the time to research the Gulf War debate from January of 1991. I took the time to see what many of my colleagues said then. In almost every instance they talked about the rapes, they talked about the murders, they talked about innocent lives being taken by a brutal dictator and his henchmen. It is the same thing now.

We are the good guys. And as many of my colleagues have reminded their other colleagues, yes, we cannot be the policemen for the world, but there are some things that we can do. And those things we can do, we should do. And to quote the preacher at Walter Jones, Sr.'s funeral, ''And with the help of God, we will do.''

We have proven in Bosnia there are some things we can do. The highest reenlistment rates in the United States Army come from people who have just been to Bosnia, because they know they are doing good things.

A couple of years ago I went over there fully intending to come home with a notebook full of stories of why we should not be in Bosnia. I took the time to stay at the mess halls and visit with the kids. A young kid from Ocean Springs, Mississippi, not knowing my agenda, just told me what was on his mind. His name was Chuck Rhodes. Should we be here? Yes. Why? Because I am keeping women from getting raped, I am keeping little kids from getting tortured, I am keeping old people from being drug out of their houses and murdered. That is why I joined the United States Army, to be a good guy.

He said it more clearly than any Secretary of State, any admiral, any general, any President. In five sentences he articulated what we are trying to do as a Nation. It is about time that this Congress, which is given the constitutional duty to provide for the troops, to provide for the common defense, to raise and support armies, to provide and maintain a navy, to make rules for the government and regulation of the land and naval forces. That is what this is all about. We are making the rules for the peace in Bosnia. And I regret that we are 60 days late, but it is never too late to do the right thing.

So I would ask all of my colleagues, regardless of whatever hesitation that they may have had before this started, to recognize the fact that Bill Clinton did not win this war, Madeleine Albright did not win this war, the brave young Americans who flew over 30,000 sorties, and put their lives on the line every time they did so, they won this war. Let us do not give away the peace that they have won. And let us say as a Nation this is what we are for, and that since they have been willing to put their lives on the line to let it happen, let us as a Congress make sure that it does happen.

So I ask all of my colleagues, regardless of whatever hesitations they might have had before, let us be for this. Let us be for taking a communist tyrant who has raped people, murdered people, forced parents to have sex with their own children at gun point, thrown so many bodies in the rivers of Yugoslavia that the turbines in the hydroelectric plants clogged with their corpses, let us see to it that they are brought to justice and that we send a message as a Nation that people who do those sorts of things will be held accountable and we are not going to let it happen again.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek the time in opposition to the amendment of the gentleman from Mississippi?

Mr. HUNTER. Mr. Chairman, I claim the time set aside for the opposition.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. HUNTER) for 15 minutes.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Let me just say to my colleague, as a Member who did vote to support the air operation, and who has a number of members of my staff working as volunteers to try to help the people who have been oppressed, who have been moved out of Kosovo, that we are not home free; that this is a very, very difficult situation; that it can be argued very strongly that Mr. Milosevic has accomplished most of his foreign policy goals, if in fact those goals were to destroy the homes and the livelihoods of the ethnic Albanians in Kosovo. Very clearly, that has been almost entirely accomplished. I have not gotten the latest reports, but my understanding is that most of the villages, and which a substantial majority of Kosovo is ethnic Albanian, have in fact been burned. There are not many villages, if any, left to burn.

Now, my friend talked about the troops and about the wonderful performance of our men and women in this air war. Let me just reiterate this point, because I do not think it can be reiterated enough. I do not think many of those folks watch us on television, and I do not think many of them read the CONGRESSIONAL RECORD. I think the place where they see the manifestation of our support or lack of support is in several ways: One, when they sit at the breakfast table with their wives and their children and they look at their paycheck and they notice that their paycheck is now 13 percent on the average less than the paycheck on the outside. That means if they are an electronics technician in the Navy that they are making 13 percent less than if they were working in the private sector. I think that says something to them about how important they are to us.

Secondly, when they go out on operations and they discover that they do not have the right type of preferred ammunition, and in some cases they know the ammunition stocks are almost gone, that says something to them about their prioritization within this House of Representatives.

And lastly, when they have to climb into that piece of equipment, whether it is the B–52 bomber that the Clinton administration now says we will fly until they are 80 years old, instead of

new equipment, instead of a B–2, for example, or even a B–1, that says something to them also. I think whether a person works for a trucking company or whether they work for the U.S. Air Force, the age of the equipment that person is supplied with to work with has a large effect on their morale.

Now, we all know now that this budget that the President submitted for this year did not put a dime in for the Kosovo operation, so that led us to the inescapable conclusion that if the President was going to start a peacekeeping operation, he was going to start doing what he has done in the past, which is dipping into the cash register and taking ammunition money and taking pay money and taking readiness money out of that cash register to pay for an ongoing operation. We want to make sure that does not happen. And I think the gentleman from Missouri (Mr. SKELTON) wants to make sure that does not happen also.

So let me say a couple of things. First, the devil is in the detail with respect to the Kosovo operation. I want to know what has happened to the 100,000 men, and I believe that is the British estimate of men who are missing from their family groups. And my own staff stood there at the Albanian border and watched thousands of women and children come across with no men, and almost all those families had stories of the men being separated and taken off to an undisclosed destination by Serbian troops. What has happened to those people? Have they been taken up into Serbia? Are they at camps? Have they been executed?

Secondly, what is left of the infrastructure inside Kosovo with respect to its ability to accommodate anybody, now that Mr. Milosevic has burned most of those villages? Is there anything left for them to go back to? We need to look at that very closely.

Lastly, I think we need to look at the European Community and make sure that the European Community, which has budget problems just like this community has, the American community, is not looking at a way to make the Americans pay for the majority of the restoration of Kosovo. Because very clearly we have paid for the majority of the air campaign and we know it is very important for our allies to participate in this.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, based on the gentleman's comments, I find that he and I are singing from the same sheet of music, and I thank him for that.

My main purpose for rising, however, is to compliment the gentleman from Mississippi. I think it is important that the goals for this entire challenge be set forth, and he has done that quite well for today as well as the challenge for tomorrow. I thank him for his thorough review of those goals.

Mr. HUNTER. Mr. Chairman, reclaiming my time, I thank the gentleman and I also want to compliment the gentleman for his laying out of the goals that the United States as well as other western nations must be interested in.

Mr. Chairman, I would ask how much time we have remaining?

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman from Mississippi (Mr. TAYLOR) has 7½ minutes remaining, and the gentleman from California (Mr. HUNTER) has 9 minutes remaining.

Mr. HUNTER. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. CUNNINGHAM), the distinguished Navy ace.

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding me this time.

When this whole event started, many of us fought against it; felt it was wrong. The total number of people killed in Kosovo, prior to the United States bombing, was 2,012. Not saying a single life is not worth something, but of that 2,012, one-third of those were Serbs that were murdered by the KLA. Their churches were bombed, their police were killed and kidnapped. And was there fighting there? Yes. Were both sides brutal? Absolutely yes. But was there massive ethnic cleansing? No.

There are 300,000 Serbs that live where the KLA is not, mostly in Belgrade. Not a single one has left.

□ 1330

But the KLA wants a complete separation of Kosovo. They also want Montenegro. They also want Macedonia. And they also want part of Greece. That is why the Greeks are so adamant about supporting the Serbs; they are afraid of expansionism by the KLA.

And yes, there are atrocities on both sides. And I have no doubt that on both sides there have been atrocities, mostly by the Serbs. But for us to go over there and do what we have done is unconscionable.

The President said this is a big win. We have killed more civilians, two-and-a-half times, over twice, the amount that the Serbs killed in an entire year prior to the bombing. Through the bombing of NATO, there have been over twice the number of people killed in Kosovo as were killed prior to our bombing.

If we listen to the people, the Albanians themselves coming out of Kosovo, listen to what they are saying, they were forced out of their homes after the bombing started. And many of my colleagues say, well, Milosevic had a plan, he had a plan, and we had a plan. Well, we implemented that plan.

There are hundreds of thousands of people, in my opinion and, I think, the world's opinion that would not be refugees today if we had not bombed. That is not a win. And they say there is no loss of life. Ask the crew of the Apache that were killed over there in Kosovo, the loss of 117s.

Before we get out of this, conservative estimates say, $50 billion to help rebuild Kosovo and what we have destroyed. Jesse Jackson, I do not support Mr. Jackson's views most of the time, but I thought he showed some real wisdom in the fact that he said that to get into the minds of the other side, to understand what the fears are of both sides, not just the Albanians, but what the fears of the Serbs are.

He also said we ought to have as much compassion for the innocent men, women and children, the Yugoslavs, as we have for the Serbs. And all I hear is that the Serbs are terrible. It is not all true. We cannot demonize an entire nation of people. The Nazis were terrible in World War II, but all Germans were not Nazis and did not commit those crimes.

From the very first day, I said there were certain things that we had to do to bring peace. And if we take a look, the number one fear, put ourselves in the Serbs' shoes, where one of three of them died in World War II defending Kosovo, their number-one fear was that, under Rambouillet, Kosovo was going to become independent.

There is nothing in this agreement. And I agree that is what should have been done. They may have cantonization, but it still should remain under former Yugoslavia.

Second, the Serbs were absolutely petrified. Where the KLA is, they are not in mass forces, but there are Mujahedin and Hamas within that and they want independence and they are going to cause problems and they were afraid. And when Rambouillet said that all their forces had to go out and their police, and none of the laws would form under Belgrade but from the Albanian civilians, they said, hey, this is Serbia.

That is like Texas falling to Mexico and then saying, hey, Washington, D.C., has no laws over that. We would not do that.

But if we take a look, the Russians in there support it. The Greeks in there support it.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not going to debate the exact type of horror that was perpetrated on the people of Kosovo. But I would daresay that using the analogy that some of my colleagues have used, that World War II was a failure because we did not prevent Hitler from killing over 4 million Jews, I do not think World War II was a failure. We stopped the horror.

I do not think what we did in Kosovo was a failure. We stopped the horror. We did it with absolute minimum loss of American life.

Are we somehow disappointed there was not a big body count? Are we somehow disappointed there will not be another wall on the Mall with 50,000 American names? I am not. I am happy. We did not lose one kid.

The gentleman from California (Mr. DUNCAN HUNTER) is exactly right, we need to get them new weapons, we need to get them the right ammunition, we need to pay them like a free society ought to pay volunteers. He is exactly right. And none of us are in disagreement on that.

We also need to protect the peace that they have won. We, as the Congress of the United States, ought to set the rules for the Army and the Navy, and that is what I am asking the Congress of the United States to do right now. And we ought to bring those people who have done horrible things to justice. They should be held accountable for what they have done.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield the remaining time to the distinguished gentleman from Virginia (Mr. BATEMAN).

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman from Virginia is recognized for 4 minutes.

Mr. BATEMAN. Mr. Chairman, I thank my friend from California for yielding the time.

This issue of America's involvement in the Balkans has given me more difficulty than any public policy issue I have ever been called upon to address. I must tell my colleagues that I have no satisfaction whatsoever in the manner in which the Congress of the United States has dealt with that terrible issue and the way we have performed consistent with what I would regard, if not our constitutional duty, the duty of common sense and of good public policy. We have, basically, from the beginning sought to insulate ourselves from what was going on.

I do not have the time to lay out anything other than just a very few bullet points that need much more exposition.

I have a strong point of view that this administration stumbled and bumbled through incredible ineptness in their execution of policy that got us into the mess we are in. But once we were in that mess, I have never understood the unwillingness of the Congress to confront the fact that we are there and our forces were engaged. And being engaged, we ought to either say, bring them home, or we ought to have supported them by a resolution authorizing them to be there and allowing such forces as were necessary to accomplish goals that we established as being valid goals.

Because we did nothing of that sort in the four resolutions that were offered on the floor of the House, I introduced H.J.Res. 51. I suggest my colleagues might want to read it. I am very disturbed by the fact that we have not done what we should.

The amendment of the gentleman from Mississippi (Mr. TAYLOR), as I understand it, there is little, if anything, in it that I would disagree with. I think it is basically a rhetorical statement. I happen to agree with the rhetoric. It gives me no problems at all.

Let me take what remaining time I have to address the amendment of the gentleman from Missouri (Mr. SKELTON) which I understand will be next or soon in order.

I do not have any disagreement with Mr. Skelton on that because I do not think this Congress ought to be saying to the President of the United States that he cannot deploy forces that are already deployed, he must withdraw. But this amendment, the language which is in the bill, is not intended to be an interference with the President's constitutional prerogatives. It is intended to be in keeping with the constitutional prerogatives that are clearly those of the Congress.

As chairman of the Subcommittee on Military Readiness, I am very, weary year after year after year of authorizing and appropriators' appropriating funds for stated purposes in areas of concern to be taken care of where there are problems, only to find that the administration, because of contingencies, has taken the money and spent it somewhere else.

What do we care, or do we even care anymore, about our responsibility as the Congress to control the purse strings? What difference does it make for us to spend our time authorizing after months of study and then appropriating funds if, having done so, the President can go off on any operation he chooses, spend the money in ways other than what we direct, and say nothing to this?

I am not against what the President is doing or finally has been required to do in Kosovo, and I am delighted with what appears to be a reasonable success. But it does not alter the fact that when we appropriate hundreds of millions of dollars devoted to specific reasons and purposes to look after the readiness and to get the equipment for our forces, we want it spent for those reasons.

If the President's policy takes us in a deployment somewhere, the President should come back to us and seek the funds for it, not spend it from things that we have otherwise authorized and appropriated. And that is what the issue is about and the only reason I would not be able to support the Skelton amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me close by thanking the gentleman from California for what he did back in April, which was to force the 435 elected officials, not one of us was appointed, not one of us was annointed, every one of us begged for this job, for forcing us to do what we should have done all along.

I also want to thank him for coming to me with what I thought was a very common-sense compromise on this issue. Again, what I had set out to do in the beginning was to help that very high-ranking American officer and let him and all the troops know that the Congress of the United States is behind them in what they are trying to accomplish. We have a chance to do that right now.

And lastly, I want to thank the Speaker of the House, who I do believe played a part in seeing to it that that amendment which was originally blocked from consideration 2 weeks ago is being voted on today. I think that is supporting what we are doing today.

I think for the sake of the kids who flew the 30,000 sorties and put their lives on the line every time that we protect the peace, that they risked their lives to gain.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Mississippi (Mr. TAYLOR).

The amendment, as modified, was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider Amendment No. 18 printed in Part A of House Report 106–175.

AMENDMENT NO. 18 OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 18 offered by Mr. SOUDER:

Strike section 1006 (page 270, line 20, through page 271, line 9) and insert the following new section:

SEC. 1006. PROHIBITION ON USE OF FUNDS FOR MILITARY OPERATIONS IN FEDERAL REPUBLIC OF YUGOSLAVIA.

None of the funds appropriated or otherwise available to the Department of Defense for fiscal year 2000 may be used for military operations in the Federal Republic of Yugoslavia.

The CHAIRMAN pro tempore. Pursuant to House Resolution 200, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Missouri (Mr. SKELTON) each will control 15 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of our troops and the fundamental national security interests of this country. This bill is, in fact, about our national defense and readiness. I also want to commend the chairman of the Committee on Armed Services for his excellent work and commitment in this bill to rebuild our national defense posture.

It is my strong conviction that the United States' involvement in leadership in the conflict in the Federal Republic of Yugoslavia has, in fact, undermined our national interest, not furthered it. The President's national security adviser Sandy Berger supposedly, according to the President, coined the phrase ''come home, America'' for the McGovern campaign in

1972. Apparently, we changed this to ''go everywhere, America'' and now to ''stay everywhere, America.'' While our motives may be good, the fact is that that is not much of a national interest policy.

I would like to also thank our leadership in the committee for including a prohibition in the bill restricting the use of funds for Kosovo. My amendment simply strengthens the prohibition already in the bill against the use of Department of Defense funds towards the conflict in Kosovo by applying the prohibition for all defense funds for Fiscal Year 2000, not merely to funds authorized in this bill.

□ 1345

The amendment also eliminates the invitation in the bill to the President to request additional funds for the conflict in Yugoslavia. We have already given too many taxpayer dollars to this ill-conceived operation which would be better used to strengthen our national defense and to be put into areas where we actually have direct national interests and world peace concerns as well as when we talk about this being $15 billion, $20 billion, $80 billion, whatever it turns out to be, that also means that domestic expenditures are being reduced which is a legitimate taxpayer question as far as where our national interest is.

I want to make clear that I do not intend to limit support for refugees, nor does this amendment prevent missions specifically limited to rescuing United States military personnel or citizens in the same way that the underlying bill was not intended to prevent such activity.

When given the opportunity a few weeks ago, the House of Representatives failed to support U.S. involvement in the bombing campaign in Yugoslavia. While we all hope for eventual peace, the many reasons to oppose involvement remain today. Reasons to oppose any additional funding for Kosovo include:

The potential permanent placement of U.S. ground troops in a region secondary to our national interests where forces will be at risk from violence on both sides. The continued redirection of funds essential to restoring United States military readiness. Let me address one question that we have been debating here, is could funds be diverted from this bill. In fact as I pointed out in the supplemental, there are not restrictions that keep funds from being moved. We often play in the Federal Government these games where, ''Oh, we're not directly funding the supplies for the troops, what we do is just replace the supplies that were sent.'' So that the supply stream that is in the military currently that we were supposedly putting in for military readiness and buildup will be diverted over there and the new funds will merely go to replace what is being diverted. We have seen billions of dollars that were not allocated for Kosovo already spent, and it is disingenuous to say that, ''Oh, there would be another supplemental that would take the additional funds'' because they are diverting funds that are already there for troop training, for the gas, for the armaments and so on, and this has disguised the costs of this war and continues to do it. When we say we are building the readiness of our armed forces but do not restrict the funds from being directly or indirectly transferred to Kosovo, it is less than straightforward.

Furthermore, we are continuing to undermine the U.S. troop morale because they are being asked to do more with less and are being deployed at a rate like never before. That not only includes our active military but it also includes our Reserve and Guard where we are seeing a drop in reenlistments.

The fact that the NATO air war accelerated and augmented the tragic refugee crisis which we are and will continue to support financially through other areas. That is not arguing that he was not an evil man and is not an evil man. I am speaking of President Milosevic. Or that other leaders in countries in the Balkans did not practice genocide. The fact is it is not clear what was going to happen and to what extent it was going to happen.

Furthermore, the additional confusion which is added to our foreign policy priorities when we fail to establish a clear standard for humanitarian intervention while clearly undermining our relationships with international powers that clearly impact high priority U.S. national security interests including China and Russia. Let me explain that. It is terrible. I was in the camps in Macedonia, too. I spent a whole afternoon talking to refugees. You cannot deny, any citizen cannot deny who has talked to these people that throats were slit, that there are mass graves, that there were rapes. The question is, that is also occurring in many other parts of the world. What is our standard for intervention? That is the question here. And when? Is it just because they are white? That is a kind of question we have to confront with ourselves, just because CNN is in a certain part of the world. Why are we not in Sudan? What are the compelling reasons why we would intervene in one country and not another? Furthermore, to divert these resources like the last carrier over to the Persian Gulf so another carrier could be diverted into the Mediterranean leaving us blind in Asia where clearly we have potential coming conflicts between India, China and China's client states like Pakistan and North Korea and Japan, where clearly there are world peace major issues at stake and we are bogged down now in Iraq, in Bosnia, now in Haiti and now potentially even greater in Kosovo.

The continuous undermining of the stability of neighboring democracies like Macedonia and impeding the democratic position of Montenegro.

The U.S. policy of supporting, at least tacitly, the Kosovo Liberation Army which has some established ties to narcotics trafficking and terrorism targeted at Americans. One of the fundamental questions here in the ironies of this agreement is that we did not support the Kosovo Liberation Army and yet at the same time we are now going to accomplish for Milosevic one of the goals that he had in disarming them, at least temporarily.

The undermining of NATO when we define its continuing existence as dependent upon as the defeat of a sovereign country with a history of internal conflict which offers no direct threat to a NATO member. We constantly heard about article 5 which was supposedly the stability of Europe. Now, how in the world have we advanced the stability of Europe? We have Macedonia and Montenegro teetering, we have Greece with domestic conflict. We had Romania and Hungary concerned on the northern border. We have Russia, a historic ally of Serbia and a rising nationalist movement in Russia that we have given credibility to and potentially with the switch in the government of Russia having their armed troops on the ground in a very dicey type of situation in an area where we thought we had expelled them. We have a general and potentially and most likely an independent Kosovo in the middle of Europe. An armed Muslim state in the center of Europe will not add to the stability. I point that out because I did not meet a single Kosovar who was ever willing to serve under a Serbian government.

Furthermore, what does this mean in the concept of independent states, if the Kosovars have no intention of ever serving under a Serbian government? Does this now mean that in Palestine we are giving a blank check to the Palestinians to have an independent state separate from Israel? What about the Kurds in Turkey? There is a very difficult international policy question underneath this supposed peace settlement that I say puts our world positions at greater risk than we had when we first went in.

Furthermore, it is no wonder that China and Russia in the earlier question of when we are going to intervene in a humanitarian intervention, part of the concern here around the world, this is not a Christian moral position. I could argue from a Christian moral position that we should intervene anywhere. And when Russians started bombing Chechnya we should have gone in. But what are our criterias? If they are a big partner, we do not go in? If they are a little trade partner, we do go? It is not clear. Because the terror and the murder is happening in many places throughout the world and was not extraordinarily greater in this area until we started the process. It was terrible but it was not extraordinarily greater than anywhere else in about 30 to 40 countries.

Mr. Chairman, the bottom line is if we should not be involved, then we should not be involved in either the

war or the peacekeeping which is not necessarily the cessation of hostilities and may in fact even be an Iraq situation where he plays this like a yo-yo.

My amendment simply provides, if we should not be there and we should not stay there, then we should not fund the money. We then bear part of that responsibility. My amendment provides Members of this House the opportunity to vote in a manner consistent with their consciences and the congressional responsibility to use wisely the constitutional spending power which is the power of the House.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

I must say, Mr. Chairman, in the words of Mark Twain, the literary giant from my State of Missouri, ''The more you explain it to me, the more I don't understand it.'' I really have a difficult time in understanding this amendment. For if I read it correctly, it is more restrictive than the language that is already in the bill. On top of that, it prohibits use of any funds, whether they be appropriated as a supplemental appropriation or otherwise from being used in the Republic of Yugoslavia effort. On top of that, it deletes the subsection which invites the President to request additional funds. That was put in by the majority, and I agree with it. The President should come forth and seek supplemental funds for the year 2000.

So this amendment is a very drastic one. If you read it very carefully, it is a short amendment that has very far reaching, difficult results.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman from Missouri (Mr. SKELTON) the ranking member for yielding this time to me. I would like to respond to the gentleman from Indiana (Mr. SOUDER) very briefly regarding the question he raised about how we are providing for a stable Europe by the actions that have been undertaken.

Last week I traveled with the gentleman from New York (Mr. HOUGHTON) to the Oxford Forum in Belfast, Ireland. While there our interlocutors were parliamentary officials from Germany and from England. We left there and went to London and met with Robin Cook. All along the way, including with the Prime Minister of Ireland, all we heard was praise for the overall aspect of this particular operation and how it has unified the alliance in the new paradigm. I think we really need to examine it from that point of view.

But I do rise in opposition to the amendment from my friend from Indiana. It is unfathomable to me that as a peace agreement has just been signed and we are about to achieve our goals for ending the ethnic cleansing in Kosovo that some Members of this great institution are attempting to prevent the United States from participating in an international security force. Quite frankly I am not only shocked, I am outraged at the lengths to which critics of our Commander in Chief will go to embarrass him. Rather than at this time celebrate a triumph and applaud our military for having achieved a successful operation, we are about the business of continuing to try to hamper the efforts that are put forward for peace. First these persons tried to prevent the Commander in Chief from stopping genocide in Europe. Now they are trying to stop him from securing peace. This simply cannot happen. I urge the body to please oppose the Souder amendment.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume, and I yield for a question to my friend, the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the gentleman for yielding. I just wanted to say, to get my oar in the water here, that this amendment does do what several people thought the base bill does, that is, this amendment would in my understanding immediately stop all operations in Kosovo. That is, it would paralyze air operations, no moneys of any stripe, whether it is this year or supplemental money or money for next year would be available. That means that everything would stop.

Let me just say from my perspective the same thing that I said several weeks ago on this, that I think that would be a major mistake. This, regardless of how we got here, we are operating this air war, bringing it to a conclusion, and I intend and I think a number of other Members intend on this side to oppose this amendment as much as we respect our friend from Indiana.

Mr. SKELTON. Mr. Chairman, I yield 3½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, I thank the ranking member for yielding me this time. I rise in opposition to the gentleman from Indiana's amendment. I believe it creates an entirely unworkable situation which could pose grave harm to the men and women in uniform who are serving in the Balkans. In order to understand that, we have to understand what would happen on September 20th if, as I expect, we have several thousand troops in place, conducting peacekeeping activities, and think about the options the President would have to continue that operation. The first option he would have, and I hope that he would do it, would be to come to this body for a supplemental appropriation above and beyond the regular defense appropriations for fiscal year 2000 to pay for the cost of this. And we could make an honest decision as to whether we want to do that and where the money ought to come from. I want to underline what the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) and many others have said this afternoon, that that is the right thing, that is what he ought to do. But he may not do it. The President may not do that. And we may not act expeditiously if he does.

About 2 weeks ago, just before the Memorial Day break, we were intending to get to work on this bill, and because of various legitimate political disagreements in this body, we were unable to pass a rule to take up this legislation.

□ 1400

That could certainly happen again, certainly happen again in the context of a supplemental appropriation.

The second option the President would have under normal circumstances would be to reallocate funding in the fiscal year 2000 bill for this purpose. Now that is what he would do in the absence of a supplemental if this amendment were not the law.

But if this amendment becomes the law, as I understand it, the President cannot do that. It flatly bars any shift of funds, any transfer of accounts for the purpose of supporting the ongoing peacekeeping operation or any other operation which we may need in the Republic of Yugoslavia at that time.

His third option, as I read it, his only option, would be completely unacceptable, and that would be to unilaterally and immediately stop any operations that our military is conducting in the Republic of Yugoslavia. I think that does not make a lot of sense.

For those reasons, I would oppose.

Mr. SOUDER. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the author, the gentleman from Indiana, if he has a question.

Mr. SOUDER. Mr. Chairman, I wanted to clarify the amendment, if I may. It only affects fiscal year 2000 funding. It has 4 months for us to withdraw. It does not have any immediate impact.

Mr. ANDREWS. Reclaiming my time, Mr. Chairman, what does the President do on September 28 of 1999 if we have not gotten a supplemental through here, and he wants to leave 7- or 8,000 people there to do their job? How does he pay for it?

I yield back for the answer.

Mr. SOUDER. He would presumably have to overturn this bill.

Mr. ANDREWS. Reclaiming my time, he would have to ignore the will that we enacted here in the bill?

With all due respect, I think that proves my point, that it puts the President in an untenable situation where our failure to act to enact the supplemental, which happens around here a lot, would tie the President's hands and create, I think, an irresponsible situation.

I yield to the gentleman from Indiana.

Mr. SOUDER. My understanding of the bill, my amendment to the bill,

would eliminate the invitation that both the chairman and the gentleman from Missouri (Mr. SKELTON) have for a supplemental, but it would not prohibit the President from coming with the supplemental. It prohibits any funds that we currently have for fiscal year 2000.

Mr. ANDREWS. Reclaiming my time, it would though, if I am correct, prohibit the transfer of any funds from one account to another for this purpose; is that correct?

Mr. SOUDER. Absolutely.

Mr. ANDREWS. Mr. Chairman, I oppose the amendment.

Mr. SOUDER. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG).

(Mr. SHADEGG asked and was given permission to revise and extend his remarks.)

Mr. SHADEGG. Mr. Chairman, I rise in strong support of the amendment by the gentleman from Indiana (Mr. SOUDER), and I want to compliment him for bringing it forward. But I also want to clarify the discussion which just occurred because I think it may have left some ambiguity in the minds of Members.

Let me make it very, very clear. This amendment does not in any way prevent the President from coming forward in a straightforward fashion and saying to the Congress, ''I want and I request and I ask you to appropriate additional funds for the conduct of this war or for the conduct of peacekeeping.''

What this amendment does is say, ''Mr. President, the power we have in the Congress is the power of the purse. You have clearly indicated that you are going to proceed on your own within your authority.'' So be it.

But we do have the power of the purse, and this amendment would say, ''Mr. President, you have 4 months to conclude the action, and then if in that 4 months you want more money, come back to the Congress and ask for it,'' and I think that is a perfectly legitimate role for the Congress to play; indeed, it is the role that the Constitution contemplates that we should play, and I urge my colleagues to support the amendment for that reason.

But I want to move on to another topic because I think there is going to be some additional confusion later in the discussion. Later today, on this bill, my colleague, the gentleman from Missouri (Mr. SKELTON), I believe is going to offer an amendment to strike the language in the base bill which prohibits funds in fiscal year 2000 from being used for the war.

Specifically, on page 270 in section 1006 he is going to move to strike lines 21 through 24. That is the language that specifically prohibits the President from using fiscal year 2000 moneys for the conduct of this war or peacekeeping without coming back to the Congress for permission.

But in a move which will confuse Members he is going to leave in place the following language in subsection B of that section on page 271 which creates the impression that the President will have to come to Congress and ask permission, but not the reality.

I urge my colleagues to support the Souder amendment and to oppose the Skelton amendment, Mr. Chairman. The Skelton amendment appears to force the President to come to the Congress for proper budget authority for the conduct of this war, but it will not do that.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have always found it important to read what the amendments say, and this particular amendment strikes that provision which requires the President to come forth with a supplemental. Further, it prohibits, it prohibits other appropriated or supplemental appropriations by these words:

None of the funds appropriated or otherwise available to the Department of Defense for fiscal year 2000 may be used for military operations in the Federal Republic of Yugoslavia.

I mean, how much clearer can we get? That cuts it off.

Mr. SHADEGG. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Arizona.

Mr. SHADEGG. Mr. Chairman, let me precisely explain. The gentleman is right. This language says that this piece of legislation would not authorize the President to continue the conduct of the war or the peacekeeping mission. That would leave the President with the option, which he has at any time, to bring forward a request for a supplemental appropriation specifically for the operation of the war. Then we could debate that issue, should we fund the war and at what level, or should we fund the peacekeeping effort and at what level?

Nothing in this language says the President is precluded from bringing forward such a proposal, and I give the gentleman back his time.

Mr. SKELTON. Mr. Chairman, I thank the gentleman very much.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, the gentleman who offered the amendment asked, ''Duke, would you like to speak in favor of the amendment?'' Not only a good guy, he has got a good heart, and I would like to talk to the gentleman on why I oppose this particular amendment.

First of all, I have already spoken to why I did not believe that we should be in Kosovo in the first place. I have also spoken to why I thought that Rambouillet actually caused the war, that there was a no-win from the start, that the President did not understand that we could not have an independent Kosovo, that they would never give that up, and that they had fears that the KLA would reprise, and we could not take out other military and police, and that there had to be something in between.

Well, now the new agreement said that we will have Russian and Greek troops, which I wanted in there, to separate the two sides, and there is a difference between war and potential peace and what we do support.

George Bush in Desert Storm had our allies pay for Desert Storm, and I think that NATO ought to pay for this, at least 99 percent of this, and let the United States back out of it because we have been into all of the other things that we have talked about, from Iraq to other areas, as well as in the Sudan.

I disagreed with my colleague on his amendment because I felt that it took money out of the military requirements when our Joint Chiefs said we need 148 billion just to come up to a low-ball figure, the President, under the Bottom Up Review and the QDR; and I understand now that the supplemental will come in and not do that. But I would still oppose the gentleman's amendment if it takes the money out, because there is never a payback in this business.

And I would say that under this amendment it totally ties the hands of the President as far as our troops, and I do not want to do that. I am trying to get us out of Kosovo. I am trying to do it because I do not think that we should demonize one side or another on this because both sides have been, but at the same time I do not want to totally tie the hands of the President if there is hope for peace and we can separate those forces.

And with winter coming on, there is no electricity, no food, no heat, and there are innocent Yugoslavians and innocent Albanians at the same time. How are we going to handle that? I would like NATO to pay for it all. I am not naive enough to think they are going to do that.

I thank the gentleman from my heart for having given me the time, and part of me supports what the gentleman is trying to do, but overall I would have to vote against the gentleman's amendment and urge my colleagues to do the same.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate my friend from California (Mr. CUNNINGHAM) stating this. Obviously he did read the amendment, as I did, and the language is pretty clear.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from California.

Mr. CUNNINGHAM. Actually, I had not, but I listened to what the gentleman said.

Mr. SOUDER. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank my friend for having yielded this time to me.

And he has pointed out, pointed to the language in his bill that the bill refers to 2000 money, and that would not

necessarily keep the President from spending dollars that are presently in the 1999 accounts; and so I want to apologize to the gentleman for misconstruing his amendment and saying that it would immediately paralyze all air operations. It would not stop for 4 months.

I still oppose the gentleman's amendment, but I do want to let him know that that statement was in error.

Mr. SOUDER. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, as my colleagues know, NATO is the alter ego of the United States. Whatever NATO does, it means the United States does, and what have we done?

Milosevic is still in power, close to 200 schools in Serbia have been destroyed, a half-dozen bridges across the Danube, power plants. We have destroyed a country. We have wasted our precious military resources. The American people have been asked to pay not only for the war, but the President will come back and ask us to rebuild Serbia. It is wrong. It is fiscally wrong and it is morally wrong.

The President needs to be stopped in this unwanted use of taxpayers' dollars. That is the purpose of the Souder amendment, to bring some sanity to what is going on in the world. This war never should have been started, and the American taxpayers should not be called upon to complete it.

Mr. SKELTON. Mr. Chairman, I yield the balance of my time to the gentleman from Connecticut (Mr. GEJDENSON).

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman from Connecticut is recognized for 2½ minutes.

Mr. GEJDENSON. Mr. Chairman, I want to commend the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) for coming together in opposition to this amendment.

The logic, at this point, as we have begun a process which ends the horror and extermination that was going on in Kosovo, to suddenly believe that we can crawl into some isolationist shell just does not make sense. The President and the Secretary of State, Sandy Berger, and the Secretary of Defense have done a spectacular job. They have kept NATO united, and frankly, as we are skeptics by nature in this Congress, I was skeptical that we could keep NATO united. They were successful in an air campaign, and so many experts told us we could not be successful with just an air campaign.

To come to the floor today and blame us for the devastation wrought on the Serbs would be akin to blaming the allies for the bombing that occurred on Germany in World War II. We have a responsibility in this Congress. It is to critically examine the actions of the executive.

But what I am fearful of here is that the hostility to this administration carries over in legislative attempts that defy America's basic national interest. Whether one believes the campaign could work or not, whether one believes we ought to have been there or not, at this stage to argue that America should simply remove itself is unacceptable and unwise for America's national interest.

□ 1415

America, under this President's leadership with our Secretary of State and their foreign policy team, has gotten an agreement for the smallest percentage of American participation in any action since the end of World War II that I can remember, less than 15 percent, a little over 7,000 of the troops. Our other NATO allies are taking a substantial portion, as they should, because it is Europe. That never happened before.

We should be in the well congratulating our military and our political leadership for having stood up to a tyrant and stopped the killing. Yes, there was a price paid, a price paid on civilians on both sides, but no one has any right to criticize our response in fighting for the lives of men and women being raped and murdered, being taken from their homes.

Was America to sit by and build one more monument? I have said this before. I have seen virtually every one of our colleagues at ceremonies for the Holocaust and Armenian genocide. This time we acted. We did not wait afterwards to wring our hands. I support the efforts of the chairman and the ranking Democrat to defeat this amendment.

Mr. SOUDER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman from Indiana is recognized for 2 minutes.

Mr. SOUDER. Mr. Chairman, a couple of points: One is I do not think it is helpful to take really serious deep disagreements about the validity of this particular war and imply that it has a political motive. I think I can stand here with the respect of this House and say I am not obsessed with removing this President or blaming everything on this President. I have deep reservations and opposition, not only to the war, but what we are potentially going to get into in destabilization in the peacekeeping force, not because horror is not terrible, just like in Sudan and many other places around the world, but I fear greater consequences in the other places in national interest.

Let me make clear again, this is the hardest core amendment. The amendment of the gentleman from South Carolina (Mr. SPENCE) is more moderate. If the Skelton amendment passes to the Spence amendment, the House will have no way to vote for those of us who oppose this war because the Skelton amendment would gut the Spence amendment.

My amendment does not remove that, although there is a question whether some of the supplemental funds would be affected. In my opinion, and I believe in most people's opinion, it would allow the funds to be expended for the rest of this year. We would have four months to make whatever transfer over of a European problem to the Europeans in the case of funding the peacekeepers after this.

If one does not favor the extended intervention in the Balkans through whatever, whether it is peacekeeping or in fact a continuation of the war or an Iraq-type situation, this amendment gives one the ability to say in the fiscal year 2000 funds, after October 1 and for that year, unless the President comes to this House and says, ''This is an emergency, I need to waive what you previously passed, I need additional money,'' but it restricts the funding we are now putting out and have put out for fiscal year 2000 and says you cannot use that, yes, not only for air war and ground war, but you cannot use it for the peacekeepers either.

I do not expect a lot of support for this amendment, but for those of us who have deep concerns, this is our chance to cast that vote.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SOUDER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 97, noes 328, not voting 9, as follows:

[Roll No. 187]

AYES—97

Aderholt	Goodling	Peterson (MN)
Archer	Graham	Petri
Bachus	Hall (TX)	Pitts
Baker	Hastings (WA)	Pombo
Barr	Hayes	Radanovich
Bartlett	Hayworth	Ramstad
Bilbray	Hefley	Rogan
Bilirakis	Herger	Rohrabacher
Bonilla	Hill (MT)	Ros-Lehtinen
Brady (TX)	Hoekstra	Royce
Bryant	Horn	Salmon
Burton	Hostettler	Sanford
Campbell	Hulshof	Scarborough
Canady	Istook	Schaffer
Cannon	Jenkins	Sensenbrenner
Chabot	Jones (NC)	Sessions
Chenoweth	Kasich	Shadegg
Coble	Kingston	Shays
Coburn	Kucinich	Shuster
Collins	LaHood	Souder
Combest	Largent	Stump
Cook	Lewis (KY)	Sununu
Crane	LoBiondo	Tancredo
Cubin	Lucas (OK)	Tauzin
Danner	Manzullo	Taylor (NC)
DeMint	McKinney	Terry
Doolittle	Metcalf	Vitter
Duncan	Mica	Wamp
Ewing	Miller, Gary	Watkins
Ganske	Myrick	Watts (OK)
Gibbons	Nethercutt	Weldon (FL)
Goode	Paul	
Goodlatte	Pease	

NOES—328

Abercrombie	Andrews	Baldacci
Ackerman	Armey	Baldwin
Allen	Baird	Ballenger

Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Buyer
Callahan
Calvert
Camp
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Hooley
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Phelps
Pickering
Pickett
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Talent
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walden
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Bono
Brown (CA)
Clayton
Dickey
Engel
Hilleary
Holt
Lofgren
Olver

☐ 1443

Messrs. FRANKS of New Jersey, NEY, and BLAGOJEVICH changed their vote from ''aye'' to ''no.''

Messrs. SHAYS, WATTS of Oklahoma, HERGER, PITTS, HULSHOF, EWING, GARY MILLER of California, SCARBOROUGH, SUNUNU, and Ms. MCKINNEY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HOLT. Mr. Speaker, earlier today, I was unavoidably detained on official business in my congressional district in central New Jersey. During that time, I missed three rollcall votes.

Had I been here, I would have voted ''yes'' on rollcall No. 185 and ''no'' on rollcall Nos. 186 and 187.

The CHAIRMAN. It is now in order to consider amendment No. 19 printed in Part A of House Report 106–175.

AMENDMENT NO. 19 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 19 offered by Mr. SKELTON:

In section 1006—

(1) strike subsection (a) (page 270, lines 21 through 24);

(2) in the section heading (page 270, line 20), strike ''**BUDGETING FOR**'' and insert ''**SUPPLEMENTAL APPROPRIATIONS REQUEST FOR**''; and

(3) in subsection (b), strike ''(b) SUPPLEMENTAL APPROPRIATIONS REQUEST FOR OPERATIONS IN YUGOSLAVIA.—''.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I find it rather ironic; no, I find it rather sad that in the wake of a military victory for America and for the NATO forces, we find ourselves in this excellent authorization bill discussing language that cuts off funding for the troops on September 30 of this year.

☐ 1445

The amendment which I offer will delete subsection A of section 1006, while leaving in place subsection B. Subsection B requires the President to request supplemental appropriations in order to conduct combat or peacekeeping operations in the Federal Republic of Yugoslavia. Subsection B, standing alone, adequately protects the funding authorized by this bill without running the risk of undermining America's and NATO's military and peacekeeping efforts in Kosovo.

Mr. Chairman, 2 weeks ago, when we were first scheduled to take this bill up, I would have argued that the language in this bill sent the wrong message at the wrong time. Now the withdrawal of Serb forces, which is under way from Kosovo today, the message that we would send by rejecting my amendment would be a horrific message. The timing of the message would make it even worse.

We must pass this amendment so that we can proceed further and not cut off the troops for the wonderful job that they have done. We cannot cut them off on September 30 of this year.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Chairman, I rise today in support of the Skelton amendment to the defense authorization bill, an amendment this House should pass for many reasons.

The gentleman's amendment strips the present language out of the bill which prohibits funds being expended in Yugoslavia after September 30, 1999. The current language in the bill does not reflect the best that this country and this Congress can offer in our defense policy bill.

The House Committee on Armed Services struggled long and hard to get this bill to the floor. It is generally an outstanding bill, a very good bill. But this language will garner a presidential veto, and our purpose here is to pass a bill that the President will sign, as well as safeguard our troops and the security interests of the United States of America.

Leaving the restrictive language on Yugoslavia in this bill puts its passage in jeopardy, and that is bad enough. But worse, it puts our troops in jeopardy, those young men and women fighting for the strategic interests of the United States.

Mr. Chairman, we cannot try to run this conflict, this war, like we run a regular business. We cannot do that. We are dealing with a man who is a vicious killer. Soldiers in the field, I do not think will appreciate it if we do not support this amendment.

Lastly, we would be terribly ill-advised to include this language in our bill because it sends a mixed message to Milosevic, the latest hate-monger of the 20th century. The very last person to whom we want to provide aid and comfort is Milosevic, a devoted enemy of peace in Central Europe.

I urge my friends and colleagues to support this amendment.

Mr. Chairman, the Government of the Republic of China announced on June 7 that it would provide a grant aid equivalent to about US$300 million to help the Kosovar refugees. The aid will consist of emergency support for food, shelters, medical care, and education for

the refugees. In addition, short term accommodations will be provided for some of the refugees in Taiwan. Most important of all, Taipei will support the rehabilitation of the Kosovar area in coordination with other international agencies.

Taipei's offer of help drew a favorable response from our State Department and I think Taiwan's plan to assist Kosovar refugees and Macedonia is praiseworthy and demonstrates Taiwan's commitment to play a helpful role in the international community.

President Lee Teng-hui of the Republic of China on Taiwan should be commended for his willingness to commit his country's resources to help other countries in need. President Lee's aid initiative to the Kosovar refugees is yet another demonstration of the Republic of China's support of U.S. policies in the Balkans.

TAIPEI ECONOMIC AND CULTURAL REPRESENTATIVE OFFICE IN THE UNITED STATES,
Washington, DC, June 9, 1999.

Hon. SOLOMON ORTIZ,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN ORTIZ: As we are all eagerly awaiting a peaceful resolution of the Kosovo conflict, I am writing today to direct your attention to my country's efforts to aid the huge numbers of Kosovar refugees currently residing in other countries.

As a member of the world community committed to protecting and promoting human rights, the Republic of China on Taiwan is deeply concerned about the plight of the Kosovars and hopes to contribute to the reconstruction of their war-torn land. To that end, President Lee Teng-hui announced on June 7, 1999 that our country will grant U.S. $300 million in an aid package to the Kosovars. The aid package will consist of the following:

1. Emergency support for food, shelters, medical care, and education, etc. for Kosovar refugees living in exile in neighboring countries.

2. Short-term accommodations for some of Kosovar refugees in Taiwan, with opportunities of job training to enable them to be better equipped for the restoration of their homeland upon their return.

3. Support for the restoration of Kosovo in coordination with international long-term recovery programs once a peace plan is implemented.

We earnestly hope that our aid will contribute to the promotion of the peace plan for Kosovo and that all the refugees will be able to return safely to their homes as soon as possible. In this regard, we hope that we may rely on your continued support and friendship as we seek to fulfill our obligations as a responsible member of the international community.

With best regards,

Sincerely yours,

STEPHEN S. F. CHEN,
Representative.

Mr. RILEY. Mr. Chairman, I rise in opposition to this amendment.

The CHAIRMAN. The gentleman from Alabama (Mr. RILEY) is recognized for 15 minutes.

Mr. RILEY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I would like to speak directly to my friend, the gentleman from Missouri (Mr. SKELTON) on his amendment. He is my friend, but I thought it was unfair to characterize this as a vote against our troops. As I see it, what our original base bill did was prevent the President from taking supplemental money that the House and the Senate voted for and passed for emergency supplemental, which was going directly to take care of many of the ills our military had.

The gentleman's amendment would allow the President to take money out of that fund and use it to expand Kosovo. Our position is that no money should come out of that which would detriment readiness for our military, and secondly, that it would not expand Kosovo.

Now, as I see it, the situation today, and I will have the gentleman correct me, he has had a phone call from the President that says he will not take money out of readiness. Secondly, he will come back to this Congress for a supplemental to pay for this, and the money will not come out of the hide of defense. That is good.

If that is the case, this gentleman would be willing to accept the amendment of the gentleman from Missouri.

But I have feared, and to me there is a difference between expanding a war and being able to pay to keep people separated and prepare for the problems that we have over there, even though I think NATO ought to pay for this, not the United States.

I also want to make it clear that any supplemental is going to come out of the things that both sides want to do. Those are the social issues.

So if the gentleman has that guarantee in writing, and I say writing because I would tell the gentleman I know what ''is'' is. Just a verbal acknowledgment that the President has promised, this is not enough.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I thank the gentleman from Missouri for yielding me this time. Just for the record, the gentleman's word is good enough for me. It does not have to be in writing.

Mr. CUNNINGHAM. Mr. Chairman, if the gentleman will yield, I did not say the word of the gentleman from Missouri (Mr. SKELTON) was not good. I said I did not believe the word of the President without its being in writing.

I totally take the word of the gentleman from Missouri (Mr. SKELTON).

Mr. REYES. Mr. Chairman, I appreciate the gentleman from California clearing that up.

Mr. Chairman, I rise today in strong support of the amendment to strike the Kosovo language from this bill.

Like many of my Democratic colleagues on the House Committee on Armed Services, my main concern with the underlying bill language has been and continues to be the inclusion of language which would basically require us to cease our operations in the Kosovo region at the end of this fiscal year.

Although I voted for the bill in the committee, I was greatly concerned with the message we were sending to Milosevic, to our military and the rest of the world. Although I do agree with the funds that we are providing in this bill, the manner in which the language is currently written will cause an unnecessary crisis on October 1 in the Balkans.

Having recently returned from that region and having heard from the refugees the horrors that they have experienced, I believe that we need to be in Kosovo and assist with the peace process.

I urge my colleagues to vote for the Skelton amendment and to make this defense authorization a truly comprehensive bill.

Mr. SKELTON. Mr. Chairman, may I inquire of the time remaining on each side.

The CHAIRMAN. The gentleman from Missouri (Mr. SKELTON) has 10 minutes remaining. The gentleman from Alabama (Mr. RILEY) has 13 minutes remaining.

Mr. RILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

(Mr. PAUL asked and was given permission to revise and extend his remarks.)

Mr. PAUL. Mr. Chairman, I rise in opposition to this amendment. This is a very important amendment, and what we do on it will be with us for a long time.

We are endorsing, if we vote in favor of this amendment, a policy of occupation of Kosovo for an endless period of time. We have now been fighting an undeclared war for more than 70 days. We have endlessly bombed a country the size of Kentucky killing many, many civilians.

It is an undeclared war. It is an immoral, illegal war. It violates the Constitution. It violates the War Powers resolution.

It is claimed now that we have had a great victory. But what we are doing now, after bombing a country to smithereens, is laying plans to occupy it. We are asking the American people to make an endless commitment to occupying this country.

A few years back, we were going to occupy Bosnia for a short period of time. We are still occupying Bosnia, spending between $10 billion, $20 billion already, depending on the estimate.

A few years back it was in our national interests to be involved in the Persian Gulf. We had to do a lot of bombing there and a lot of fighting. We are still bombing in the Persian Gulf. I mean, when will it end? Where do our borders end? What are the limits to our sovereignty? Where is our responsibility? It seems like it is endless anyplace, anywhere we have to go. We are now supporting an empire.

No wonder there is anti-American hostility existing around the world, because we believe that we can tell everybody what to do. We can deliver an

ultimatum to them. If they do not do exactly what we say, whether it is under NATO or the United Nations or by ourselves stating it, what happens, we say, ''If you do not listen to us, we are going to bomb you.''

I think that policy is a bad policy. If we vote for this amendment, we endorse this policy, and we should not. This is not the end of the Kosovo war; it's only the beginning of an endless occupation and the possibility of hostilities remain. The region remains destabilized and dangerous. Only a policy of non-intervention and neutrality can serve the interest of the American people. The sooner we quit accepting the role of world policemen, the better. We cannot afford to continue our recent policy of intervention to satisfy the power special interest that influences our foreign policy.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. GEPHARDT).

(Mr. GEPHARDT asked and was given permission to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Chairman, after 78 long days, the United States and its NATO allies have won a major victory over the forces of instability and inhumanity. Today, we are trying to snatch defeat from the jaws of victory.

We have won the war. Serbian troops are withdrawing from Kosovo under the exact terms that we have held out since the beginning of this action. We now have an opportunity to win the peace finally in the Balkans.

A vote against the Skelton amendment would prevent us from achieving the fruits of our success, restoring peace and stability to Kosovo, returning 1 million refugees to their homeland, and making sure that the bloodshed will finally end.

Even if one was against the military action, one should be for the peacekeeping effort. If one cares about the humanitarian catastrophe that has happened in the Balkans, if one cares about the future stability in Europe, the peacekeeping effort is the best way to continue this success.

Our heroic young people, men and women, for 74 days led this air campaign against the Serbian military, and therefore, we must be part of the peacekeeping effort.

□ 1500

The President has said that the peacekeeping force will be overwhelmingly made up of European troops. We must continue to fulfill our obligation to NATO through our participation in this effort. Turning our backs on this effort now would send a horrible signal to NATO and to the rest of the world that the United States is turning to an isolationist stance.

Congress has been criticized for our erratic policy on Kosovo. This is our chance today to be consistent and to be united behind the policy of peace and responsible American leadership in the world. We have a responsibility to our troops, to NATO, and to the refugees to fulfill our role in this peacekeeping effort.

I pray that Congress can put aside the actions of the last several months and join together to support this effort. It is the right thing to do, it makes sense, and it is worthy of our bipartisan support.

I urge Members on both sides of the aisle to back the Skelton amendment, to back peacekeeping, and to back what is right for the world.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for yielding me this time.

What the Skelton amendment does is not what was just described. What the Skelton amendment does is give an absolute blank check.

Let me make it very, very clear. The language of the bill does not snatch defeat from the jaws of victory. Indeed, nothing in the language of the bill would in any way hamper the peacekeeping effort or the effort of our troops. What the language of the bill does, which the gentleman from Missouri (Mr. SKELTON) would like to strip out, is to say that the Congress has a proper role in deciding what our expenditures in support of the operations in Kosovo and in Yugoslavia ought to be.

It says that, in subsection (a), the President cannot spend these monies appropriated for other purposes in Kosovo. But it says in subsection (b) that the President has to, instead, come back to the Congress and ask for a supplemental appropriation in which he specifies what he wants for the operation in Kosovo.

That is perfectly logical, and I defend the product of the committee. It makes sense. It defines the proper policy and gives the Congress the role it ought to have.

But here is the problem with the Skelton language. The Skelton language would delete subsection (a), taking away the prohibition, giving the President the ability to do what he wanted to do with those funds. But then it leaves Pyrrhic language which does not protect anyone. It says if the President wants to use those monies in Yugoslavia, in Kosovo, he can go ahead the minute he transmits a request for a supplemental appropriation.

It does not say he has to get a supplemental appropriation, it does not say that Congress has to pass a supplemental appropriation. Indeed, any court reading the fact that this Congress had in the base bill subsection (a) saying the funds cannot be used and subsection (b) saying he must ask instead for a supplemental appropriation, and watching that on this floor we strip subsection (a), would read what we had left to say there is no prohibition. The President can do whatever he wants. He has a blank check.

I urge my colleagues to defeat the Skelton amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. DICKS).

(Mr. DICKS asked and was given permission to revise and extend his remarks).

Mr. DICKS. Mr. Chairman, I think it is very important here for the Members to hear the language that is in the bill that the gentleman from Missouri seeks to strike. It says:

> Section 1006. Budgeting For Operations In Yugoslavia. (a) In General. None of the funds appropriated pursuant to the authorizations of appropriations in this act may be used for the conduct of combat or peacekeeping operations in the Federal Republic of Yugoslavia.

Now, the gentleman from Missouri wants to strike that language, and I think every Member of this House should want to strike that language. I am on the Committee on Appropriations. It is not easy to get a supplemental appropriations bill through the Congress, and it may take us extra time to do it. We have had supplementals that get stalled for weeks.

I just think that to have an amendment like this that basically says we do not support either our troops in combat or our troops in peacekeeping is a mistake. But this one really bothers me.

We should strike this out of here. We know we are going to have our Marines going into Kosovo to conduct a peacekeeping mission, and all the legislative strategists on the other side there may say, well, but we will get a supplemental that will then do it, but we really do not support it because we passed this amendment.

Why do we not strike this thing out so it removes any ambiguity about our support for our troops in the field? That is what is wrong with this. It sends this mixed message that somehow we are not really for this and, therefore, we are going to come up with language that says we do not support either combat or peacekeeping.

Now, I do not see why we have to have this in this. This war is over. The peace is about to be established, and I think the Skelton amendment should be passed overwhelmingly; should be accepted by the majority.

Mr. HUNTER. Mr. Chairman, I yield myself 2 minutes.

First, I want to address my friend from Washington (Mr. DICKS). When the President asked for $6 billion within a supplemental for this operation, I wanted to give him $28.7 billion. We ended up, on this side of the aisle, giving the people in uniform, the people who count, $12 billion. We came up with twice as much for combat operations and for military accounts, for ammunition, for spare parts, for equipment than the President wanted. In fact, he complained he had too much.

The gentleman knows what the problem is here. The problem is in the fiscal year 2000 budget the President did not come up with a doggone cent for this operation. Everything that we

have got in that $280-some billion budget is designated for certain things, like ammunition, where we are extremely low. We are $13 billion low on ammunition; spare parts. We crashed 55 aircraft last year in peacetime operations. We have got 10,000 troops on food stamps. We are 18,000 sailors short in the Navy.

The gentleman knows, as my good friend who works these issues with me, that we have a lot of deficiencies. And yet when the President came up with the budget, he did not put a dime toward Yugoslav operations.

Now, what does that mean? It means he is going to reach into the cash register and he is going to take money out that was going to go for M–16 bullets; it means he is going to reach into the cash register and take money out that would have gone for cruise missiles.

Now, I have voted with the gentleman on every single one of the amendments that have come up with respect to supporting the air war. We have, on this side of the aisle, when it really counted, we have given the men and women in uniform twice what the President wanted in terms of money. All we want is the assurance that the gentleman from Missouri (Mr. SKELTON), I believe now has received from the President, where the President called up and said, Okay, I am going to come with a supplemental appropriation, I will not take money out of readiness accounts.

And the gentleman knows as well as I do that we will have disserved the men and women in uniform if we force them to continue to fly in unsafe aircraft. In many cases we have aircraft that are much older than they should, be; if we continue to make them go into conflict with inadequate munitions and all the other things, we are worried about the next war.

So I would just agree with the gentleman that we need to spend money on supporting the troops. We want to make sure money is spent on supporting the troops.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I thank the gentleman for his comments. I think we are aiming at the same destination.

The problem is that should a supplemental be 1 day, 1 week, 1 month or whatever late, whatever flows from this bill cannot be spent. They would be without food, without ammunition, without uniforms, and it would make a laughing stock out of the Congress of the United States. We do not intend that.

Mr. HUNTER. Reclaiming my time, Mr. Chairman, let me make one statement, and then I will yield to my friend.

I think the gentleman from Missouri would agree with me that we will have done a great service for the men and women in uniform if in fact the President says, Okay, on top of this year's appropriation and authorization for maintaining the military, I will come with extra money for the Yugoslav operation, for the peacekeeping operations, so we will not be dipping into ammunition accounts to fund that.

Would the gentleman agree with me?

Mr. SKELTON. Mr. Chairman, if the gentleman will continue to yield, that has been my intent all along. Now, the gentleman asked what the President told me a few minutes ago.

Mr. HUNTER. Mr. Chairman, let me take back my time for just a minute. I appreciate the gentleman's intent, he is my good friend from Missouri, but the President committing to do it is another step that goes beyond the gentleman's intent.

If the gentleman from Missouri had his way, we would be spending an additional $20 billion in defense this year. If I had my way, and I think if most people on my side of the aisle had our way, we would be spending an additional $20 billion in defense this year. The commitment from the President to come with a supplemental is, I think, a very important thing.

And I understand the gentleman now has a letter from the President that assures that?

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield very briefly to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the point I am making, I would like to see us say, Mr. President, send up a supplemental to take care of the peacekeeping and the combat because we support the effort; not saying we do not support it, or no money shall be spent on it. It is not a positive way of dealing with the problem.

Mr. HUNTER. Reclaiming my time, Mr. Chairman, I think the gentleman saw the results of the amendment that was just offered and saw the number of folks on both sides of the aisle who opposed the support of that amendment. I think that sends a message.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in favor of the Skelton amendment, which would strike from this bill a dangerous Republican provision that bars the use of funds for operations in Yugoslavia after September 30 of this year.

I would ask my colleagues on the opposite side of the aisle to please stop the political micromanagement of this conflict. We should be on this floor congratulating the President, giving support to our troops, and commending our negotiators and NATO for ethnic cleansing and genocide.

This provision could not be more untimely than it is today. Just yesterday, Yugoslavian and NATO officials signed an agreement that requires a demonstrable withdrawal of Yugoslavian military forces from Kosovo by this afternoon and a complete withdrawal within 11 days. The agreement also requires an immediate cease-fire by Yugoslav forces and a suspension of NATO air strikes once the withdrawal of forces has begun. NATO officials are monitoring developments in Kosovo as we speak to ensure that Yugoslavia abides by its agreement.

Stop undermining our troops and the President. Let us have all of us get together on this issue.

Mr. HUNTER. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong opposition to the Skelton amendment, and let me just say I have my deep admiration for the gentleman from Missouri (Mr. SKELTON). I am sure he is very sincere, but here we are, in the last minutes or last hours of this debate on such an important piece of legislation, and then at the last minute we get a call from the President of the United States saying a letter is on the way.

The gentleman from Missouri does not even have the letter in his possession. We have seen letters from the President of the United States before. We have seen letters from this President that had so many holes in them they leaked like a spaghetti strainer, for Pete's sake. We do not know what kind of guarantee we have from the President.

I am sure the gentleman from Missouri is sincere. I want to see exactly what the President has to say before we give him a blank check to spend billions of dollars out of readiness, putting our other people in jeopardy, to spend it down in the Balkans.

The American people want us to be responsible and be very careful in our consideration of the lives of these people that are defending our country. I do not believe the President of the United States has demonstrated that same type of consideration, as he has sent our troops all over the world, stretched them so thin that our people are in jeopardy now.

I say if the President is truthful, and the gentleman from Missouri (Mr. SKELTON) does believe that his commitment is true, I would ask him to withdraw his amendment. It is not necessary. The gentleman's amendment is not necessary if the gentleman believes the President's word. If the President's word, if we trust the President's word that he is not going to spend it out of this bill and that he will come to us with a supplemental, the gentleman should withdraw his amendment. It is not necessary.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentlewoman from Missouri (Ms. MCCARTHY).

(Ms. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Mr. Chairman, I rise today to support the amendment offered by my colleague, the gentleman from Missouri (Mr.

SKELTON). I commend the gentleman for offering this amendment and I urge my colleagues to support it.

We must stand behind our American troops who have spent the past 72 days in harm's way.

□ 1515

Through their valiant actions and service, Mr. Milosevic has conceded to NATO's demands to withdraw Serb troops from Kosovo. While America celebrates this victory, our fighting men and women in Yugoslavia would be out of the resources and support that they need.

They have served willingly and honorably, and we must ensure that they are able to carry out the peace plan and stabilize this vulnerable region. We must take our role as the defender of democracy seriously so that all citizens of the world are empowered to speak freely out against totalitarian regimes.

Mr. Chairman, I rise today to support the amendment offered by my colleague from Missouri, Mr. SKELTON, Ranking Member on the Armed Services Committee. This amendment would delete the provision currently in H.R. 1401 which would prohibit the use of any FY2000 funds for operations in Kosovo after September 30.

I commend Mr. SKELTON for offering this amendment and urge my colleagues to vote in favor of it. We must stand behind our American troops who have spent the past 72 days in harm's way. Through their valiant actions and service, Mr. Milosevic has conceded to NATO's demands and announced that Serb troops will begin their withdrawal from Kosovo immediately.

While America celebrates victory, our fighting men and women in Yugoslavia would be without the resources and support that they need. They have served willingly and honorably, and we must ensure that we are able to carry out the peace plan and stabilize this vulnerable region. The United States must stand firm at this point to ensure that the Albanians are able to return to Kosovo and to put America's strength behind the agreement with Milosevic.

Besides supporting our troops, we must also be sure that we continue our humanitarian aid to this area. Over a million refugees are depending on assistance from several countries to survive the brutality inflicted upon them by the Kosovar military. Without shipments of food, clothing, and medical supplies, these refugees would be in even worse conditions than the squalor that currently pervades the camps they are living in. We must not desert these people.

As the last ''superpower'' in the world, the United States must take its role as the defender of democracy seriously. We must not allow dictators like Milosevic to wipe out whole populations in order to ''purify'' the areas they rule. We must demand that all citizens of the world are empowered and free to speak out against totalitarian regimes.

I urge my colleagues to support the amendment of the gentleman from Missouri and support our troops.

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, on April 28, when we were debating the resolutions regarding Kosovo, the President of the United States sent a letter to the floor of the House, and many represented that that letter meant he would obtain the approval of Congress before inserting ground troops. And then over the subsequent weeks we discovered he really did not mean it.

In testimony by the Secretary of Defense and the Secretary of State and their designees, they said, well, no, the President was not going to wait for a vote of approval by the House before sending in ground troops, if he felt ground troops were needed.

The point is that the mission in Yugoslavia can change. So if we accept the Skelton amendment and the mission changes and we have to send ground troops in, hear me, my colleagues, the President will say that this vote gives him the authorization. He will do it. My colleagues know he will do it, because he said he could send in ground troops without getting a vote by Congress.

What else can we do? I have tried in court. The Constitution gives Congress the right to declare war. But the court has said that a Member of Congress does not have standing. Even though the President carried on the war past the 60 days, in violation of the War Powers Resolution, we do not have standing to contest it.

The restriction in the bill, that the Skelton Amendment would remove, is all we can do to assert our right in the constitutional scheme.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I have a preferential motion.

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The Clerk will report the motion.

The Clerk read as follows:

Mr. OBEY moves that the Committee do now rise and report the bill back to the House with a recommendation that the enacting clause be stricken.

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I apologize to the Committee for not informing them ahead of time of this motion, but I made the motion in order to obtain the time to respond to some of the comments that I have just heard.

I think if this institution is to regain an ounce of credibility in the way it has dealt with this entire issue of the war in Kosovo, it must pass the Skelton amendment.

I simply do not understand what I have seen in this House in the last 2 months on this issue. I have seen our good friends in the majority first vote against substituting a ground war for the air war that NATO is conducting. Then I have seen them vote against supporting the air actions that were being taken by our forces in the field.

And then, in a double reverse that would make Barry Sanders proud, they voted to double the amount of money that they wanted to spend on the same war they said they did not want to see fought.

I saw one member of the majority leadership in the other body stand up twice in meetings that we had with the President and tell the President that he was wrong to conduct military operations of any kind against Mr. Milosevic, and he even suggested that the United States was guilty of attacking a sovereign country.

That same Senator, the day the peace accord was signed, then attacked the President because Mr. Milosevic was being allowed to stay in power under the agreement that was just signed. I guess that means he believes that new governments can be brought into being in Yugoslavia through immaculate conception. I do not quite understand how that is possible, but I guess some people think it is. That kind of double reverse is enough to give anybody watching, a bad case of whiplash.

What is important here at this time is for the Congress not to make a negative statement about what is happening in Yugoslavia but to make a positive statement. Of all times, it is necessary for us to be unified if we are going to be in the strongest possible position to carry out our opportunity and our duties and our responsibilities because of the apparent ending of military action in Kosovo.

It seems to me that the way that we can assert a positive position at this time is to eliminate the language that the gentleman from Missouri (Mr. SKELTON) is trying to eliminate and, on a bipartisan basis, see to it that the way we handle our forces in that area is consistent with our national interest and consistent with stabilizing that area so we do not have to go through this again.

I urge support for the Skelton amendment.

Mr. Chairman, I ask unanimous consent to withdraw my motion.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. HUNTER. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman will state his inquiry.

Mr. HUNTER. Mr. Chairman, does this side have an additional 5 minutes as a result of the request of the gentleman?

The CHAIRMAN. The motion has been withdrawn by unanimous consent.

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I rise respectfully to oppose the Skelton amendment.

NATO has achieved a victory, but it is really not a victory. It is a cessation of war, a cessation for now. The war is stopped not because of bombing but because Congress did not give wholesale authorization to the war.

It is important that Congress maintain its constitutional duty to reign the administration's war policies through not providing a blanket authorization past September 30, which the Skelton amendment would affect.

The agreement that was passed involving the war does not involve the KLA, and the fact that it does not involve the KLA ought to give pause to Members of this Congress, because the KLA's goal is still an independent Kosovo. We could end up in a situation where our young men and women whom we all support would be in a circular firing squad with KLA members being arrested and Serb units trying to get back into the province.

A vote against the Skelton amendment would be a vote to support the troops. The only way that we are going to have peace in the end is to make sure that there continues to be congressional oversight. Let us not give that up.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I rise in very strong support of the Skelton amendment.

I would remind the Members of this body when President Bush stood up to another thug in the person of Saddam Hussein, every Member of the Republican leadership voted to give maximum executive authority to enable President Bush to act as Commander in Chief regardless of the War Powers Act.

Then after the vote was taken on which the Democrats were divided, we requested another vote; and we voted nearly unanimously to give maximum authority to President Bush to act as Commander in Chief. And on every single subsequent vote, it was nearly unanimous that this entire House voted to support the President. But now the Republican majority wants to snatch defeat from the jaws of victory.

We have prevailed in this war. We have a more resolute, a stronger NATO. We have worked in coordination with 19 nations. We have achieved something nearly miraculous. We have not lost one soldier, sailor, or airman to enemy fire. We have shown that we can wage an air war alone and be successful. We have won.

Let us sustain this victory. Let the President act responsibly with the advice of the military and not politically with the advice of the Republican majority of this Congress who are absolutely and irresponsibly wrong on this issue. Support the Skelton amendment.

Mr. HUNTER. Mr. Chairman, I yield myself the 30 seconds remaining.

Let me just put the playing ground where it is right now. At this point, we have in this bill a provision that makes the President come to the Congress for a supplemental instead of taking Kosovo money out of ammunition accounts, out of spare parts accounts.

The gentleman from Missouri (Mr. SKELTON) has advised us that the President has now made that commitment to us. I think that is something that the gentleman from Missouri (Mr. SKELTON) and the chairman should take up shortly and discuss.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. MORAN of Virginia. Objection, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. MORAN of Virginia. Mr. Chairman, under the rule, the gentleman from California (Mr. HUNTER) did not have the right. That is the reason for the objection.

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Chairman, I express my appreciation to the chairman of the Committee on Armed Services.

Mr. Chairman, I rise in somewhat of a dilemma here regarding the Skelton amendment. If he were to suggest striking the language having to do in this proposal with section 106 relating to peacekeeping operations rather than the entire section, I would be in support of it. But as I was when we voted 213–213 back at the start of these activities in Yugoslavia, I continue to see no reason to be engaged in combat in Yugoslavia.

I am ready, willing, and able to support peacekeeping operations there, but I must draw the line on combat. I am supporting not doing combat in Yugoslavia. I am supporting doing peacekeeping in Yugoslavia.

If the gentleman would be so kind as to amend his request to only strike the combat portion so that, and I do not know the technical details, but if we would be allowed to do peacekeeping, I would be in support accordingly.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I think it is moot because the combat is over. That is in the past. Peacekeeping is the only thing in front of us. And I appreciate his support for that position.

Mr. OSE. Mr. Chairman, if the gentleman would continue to yield, I have great admiration for the gentleman from Missouri. My concern is that combat is just beginning.

Mr. SPENCE. Mr. Chairman, I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding.

I think that the gentleman from Missouri has a very valid and sincere concern when he offers this amendment. But I, too, must oppose it and am opposing it because I still do not feel comfortable the way this administration has handled this aggressive NATO action.

NATO, as we know, is a defensive alliance and has been using an aggressive posture in Kosovo. For 78 days we have bombed the heck out of a country which is the size of Kentucky. We have 855,000 refugees that have left the border that have to be brought back, 500,000 within the borders. These people will be returning home within a month, but to homes that are not there, on roads that they cannot drive on, to jobs that no longer exist because the businesses have been blown up.

Ten thousand people have been killed. And what is worse, we have not gotten rid of Milosevic. I do not feel comfortable the way this administration has handled this.

Now, I like the idea that the administration will have to come back to Congress and ask us for additional funding or ask us for one thing or the other. It seems to be the only thing that attempts to keep this administration in check. We do not have international unity. We do not have national unity. We do not have the central question answered, which is, why are we in Kosovo to begin with?

☐ 1530

To say that these 50,000, quote, peacekeeping forces are going to be in there only keeping peace is ridiculous. What happens when the people do not want to give up their guns and their ammunition? We know that we are going to be right back in a warlike posture.

I think, that being the case, it is very important that the administration continues to stay close to the Committee on Armed Services, to the Members of Congress, and to be accountable to us of what more money they want and what they want to spend and so forth. I am rising in opposition of the gentleman from Missouri's amendment.

Mr. SPENCE. Mr. Chairman, I have been hearing a lot of talk today on this amendment and on other amendments about cutting funds. I would like to remind this body that we are talking about funds in the fiscal year 2000 budget. No funds have been requested in the fiscal year 2000 budget for Kosovo. You cannot cut what you have not requested for. I think that is a big misunderstanding on the part of some people on the other side. I repeat, for clarity, you cannot cut what you have not already asked for in next year's budget. This is next year's budget.

PREFERENTIAL MOTION OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer a motion.

The Clerk read as follows:

Mr. HUNTER moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FRANK of Massachusetts. Mr. Chairman, is that motion renewable at this time?

The CHAIRMAN. It is in order. The last motion of the gentleman from Wisconsin (Mr. OBEY) was withdrawn by unanimous consent.

The gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Chairman, I yield to the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. I thank the gentleman for yielding.

Mr. Chairman, we are in the process of negotiating a settlement of this matter. In the meantime, I would like to take this additional time to explain what we have before us today.

As I said a few moments ago, this budget that we have before us that we are considering is for the year 2000. There are no funds requested by the President for 2000 for Kosovo in this budget.

We have recently, as my colleagues remember, passed a supplemental for Kosovo that took us up to the end of this fiscal year. You cannot do it for the next fiscal year.

We have had over a number of years now similar provisions to this one in our defense authorization bills. These provisions simply say that if any contingencies arise which are unbudgeted for, that the President should come before the committee and ask for funding for that. In the year that we are in right now, this fiscal year, that is what happened.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I appreciate the gentleman yielding. I would just point out that I think there is a problem, because it could well be that the Committee on Appropriations would appropriate money for the Kosovo peacekeeping, for this operation. If you have not authorized it, it would be subject to a point of order on the floor of the House. So the lack of authorization would have an impact.

Mr. SPENCE. The problem is, getting back to the point I was making, that the funds were not requested for. This provision is nothing new. It has been in other bills before now. Nothing unforeseen has happened because of them. As a matter of fact, as I just stated, the President came to us for a supplemental for funds up until the end of this fiscal year, it was passed and things keep on going. I suspect the same thing is going to happen again. This provision was put in the bill just like it has in the ones before, thinking no problem would arise because of it, and then this came up.

Now, we are in the position where we have to assume that the President is going to come back to us, as a matter of fact, he has said so before, that he will come to us with an additional request for funds for Kosovo for the year 2000, and that is where we are today. Nothing has changed. This provision in the law, as I said, is in the law right now and it is just repeating it again.

I will say something else again. The people here today in this body who are arguing on the other side of this issue have voted for this provision in other bills. As a matter of fact, they have voted for this provision in the context of a bill that we reported out of the Committee on Armed Services by a vote of 55–1. This issue came up in our committee, we voted on it, it was disposed of, and then when we voted a bill out of committee, those members by a vote of 55–1 voted for the bill with this provision in it. So we have the unconscionable position some people are taking today of opposing something they have already themselves voted for. I am just trying to explain why we have this provision in the bill and why nothing is wrong with it. People are trying to make it out as a cutting off of funds when you cannot cut off funds that have not even been requested for and are not provided for in next year's budget.

The CHAIRMAN. The time of the gentleman from California (Mr. HUNTER) has expired.

Does the gentleman from California seek withdrawal of his motion?

Mr. HUNTER. No, Mr. Chairman; I would be happy to have the other side proceed.

PARLIAMENTARY INQUIRY

Mr. SKELTON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SKELTON. Mr. Chairman, my first question is how much time is left under the regular order for debate?

The CHAIRMAN. The gentleman from Missouri controls 2 minutes. There is no time left on the opposition.

Mr. SKELTON. My second question is, do I have 5 minutes in opposition to the gentleman's request?

The CHAIRMAN. The gentleman controls 5 minutes in opposition to the gentleman from California's motion.

Mr. SKELTON. Then I so claim.

My third inquiry is, would I be entitled to an additional 5 minutes should I seek to strike the last word at a later moment?

The CHAIRMAN. The gentleman is correct.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the point I was trying to make, and I would like to hear the gentleman from South Carolina respond to it, if in fact the Committee on Appropriations appropriated money for Kosovo, that money would be subjected on the floor of the House, according to the Parliamentarian, to a point of order because it would lack authorization. So to say that this does not have any impact I believe is incorrect. And in fact our committee has put money in the appropriations bills for various peacekeeping operations before, so that it would not be taken out of readiness, which is the same thing that the gentleman from South Carolina wants to do.

I understand that good people here can have a differing view of this, and I certainly respect the gentleman's perspective on this. But I do believe that this amendment, if it is enacted, anybody in this House could stand up on the floor unless a rule were enacted and object on a point of order and the money in the appropriations bill would be stricken.

So I do not think we should take that risk. I think we should vote for the Skelton amendment.

PARLIAMENTARY INQUIRY

Mr. SKELTON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SKELTON. The 1 minute that was just eaten up came out of the 5 minutes in opposition to the gentleman from California's motion, is that correct?

The CHAIRMAN. The time was consumed on the motion of the gentleman from California. The time was consumed by the gentleman from Missouri.

Mr. SKELTON. So I have 4 minutes left of that 5 minutes, am I correct?

The CHAIRMAN. The gentleman is correct.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from California.

Mr. HUNTER. I thank my friend for yielding.

I just wanted to note to my friend that we had one speaker who did not have an opportunity to speak because of the oversight of this side, the gentleman from Illinois (Mr. HYDE), and I would ask the gentleman's indulgence to yield to the gentleman from Illinois.

Mr. SKELTON. I yield to the gentleman from Illinois (Mr. HYDE).

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, I thank the gentleman for the generous concession. As I look at this, both sides are right. You obviously are correct in that this is a terrible time to pull the plug on the operations over in Kosovo when we are on the verge of solving the most volatile part of that entire operation, and this is not the time to give signals of uncertainty as to where we stand or what abilities our commanders will have in the field.

On the other hand, they are perfectly correct over here in saying why are you not paying for this, why are you divesting and draining quality of life accounts, modernization accounts, ammunition accounts, readiness accounts. You are doing no favor to the cause of international stability by weakening and debilitating the rest of the military to pay for something going on in Kosovo.

Now, that ought to be resolved and should be resolved. We really should not be at loggerheads here. You are right and you are right. I just do not see why you cannot get together and have the administration ask for the money to pay for Kosovo and not keep draining the readiness accounts.

Mr. SKELTON. Mr. Chairman, I would like to mention to my friend from Illinois that the time for the President to make such a supplemental is hardly here. Number one, we have not even passed this bill. Number two, peace just broke out yesterday. I fully believe, based on my conversation with the President, that he is going to ask for a supplemental for peacekeeping in Kosovo in a very timely manner. I am convinced of it. He said so to me.

Mr. Chairman, I yield to the gentleman from Texas (Mr. LAMPSON).

The CHAIRMAN. The Chair advises the gentleman from Missouri that he has 1 minute remaining on his time in opposition to the motion of the gentleman from California (Mr. HUNTER). That is the matter on which the Chair is dealing at this time.

PARLIAMENTARY INQUIRY

Mr. SKELTON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SKELTON. I have 1 minute in opposition to the motion made by the gentleman from California (Mr. HUNTER), I have 2 minutes in regular time, and should I seek additional time on a striking of the last word, I would have 5 minutes there?

The CHAIRMAN. The gentleman is correct. However, the Chair will need to have a disposition of the gentleman from California's motion as soon as this 1 minute is complete.

Mr. SKELTON. I understand that.

Mr. LAMPSON. Mr. Chairman, I support the gentleman from Missouri's amendment which would delete the language that would prohibit funding military operations, be they offensive or defensive, in Yugoslavia.

In the tradition of the home State of the gentleman from Missouri, it is time that the United States show the world and Slobodan Milosevic that we as a Nation of peacekeeping people are committed to ensuring peace in Kosovo by continuing to fund the military operations in this region of the world.

Congress must support this important amendment. Now is not the time to blink. To cut off military funding in Yugoslavia during this initial stage of Serb troop withdrawals is not only bad policy for Kosovo but also for America and for the world. Support this amendment. Our Nation must show the world that we follow through on our promises to ensure peace in Kosovo now and for the future.

□ 1545

The CHAIRMAN. Does the gentleman from California ask unanimous consent to withdraw this amendment?

Mr. HUNTER. No, Mr. Chairman.

The CHAIRMAN. Then the question is on the motion offered by the gentleman from California (Mr. HUNTER).

The motion was rejected.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I rise in strong support of the Skelton amendment.

I have seen the refugee camps in Albania, the refugee camps in Macedonia. They are unlike anything I have ever seen, and I cannot do an adequate job of recounting to my colleagues the horror that the ethnic Albanians have been through.

I do want to quote to my colleagues from a letter written to the President from Elie Weisel, Nobel Peace Prize winner, and himself a Holocaust survivor, in terms of his observations as he visited the camps on behalf of President Clinton.

What I saw and heard there was often unbearable to the survivor that still lives in my memory. In fact, I never thought I would hear such tales of cruelty again. Now I must share them with you in this brief report, which began in anguish and ended in qualified, vacillating hope. While I sat in my last session with the former prisoners of Milosevic's police, the Yugoslav parliament approved NATO's conditions for surrender.

Mr. Chairman, we know much has happened since then to advance that fragile hope for peace. Milosevic agreed to the terms, the G–8 agreed to the terms, U.N. language, U.N. Security Council language, was negotiated and agreed to across the G–8.

We know in the negotiation with the Serbian generals they had nothing but trouble. The generals tried to renege, more bombs were dropped, more Serbs were killed. Ultimately, the generals reconsidered and are back on the agreement.

The only doubt raised this afternoon on this peace is raised on the floor of this House, and that is an incredible thing. Across this 19-nation alliance, engaged in trying to address these horrors, this House, the People's House of the United States of America, would raise a doubt about our commitment to see this peace treaty go forward.

Support the Skelton amendment. Without passage of this amendment, we leave open the question, come October 1, whether the United States will continue to provide the vital leadership in bringing this matter to an end.

The CHAIRMAN. The time of the gentleman from Missouri (Mr. SKELTON) has expired.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Chairman, as my colleagues know, it seems like this provision in this bill has become like a piece of Super Glue we are all trying to shake off our hand and just cannot quite figure out how to do it.

With regard to what the chairman of the committee talked about, the 55 to 1 vote, being one of the 55, I thought we had some assurances during that fairly painful discussion that there would be work on this language. We are all trying to figure out a way to get around it, and in fact, the original rule that came to the House floor had a self-executing provision, the majority's rule, to get rid of this language, and the rule was defeated, I believe, or did not have the support only because of some other extraneous problems depending on some amendments that did not get on the floor under that rule.

So, I mean, this thing has been a problem from the very beginning, and I would hope that we could take care of it today.

As my colleagues know, after we had that 55-to-1 vote, we were all very proud of this bill, and what was the headline in the paper? ''House Votes to Cut Off Funds for Kosovo.''

That is what will happen again if this bill passes today.

I woke up this morning excited about all the work we put in this bill and finishing it and heard a radio report that the House will vote today on cutting off funds for Kosovo. That is the way this provision is going to be interpreted if we do not strike it, and I fear that we have got ourselves into an anti-commander-in-chief feeling, meaning anti-Bill-Clinton feeling in our partisan divide. I believe that is unfortunate.

I hope that we will vote for the amendment of the gentleman from Missouri (Mr. SKELTON) and put out the good authorization bill we have.

Mr. SKELTON. Mr. Chairman, a number of years ago the famous author Barbara Tuchman wrote a book, ''March of Folly,'' wherein she set forth a good number of examples where governments made actions and decisions contrary to their own best interests. It is my intent today to keep that from happening.

We in this Congress, this great deliberative body in which I am thrilled to be a Member, we should not, number one, send a signal not just our troops, but to the world, that we wish to cut off funds, but we should not gamble with this matter at all.

I fully intend to seek the President's offering of a supplemental to us. He told me he would. He also told me he would do it in a timely fashion. I certainly hope that comes to pass. Even if he does, it is a very timely request for a supplemental.

What happens if there is a long holiday or it gets hung up in the Senate, or there is a disagreement over putting another supplemental together with it? What happens if we run out of time on September 30? Congress will be the laughing stock of the world, and we would all have very embarrassed faces.

We do not want that to happen. We do not want that to happen at all.

So, with that in mind, I would certainly hope that my amendment would be adopted, that we can get on with our business. And, Mr. Chairman, the sad problem is, the real sad analogy is that this is a great bill, the best one I have seen, the best one I have seen since early 1980s. It really helps the young people in uniform. And to mess it up with an issue like this, sending wrong signals, and as a practical legal matter, we would have young men and young women doing peacekeeping; if a supplemental gets hung up for 2 weeks, we cannot feed them, we cannot clothe

them, we cannot give them ammunition.

That would be a terrible reflection upon this wonderful deliberative body.

Mr. Chairman, I yield to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Chairman, as my colleagues know, the good news is that the rest of the world is figuring out this institution is not on the level. When we had the earlier votes, somebody said it better than I can, we voted not to go backwards, not to go forward and not to do what we were doing.

Now we are in the process of implementing what I think is a broad-based goal of the American people and the Congress, stopping the killing of the Kosovar Albanians, getting them back in their homes, and we are in this dance. I am not sure what we do here has the meaning or the impact because of the irresponsible nature of these actions.

If we compare what the opposition in this Congress did during the Gulf War, once that initial vote was taken, the Democratic side of the aisle stood with the President every step of the way. One would get the sense here that every opportunity, there is an attempt to undermine a policy simply because it is successful.

Mr. MCGOVERN. Mr. Chairman, I rise today in support of the Taylor and Skelton amendments. I hope my colleagues on the other side of the aisle will refrain from offering amendments aimed at undermining the hard-won peace agreement in support of human rights and basic human dignity in Kosovo.

In bases across the United States and Europe, our men and women in uniform can be proud of the role they played in bringing peace and security to a suffering people. Their dedication and commitment not only ended the campaign of ethnic cleansing against the Kosovar Albanian people, but also reshaped the social and political landscape of Europe.

While only time will reveal the future of Kosovo, of the Balkans and of Europe as a whole, we do know this campaign marks a turning point in U.S.-European affairs.

Surely, there is a great deal left to be done in Kosovo. The most complicated, and perhaps the most dangerous, tasks still remain: ensuring the security of returning refugees, disarming the KLA, cleaning landmines and booby-traps set by Serbian troops, prosecuting war criminals who committed unspeakable acts against defenseless civilians, providing a framework to allow the Kosovar people—of all ethnicities—to govern themselves, and rebuilding the infrastructure and economies of the region. I believe the nations of Euripe will and should bear the greatest responsibility for achieving these objectives, but the United States will also play an important role. Once again, we shall ask much of our service men and women; and once again, I know they will carry out their duties with honor and distinction.

Celebration is not appropriate as we reflect on this hard-won peace. The horrors inflicted on the Kosovar people over the past months are too painful. The destruction of their homes, livelihoods and security will haunt the future. The tasks ahead of us are sobering. It is a moment to remember and honor their sacrifices. And most especially, to honor and to express our appreciation for the members of the U.S. Armed Forces and our NATO allies whose efforts demonstrated to the world community that the words ''Never Again'' are more than hollow rhetoric.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of Representative SKELTON's amendment. This amendment will strike the prohibition on the use of funds for operations in Yugoslavia.

The prohibition currently contained in H.R. 1401 requires that the administration submit supplemental budget in the event military operations continue into FY 2000. This statutory prohibition preventing the President from using funds contained in the FY 2000 defense authorization sends the wrong message to the Yugoslavian President Slobodan Milosevic. As negotiations continue to proceed towards a settlement, this body should resist the temptation to remove another bargaining chip from the peace table. Our sustained bombing of the Yugoslavian army and police units has began to take a toll. When we are so close to helping NATO achieve its objectives we should not relent. The bill as currently written will only encourage Milosevic to hold out against the terms of NATO.

This provision sends the wrong message to friend and foe alike. When we have stood by our NATO partners in this conflict or restore peace to the Balkans we should not now turn our collective backs on our partners. It should be clear that America still has a significant role in the security of Europe. Our NATO partners look at the United States for leadership and direction.

I believe that our leadership through this current crisis has brought Milosevic to the table of peace. When I visited the refugee camps last month in Albania, I had the chance to ask many of the ethnic Alabanians, if they thought NATO's actions where to blame for their situation. Mr. Chairman, to a person they all agreed that the responsibility for this crisis rests squarely at the feet of Milosevic. The Kosovar refugees are depending on the U.S. and NATO to fulfill their commitment of returning them safely to their homes. This body cannot relent from our mission of peace and must ensure that Milosevic pays a heavy price for his present policy of repression.

Every time that Congress says it will not fund this or that our troops should be out of the region by this date, we only embolden the forces of Milosevic. Our message should be singular in nature, committed to restoring peace in the Balkans. This provision establishes a fiscally driven date with no consideration of operational or diplomatic concerns. It sends a message to Milosevic that he need only to hold on for a few more months before funding for U.S. participation in the NATO air campaign or a peacekeeping mission is thrown into question.

Finally, Mr. Chairman, if this provision remains in the bill, the President has promised to veto this bill. This promised veto would come because of the negative effect on this provision on our troops, on the refugees to whom we have made commitments, and on the alliance which has provided security in Europe for fifty years.

I ask the members of this body to vote—''yes'' on the Skelton Amendment, which demonstrates strong support for our national security.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 200, further proceedings on the amendment offered by the gentleman from Missouri (Mr. SKELTON) will be postponed.

The point of no quorum is considered withdrawn.

The Chair understands that Amendment No. 20 will not be offered.

It is now in order to consider Amendment No. 21 printed in Part A of House Report 106–175.

AMENDMENT NO. 21 OFFERED BY MR. SHAYS

Mr. SHAYS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 21, offered by Mr. SHAYS:

At the end of title XII (page 317, after line 17), add the following new section:

SEC. 1206. REDUCTION AND CODIFICATION OF NUMBER OF MEMBERS OF THE ARMED FORCES AUTHORIZED TO BE ON PERMANENT DUTY ASHORE IN EUROPEAN MEMBER NATIONS OF NATO.

(a) IN GENERAL.—(1) Section 123b of title 10, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) by inserting after subsection (a) the following new subsection (b):

''(b) EUROPEAN END-STRENGTH LIMITATION.—(1) Within the limitation prescribed by subsection (a), the strength level of members of the armed forces assigned to permanent duty ashore in European member nations of the North Atlantic Treaty Organization may not exceed approximately—

''(A) 100,000 at the end of fiscal year 1999;

''(B) 85,000 at the end of fiscal year 2000;

''(C) 55,000 at the end of fiscal year 2001; and

''(D) 25,000 at the end of fiscal year 2002 and each fiscal year thereafter.

''(2) For purposes of paragraph (1), the following members are not counted:

''(A) Members assigned to permanent duty ashore in Iceland, Greenland, and the Azores.

''(B) Members performing duties in Europe for more than 179 days under a military-to-military contact program under section 168 of this title.

''(3) In carrying out the reductions required by paragraph (1), the Secretary of Defense may not reduce personnel assigned to the Sixth Fleet.'';

(3) in subsection (c), as redesignated by paragraph (2), by adding at the end the following new sentence: ''Subsection (b) does not apply in the event of declaration of war or an armed attack on any member nation of the North Atlantic Treaty Organization.''; and

(4) in subsection (d), as redesignated by paragraph (2), by striking ''The President may waive'' and all that follows and inserting ''The President may waive the operation of subsection (a) or (b) if the President declares an emergency. The President shall immediately notify Congress of any such waiver.''.

(b) CONFORMING REPEAL.—Section 1002 of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note), is repealed.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Connecticut (Mr. SHAYS) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before using my time, I want to just point out there are many cosponsors, and I would like to yield half of my time to the gentleman from Massachusetts (Mr. FRANK) to give out as he chooses.

The gentleman from California (Mr. ROHRABACHER), the gentleman from California (Mr. CONDIT), the gentleman from California (Mr. BILBRAY), the gentleman from Florida (Mr. FOLEY), the gentleman from Michigan (Mr. UPTON), and the gentlewoman from Michigan (Ms. RIVERS) are also cosponsors.

Mr. Chairman, I yield half of my time to the gentleman from Massachusetts.

The CHAIRMAN. Without objection, the gentleman from Massachusetts (Mr. FRANK) will be recognized for 7½ minutes and will be permitted to control that time.

There was no objection.

Mr. SHAYS. Mr. Chairman, to explain the amendment, first, this is a bipartisan amendment that is offered by Members from both the Republican and the Democrat side of the aisle and spans the ideological spectrum from liberal to moderate to most conservative member. It calls for a gradual decrease in the level of permanent stationed troops in Europe from 100,000 to 25,000, beginning with a troop reduction of 15,000 by September 30 next year, and then 30,000 troops the year after, September 2001, and 30,000 the year 2002, bringing us to a total of 25,000.

This amendment does not pull the rug out from under the Europeans, it does not reduce the overall U.S. troop levels, and it does not affect operations such as the operations in Bosnia or Kosovo. It simply says that we will have 25,000 troops instead of 100,000 and ask for our allies to pay more.

In the past, we have had burdensharing amendments. And we have had burdensharing amendments because the Japanese pay $3.4 billion for the 40,000 troops that we have in Japan. The Europeans now pay for 100,000, less than $70 million, a gigantic difference, and yet those European nations are quite wealthy.

The spending on military is a percent of our budget; we spend 17.4 percent. The European NATO nations spend 5.6 percent, and it is interesting to note that the leaders of the 15 European countries decided last Thursday to make the European unit a military power for the first time in its 42-year history with command headquarters staff and force for its own peacekeeping and peacekeeping missions in future crisis like those in Kosovo and Bosnia.

We are asking the Europeans to step up and pay more and do more, and we are asking that we be able to allocate our troops in a more efficient way and not spend so much of our money in Europe.

Mr. Chairman, I reserve the balance of my time.

Mr. BATEMAN. Mr. Chairman I rise in opposition to the amendment.

Mr. Chairman, I am in no way unsympathetic with its purposes. I certainly hope that the opposition I will speak is a bipartisan opposition. I certainly do not oppose it, certainly for any partisan reasons; I oppose it because I think it is impractical and I think it is unnecessary. I think it is counterproductive to our national security interests.

We do not deploy our forces in Europe to defend someone else; we put them there because of our national security interest and concerns.

□ 1600

It is an error to say that we have a permanent force of 100,000 people there. We have a force that is as large as we choose it to be, as small as we choose it to be. We have no treaty obligation that commits us to a precise number of 100,000 or any other number. Those who are there are there because our military have determined it is in our national security interests for them to be there.

With reference to the cost, I can tell you that with the authorized force levels of the Army, the Navy, the Air Force and Marines, none of them have as much manpower authorized to them as they need to execute the missions being assigned to them, so you can bring every one of the 100,000 home and you will not have reduced the number of people in the military by one.

We are even in the very sad situation where we cannot even maintain the presently authorized end strength of the Army, Navy and Air Force because of problems in recruiting and in retention.

We are not going to reduce the cost to the defense budget one iota by this amendment. In fact, we will increase it by this amendment because you will force us to bring more of the troops home, even though our military believes they are better in our national security interests to be there than to be back in the Continental United States. At least in NATO, the NATO investment security account, we participate in by something like 23 percent. The rest of it on these bases in Europe is absorbed by the Nato Security Investment Account. We are not paying for it at all. If they come back and are garrisoned in the United States where the military do not think they serve our national security interests as well, we will pay more, not less.

So I do not understand, other than some sort of symbolism, what it is we are supposed to gain by reducing the number of our troops in Europe. If you want to argue there is not a fair burdensharing when we have had missions and deployments on the Continent of Europe, I am entirely in agreement with you. I do not think we should have had nearly the burden in Bosnia that we bore. I do not think we should have had the burden in Kosovo that we have borne. I think that was unfair and disproportionate.

But this amendment is not about any of that and would have no bearing upon any of that. This amendment is simply saying to the United States Department of Defense, you are going to have an arbitrary ceiling that is set legislatively on how many people you deploy somewhere, notwithstanding your views as to what serves the national security interests of the United States, and which will have zero implications in terms of the defense budget of the United States.

It is well intended, but ill-conceived. I hope it will be the pleasure of the House to defeat it.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. CONDIT), a cosponsor of the amendment.

(Mr. CONDIT asked and was given permission to revise and extend his remarks.)

Mr. CONDIT. Mr. Chairman, I rise in support of this amendment. In the last few years the Europeans have increased their social spending while steadily decreasing the defense spending. Why? Because they rely on us to pick up their costs and to defend them. Our friends in Europe can afford the cost of defending themselves, and I think it is about time that they did that.

This amendment also has been criticized that maybe it will restrict our ability to put forces in Europe around the world if we need to in a timely fashion. This amendment does not remove our ability to respond to a worldwide European crisis. Under the current doctrine, we are able to leave the equipment there. As a matter of fact, currently we will have, with this amendment passing, we will have the ability to keep the equipment, tanks, three brigades' worth of equipment in Europe, which will mean that we will have the equipment there, and all we will have to do is send the men or the military in a short period of time. This amendment does not touch those reserve stocks. We are able to respond in just a matter of hours because the equipment will be there. We are only removing the personnel.

So with that, I would ask my colleagues to support this amendment. We are having a hard time getting burdensharing passed. This is one way for us to do it. This is one way for us to make the point that it is time that our European allies and European friends paid their fair share. This will force them to do that by paying for their own defense.

Mr. Chairman, I rise in strong support of this amendment. I think we ought to take a hard look at some very serious issues regarding the

defense of Europe and this amendment squarely focuses us on that.

Along with my friends, the gentleman from Connecticut, Mr. SHAYS; the gentleman from Massachusetts, Mr. FRANK; my colleagues from California, Mr. ROHRABACHER and Mr. BILBRAY; the gentlelady from Michigan, Ms. RIVERS; the gentleman from Vermont, Mr. SANDERS; the gentleman from Florida, Mr. FOLEY; and the gentleman from Michigan, Mr. UPTON; I am offering this common sense amendment to gradually reduce our forward military presence in Europe. Our goal is to decrease the number of troops in Europe from the current level of 100,000 to 25,000 between now and 2002.

It's not a secret that the United States has been the primary defender of Europe for the better part of this century. After World War 2 we adopted the Marshall Plan to help us defend our allies who were facing incredible economic times following six long years of war.

In those days the mission was to defend our European allies from an invasion by the Soviet Union and Warsaw Pact nations. Mr. Chairman, as important as that mission was, it doesn't take a rocket-scientist to figure out the Cold War has been over for a decade, yet, here we are continuing to subsidize Europe's defense. It just doesn't make sense that we should continue to do this.

I want to stress this amendment will not reduce overall U.S. troop levels, nor will it preclude the United States from participating in military operations in Europe. However, it finally restores European responsibility for defending its own borders. While U.S. subsidies for Western Europe's defense made sense during the Cold War, these expenditures are no longer necessary.

Is it any wonder that while Great Britain saw fit to decrease its government's defense spending from 24 percent to their GNP in 1951 to less than seven percent in 1997, it boosted social spending from 22 percent to 53 percent during the same time period?

The answer is a resounding NO. Our wealthy European allies—whose GNP-growth has actually outpaced our own economic growth—deliberately underfund their defense spending because they fully expect us to bear the costs of protecting them when they are fully capable of doing so themselves. It's time to let them do so.

Why is it that we spend $100 billion more than all the other NATO nations combined when their GNP and population base is larger than ours? It just doesn't pass the common sense test. Not now. Not ever.

I know there are some who may question whether this leaves us in a precarious situation as far as defending Europe is concerned. I want to be very clear about this. This amendment doesn't remove our ability to respond to world wide or European crises such as the current military operations in Yugoslavia. In fact, it enhances our ability by ensuring our forces remain mobile and prepared to respond to emergencies around the globe.

This amendment doesn't effect our prepositioned War Reserve Stocks in Europe. Currently we have 3 Brigades' worth of equipment—tanks and mechanized infantry—assigned to Europe. The methodology of placing 10 battalions' worth of equipment and material in strategic locations is sound. Our amendment doesn't affect these reserves. Those numbers do not change under this legislation. The equipment that is currently readily available to U.S. forces in the event of war or other emergency will continue to be readily available with this amendment.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. BATEMAN. Mr. Chairman, I yield 4 minutes to the gentleman from Washington (Mr. DICKS), in demonstration of the bipartisan support of this amendment.

(Mr. DICKS asked and was given permission to revise and extend his remarks.)

Mr. DICKS. Mr. Chairman, first of all, I think this would be a very major mistake on the part of our country to reduce by 75 percent our force structure in Europe.

The reason we are in Europe is because it is in our national security interests to be in Europe. I believe the force structure we have there adds to stability in the area.

I would like to mention a few reasons why the Department of Defense opposes this. The proposed legislation is contrary to current guidance articulated in the national security strategy and force level recommendations in the 1997 Quadrennial Defense Review. The 1997 National Military Strategy states that current force structure and overseas presence posture are the minimum, minimum, force capabilities required to execute military responsibilities. Without detailed analysis of current and future requirements, it is impossible to determine if the existing force structure is adequate to accomplish our task. There is also a possibility that such a study may recommend force reductions based on changes in priorities and objectives.

The current U.S. overseas presence posture in Europe serves a number of critical concerns. First of all, as I mentioned, is regional stability. As evidenced by operations in the Balkans, regional stability in Europe is not a given. Eastern Europe in particular may see an increase in the number of failed and failing states, rogue actors and non-state entities that will threaten European stability as a whole.

U.S. forces serve as both a bulwark to existing security agreements and a deterrent to opportunistic aggression in the region. The credibility of this deterrent capability must be unquestioned in the eyes of those who would threaten our interests in the region: major U.S. staging areas, as we have seen in this operation, for EUCOM, CENTCOM, PACOM areas of responsibility. The proximity of U.S. forces to critical regions outside of Europe improves our capability to respond to crisis. The presence of U.S. forces in Europe serves to enhance deterrence and provide secure locations from which U.S. forces can operate in central Asia, southwest Asia, and south Asia.

Just for example, I was in England at Fairford to see our B–52 pilots and our B–1B pilots and KC–135s operating out of that area. Now, you have got to have these four deployed bases and U.S. forces there in order to be able to move forces from the United States to a place like Fairford and then into the area of responsibility in Yugoslovia. The fact that we have these troops forward based, in my mind, is exactly the right thing to do, because they can train in the area of responsibility and they add stability to the area. So I think this is a very drastic amendment and it should be, as it always has been in the past, overwhelmingly defeated by this House.

Mr. Chairman, I include the following information paper for the RECORD.

INFORMATION PAPER

Subject: Amendment Number 16 by Representative Shays mandates a phased reduction of European overseas presence force structure from current levels by 75% at the end of fiscal year 2002.

DoD Position: Oppose.

Proposed legislation is contrary to current guidance articulated in the National Security Strategy and force level recommendations in the 1997 Quadrennial Defense Review.

The 1997 National Military Strategy states that current force structure and overseas presence posture are the minimum force capabilities required to execute military responsibilities.

Without detailed analysis of current and future requirements, it is impossible to determine if the existing force structure is adequate to accomplish our taskings. There is also a possibility that such a study may recommend force reductions based on changes in priorities and objectives.

Talking Points: The current U.S. overseas presence posture in Europe serves a number of critical concerns:

Regional stability: As evidenced by operations in the Balkans, regional stability in Europe is not a given. Eastern Europe in particular may see an increase in the number of failed and failing states, rogue actors, and non-state entities that will threaten European stability as a whole. U.S. forces serve as both a bulwark to existing security agreements and a deterrent to opportunistic aggression in the region. The credibility of this deterrent capability must be unquestioned in the eyes of those who would threaten our interests in the region.

Major U.S. staging area for EUCOM, CENTCOM, and PACOM AORs. The proximity of U.S. forces to critical regions outside of Europe improves our capability to respond to crises. The presence of U.S. forces in Europe serves to enhance deterrence and provides secure locations from which U.S. forces can operate in Central Asia, Southwest Asia, and South Asia.

NATO Leadership and commitments. The stability of the NATO alliance is a vital U.S. national interest as stated by both the President and Secretary of Defense. The presence of sizable U.S. forces in theater is a visible demonstration of our commitment to NATO. The United States would abrogate its leadership role and significantly reduce its influence on the shape of European security were we to sizably reduce our presence in Europe.

Partnership for Peace. As with NATO, the U.S. plays a vital leadership role in the Partnership for Peace (PfP). By increasing transparency and mutual understanding among Partners, PfP contributes immeasurably to stability in Eastern Europe and Eurasia. Because U.S. forces based in Europe routinely engage with Partner nations, they constitute the vanguard of a larger effort to build confidence and enhance security among PfP member nations.

Reassurance to Europeans in the event of Russian resurgence or instability. The future of Russia is uncertain. Economic and political instability remain a critical concern to European and U.S. security. A significant reduction in U.S. forces in Europe could contribute to further instability on the continent.

Integrated regional approach (complementing other U.S. elements of power). Military forces help to establish the conditions of peace and security that enable the application of other elements of power. We remain economically and politically committed to Europe. A significant reduction of our overseas presence would diminish our capacity to develop and implement a comprehensive regional approach.

Organization for Security and Cooperation in Europe (OSCE). The presence of U.S. forces overseas as a demonstrable commitment of U.S. resolve and leadership bolsters the effectiveness of international institutions like OSCE.

Finally, allies in other regions may see a large reduction of forces in Europe as a precursor of a more broad-scale withdrawal and the beginnings of a more neo-isolationist U.S. policy. This would serve to decrease our global influence and may encourage aggression elsewhere.

Mr. BATEMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska (Mr. BEREUTER).

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Chairman, our colleague from Washington has it right, this is a drastic proposal. We have seen some burden-sharing amendments here in the past, but this is draconian. I am shocked by it.

As a matter of fact, I chair the delegation to the NATO Parliamentary Assembly, and so I follow NATO issues carefully, as do many of my colleagues who are here involved in this debate. I think this proposed reduction over 3 fiscal years is simply bad national security policy.

The U.S., as mentioned, is not in Europe to protect European interests, but to defend American national interests. Our borders are more secure because we kept the threat far from American shores through our worldwide forward-based military presence. The real threat to our interests is broad, such as the potential conflict in Korea or southwest Asia where U.S. vital interests lie.

The U.S. recently completed a reduction in Europe of our troops from the 320,000 to 100,000 level. I would ask the question, is this really sufficient to protect American interests there? It probably is. But if you reduce it systematically to 25,000, the practical effect is we cannot have even one combat division in Europe under those numbers.

Our vital security interests in Europe and globally have not been delineated since the end of the Cold War, but I think it is incumbent on us to understand what our interests are before we begin additionally modifying our force posture in Europe or anywhere else.

Remember the core of U.S. forces in the Gulf War. They were deployed from Europe. Many more months and much more capital would have been required to deploy to the Gulf without those forward-based forces. Today we are using airfields in Turkey for operations in northern Iraq. Forward deployment based out of Europe enhances U.S. readiness to respond expeditiously, which can increase our potential for success.

Even making a decision to reduce U.S. forces in Europe at this point, I think, would be premature. DOD is in the early stages of its European Posture Review. In it, DOD is evaluating options to reduce stress on U.S. forces in Europe. The impact of these changes in force numbers, types and equipment, I am told is quite seriously being examined. Included will be review of U.S. commitments to Kosovo. It is prudent to wait for the completion of this study, which will be grounded in empirical data and be subject to careful examination. Completion is expected in the next several months.

In addition, over time, the European Union's new ESDI, European Security and Defense Initiative, has, I think, great potential to contribute meaningfully to Europe's defense and to allied burden-sharing. But, let us face it, the gap in weapons technology is growing between our European and Canadian partners in NATO, rather than shrinking. At this point our force commitment is really needed in Europe.

I urge defeat for this amendment.

Mr. SHAYS. Mr. Chairman, I yield myself 20 seconds to just point out our amendment contains a conforming repeal of section 1002 of the Department of Defense Authorization Act of 1995. There at C(1) it says the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in Europe member nations in NATO may not exceed a permanent ceiling of approximately 100,000 in any fiscal year. The number exists and we are amending that.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the amendment. Simply put, it reduces our troop strength in Europe from 100,000 to 25,000 over a 3-year period. This makes a lot of sense, does it not? The Cold War is over. The threat that we tried to deter for such a long time, the Soviet Union, is no longer a threat. It is time for us to say to our troops, good job, come on home. It is not time to say let us find another way to spend money, let us find another way of using these troops.

That is ridiculous. NATO was meant, and we carried a burden for 4 decades, it costs us hundreds of billions of dollars, to protect Europe. Yes, the argument was correct, we were protecting ourselves, because there might have been a Soviet invasion. That has been handled now. Now it is time to decrease the number of troops in Europe so that we can spend that money elsewhere, whether it is in Social Security or Medicare, or whether it is for our readiness and troops someplace else in the world, like Asia, where there may be a threat to our national security.

But we do not need to subsidize Europe's defense anymore. In fact, this is not subsidizing Europe's defense, we are subsidizing stability. Is that not great? If we do not reduce our troops in Europe, if we do not reevaluate our position in NATO, there will be many more Balkan adventures, whether it is Moldova or elsewhere, draining tens of billions of dollars, putting us in jeopardy because we will spend ourselves into a position where we are vulnerable to our real enemies and we will break our bank. We will just not be able to do it.

Let us have no apologies. We have no apologies about watching out for America's interests, spending money for our defense. But this amendment makes it clear that the Cold War is over and it is a waste of our money to be defending Europe, spending billions of dollars putting troops in Europe to protect their stability. They are richer than we are. Let them pick up their own price tag.

□ 1615

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 minute to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I thank my friend for yielding time to me.

The current situation regarding U.S. troop presence in Europe is very strange, because many countries in Europe are now far wealthier than the United States and are more than able to defend themselves. They do not need us.

In Europe, because their countries invest in health care, almost all Europeans have free or inexpensive health care. Yet in our country, 43 million Americans lack health care. In Europe, almost all young people are able to go to college free or very inexpensively. In our country, young people and their families are going deeply into debt.

It seems to me absolutely appropriate that Europe provide more funds for their own defense. If they do that, maybe we can join them and provide health care to all of our people, and free and inexpensive college education to our young people.

Mr. BATEMAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. GILMAN).

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Chairman, I want to thank the gentleman from Virginia (Mr. BATEMAN), a member of our Committee on Armed Services, for yielding.

Though I have the highest respect for the author of this amendment, the gentleman from Connecticut (Mr. SHAYS) and his underlying intentions, I am strongly opposed to this measure. I base my opposition on two concerns.

First, I believe the notion that we would be reducing the burden of our Armed Forces to our taxpayers by agreeing to the amendment is based upon a false impression. We have invested significantly over the past 50 years in our military infrastructure in Europe. It is this investment that is now paying dividends which allowed us, such as the air strikes in the Federal Republic of Yugoslavia, to utilize our bases in Italy, Germany, the United Kingdom, and in other countries.

It is also paying off in the NATO mission in Bosnia, where we were able to rotate in units from our Armed Forces in Germany and to protect them with air power based in Italy at a much lower cost than having them flown in from the United States, as we appear to be facing an imminent new NATO mission in Kosovo, and we will see our investment recouped there as well.

The reductions in Armed Forces required by this amendment simply mean that we will have to forfeit our investment in infrastructure.

The second basis for my concerns about this amendment arise from the implications in the message that sends, particularly to our newest allies in Central and Eastern Europe and those in that region that aspire to become our allies. We would forfeit our leadership within the North Atlantic Council and send a disturbing signal to our allies about the nature of our commitment to our common security requirements.

Since the end of the Cold War, we have already reduced our troop levels by over two-thirds, from more than 300,000 to just over 100,000. While that sizeable reduction is warranted, the drastic cuts called for in this amendment are not.

I most of all would like to emphasize to my colleagues that our Armed Forces are not in Europe because they serve Europe's interest, but because they serve our Nation's interest. So I urge my colleagues to vote no on this amendment and preserve our Nation's vital role in Europe.

Mr. Chairman, I thank the gentleman from Virginia a member of our Armed Services Committee, Mr. BATEMAN, for yielding. Although I have the highest respect for the author of this amendment, Mr. SHAYS, and his intentions, I am strongly opposed to this measure.

I base my opposition on two concerns. First I believe that the notion that we would be reducing the burden to our armed services and to our taxpayers by agreeing to this amendment is based upon a false impression. We have invested significantly over the past fifty years in our military infrastructure in Europe.

It is this investment that is now paying off which allows NATO air strikes in the Federal Republic of Yugoslavia utilizing our bases in Italy, Germany, the United Kingdom and in other countries. It also was paying off in the NATO mission in Bosnia where we are able to rotate in units from our armed forces in Germany and protect them with air power based in Italy at a much lower cost than having to fly them in from the United States. As we appear to be facing an imminent new NATO mission in Kosovo, we will see our investment recouped there as well.

We not only face missions in Europe that our forward deployments there make easier. We have our on-going effort in the Persian Gulf for which we rely on the air base we share with Turkey, and in recent years we have been called upon to respond to humanitarian emergencies in Africa.

The reductions in armed forces required by this amendment simply mean that we will have to forfeit our investment in infrastructure.

The second basis for my concerns about this amendment arises from the implications of the message it sends, particularly to our newest allies in central and eastern Europe and those from that region that aspire to become our allies.

We would forfeit our leadership within the North Atlantic Council, and send a disturbing signal to our allies about the nature of our commitment of our common security requirements. Since the end of the Cold War we have already reduced our troop levels by two-thirds—from more than 300,000 to just over 100,000. While this sizeable reduction was warranted, the drastic cuts called for in this amendment are not.

I most of all would like to emphasize to this House that our armed forces are not in Europe because they serve Europe's interest, but because they serve the United States' interests. I urge my colleagues to vote no on this amendment and preserve the U.S. vital role in Europe.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the gentleman from Virginia said that he agrees that the Europeans are not doing enough on the ground. There is virtual unanimous agreement here that it is an inappropriate strain on the American taxpayer and the American defense establishment for us to be providing the ground troops that will have to be contributed from America in Kosovo and Bosnia. We are told time and again we should not have to do it, but the Europeans are not capable without us.

There is only one way we will reach a situation where the Europeans are able to provide the ground troops for European activity. That is by beginning a 3-year process. This begins a 3-year process of a drawdown in American troops. At the end of the first year, we will still have 85,000 there. Then we will go down to 60,000, then to 25,000.

The fact is that the remaining lavish welfare program in the world is the one by which American taxpayers allow our European allies not to bear a fair share of the burden. Members say, oh, we wish the Europeans would do it. We can wish and we can wish and we can wish, and it is not going to happen. It will happen when we bring down our troops.

By the way, this amendment leaves the Sixth Fleet in place. We are not abandoning Europe. Members say, well, we need the forward bases. Are they telling us that if we leave the Sixth Fleet and 25,000 troops, our European allies will deny us access to these bases? They will not deny us access to these bases, although there have been times in the past, particularly when the Middle East was involved, when they have restricted our use of those bases.

We are not talking about shutting down the bases, necessarily, although I must say, when it comes to shutting down bases, I do not understand why this Congress should always be willing to shut bases in America and never shut bases overseas.

The gentleman says, what about the spending? It is also, by the way, one of our major foreign aid programs. I am for more foreign assistance to the poor, but substantial foreign assistance in the billions and billions of dollars to Europe, to Germany, and Italy, does not make sense.

As to whether or not it saves defense money, we are not here reducing overall strength. But if they are not pinned down there, if there is more flexibility, and in particular, if this leads the Europeans to have the ground troops, then we could at the end of this period perhaps reduce our troops.

Is there a Member of the House who thinks it is legitimate that the United States, that has all the burden in South Korea, most of the burden in the Middle East, that did most of the air war in Kosovo, that we should also have to have thousands of American peacekeeping troops, at the cost of billions, in Bosnia and Kosovo?

If Members vote down this amendment, then please do not, in the future, lament the fact that American ground troops were necessary as part of the peacekeeping forces in Kosovo and Bosnia, because as long as we make the Europeans this gift of welfare, they will never have the capacity.

Let us do a little capacity-building. Let us follow the principles we have tried in some parts of welfare reform. Let us tell the Europeans that within 3 years, they are going to be on their own and we will stop enabling them not to do their own job.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from San Diego, California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I rise in support of the amendment. I would like to echo, for once I would like to echo the position of my colleague, the gentleman from Massachusetts (Mr. FRANK): Let us not be enablers. We are enabling Europe not to bear their fair share of the responsibility of defending their neighborhood.

The United States has restructured our presence all over the world, but explain to the people of America, where we are going have 100,000 troops in Europe to defend Europe, but we are now not going to have any troops in the Panama Canal Zone; that the Western Hemisphere is somehow not quite as important as Europe.

We have gone through changes. I will remind my colleagues, we have gotten out of the Philippines, we have pulled out of places all over the world where

we have found now we need to restructure.

We went into Europe with NATO with a plan of defending Europe and to keep NATO from being overrun within a week. I ask my colleagues, who is planning to overrun Europe within a week? Who can constitute the threat to justify the American presence? In fact, it is not there.

The most important issue is this: We continue to subsidize the European community at the price of American taxpayers. We not only have a right, we have a responsibility to expect our allies to tow their fair share. Being an ally does not mean how many troops we put on their soil. Australia is a major ally of this country. There are 300 U.S. troops in Australia. Does that make them less of an ally than Europe? Let us use that as an example: Fair share. Help Europe do the right thing and defend themselves on their soil, and use us as an aid, but not a crutch.

Mr. BATEMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SISISKY).

(Mr. SISISKY asked and was given permission to revise and extend his remarks.)

Mr. SISISKY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this is a very popular issue. We have had this issue before, of course, in the name of burdensharing. But I want to remind my colleagues, this is not a goal, this is the real thing. In burdensharing we had a goal.

I listed a number of points here that hopefully will convince most of the people that this is a bad deal.

Number one, the force level we have now is a minimum requirement, according to the current national security strategy, which is the QDR.

Number two, the Secretary of Defense right now is conducting a European posture review to re-evaluate force requirements in Europe.

Number three, the presence of U.S. forces helps Europe to preserve regional stability and recover from instability.

Number four, there is no substitute for being there. Europe is a major staging area for surrounding regions.

Number five, the presence of sizeable U.S. forces in theater is a visible demonstration of our commitment to NATO.

Number six, U.S. forces in Europe play a vital role in rebuilding Eastern Europe through a partnership for peace.

Mr. Chairman, let me just say this, the troops that we have in Europe are there for our convenience, not the Europeans' convenience, with stability and other things, and the ability to go from Europe to anyplace, along with families who travel with our troops. I would remind this body that we reduced from about 350,000 troops in 5 years to 100,000, and we should never forget that.

Mr. Chairman, I would ask this body, please vote no on this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield the balance of our time to the gentleman from Michigan (Mr. BONIOR), the minority whip.

The CHAIRMAN. The gentleman from Michigan (Mr. BONIOR) is recognized for 2 minutes.

Mr. BONIOR. Mr. Chairman, I thank my colleague for yielding, and I want to thank my colleagues, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Connecticut (Mr. SHAYS), for their amendment.

Mr. Chairman, I took this well back in 1991 on this very bill and I offered an amendment, and did not tell anybody I was going to do it, did not tell our leadership, I did not tell anybody on this side of the aisle. I certainly did not tell the Japanese government.

I offered an amendment on burdensharing. We had 50,000 troops stationed in Japan at that time. We were paying 75 percent of the cost for those troops to be there, defending basically Japanese interests, and our interests as well, but the Japanese interests, in addition to that. That seemed to me to be an unfair ratio.

I offered an amendment to change that ratio or to bring American troops home. Within 3 months, and by the way, that passed on the floor 350 to 50, something like that, it passed in the Senate and the President signed it into law. Three months later, Secretary Baker signed an agreement with the Japanese to pick up 50 percent of the cost. Now we are moving closer to the 75–25 reversal in sharing of those costs of American troops in Japan.

We need to do the same thing in Europe. This amendment will help us get there. This amendment will help our European allies continue to meet their responsibilities within Europe. They have begun to, after a shaky start in Bosnia-Herzegovina, in a very positive way throughout this process that we have just gone through with NATO in the Balkans, in Kosovo, in Southeastern Europe. They need to pick up the financial burden, as well.

I urge my colleagues to support this amendment.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to continue where the gentleman from Michigan (Mr. BONIOR) ended and to say that what he did and because of what the Members did supporting him, we now get $3.6 billion in cash from the Japanese. When we started these burdensharing amendments a few years ago, the Europeans were paying $300 million for over 100,000 troops.

□ 1630

Now, they dropped down to $200 million, and now the latest number is $66 million. They are getting the message from us. We are fools. Yes, we are fools. They are just going to keep asking us to pay more.

I am sure our troops in Europe are there for our convenience and because we want them there, but they are there because the law says that we have to be up to 100,000. We want to move it to up to 25,000 over 3 years.

We want the European nations, which are as wealthy as we are, to defend themselves. We do not need 100,000 troops to defend from a Soviet attack. It is just not there. This has to someday be added, and the sooner we do it, the better.

Our military is not as strong as it should be because we are oversubscribed in weapons systems. Our military is not as strong as it should be because our allies are not paying their fair share. Our military is not as strong as it should be because we have too many bases at home and abroad. We had better cut them in order to survive as the nation of power.

Mr. BATEMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I remind my colleagues that there is a world of difference between not exceeding which is a floor, not a ceiling. I would further remind my colleagues that everything they have heard on behalf of this bill or this amendment is really not going to accomplish anything that was said on its behalf.

It is certainly not going to achieve flexibility for deployment of our forces. It is inflexible when my colleagues say we cannot put people there that our military says they want there for our national security purposes. My colleagues are not accomplishing anything. My colleagues are not adding one troop to any European subcountry's army. My colleagues are only detracting from the flexibility of our own government to defend its interests.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I oppose the Shays-Frank amendment which would reduce American troops in Europe from 100,000 to 25,000. If American troops were deployed in Europe only for the purpose of defending Europe, I might support the amendment. However, the fact is that an overseas presence in Europe is in the interest of the United States because it is an essential element for our engagement in the world. Despite the fact that it entails costs, it carries risks. There is no alternative but to have continued American engagement in the world.

We have a responsibility to use our unchallenged position of global leadership in a fashion that will make the universeal hope for peace, prosperity and freedom the norm of international behavior.

Engagement is essential to our military security. Military engagement abroad is essential to build and enforce a more peaceful, cooperative world in which human rights, fair trade practices, and other interests and values can flourish.

Effective international engagement requires an active and extensive military involvement abroad, especially in Europe. A military presence in Europe

serves us in many ways. It contributes to regional stability. U.S. forces serve both as a bulwark to existing security agreements and, in turn, to aggression in the region.

It enhances our ability to respond to crises around the globe. It is a visible demonstration of our committment to NATO and alliance that has maintained the peace and stability for Europe for 50 years. I might mention, Mr. Chairman, I was pleased to be present when the three new nations joined NATO just a number of weeks ago in Independence, Missouri.

Mr. Chairman, the U.S. policy of engagement has been a success largely due to the performance of our military. Although the struggle for international peace may never be concluded, we must continue to make this effort. It is an effort we cannot make without a well-equipped, highly trained, and ready military force. Deployment in Europe is essential to our readiness and to our ability to meet and deter other threats.

We should reject, Mr. Chairman, this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the ranking member for yielding to me, and I thank him for the great courtesy that he has shown in this debate.

I would just point out the amendment that we have offered hardly disengages from Europe. Our amendment would leave in Europe, untouched, the Sixth Fleet, one of the great fighting forces in the history of the world. It would also leave 25,000 troops and a cooperative effort on the bases.

The question we have to face is this is, there is virtual unanimity in this Chamber lamenting the need for American ground troops to be part of the ongoing peacekeeping force in Bosnia and Kosovo.

By the way, this amendment leaves in place language that allows the President at any time to dispatch troops in an emergency and to waive the restriction.

The point we have is this: We believe there ought to be a European capacity not to duplicate the Sixth Fleet, which will be there, not to duplicate our air power, but to provide peacekeeping ground forces. We are convinced that as long as America has 100,000 troops there year in, year out, no matter what, there will never be the capacity in Europe to do it.

One of the opponents of our amendment said, well, the Europeans are fully behind us in capacity, do not allow them to fall further behind. Give them a 3-year notice. Three years from now this wealthy concentration of sophisticated industrial nations will be responsible for the ground forces on their own in all but emergency circumstances.

We believe in the Sixth Fleet. They will be there if we need them. Otherwise, be prepared to continue American ground forces as part of peacekeeping operations in Kosovo and Bosnia ad infinitum.

Mr. SKELTON. Mr. Chairman, despite the eloquence of the gentleman from Massachusetts (Mr. FRANK), I feel compelled to say that I still remain opposed to his amendment. I will vote against the amendment. It is essential that America remain engaged in Europe.

We have cut back our troop strengths so very, very much. One hundred thousand, quite honestly, in my opinion, is the minimum amount that we should have.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. SHAYS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 200, further proceedings on the amendment offered by the gentleman from Connecticut will be postponed.

AMENDMENTS EN BLOC OFFERED BY MR. SPENCE

Mr. SPENCE. Mr. Chairman, pursuant to section 3 of House Resolution 200, I offer amendments en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc to H.R. 1401 as reported offered by Mr. SPENCE, amendments in Part B of House Report 106–175: Amendment No. 22, amendment No. 23, amendment No. 24, amendment No. 25, amendment No. 26, amendment No. 27, amendment No. 28, amendment No. 29, amendment No. 30, amendment No. 31, amendment No. 32, amendment No. 33, amendment No. 34, amendment No. 35, amendment No. 36, amendment No. 37, amendment No. 38, as modified, amendment No. 39, amendment No. 40, amendment No. 41, amendment No. 42, as modified, amendment No. 43, amendment No. 44, amendment No. 45, as modified, amendment No. 46.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. GALLEGLY OF CALIFORNIA

(Amdt B–22 in House Report 106–175)

At the end of title I (page 32, before line 15), insert the following new section:

SEC. 152. PROCUREMENT OF FIREFIGHTING EQUIPMENT FOR THE AIR NATIONAL GUARD AND THE AIR FORCE RESERVE.

The Secretary of the Air Force may carry out a procurement program, in a total amount not to exceed $16,000,000, to modernize the airborne firefighting capability of the Air National Guard and Air Force Reserve by procurement of equipment for the modular airborne firefighting system. Amounts may be obligated for the program from funds appropriated for that purpose for fiscal year 1999 and subsequent fiscal years.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. SPENCE OF SOUTH CAROLINA

(Amdt B–23 in House Report 106–175)

At the end of title I (page 32, before line 15), insert the following new section:

SEC. 152. COOPERATIVE ENGAGEMENT CAPABILITY PROGRAM.

(a) AUTHORITY TO PROCEED.—Cooperative engagement equipment procured under the Cooperative Engagement Capability program of the Navy shall be procured and installed into commissioned vessels, shore facilities, and aircraft of the Navy before completion of the operational test and evaluation of shipboard cooperative engagement capability in order to ensure fielding of a battle group with fully functional cooperative engagement capability by fiscal year 2003.

(b) FUNDING.—The amount authorized to be appropriated in section 102(a)(1) for E–2C aircraft modification is hereby increased by $22,000,000 to provide for the acquisition of additional cooperative engagement capability equipment. The amount authorized to be appropriated in section 102(a)(4) for Shipboard Information Warfare Exploit Systems is hereby reduced by $22,000,000.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. HALL OF OHIO

(Amdt B–24 in House Report 106–175)

At the end of subtitle B of title II (page 37, after line 13), insert the following new section:

SEC. 213. SENSE OF CONGRESS REGARDING DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.

(a) FAILURE TO COMPLY WITH FUNDING REQUIREMENTS.—It is the sense of Congress that the Secretary of Defense has failed to comply with the funding objective for the Defense Science and Technology Program, especially the Air Force Science and Technology Program, as required by section 214(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1948), thus jeopardizing the stability of the defense technology base and increasing the risk of failure to maintain technological superiority in future weapons systems.

(b) FUNDING REQUIREMENTS.—It is further the sense of Congress that, for each of the fiscal years 2001 through 2009, it should be an objective of the Secretary of Defense to increase the budget for the Defense Science and Technology Program, including the science and technology program within each military department, for the fiscal year over the budget for that program for the preceding fiscal year by a percent that is at least two percent above the rate of inflation as determined by the Office of Management and Budget.

(c) CERTIFICATION.—If a proposed budget fails to comply with the objective set forth in subsection (b), the President shall certify to Congress that the budget does not jeopardize the stability of the defense technology base or increase the risk of failure to maintain technological superiority in future weapons systems.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. REYNOLDS OF NEW YORK

(Amdt B–25 in House Report 106–175)

At the end of subtitle B of title III (page 45, after line 13), insert the following new section:

SEC. 312. REPLACEMENT OF NONSECURE TACTICAL RADIOS OF THE 82ND AIRBORNE DIVISION.

Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, $5,500,000 shall be available to the Secretary of the Army for the purpose of replacing nonsecure tactical radios used by the 82nd Airborne Division with radios, such as models AN/PRC–138 and AN/PRC–148, identified as being capable of fulfilling mission requirements.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. EVANS OF ILLINOIS

(Amdt B–26 in House Report 106–175)

At the end of subtitle F of title V (page 138, after line 13), insert the following new section:

SEC. 553. AUTHORITY FOR AWARD OF MEDAL OF HONOR TO ALFRED RASCON FOR VALOR DURING THE VIETNAM CONFLICT.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Army, the President may award the Medal of Honor under section 3741 of that title to Alfred Rascon, of Laurel, Maryland, for the acts of valor described in subsection (b).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Alfred Rascon on March 16, 1966, as an Army medic, serving in the grade of Specialist Four in the Republic of Vietnam with the Reconnaissance Platoon, Headquarters Company, 1st Battalion, 503rd Infantry, 173rd Airborne Brigade (Separate), during a combat operation known as Silver City.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. SWEENEY OF NEW YORK

(Amdt B–27 in House Report 106–175)

Page 142, line 12, strike ''may'' and insert ''shall''.

Page 142, line 13, insert ''qualified'' after ''to support''.

Page 142, line 15, before the closing quotation marks insert the following:

The Secretary shall prescribe by regulation standards for determining what nongovernmental organizations are qualified for purposes of this subsection, the type of support that may be provided under this subsection, and the manner in which such support is provided.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. BUYER OF INDIANA OR MR. ABERCROMBIE OF HAWAII

(Amdt B–28 in House Report 106–175)

At the end of subtitle E of title VI (page 207, after line 5), insert the following new section:

SEC. 655. DISABILITY RETIREMENT OR SEPARATION FOR CERTAIN MEMBERS WITH PRE-EXISTING CONDITIONS.

(a) DISABILITY RETIREMENT.—(1) Chapter 61 of title 10, United States Code, is amended by inserting after section 1207 the following new section:

''§ 1207a. Members with over eight years of active service: eligibility for disability retirement for pre-existing conditions

''(a) In the case of a member described in subsection (b) who would be covered by section 1201, 1202, or 1203 of this title but for the fact that the member's disability is determined to have been incurred before the member becoming entitled to basic pay in the member's current period of active duty, the disability shall be deemed to have been incurred while the member was entitled to basic pay and shall be so considered for purposes of determining whether it was incurred in the line of duty.

''(b) A member described in subsection (a) is a member with at least eight years of active service.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1207 the following new item:

''1207a. Members with over eight years of active service: eligibility for disability retirement for pre-existing conditions.''.

(b) NONREGULAR SERVICE RETIREMENT.—(1) Chapter 1223 of such title is amended by inserting after section 12731a the following new section:

''§ 12731b. Special rule for members with physical disabilities not incurred in line of duty

''In the case of a member of the Selected Reserve of a reserve component who no longer meets the qualifications for membership in the Selected Reserve solely because the member is unfit because of physical disability, the Secretary concerned may, for purposes of section 12731 of this title, determine to treat the member as having met the service requirements of subsection (a)(2) of that section and provide the member with the notification required by subsection (d) of that section if the member has completed at least 15, and less than 20, years of service computed under section 12732 of this title.

''(b) Notification under subsection (a) may not be made if—

''(1) the disability was the result of the member's intentional misconduct, willful neglect, or willful failure to comply with standards and qualifications for retention established by the Secretary concerned; or

''(2) the disability was incurred during a period of unauthorized absence.''

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 12731a the following new item:

''12731b. Special rule for members with physical disabilities not incurred in line of duty.''.

(c) SEPARATION.—Section 1206(5) of such title is amended by inserting '', in the case of a disability incurred before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000,'' after ''determination, and''.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. GILMAN OF NEW YORK

(Amdt B–29 in House Report 106–175)

At the end of title XII (page 317, after line 17), insert the following new section:

SEC. 1206. REPORT ON THE SECURITY SITUATION ON THE KOREAN PENINSULA.

(a) REPORT.—Not later than February 1, 2000, the Secretary of Defense shall submit to the appropriate congressional committees a report on the security situation on the Korean peninsula. The report shall be submitted in both classified and unclassified form.

(b) MATTERS TO BE INCLUDED.—The Secretary shall include in the report under subsection (a) the following:

(1) A net assessment analysis of the warfighting capabilities of the Combined Forces Command (CFC) of the United States and the Republic of Korea compared with the armed forces of North Korea.

(2) An assessment of challenges posed by the armed forces of North Korea to the defense of the Republic of Korea and to United States forces deployed to the region.

(3) An assessment of the current status and the future direction of weapons of mass destruction programs and ballistic missile programs of North Korea, including a determination as to whether or not North Korea—

(A) is continuing to pursue a nuclear weapons program;

(B) is seeking equipment and technology with which to enrich uranium; and

(C) is pursuing an offensive biological weapons program.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on International Relations and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. THUNE OF SOUTH DAKOTA OR MR. STENHOLM OF TEXAS

(Amdt B–30 in House Report 106–175)

At the end of subtitle B of title VII (page 224, after line 24), insert the following new sections:

SEC. 713. ELECTRONIC PROCESSING OF CLAIMS UNDER THE TRICARE PROGRAM.

Section 1095c of title 10, United States Code, as added by section 711, is amended by adding at the end the following new subsection:

''(c) INCENTIVES FOR ELECTRONIC PROCESSING.—The Secretary of Defense shall require that new contracts for managed care support under the TRICARE program provide that the contractor be permitted to provide financial incentives to health care providers who file claims for payment electronically.''.

SEC. 714. STUDY OF RATES FOR PROVISION OF MEDICAL SERVICES; PROPOSAL FOR CERTAIN RATE INCREASES.

Not later than February 1, 2000, the Secretary of Defense shall submit to Congress—

(1) a study on how the maximum allowable rates charged for the 100 most commonly performed medical procedures under the Civilian Health and Medical Program of the Uniformed Services and Medicare compare with usual and customary commercial insurance rates for such procedures in each TRICARE Prime catchment area; and

(2) a proposal for increases of maximum allowable rates charged for medical procedures under the Civilian Health and Medical Program of the Uniformed Services should the study conducted under paragraph (1) find 20 or more rates which are less than or equal to the 50th percentile of the usual and customary commercial insurance rates charged for such procedures.

SEC. 715. REQUIREMENTS FOR PROVISION OF CARE IN GEOGRAPHICALLY SEPARATED UNITS.

(a) CONTRACTUAL REQUIREMENT.—The Secretary of Defense shall require that all new contracts for the provision of health care under TRICARE Prime include a requirement that the TRICARE Prime Remote network, to the maximum extent possible, provide health care concurrently to members of the Armed Forces in geographically separated units and their dependents in areas outside the catchment area of a military medical treatment facility.

(b) REPORT ON IMPLEMENTATION.—Not later than May 1, 2000, the Secretary shall submit to Congress a report on the extent and success of implementation of the requirement under subsection (a), and where concurrent implementation has not been achieved, the reasons and circumstances that prohibited implementation and a plan to provide TRICARE Prime benefits to those otherwise eligible covered beneficiaries for whom enrollment in a TRICARE Prime network is not feasible.

SEC. 716. IMPROVEMENT OF ACCESS TO HEALTH CARE UNDER THE TRICARE PROGRAM.

(a) WAIVER OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.—In the case of a covered beneficiary under chapter 55 of title 10, United States Code, who is a TRICARE eligible beneficiary not enrolled in TRICARE Prime, the Secretary of Defense may not require with regard to authorized health care services (other than mental health services) under any new contract for the provision of health care services under such chapter that the beneficiary—

(1) obtain a nonavailability statement or preauthorization from a military medical treatment facility in order to receive the services from a civilian provider; or

(2) obtain a nonavailability statement for care in specialized treatment facilities outside the 200-mile radius of a military medical treatment facility.

(b) NOTICE.—The Secretary may require that the covered beneficiary provide appropriate notice to the primary care manager of the beneficiary.

(c) EXCEPTIONS.—Subsection (a) shall not apply if—

(1) the Secretary can demonstrate significant cost avoidance for specific procedures at the affected military treatment facilities;

(2) the Secretary determines that a specific procedure must be maintained at the affected military treatment facility to ensure the proficiency levels of the practitioners at the facility; or

(3) the lack of nonavailability statement data would significantly interfere with TRICARE contract administration.

SEC. 717. REIMBURSEMENT OF CERTAIN COSTS INCURRED BY COVERED BENEFICIARIES WHEN REFERRED FOR CARE OUTSIDE LOCAL CATCHMENT AREA.

The Secretary of Defense shall require that any new contract for the provision of health care services under chapter 55 of title 10, United States Code, shall require that in any case in which a covered beneficiary under such chapter who is enrolled in TRICARE Prime is referred by a network provider or military treatment facility to a provider or military treatment facility more than 100 miles outside the catchment area of a military treatment facility because a local provider is not available, or in any other respect not within the terms of a new managed care support contract, the beneficiary shall be reimbursed by the network provider or military treatment facility making the referral for the cost of personal automobile mileage, to be paid under standard reimbursement rates for Federal employees, or for the cost of air travel in amounts not to exceed standard contract fares for Federal employees.

SEC. 718. IMPROVEMENT OF REFERRAL PROCESS UNDER TRICARE.

(a) ELIMINATION OF PREAUTHORIZATION REQUIREMENTS FOR CERTAIN CARE.—Under regulations prescribed by the Secretary of Defense, and in all new managed care support contracts the Secretary shall eliminate requirements in certain cases under TRICARE Prime that network primary care managers preauthorize covered beneficiaries under chapter 55 of title 10, United States Code, to receive preventative health care services within the managed care support contract network without preauthorization from a primary care manager.

(b) COVERED SERVICES.—Should such a covered beneficiary choose to receive care from a provider in the network, the covered beneficiary shall not be required to have a referral from a primary care manager—

(1) for receipt of preventative obstetric or gynecological services by a network obstetrician or gynecologist;

(2) for mammograms performed by a network provider if the beneficiary is a female over the age of 35; or

(3) for provision of preventative specialty urology care from a network urologist if the beneficiary is a male over the age of 60.

(c) NOTICE.—The Secretary may require that the covered beneficiary provide appropriate notice to the primary care manager of the beneficiary.

(d) REGULATIONS.—The Secretary shall prescribe the regulations required by subsection (a) not later than May 1, 2000 and implement the regulations not later than October 1, 2000.

AMENDMENT TO H.R. 1401, AS REPORTED
OFFERED BY MR. TRAFICANT OF OHIO

(Amdt B–31 in House Report 106–175)

At the end of title VIII (page 246, after line 18), insert the following new section:

SEC. 809. COMPLIANCE WITH BUY AMERICAN ACT.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds authorized by this Act may be expended by an entity of the Department of Defense unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a et seq.).

(b) SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN–MADE EQUIPMENT AND PRODUCTS.—It is the sense of Congress that any entity of the Department of Defense, in expending funds authorized by this Act for the purchase of equipment or products, should purchase only American-made equipment and products.

(c) DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF ''MADE IN AMERICA'' LABELS.—If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription, or another inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

AMENDMENT TO H.R. 1401, AS REPORTED
OFFERED BY MR. BEREUTER OF NEBRASKA

(Amdt B–32 in House Report 106–175)

At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. ASIA-PACIFIC CENTER FOR SECURITY STUDIES.

(a) WAIVER OF CHARGES.—(1) The Secretary of Defense may waive reimbursement of the costs of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for military officers and civilian officials of foreign nations of the Asia-Pacific region if the Secretary determines that attendance by such persons without reimbursement is in the national security interest of the United States.

(2) In this section, the term ''Asia-Pacific Center'' means the Department of Defense organization within the United States Pacific Command known as the Asia-Pacific Center for Security Studies.

(b) AUTHORITY TO ACCEPT FOREIGN GIFTS AND DONATIONS.—(1) Subject to paragraph (2), the Secretary of Defense may accept, on behalf of the Asia-Pacific Center, foreign gifts or donations in order to defray the costs of, or enhance the operation of, the Asia-Pacific Center.

(2) The Secretary may not accept a gift or donation under paragraph (1) if the acceptance of the gift or donation would compromise or appear to compromise—

(A) the ability of the Department of Defense, any employee of the Department, or members of the Armed Forces to carry out any responsibility or duty of the Department in a fair and objective manner; or

(B) the integrity of any program of the Department of Defense or of any person involved in such a program.

(3) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether the acceptance of a foreign gift or donation would have a result described in paragraph (2).

(4) Funds accepted by the Secretary under paragraph (1) shall be credited to appropriations available to the Department of Defense for the Asia-Pacific Center. Funds so credited shall be merged with the appropriations to which credited and shall be available to the Asia-Pacific Center for the same purposes and same period as the appropriations with which merged.

(5) If the total amount of funds accepted under paragraph (1) in any fiscal year exceeds $2,000,000, the Secretary shall notify Congress of the amount of those donations for that fiscal year. Any such notice shall list each of the contributors of such amounts and the amount of each contribution in that fiscal year.

(6) For purposes of this subsection, a foreign gift or donation is a gift or donation of funds, materials (including research materials), property, or services (including lecture services and faculty services) from a foreign government, a foundation or other charitable organization in a foreign country, or an individual in a foreign country.

AMENDMENT TO H.R. 1401, AS REPORTED
OFFERED BY MR. BEREUTER OF NEBRASKA

(Amdt B–33 in House Report 106–175)

At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. REPORT ON EFFECT OF CONTINUED BALKAN OPERATIONS ON ABILITY OF UNITED STATES TO SUCCESSFULLY MEET OTHER REGIONAL CONTINGENCIES.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the effect of continued operations by the Armed Forces in the Balkans region on the ability of the United States, through the period covered by the current Future-Years Defense Plan of the Department of Defense, to prosecute to a successful conclusion a major contingency in the Asia-Pacific region or to prosecute to a successful conclusion two nearly simultaneous major theater wars, in accordance with the most recent Quadrennial Defense Review.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall set forth the following:

(1) In light of continued Balkan operations, the capabilities and limitations of United States combat, combat support, and combat service support forces (at national, operational, and tactical levels and operating in a joint and coalition environment) to expeditiously respond to, prosecute, and achieve United States strategic objectives in the event of—

(A) a contingency on the Korean peninsula; or

(B) two nearly simultaneous major theater wars.

(2) The confidence level of the Secretary of Defense in United States military capabilities to successfully prosecute a Pacific contingency, and to successfully prosecute two nearly simultaneous major theater wars, while remaining engaged at current or greater force levels in the Balkans, together with the rationale and justification for each such confidence level.

(3) Identification of high-value platforms, systems, capabilities, and skills that—

(A) during a Pacific contingency, would be stressed or broken and at what point such stressing or breaking would occur; and

(B) during two nearly simultaneous major theater wars, would be stressed or broken and at what point such stressing or breaking would occur.

(4) During continued military operations in the Balkans, the effect on the ''operations tempo'', and on the ''personnel tempo'', of the Armed Forces—

(A) of a Pacific contingency; and

(B) of two nearly simultaneous major theater wars.

(5) During continued military operations in the Balkans, the required type and quantity of high-value platforms, systems, capabilities, and skills to prosecute successfully—

(A) a Pacific contingency; and

(B) two nearly simultaneous major theater wars.

(c) CONSULTATION.—In preparing the report under this section, the Secretary of Defense shall use the resources and expertise of the unified commands, the military departments, the combat support agencies, and the defense components of the intelligence community and shall consult with non-Department elements of the intelligence community, as required, and other such entities within the Department of Defense as the Secretary considers necessary.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. CASTLE OF DELAWARE, MR. BISHOP OF GEORGIA, OR MR. ROEMER OF INDIANA

(Amdt B–34 in House Report 106–175)

At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. REPORT ON SPACE LAUNCH FAILURES.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the President and the specified congressional committees a report on the factors involved in the three recent failures of the Titan IV space launch vehicle and the systemic and management reforms that the Secretary is implementing to minimize future failures of that vehicle and future launch systems. The report shall be submitted not later than February 15, 2000. The Secretary shall include in the report all information from the reviews of those failures conducted by the Secretary of the Air Force and launch contractors.

(b) MATTERS TO BE INCLUDED.—The report shall include the following information:

(1) An explanation for the failure of a Titan IVA launch vehicle on August 12, 1998, the failure of a Titan IVB launch vehicle on April 9, 1999, and the failure of a Titan IVB launch vehicle on April 30, 1999, as well as any information from civilian launches which may provide information on systemic problems in current Department of Defense launch systems, including, in addition to a detailed technical explanation and summary of financial costs for each such failure, a one-page summary for each such failure indicating any commonality between that failure and other military or civilian launch failures.

(2) A review of management and engineering responsibility for the Titan, Inertial Upper Stage, and Centaur systems, with an explanation of the respective roles of the Government and the private sector in ensuring mission success and identification of the responsible party (Government or private sector) for each major stage in production and launch of the vehicles.

(3) A list of all contractors and subcontractors for each of the Titan, Inertial Upper Stage, and Centaur systems and their responsibilities and five-year records for meeting program requirements.

(4) A comparison of the practices of the Department of Defense, the National Aeronautics and Space Administration, and the commercial launch industry regarding the management and oversight of the procurement and launch of expendable launch vehicles.

(5) An assessment of whether consolidation in the aerospace industry has affected mission success, including whether cost-saving efforts are having an effect on quality and whether experienced workers are being replaced by less experienced workers for cost-saving purposes.

(6) Recommendations on how Government contracts with launch service companies could be improved to protect the taxpayer, together with the Secretary's assessment of whether the withholding of award and incentive fees is a sufficient incentive to hold contractors to the highest possible quality standards and the Secretary's overall evaluation of the award fee system.

(7) A short summary of what went wrong technically and managerially in each launch failure and what specific steps are being taken by the Department of Defense and space launch contractors to ensure that those errors do not reoccur.

(8) An assessment of the role of the Department of Defense in the management and technical oversight of the launches that failed and whether the Department of Defense, in that role, contributed to the failures.

(9) An assessment of the effect of the launch failures on the schedule for Titan launches, on the schedule for development and first launch of the Evolved Expendable Launch Vehicle, and on the ability of industry to meet Department of Defense requirements.

(10) An assessment of the impact of the launch failures on assured access to space by the United States, and a consideration of means by which access to space by the United States can be better assured.

(11) An assessment of any systemic problems that may exist at the eastern launch range, whether these problems contributed to the launch failures, and what means would be most effective in addressing these problems.

(12) An assessment of the potential benefits and detriments of launch insurance and the impact of such insurance on the estimated net cost of space launches.

(13) A review of the responsibilities of the Department of Defense and industry representatives in the launch process, an examination of the incentives of the Department and industry representatives throughout the launch process, and an assessment of whether the incentives are appropriate to maximize the probability that launches will be timely and successful.

(14) Any other observations and recommendations that the Secretary considers relevant.

(c) INTERIM REPORT.—Not later than December 15, 1999, the Secretary shall submit to the specified congressional committees an interim report on the progress in the preparation of the report required by this section, including progress with respect to each of the matters required to be included in the report under subsection (b).

(d) SPECIFIED CONGRESSIONAL COMMITTEES.—For purposes of this section, the term ''specified congressional committees'' means the following:

(1) The Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate.

(2) The Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MRS. FOWLER OF FLORIDA

(Amdt B–35 in House Report 106–175)

At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. REPORT ON AIRLIFT REQUIREMENTS TO SUPPORT NATIONAL MILITARY STRATEGY.

(a) REPORT REQUIRED.—Not later than June 1, 2000, the Secretary of Defense shall submit to Congress a report, in both classified and unclassified form, describing the airlift requirements necessary to execute the full range of missions called for under the National Military Strategy prescribed by the Chairman of the Joint Chiefs of Staff under the postures of force engagement anticipated through 2015.

(b) CONTENT OF REPORT.—The report shall address the following:

(1) The identity, size, structure, and capabilities of the airlift requirements necessary for the full range of shaping, preparing, and responding missions demanded under the National Military Strategy.

(2) The required support and infrastructure required to successfully execute the full range of missions required under the National Military Strategy, on the deployment schedules outlined in the plans of the relevant commanders-in-chief from expected and increasingly dispersed postures of engagement.

(3) The anticipated effect of enemy use of weapons of mass destruction, other asymmetrical attacks, expected rates of peacekeeping and other contingency missions, and other similar factors on the mobility force and its required infrastructure and on mobility requirements.

(4) The effect on mobility requirements of new service force structures, such as the Air Force's Air Expeditionary Force and the Army's Strike Force, and any foreseeable force structure modifications through 2015.

(5) The need to deploy forces strategically and employ them tactically using the same airlift platform.

(6) The need for an increased airlift platform capable of deploying outsize equipment or large volumes of supplies and equipment.

(7) The anticipated role of host nation, foreign, and coalition airlift support and requirements through 2015.

(8) Alternatives to the current mobility program or required modifications to the 1998 Air Mobility Master Plan update.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. GILCHREST OF MARYLAND

(Amdt B–36 in House Report 106–175)

At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. OPERATIONS OF NAVAL ACADEMY DAIRY FARM.

Section 6976 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after paragraph (b) the following new subsection:

''(c) LEASE PROCEEDS.—All money received from a lease entered into under subsection (b) shall be retained by the Superintendent of the Naval Academy and shall be available to cover expenses related to the property described in subsection (a), including reimbursing nonappropriated fund instrumentalities of the Naval Academy.''.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. GOODLING OF PENNSYLVANIA OR MR. TRAFICANT OF OHIO

(Amdt B–37 in House Report 106–175)

At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. INSPECTOR GENERAL INVESTIGATION OF COMPLIANCE WITH BUY AMERICAN ACT IN PURCHASES OF FREE WEIGHT STRENGTH TRAINING EQUIPMENT.

(a) INVESTIGATION REQUIRED.—The Inspector General of the Department of Defense shall conduct an investigation to determine whether the purchases described in subsection (b) are being made in compliance with the Buy American Act (41 U.S.C. 10a et seq.).

(b) PURCHASES COVERED.—The investigation shall cover purchases made during the three-year period ending on the date of the

enactment of this Act of free weights for use in strength training by members of the Armed Forces stationed at defense installations located in the United States (including its territories and possessions).

(c) REPORT.—The Inspector General shall prepare a report for the Secretary of Defense on the investigation. Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress such report, together with such additional comments and recommendations as the Secretary considers appropriate.

(d) DEFINITION.—For purposes of this section, the term ''free weights'' means dumbbells or solid metallic disks balanced on crossbars, designed to be lifted for strength training or athletic competition.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. SKELTON OF MISSOURI

(Amdt B–38 in House Report 106–175)

The amendment as modified is as follows:

At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. PERFORMANCE OF THREAT AND RISK ASSESSMENTS.

Section 1404 of the Defense Against Weapons of Mass Destruction Act of 1999 (title XIV of Public Law 105–261; 50 U.S.C. 2301 note) is amended to read as follows:

''SEC. 1404. THREAT AND RISK ASSESSMENTS.

''(a) THREAT AND RISK ASSESSMENTS.—(1) Assistance to Federal, State, and local agencies provided under the program under section 1402 shall include the performance of assessments of the threat and risk of terrorist employment of weapons of mass destruction against cities and other local areas. Such assessments shall be used by Federal, State, and local agencies to determine the training and equipment requirements under this program and shall be performed as a collaborative effort with State and local agencies.

''(2) The Department of Justice, as lead Federal agency for crisis management in response to terrorism involving weapons of mass destruction, shall conduct any threat and risk assessment performed under paragraph (1) in coordination with appropriate Federal, State, and local agencies, and shall develop procedures and guidance for conduct of the threat and risk assessment in consultation with officials from the intelligence community.

''(b) PILOT TEST.—(1) Before prescribing final procedures and guidance for the performance of threat and risk assessments under this section, the Attorney General shall conduct a pilot test of any proposed method or model by which such assessments are to be performed. The Attorney General shall conduct the pilot test in coordination with appropriate Federal, State, and local agencies.

''(2) The pilot test shall be performed in cities or local areas selected by the Attorney General in consultation with appropriate Federal, State, and local agencies.

''(3) The pilot test shall be completed not later than one month after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000.''.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. HOBSON OF OHIO OR MR. HALL OF OHIO

(Amdt B–39 in House Report 106–175)

At the end of title XI (page 307, after line 13), insert the following new section:

SEC 1104. TEMPORARY AUTHORITY TO PROVIDE EARLY RETIREMENT AND SEPARATION INCENTIVES FOR CERTAIN CIVILIAN EMPLOYEES.

(a) EARLY RETIREMENT INCENTIVE.—(1) An employee of the Department of Defense is entitled to an annuity under chapter 83 or 84 of title 5, United States Code, as applicable, if the employee—

(A) has been employed continuously by the Department of Defense for more than 30 days before the date that the Secretary of Defense made the determination under subparagraph (D);

(B) is serving under an appointment that is not time-limited;

(C) is not in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance;

(D) is separated voluntarily;

(E) has completed 25 years of service or is at least 50 years of age and has completed 20 years of service; and

(F) retires under this subsection before October 1, 2000.

(2) As used in this subsection, the terms ''employee'' and ''annuity'' shall have the same meaning as the meaning of those terms as used in chapters 83 and 84 of title 5, United States Code, as applicable.

(b) VOLUNTARY SEPARATION INCENTIVE.—(1) The Secretary of Defense may, to restructure the workforce to meet mission needs, correct skill imbalances, or reduce high-grade, managerial, or supervisory positions, offer separation pay to an employee under this subsection subject to such limitations or conditions as the Secretary may require. Such separation pay—

(A) shall be paid, at the option of the employee, in a lump sum or equal installment payments;

(B) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

(ii) $25,000;

(C) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit;

(D) shall not be taken into account for purposes of determining the amount of any severance pay to which an individual may be entitled under section 5595 of title 5, United States Code, based on any other separation; and

(E) shall terminate, upon reemployment in the Federal Government, during receipt of installment payments.

(2) For purposes of this subsection, the term ''employee'' means an employee serving under an appointment without time limitation, who has been currently employed for a continuous period of at least 12 months, except that such term does not include—

(A) a reemployed annuitant under subchapter III of chapter 83, chapter 84, or another retirement system for employees of the Government; or

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A).

(c) ADDITIONAL CONTRIBUTIONS TO RETIREMENT FUND.—(1) In addition to any other payments which it is required to make under subchapter III of chapter 83 of title 5, United States Code, the Department of Defense shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 26 percent of the final basic pay of each employee of the Department of Defense who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) For purposes of this subsection, the term ''final basic pay'', with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, with appropriate adjustments if the employee last served on other than a full-time basis.

(d) APPLICABILITY.—The provisions in this section shall only apply with respect to a civilian employee of the Department of Defense who—

(1) is employed at the military base designated by the Secretary of Defense under subsection (e), or who is identified by the Secretary as part of a competitive area of the civilian personnel service population of such military base, during the period beginning on October 1, 1999, and ending on October 1, 2000;

(2) is one of 300 employees designated by the Secretary of the military department with jurisdiction over the designated base; and

(3) elects to receive an annuity or separation incentive pursuant to such provisions during such period.

(e) DESIGNATION OF MILITARY BASE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall designate a military base to which the provisions of this section shall apply. The base designated by the Secretary shall—

(1) be a base that is undergoing a major workforce restructuring to meet mission needs, correct skill imbalances, or reduce high-grade, managerial, supervisory, or similar positions; and

(2) employ the largest number of scientists and engineers of any other base of the military department that has jurisdiction over the base.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. ORTIZ OF TEXAS

(Amdt B–40 in House Report 106–175)

At the end of title XI (page 307, after line 13), insert the following new section:

SEC. 1104. EXTENSION OF AUTHORITY TO CONTINUE HEALTH INSURANCE COVERAGE FOR CERTAIN DEPARTMENT OF DEFENSE EMPLOYEES.

(a) EXTENSION OF AUTHORITY.—Clauses (i) and (ii) of section 8905a(d)(4)(B) of title 5, United States Code, are amended to read as follows:

''(i) October 1, 2003; or

''(ii) February 1, 2004, if specific notice of such separation was given to such individual before October 1, 2003.''.

(b) OFFSET.—Of the amount authorized to be appropriated in section 301(5) for Defense-wide activities—

(1) $9,100,000 shall be available to continue health insurance coverage pursuant to the authority provided in section 8905a(d)(4)(B) of title 5, United States Code (as amended by subsection (a)); and

(2) the amount available for the Defense Contract Audit Agency shall be reduced by $9,100,000.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. NEY OF OHIO

(Amdt B–41 in House Report 106–175)

At the end of title XII (page 317, after line 17), insert the following new section:

SEC. 1206. ANNUAL REPORT ON MILITARY POWER OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) ANNUAL REPORT.—The Secretary of Defense shall prepare an annual report, in both classified and unclassified form, on the current and future military strategy and capabilities of the People's Republic of China. The report shall address the current and probable future course of military-technological development in the People's Liberation Army and the tenets and probable development of Chinese grand strategy, security

strategy, and military strategy, and of military organizations and operational concepts, through 2020.

(b) MATTERS TO BE INCLUDED.—The report shall include analyses and forecasts of the following:

(1) The goals of Chinese grand strategy, security strategy, and military strategy.

(2) Trends in Chinese political grand strategy meant to establish the People's Republic of China as the leading political power in the Asia-Pacific region and as a political and military presence in other regions of the world.

(3) The size, location, and capabilities of Chinese strategic, land, sea, and air forces.

(4) Developments in Chinese military doctrine, focusing on (but not limited to) efforts to exploit a transformation in military affairs or to conduct preemptive strikes.

(5) Efforts, including technology transfers and espionage, by the People's Republic of China to develop, acquire, or gain access to information, communication, space, and other advanced technologies that would enhance military capabilities.

(c) SUBMISSION OF REPORT.—The report under this section shall be submitted to Congress not later than March 15 each year.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. BOEHLERT OF NEW YORK

(Amdt B–42 in House Report 106–175)

The amendment as modified is as follows:

In the table in section 2301(a) (page 339, after line 18), insert an item relating to the Rome Research Site, New York, in the amount of $3,002,000, and strike the amount identified as the total in the amount column and insert ''$635,272,000''.

Page 343, line 3, strike ''$602,270,000'' and insert ''$605,272,000''.

Page 344, line 6, strike ''$6,600,000'' and insert ''$9,602,000''.

At the end of title XXIII (page 344, after line 10), insert the following new section:

SEC. 2305. PLAN FOR COMPLETION OF PROJECT TO CONSOLIDATE AIR FORCE RESEARCH LABORATORY, ROME RESEARCH SITE, NEW YORK.

(a) PLAN REQUIRED.—Not later than January 1, 2000, the Secretary of the Air Force shall submit to Congress a plan for the completion of multi-phase efforts to consolidate research and technology development activities conducted at the Air Force Research Laboratory located at the Rome Research Site at former Griffiss Air Force Base in Rome, New York. The plan shall include details on how the Air Force will complete the multi-phase construction and renovation of the consolidated building 2/3 complex at the Rome Research Site, by January 1, 2005, including the cost of the project and options for financing it.

(b) RELATION TO STATE CONTRIBUTIONS.—Nothing in this section shall be construed to limit or expand the authority of the Secretary of a military department to accept funds from a State for the purpose of consolidating military functions within a military installation.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. OSE OF CALIFORNIA

(Amdt B–43 in House Report 106–175)

At the end of part III of subtitle D of title XXVIII (page 399, after line 7), insert the following new section:

SEC. 2865. LAND CONVEYANCE, MCCLELLAN NUCLEAR RADIATION CENTER, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—Consistent with applicable laws, including section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620), the Secretary of the Air Force may convey, without consideration, to the Regents of the University of California, acting on behalf of the University of California, Davis (in this section referred to as the ''Regents''), all right, title, and interest of the United States in and to the parcel of real property, including improvements thereon, consisting of the McClellan Nuclear Radiation Center, California.

(b) INSPECTION OF PROPERTY.—The Secretary shall, at an appropriate time before the conveyance authorized by subsection (a), permit the Regents access to the property to be conveyed for purposes of such investigation of the McClellan Nuclear Radiation Center and the atomic reactor located at the Center as the Regents consider appropriate.

(c) HOLD HARMLESS.—(1)(A) The Secretary may not make the conveyance authorized by subsection (a) unless the Regents agree to indemnify and hold harmless the United States for and against the following:

(i) Any and all costs associated with the decontamination and decommissioning of the atomic reactor at the McClellan Nuclear Radiation Center under requirements that are imposed by the Nuclear Regulatory Commission or any other appropriate Federal or State regulatory agency.

(ii) Any and all injury, damage, or other liability arising from the operation of the atomic reactor after its conveyance under this section.

(B) The Secretary may pay the Regents an amount not exceed $17,593,000 as consideration for the agreement under subparagraph (A). Notwithstanding subsection (b) of section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), the Secretary may use amounts appropriated pursuant to the authorization of appropriation in section 2405(a)(7) to make the payment under this subparagraph.

(2) Notwithstanding the agreement under paragraph (1), the Secretary may, as part of the conveyance authorized by subsection (a), enter into an agreement with the Regents under which agreement the United States shall indemnify and hold harmless the University of California for and against any injury, damage, or other liability in connection with the operation of the atomic reactor at the McClellan Nuclear Radiation Center after its conveyance under this section that arises from a defect in the atomic reactor that could not have been discovered in the course of the inspection carried out under subsection (b).

(d) CONTINUING OPERATION OF REACTOR.—Until such time as the property authorized to be conveyed by subsection (a) is conveyed by deed, the Secretary shall take appropriate actions, including the allocation of personnel, funds, and other resources, to ensure the continuing operation of the atomic reactor located at the McClellan Nuclear Radiation Center in accordance with applicable requirements of the Nuclear Regulatory Commission and otherwise in accordance with law.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. SCARBOROUGH OF FLORIDA

(Amdt B–44 in House Report 106–175)

At the end of section 3162 (page 445, after line 17), insert the following:

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—For purposes of this section, the requirement of an agency remittance of an amount equal to 15 percent in paragraph (1) of section 663(d) of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–383; 5 U.S.C. 5597 note) shall be deemed to be a requirement of an agency remittance of an amount equal to 26 percent.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. MCINTYRE OF NORTH CAROLINA

(Amdt B–45 in House Report 106–175)

The amendment as modified is as follows:

At the end of title XXXI (page 453, after line 15), insert the following new section:

SEC. 3167. TECHNOLOGY TRANSFER COORDINATION FOR DEPARTMENT OF ENERGY NATIONAL LABORATORIES.

(a) TECHNOLOGY TRANSFER COORDINATION.—Within 90 days after the date of the enactment of this Act, the Secretary of Energy shall ensure, for each national laboratory, the following:

(1) Consistency of technology transfer policies and procedures with respect to patenting, licensing, and commercialization.

(2) That the contractor operating the national laboratory make available to aggrieved private sector entities a range of expedited alternate dispute resolution procedures (including both binding and nonbinding procedures) to resolve disputes that arise over patents, licenses, and commercialization activities, with costs and damages to be provided by the contractor to the extent that any such resolution attributes fault to the contractor.

(3) That the expedited procedure used for a particular dispute shall be chosen—

(A) collaboratively by the Secretary and by appropriate representatives of the contractor operating the national laboratory and of the private sector entity; and

(B) if an expedited procedure cannot be chosen collaboratively under subparagraph (A), by the Secretary.

(4) That the contractor operating the national laboratory submit an annual report to the Secretary, as part of the annual performance evaluation of the contractor, on technology transfer and intellectual property successes, current technology transfer and intellectual property disputes involving the laboratory, and progress toward resolving those disputes.

(5) Training to ensure that laboratory personnel responsible for patenting, licensing, and commercialization activities are knowledgeable of the appropriate legal, procedural, and ethical standards.

(b) DEFINITION OF NATIONAL LABORATORY.—As used in this section, the term ''national laboratory'' means any of the following laboratories:

(1) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(2) The Lawrence Livermore National Laboratory, Livermore, California.

(3) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MRS. WILSON OF NEW MEXICO

(Amdt B–46 in House Report 106–175)

Page 452, line 22, strike ''subsection (c)'' and all that follows through ''indicates'' on line 24 and insert ''subsection (c), notwithstanding Rule 6(e) of the Federal Rules of Criminal Procedure, that the Secretary has received information indicating''.

Page 453, strike lines 7 through line 10 and insert the following:

(c) SPECIFIED COMMITTEES.—The committees referred to in subsection (a) are the following:

(1) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

The CHAIRMAN. The Clerk will report the modifications.

The Clerk proceeded to read the modifications.

Mr. SPENCE (during the reading). Mr. Chairman, I ask unanimous consent that the amendments as modified be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) each will control 10 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. BEREUTER).

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Chairman, I thank the gentleman from South Carolina for yielding to me.

Mr. Chairman, I rise in strong support of the en bloc amendments, and I want to speak specifically to amendment No. 32 briefly.

The purpose of this amendment is to permanently authorize that the Asia Pacific Center for Security studies the waiver authority for some attendance costs that were granted to it in the fiscal year 1999 Defense Authorization Act and to enact new, permanent legislation for the Center that expands its ability to fund its crucial work in the region.

Specifically, the provisions in this amendment will permit the Asia Pacific Center, a component of Pacific Command, to accomplish two important objectives:

First, the provisions will permit the Center to waive reimbursement for certain costs of conferences, seminars, and courses of instruction for participants of foreign countries when the Secretary of Defense determines that such participation is in the national security interests.

This Member strongly concurs with both Admiral Prueher, the previous Commander-in-Chief, Pacific Command, and Admiral Blair, who recently assumed this position, that this waiver of charges is critical to the Center's ability to attract participants from developing and developed countries in the region. The Center complements the Command's strategy of maintaining positive security relationships with all nations in the region. It enhances cooperation and builds relationships through mutual understanding and study of the range of security issues among military and civilian representatives of the U.S. and other Asia-Pacific nations.

Second, the provisions will permit the acceptance of foreign gifts and donations. No such authority currently exists for the Center, and such is key to providing an alternate source of income to defray costs or to enhance operations. It will permit the acceptance of donations in the form of funds, materials, property, or services from foreign sources, within ethical guidelines to be developed by the Secretary of Defense.

Amending H.R. 1401 to permanently authorize the waiver of reimbursement and the acceptance of foreign gifts and donations will mirror legislative authority previously granted to the George C. Marshall European Center for Security Studies. In addition, significantly, enactment of these provisions will impose no increase in DoD budgetary requirements.

Secondly, for amendment No. 33, the purpose of this amendment is to direct the Secretary of Defense to evaluate and report to Congress the U.S. armed forces' ability to successfully prosecute a conflict on the Korean Peninsula or a 2-major-theater-war strategy over the next 5 years while simultaneously engaged in continued operations in the Balkans.

Anyone who has been watching our combat strength erode over the last decade or the juggling of equipment and forces to meet Kosovo requirements will understand why this is a vitally important national security issue.

U.S. military operations in the Balkans, in this Member's view, will include Kosovo for the foreseeable future. U.S. efforts there clearly are stretching the already ample divide between our global security obligations and military capabilities. The argument that we have heard for years—that with the Cold War over, we can spend less on our Armed Forces—would be true only if we expected less of our military. However, this has not been the case—indeed, our forces have been asked to do more and more with less and less.

According to the Congressional Research Service, President Reagan used the military abroad 17 times; President Bush, 14 times, including the Persian Gulf conflict. President Clinton, however, has called on the military over 45 times, including the ongoing Kosovo operations. Such extensive use is unprecedented; moreover, it has been presided over by an Administration that not only has trimmed the fat in our Armed Forces—to its credit—but has, in the view of many senior military officials with whom this Member agrees, cut considerably into its ''muscle'' as well. The dramatic increase in ''operations tempo'' has taken a significant toll on an already substantially downsized, underfunded, and inadequately equipped force. Moreover, the results of the Quadrennial Defense Review, recently concluded by the DoD, projects an increasing number of military commitments into the next century.

This is a dangerous situation, in this Member's opinion, and calls into serious question U.S. capabilities to successfully prosecute one or more major contingencies over at least the next several years—major contingencies, such as on the Korean Peninsula or in Southwest Asia, that are in this nation's vital interests.

We in Congress first must be fully informed as to our Armed Force's capabilities and limitations. Then, we must be willing to address the challenges they face if we expect them to continue to meet our global challenges. This amendment, requiring the Secretary of Defense to report on the U.S. Armed Forces capability to respond to other regional contingencies while remaining engaged in the Balkans, will provide the baseline analysis we need to ''right-size'' and ''right-equip'' our forces in the future.

Mr. SISISKY. Mr. Chairman, I rise to claim the time in opposition to the amendment.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I rise today in support of the en bloc amendment to H.R. 1401. This amendment includes an amendment which I propose along with the gentleman from South Dakota (Mr. THUNE). Our amendment makes needed improvements to TriCare, the military managed health care program.

Our amendment complements the excellent work done by the Committee on Armed Services to better military health care. The Thune-Stenholm amendment will improve the claims processing system, reduce paperwork and financial burdens to TriCare beneficiaries, and improve coverage for active duty members of the armed services. Our amendment has the support of the Military Coalition and the National Military and Veterans Alliance.

As we increase military pay and benefits, it is important that we also continue in our efforts to provide the highest quality medical care for military members and their families, retirees and their families, and survivors.

I urge the support for the Thune-Stenholm amendment as included in the en bloc amendment.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. WELDON).

(Mr. WELDON asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I have a great announcement to follow up the distinguished gentleman from Texas (Mr. STENHOLM), who announced this earlier.

For all those naysayers, today the THAAD program had a very successful intercept. We hit a bullet with a bullet. Not only did we hit the target, we hit it right in the spot where that target would be eliminated so that the trajectory of the missile would not continue on into where our troops would be held.

So for all of those people who stood on the House floor and said missile defense does not work, the technology is not there, it is a failure, guess what, Mr. Chairman, today we hit a bullet with a bullet. We solved the problem that people said we could not solve.

I just want to thank my colleagues on both sides of the aisle who had the good common sense to understand that American technology can do anything, and we are never going to have a case where those 28 brave young Americans, half of whom were from my State, came back to their homeland in a body bag because we could not defend a missile attack against them.

Mr. SISISKY. Mr. Chairman, I congratulate the gentleman from Pennsylvania (Mr. WELDON).

Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Mr. Chairman, I urge my colleagues to support the en bloc amendment. It contains my amendment to waive the statutory time limit and authorize the President to present the Congressional Medal of Honor to Alfred Rascon for his brave and heroic actions during the Vietnam War. He truly embodies the spirit and sacrifices made by those gallant individuals who have earned our Nation's highest military honor.

In 1966, he was a paramedic and risked his life many times to save the lives of his colleagues. When his unit came under intense enemy attack, Mr. Rascon on three separate occasions ran through enemy fire to jump on soldiers to protect them from exploding grenades or incoming rifle and machine gun fire.

On one occasion, he suffered grenade shrapnel and wounds while protecting another solder he was caring for. On two other occasions, he dove on soldiers to shield them from several incoming exploding grenades, observing the full blast himself each time.

Regardless of these wounds and an additional wound to his face from an exploding grenade, he retrieved the point squad's abandoned machine gun and its ammunition while drawing heavy fire.

Mr. Chairman, I urge my colleagues to support the en bloc amendment.

Mr. Chairman, I urge my colleagues to support the Chairman's En Bloc amendment. The En Bloc package contains my amendment to waive the statutory time limit and authorize the President to present the Congressional Medal of Honor to Alfred Rascon for his heroic and brave actions during the Vietnam War. His case embodies the spirit and sacrifice made by those gallant individuals who have earned our nation's highest military honor.

On 16 March 1966, Sp4 Alfred Rascon, distinguished himself by a series of extraordinarily courageous acts while assigned as a medic to the Reconnaissance Platoon, Headquarters Company, 1st Battalion (Airborne), 503d Infantry, 173d Airborne Brigade. While moving to reinforce a sister unit under intense enemy attack, the Reconnaissance Platoon came under heavy fire from a numerically superior enemy force.

The intense fire severely wounded several soldiers and repulsed repeated attempts by fellow soldiers to rescue their fallen comrades. Ignoring this and directions to stay behind shelter, Mr. Rascon repeatedly tried to crawl forward to assist the wounded soldiers but was driven back each time by the withering enemy fire. Despite the risks to his own safety and realizing that the point machine-gunner was severely wounded and still under direct enemy fire, he dashed through gunfire and exploding grenades to reach his comrade. To protect him from wounds, Mr. Rascon intentionally placed his body between the soldier and the enemy machine guns and in doing so sustained numerous shrapnel injuries and a serious hip wound from an enemy bullet. Despite his wounds, he dragged him from the fire-raked trail and then crawled back through the area of heaviest fire with ammunition for a machine gunner, allowing the soldier to resume life protecting covering fire for the beleaguered squad. As Mr. Rascon crawled through the murderous fire to retrieve an abandoned machine gun and ammunition, a grenade exploded directly in front of him, severely wounding him in the face and torso.

Although weakened by loss of blood and his painful wounds, he recovered the machine gun and ammunition for another soldier who was then able to provide badly needed suppressive fire for the pinned-downed unit. As Mr. Rascon went forward to aid a badly wounded grenadier, he saw grenades fall near the stricken soldier. With complete disregard for his own life, he dove on the wounded man and covered him with his body, absorbing the full force of the grenade explosion but saving the soldier's life. Although he sustained additional fragmentation wounds to his face, back and legs, Mr. Rascon continued to treat the wounded. Seeing grenades land near the wounded point squad leader, and without regard for the consequences, he again rose to his feet and dove on the wounded man, again absorbing the blast of the grenades with his own body and suffering additional multiple fragmentation wounds. After treating the wounded sergeant, Mr. Rascon remained on the battlefield, providing medical aid to the wounded and inspiring his fellow soldiers to continue the battle.

After the enemy broke contact, he treated and directed the evacuation of the wounded, and only then allowed himself to be treated. While making his way to the evacuation zone, Mr. Rascon collapsed from the result of his wounds and blood loss, and was carried from the battlefield.

Because of the selflessness and bravery he demonstrated that day, Mr. Rascon's unit members submitted a recommendation for him to receive the Medal of Honor. Unfortunately, the written recommendation never made it up the chain of command. While we can't arase the mistake that deprived him of this award over thirty years ago, we can today finally do justice to Mr. Rascon.

There are many people to thank for their work to recognize Alfred Rascon's extraordinary heroism. Gil Coronado, Director of the Selective Service System, brought this case to my attention over six years ago and has been a consistent champion of this cause. Ken Smith, Colonel, US Army (Ret.), President of the Society of the 173rd Airborne Brigade, has been a steadfast supporter and brought his years of military experience as well as his dogged determination to the table. He and the Society were critical to the success of this effort. Gordon Sumner, COL, USA Ret., the Chairman of the DC Chapter of the 82nd Airborne Division, also assisted at critical times and deserves credit.

Kelli R. Willard West, former legislative director of the Vietnam Veterans of America, helped bring the voice of Vietnam Veterans to this endeavor. Her hard work and steadfast support made an impact on this effort. John Fales, known as Sgt. Shaft to Washington Times readers, let the public know of Mr. Rascon's bravery and the efforts to properly honor him.

Chairman BUYER and Ranking Member NEIL ABERCROMBIE should be commended for their assistance on bringing this amendment to the floor. I would also like to thank the staff of the Military Personnel Subcommittee, in particular Mike Higgins, for their efforts over the many years of work it took to bring this case to its logical conclusion.

I also thank my colleagues who signed the numerous letters and joined in my efforts to honor Mr. Rascon. Specifically, Representatives ROSCOE BARTLETT and LUIS GUTIERREZ should be noted for their support as well as Members of Congress who served in the 173rd, including Representatives DUNCAN HUNTER, MIKE THOMPSON and CHARLIE NORWOOD. My colleagues on the Senate side, Senators SPENCER ABRAHAM and STROM THURMOND must also be commended. Their efforts led to this amendment being included in the Senate's version of the FY2000 DOD Authorization Act. Stuart Anderson of Senator ABRAHAM's staff should be particularly thanked for his efforts.

Above all, members of Mr. Rascon's unit, the 1–503d Reconnaissance Platoon, must be recognized. Without their dogged efforts and those of Jacob R. Cook, SFC, USA Ret., Willie Williams, SFC, USA Ret., James K. Akuna (Deceased), SFC, USA Ret., Forrest Powers, SFC, USA Ret., Elmer R. Compton, SGT, SP4 John Kirk, Neil Haffey, PFC and Larry Gibson, PFC (MSG, USANG) this oversight never would have been brought to the attention of Congress and the public. Other members up and down the chain of command of the 173rd should be thanked as well, including Paul F. Smith, MG, USA Ret., John Tyler, COL, USA Ret., Bill Vose, CPT, USA Ret., Frank Vavrin, LTC, (Chaplain), USA Ret., Tom Marrinan, SFC, USA Ret., Jess Castanon, SGT (Deceased), Bob Berruti, SGT, Bob McCarthy, SGT, Ray Penzon, SGT, and Dan Ojeda. A special thanks should go to Roy Lombardo, LTC, USA Ret., who initially resubmitted the MOH packet to the Department of Defense. Mr. Lombardo, a Captain in the 173rd's 2nd Battalion during 1966, took this action when he was made aware, by Mr. Rascon's platoon members during the 173d's 1990 25th reunion, that the nomination never went forward.

Other individuals and organizations who deserve credit and thanks include: Bishop Joseph Madera, Brig. Gen. Michael F. Aguilar, USMC, Suzanna Valdez, the National Council of La Raze, Daniel B. Gibson, Bill Dunker, the Heroes and Heritage Foundation, Raul Yzaguirre, Ken Steadman, Richard Boylan, the Veterans of Foreign Wars and Robert Stacy.

It is my true belief that we do not live up to our nation's sacred commitment to our veterans if we do not properly honor the sacrifices made by those who went above and beyond the call of duty. Again, I urge my colleagues to support the Chairman's En Bloc amendment and this important effort to honor Alfred Rascon, a true American hero.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Mr. Chairman, I rise for the purpose of a colloquy with the gentleman from California (Mr. HUNTER), the chairman of the Subcommittee on Military Procurement.

Mr. Chairman, section 151 of the authorization bill would prevent the Department of Defense from buying a commercial communications satellite system or leasing a communications service unless independent testing

proves that the system or service will not cause harmful interference to collocated global positioning system receivers used by the DOD.

Mr. Chairman, I support the efforts to protect DOD technology, including GPS, from harmful interference. However, I am concerned that the independent testing requirement in section 151 could have the inadvertent effect of precluding DOD's purchase of cellular telephones, two-way radios, and other communication services until new standards and testing protocols are developed.

I ask the gentleman if this is the intent of section 151, and I yield to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I want to assure the gentleman from Arizona (Mr. STUMP) that the purpose of section 151 is not to delay the acquisition of needed communications or to impose new and unnecessary regulations. Our military forces rely very heavily on GPS signals for navigation, precision munitions, and other purposes. This section is intended to assure that communication systems using the spectrum close to that used by GPS do not interfere with GPS receivers.

Mr. STUMP. Mr. Chairman, I thank the gentleman. I believe this clarification will help us address DOD needs while being mindful of private sector concerns.

Mr. HUNTER. Mr. Chairman, I look forward to working with the gentleman on this matter.

Mr. SISISKY. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS) for the purpose of a colloquy.

Mr. ANDREWS. Mr. Chairman, I thank the gentleman from Virginia for yielding to me.

Mr. Chairman, I rise to engage the chairman of the Subcommittee on Military Research and Development of the Committee on Armed Services in a colloquy regarding the defense of the United States electric power grid against information attacks, something that is very prominent at a large regional institution in our area, Drexel University.

□ 1645

A growing number of my constituents have expressed concern over the reliability of the U.S. electric power grid when challenged by natural disaster, terrorist attack or other threats. A major outage in the national electric power grid could severely cripple our society and significantly impact the national defense capabilities of this country.

I raise this issue today because all Department of Defense facilities in the contiguous United States depend to a greater or lesser extent upon commercially owned and operated electric power grids that are managed through computer networks that are increasingly using the Internet as a communication and control network. Because of the interconnection of the Nation's electric power grid, the increased dependence on information systems and technology for control of the grid, and the potential threat of cyber-terrorism to the Nation's information infrastructure, I have personal concerns about the potential threat that targeted or massive outages could pose to the national security of the United States.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, I share the gentleman's concerns and applaud him for his outstanding national leadership on this issue. The committee's report states that the protection of the Nation's critical infrastructure against strategic information warfare attacks will require new tools and technology for information assurance and dominance. The ability to assess the vulnerability of the domestic electric power grid infrastructure to information attack will require the development of integrated models that can be used to develop strategies and procedures to detect and respond to terrorist attacks on the national electric power grid. Because defense information infrastructure is closely linked and dependent upon the domestic information infrastructure, I believe, and the committee report states, and I reinforce, that government, industry and academia should form partnerships to cooperatively develop information assurance solutions to protect the Nation's critical information systems infrastructure.

Mr. Chairman, I applaud the gentleman because he has taken a leadership role in developing such a model in the Philadelphia metropolitan region.

Mr. ANDREWS. Mr. Chairman, reclaiming my time, I thank the gentleman and look forward to working with him and I thank him for his leadership.

Mr. SPENCE. Mr. Chairman, I yield 4 minutes to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Chairman, I rise for the purpose of engaging the chairman of the Subcommittee on Military Installations and Facilities of the Committee on Armed Services in a colloquy.

Mr. Chairman, during the markup of H.R. 1401 by the Committee on Armed Services, I offered an amendment that would have conveyed real property at military installations closed under the base closure laws at no cost to those communities still in the process of negotiating agreements with the Department of Defense governing the terms under which the property would be disposed and put back into effective reuse. In return, communities which would have received property in this manner would be required to invest in reuse that provides job creation, effective economic redevelopment, and other public purposes.

This is an issue of fundamental fairness to me. Base closures can have a disastrous effect on communities. As one example, the largest county in my district may lose 2 out of every 5 jobs as a result of the closure of Fort McClellan. The last thing we should be doing now is kicking an area like Calhoun County when it is already down.

Mr. Chairman, I withdrew my amendment in full committee based on the commitment of the gentleman from Colorado (Mr. HEFLEY) to work with me to try to find a solution to this problem. I am hopeful that the committee will soon hold a hearing on the subject. It is terribly important to the communities in Alabama and across the country who continue to struggle to recover from the effects of base closures.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. RILEY. I yield to the gentleman from Arkansas.

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding.

I want to note the support of the Department of Defense for the basic concept articulated by the gentleman from Alabama. Current law compels the Department of Defense to maintain these properties at enormous cost while expending considerable resources to negotiate acceptable purchase prices.

In my hometown of Fort Smith, Arkansas, the former army installation of Fort Chaffee was closed in 1995. Lately, the local redevelopment authority has been working diligently with the DOD to negotiate an acceptable purchase price. However, it is now clear that if the property is transferred at current market value, the purchase price will exceed the expected revenues generated from redevelopment.

A number of unique characteristics of the property make redevelopment a costly endeavor. There is little incentive to pursue a redevelopment plan if the public trust is unable to recoup the cost of purchasing the property.

Mr. Chairman, I had intended to offer an amendment similar to that proposed by the gentleman from Alabama (Mr. RILEY), but I understand the concerns expressed by the chairman of the subcommittee that his subcommittee has not had adequate time. So I hope we can move forward and resolve this issue promptly and look forward to working with the chairman.

Mr. RILEY. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments.

Mr. HEFLEY. Mr. Chairman, will the gentleman yield?

Mr. RILEY. I yield to the gentleman from Colorado, the chairman of the subcommittee.

Mr. HEFLEY. Mr. Chairman, I thank the gentleman for yielding.

I am acutely aware of the problem which the gentleman from Alabama (Mr. RILEY) and the gentleman from Arkansas (Mr. HUTCHINSON) have raised today. The Department of Defense has also made a proposal to expedite the reuse process. I am very sympathetic to the desire of the local communities

to see effective economic reuse of former military installations and see it happen at the earliest possible time.

As both gentlemen know, this is a complicated area of law. I regret the administration did not forward the formal proposal in this area to our committee in time for us to really take action on it. We have not had the opportunity to have adequate hearings, but we fully intend to have those hearings, to have them in a timely fashion, and to have them prior to the time that we go to conference on this. I would like for both of my colleagues, and others that are interested, to participate in these hearings with us.

Mr. Chairman, I thank the gentleman for yielding to me, because this is an important issue and we do intend to address it. I appreciate both of my colleagues bringing it to my attention.

Mr. RILEY. Mr. Chairman, reclaiming my time, I wish to thank the chairman for his assurances.

Mr. SISISKY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I am pleased to cosponsor the amendment requiring the Secretary of Defense to report to the Congress on the results of investigations into the rash of recent failures of several of our space launch vehicles.

I serve on the Permanent Select Committee on Intelligence, and while this committee does not have jurisdiction over the Department of Defense space launch vehicles, it does exercise oversight over the National Reconnaissance Office, which is a primary customer of Air Force launch vehicles. Indeed, one of the 4 recent Titan IV launch failures involved an extremely expensive NRO satellite and another involved the loss of a missile early warning satellite that is of considerable interest and importance to the intelligence community.

I know that many of my colleagues, as well as many individuals in the executive branch and industry, and the public at large, are gravely concerned about these failures. Within the last year there have been 4 failures of the Titan IV, two failures of the newly designed Delta III, and one failure of the Athena rocket.

While 4 of these 6 failures entail the loss of commercial satellites and, therefore, did not cost the taxpayers anything, the other 4 failures were extremely costly to the government, in the neighborhood of $3 billion, I am told.

I understand very well that launching large satellites in space is inherently risky, and it is inevitable failures will occur from time to time, but this many failures in so short a time compels us to question our practices. It is doubly important to do so now since we are close to the first launches of the new Evolved Expendable Launch Vehicle, and since we have another dozen of the old Titan IVs remaining to be launched over the next 5 years. If we need to learn new lessons or rediscover old verities, now is the time.

It appears that there are no common causes for any of these failures, although the failure investigations are incomplete. However, I believe it is the case that all of the failures involve two companies, the two companies that are the prime contractors for all of the government launch vehicles.

It is certainly possible that this string of failures is merely some statistical aberration and does not reflect any systemic type of problem, or maybe there is really a systemic problem only within one program, like the Titan IV or the Delta III, or maybe the Delta III failures are just teething pains of a new system and the Athena failure is an isolated event.

Alternatively, and of utmost concern, is the possibility that the various pressures operating on the industry at this time are somehow causing problems that pose a threat to national security.

We know that launch rates in the industry for existing boosters are up substantially at the same time that new vehicles are being developed, which conceivably could stretch available managerial and engineering talent and attention. We also know that competition is keener than ever, which combined with government pressure to reduce costs, conceivably could tempt some unwise cost cutting.

We also need to consider the potential impact of changes in acquisition processes, such as the level of oversight and inspection conducted by the government, performance incentives by our contractors, buying launch services, and even private insurance for government launches.

I know the executive branch and industry are anxious as we get to the bottom of this matter, and so I urge that this amendment be adopted.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Chairman, I rise to ask for the help of my colleague, the gentleman from South Carolina (Mr. SPENCE), in bringing just compensation and closure to the surviving families of a tragic accident involving United States servicemen.

On September 13 of 1997, a German Tupelov aircraft veered off course and collided with a United States Air Force C–141 off the coast of Namibia. Nine American servicemen perished in the collision. Accident investigations conducted by both the United States Air Force and the German Ministry of Defense both concluded that the fault of the collision lay with the German crew, who had not only filed an inaccurate flight plan, but were also flying at the wrong altitude.

Five months after this accident, as we all know, a United States aircraft clipped a ski gondola cable in Italy, causing the deaths of 20, 7 of whom were German nationals. As has been customary, the United States Government is preparing to make financial settlement with the families of those victims. Unfortunately, the German Government has been slow to show a reciprocal sense of responsibility and concern for the loss of 9 American lives.

Senator STROM THURMOND has attached a resolution to the Senate defense authorization bill calling for the German Government to make a prompt, fair settlement with the families lost in this tragedy. This is similar to a resolution that I, along with 15 other bipartisan cosponsors, have introduced in the House.

I appreciate the strong support the chairman of the Committee on Armed Services has already given the surviving families of this accident, and I ask that when the Defense Authorization Act comes to conference the gentleman will accede to the Senate position with regard to the families of our lost airmen.

Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Chairman, I thank the gentleman for yielding, and I thank the gentleman for raising this important issue.

As the gentleman indicated, I have had a long-standing interest in seeing justice done in this case. The gentleman can be assured that I support the timely payment of compensation from the German Government in response to claims from surviving family members. Accordingly, I will support legislation that seeks to achieve that objective when it is considered for inclusion in the National Defense Authorization Act for the Year 2000.

Mr. SANFORD. Mr. Chairman, reclaiming my time, I thank the gentleman for his support.

Mr. SISISKY. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I appreciate the committee accepting my ''buy American'' amendment. If we do not make it here and we go to war, who will we buy from; our enemy?

So I wish to thank the committee for its continued support, and I also want to thank the members of the committee for accepting the amendment from the gentleman from Pennsylvania (Mr. GOODLING) and myself that deals with weights bought for training measures from China.

Let me just advise Members of Congress that they have a $67 billion trade surplus, and they are buying submarines, tanks and aircraft with our money and pointing their missiles at us. So I thank my colleagues for accepting my amendments.

□ 1700

The CHAIRMAN. The gentleman from Virginia (Mr. SISISKY) has 2 minutes remaining. The gentleman from

South Carolina (Mr. SPENCE) has 1 minute remaining.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in support of the en bloc amendment, particularly that portion that pertains to the subject the gentleman from Georgia moments ago was talking about, the failures of the Titan 4–A and 4–B rockets and/or their upper stages, resulting in the loss of valuable military and intelligence satellites. This is $3 billion we have lost in these satellites, and we are counting with respect to that.

As a member of the Permanent Select Committee on Intelligence and as chairman of the Subcommittee on Technical and Tactical Intelligence, I also have jurisdiction over this matter from the intelligence perspective, and we have had meetings with the Air Force and other personnel concerning this, including the companies involved in the failures. And there are investigations under way from the executive branch's perspective.

But the national security interests and billions in costs required that appropriate committees in Congress, we believe, received detailed reports on failures as well as the reforms being implemented to prevent future failures.

As my colleagues can see, the amendment would require the Secretary of Defense to report to Congress and the President on factors involved in these failures and what systemic and management reforms are being implemented to minimize future failures. This oversight is not only desired, but required by us in the Congress to appropriate funds for these launches.

This amendment's requirements, we think, are prudent, and we thank the committee for considering them.

Mr. SISISKY. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. MCINTYRE).

Mr. MCINTYRE. Mr. Chairman, I rise in support of the McIntyre-Cramer amendment and would like to express my appreciation to the chairman, the gentleman from South Carolina (Mr. SPENCE), and the ranking member, the gentleman from Missouri (Mr. SKELTON) for their inclusion of this amendment in the en bloc package.

I thank my colleagues for allowing this amendment to go forward. I am committed to working with all parties concerned.

The thrust of the amendment is good government, three components: a positive relationship between our national laboratories and small business; a proper technology transfer program that enhances efficiency and integrity and maintains our global competitiveness in technology; and a productive partnership and level playing field between the Federal Government and the private sector. A positive relationship, proper technology transfer, productive partnership, three ingredients that will have a successful relationship between the Federal Government and small business.

I look forward to working with my colleagues in a continuing, constructive dialogue as we move forward to conference and including this in the DOD bill.

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I know the gentlemen from California, Mr. CALVERT and Mr. HORN, want to engage me in a colloquy.

Mr. CALVERT. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from California.

Mr. CALVERT. Mr. Chairman, I thank the gentleman for yielding.

I would like to engage in a colloquy.

It is my understanding that the Department of Defense has been authorized to purchase a total of 120 C–17s as a follow-on aircraft to the C–141, which is in the process of a complete drawdown. It is also my understanding that the C–17 aircraft is a key component for modernizing our Nation's Active Duty and Reserve component's air mobility resources.

I ask the chairman, the gentleman from California (Mr. HUNTER), what is his opinion of the effectiveness of the C–17 aircraft, especially during the current high level of operations.

Mr. HUNTER. Mr. Chairman, if the gentleman will continue to yield, I want to thank my good friend from California, who happens to have the March Air Reserve Base in his district, I want to thank him for involving me in this important discussion of the future air mobility needs of our military.

I also agree with him that the C–17 is a very vital tool for our Nation's air mobility needs. In fact, it has performed beyond the high expectations of the committee and the Department of Defense. With our increased reliance on Reserve components, coupled with technological advancements, we will become further reliant on flexible, multipurpose aircraft, such as the C–17.

Mr. CALVERT. Finally, would the gentleman comment on what role he thinks the Reserve units will play in our military's air mobility capacity?

Mr. HUNTER. Mr. Chairman, of course, this is a conversation, too, that I know the chairman of the full committee is very interested in; he is a very important part of this, and I appreciate this opportunity to respond to this inquiry.

As many Members with Reserve components in their district know, such as the gentleman from California (Mr. CALVERT) with March Air Reserve Base, the Nation's Reserve components currently play a very key role in our Nation's air mobility capacity. We could not be involved in the air campaign right now without that Reserve component.

As has been displayed in this recent conflict, the Reserve units are being heavily utilized both in air mobility and other key areas. I believe that this trend of relying on Reserve components will only continue to increase. But we should ensure that these units are outfitted with the most technologically advanced resources available. And once again, the C–17 has done a great job.

Mr. HORN. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from California.

Mr. HORN. Mr. Chairman, I thank my two colleagues from California.

The C–17, as we all know, is one of the great success stories. I am proud to say it is built in Long Beach, California. It started with Douglas Aircraft, now owned by Boeing Aircraft. They won the top award for quality in America last year in manufacturing. That is the Malcolm Baldrige Quality Award administered by the United States Department of Commerce.

In Kosovo, C–17s showed that they can deliver both humanitarian goods and military goods on time in small airports with short runways. It is my hope that we will have more and more C–17s sold to foreign governments so their military groups can build up their capacity in air mobility and bring needed equipment, supplies, and personnel to the war zone.

I would also hope that civilian cargo airlines could use the C–17s on the very small landing fields we have around the world. The C–17 is a success story. It ought to be shared. Those sales would help us lower the per-unit cost.

I thank the gentleman from California (Mr. HUNTER) for all that he has done to procure the C–17.

Does the gentleman from California (Mr. HUNTER) believe that the Secretary of Defense should explore the recent offer to drastically reduce the price of additional C–17s as a means for addressing some of the future needs at home and abroad?

Mr. HUNTER. Mr. Chairman, if the gentleman will yield further, yes. And I want to thank both gentlemen from California for their interest in this important discussion.

It is my understanding the Secretary is currently exploring all options to modernize our air mobility forces, including the need to acquire additional C–17s.

With respect to selling some of these to our allies, often the answer given to us by them when we ask for their support in operations like the air campaign that is currently being undertaken where we are doing the lion's share of the work and paying the lion's share, that often the answer to us is that we have the resources, we have the aircraft. And if we can sell some of these C–17s to our allies, with that, along with the possession of high-capability aircraft, will go the responsibility to use them in joint operations and take some of the burden off American forces. I think that is a good thing.

Mr. SPENCE. Mr. Chairman, I yield to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Chairman, I thank the chairman for yielding.

The amendment I am rising to speak on in favor of is that which allows the transfer of the reactor at McClellan Air Force Base to the University of California.

The CHAIRMAN pro tempore. The time of the gentleman from South Carolina (Mr. SPENCE) has expired.

Mr. ANDREWS. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Chairman, I thank the chairman for yielding.

The amendment allows the transfer of the unwanted reactor at McClellan Air Force Base to the University of California (Davis) and provides the funding for decommissioning it. This is a reactor owned presently by the Air Force for which they have no further use. The expectation is that they will pay the decommissioning cost.

This transfer allows our region, which is suffering through base closures, to realize the benefit of 25 additional years of use of this small reactor without any additional cost.

I appreciate the committee making this amendment in order. I look forward to its passage. This is a win in our very difficult base closing process, and I applaud the Congress for making us part of this.

Mr. ANDREWS. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ANDREWS. Mr. Chairman, I yield to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Chairman, I appreciate very much the committee's cooperation and the distinguished chairman, the gentleman from South Carolina (Mr. SPENCE), and the ranking member, the gentleman from Missouri (Mr. SKELTON) for making in order the Thune-Stenholm amendment and agreeing to accept it.

It is very important to a lot of the current members of active duty forces in the armed services, military retirees, and their dependents. This amendment seeks to help make TriCare, the military health care system, a more efficient, more user-friendly military health care system.

Since 1987, 35 percent of the military hospitals in the United States have closed. Similarly, the number of doctors, nurses, and medical technicians in military services dwindles. However, the number of beneficiaries is not dropping at nearly that rate.

As a result, defense medical leaders needed to find a way to deliver health care that would combine military and civilian resources into a system that would maintain or improve quality, increase access, and control costs for beneficiaries and taxpayers. TriCare is intended to fill that need.

My State, the State of South Dakota, is home to the fine men and women of Ellsworth Air Force Base, as well as to a sizable military retiree population. Each of those individuals and the many health care providers in western South Dakota have a direct interest in TriCare.

This amendment does not make massive changes in the TriCare system. Rather, it is about fine-tuning the system to make it better for all those involved. The language deals with specific areas of concern expressed by constituents, military service organizations, health care providers, contractors, and the Department of Defense.

The amendment will help ensure contracts allow for best business practices, help provide for a better understanding of the reimbursement rate structure in rural areas, improve health care access for military personnel deployed in remote and rural locations, and reduce some of the paperwork burdens for beneficiaries of the military fee-for-service program.

The gentleman from Texas (Mr. STENHOLM) and I have spent hours receiving comments and reworking the amendment to address many of the concerns that we have heard. And again, I would like to thank the chairman for including and accepting it.

These amendments have the support of the National Military and Veterans Alliance and the Military Coalition, which together represent over 40 military veterans' organizations with a combined membership of well over five million people.

It is important change. It is not going to make the TriCare system perfect. But I do believe it will make it better for those who have served and continue to serve our great Nation.

So I thank the chairman for yielding and appreciate his acceptance of this amendment.

Mr. ANDREWS. Mr. Chairman, I yield to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, the gentleman from Virginia (Mr. DAVIS) had to leave, but he was concerned about the multipurpose processor program, a program that was developed in his district in one of the premier high-tech companies in the country, which is located in Northern Virginia, that has reinstated to a large degree the superiority of American submarines, giving us some 200 times the capability we had in the past with about one-tenth of the cost. It has really been a great breakthrough.

The committee likes this program.

We want to apologize to the gentleman from Virginia (Mr. DAVIS) and to the Navy because due to a technical error, the program fell out of our budget. The other body does have it in their budget. And so, when we go into conference, we are going to make sure that we work to restore that. It is an outstanding program. It provides enormous leverage for the U.S., and we will work during the conference to restore it.

Mr. ANDREWS. Mr. Chairman, I yield to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I say to the gentleman from California (Mr. HUNTER), section 141 of the National defense authorization bill for fiscal year 2000 contains a provision that would allow nonstockpile chemical agents, munitions, or related materials specifically designated by the Secretary of Defense to be destroyed at chemical stockpile facilities once the affected States have issued the appropriate permits.

One of those facilities is located in my district at Anniston, Alabama. I am concerned and strongly believe that local jurisdictions should have a voice in any decision to use chemical stockpile destruction facilities for purposes other than the purpose for which they were originally constructed, destruction of the stockpile of lethal agents and munitions that are stored at the site.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for his expression of concern and for his leadership in this area.

In discussing the chemical agents and munitions weapons destruction program, the committee report notes and has emphasized the increasing practice of meaningful involvement by State and local jurisdictions in the development of programmatic and policy decisions that are specific to their local stockpile storage sites.

We will work with the gentleman in this area.

Mrs. TAUSCHER. Mr. Chairman, I rise to express some concerns that I have with the McIntyre Amendment, which is included in the en bloc amendment offered by Mr. SPENCE.

The McIntyre Amendment would direct DOE laboratories to make available a range of expedited dispute resolution procedures to resolve differences with private sector entities. The goal of this amendment is good. Given the nature of technology transfer, and the demands of bringing new technologies to the marketplace in a timely manner, it is important that disputes are settled quickly and amicably.

But I am worried that this amendment's focus on expedited resolutions would sometimes exclude more appropriate forums for the resolution of disputes. I also believe we need to keep in mind the interest of the American taxpayer and not subject federally funded institutions to dispute resolution procedures that fail to protect their interests. In an effort to provide a speedy resolution to disagreements, I am concerned that this amendment may unintentionally fail to ensure access to the appropriate venue for resolution.

There is no evidence, Mr. Chairman, that system-wide deficiencies exist in the federal

technology transfer process. Indeed, technology transfer laws have made it possible for important federally developed technologies to reach the commercial marketplace. It is important that we not threaten the success we have had in technology transfer by making changes in the process that might restrict the ability of our laboratories to participate.

I appreciate the dialogue that Mr. MCINTYRE and I have had on this amendment in recent days and I look forward to working with him to address my concerns as this legislation moves forward.

Mr. GALLEGLY. Mr. Chairman, I rise in support of the en bloc amendment and want to thank the Chairman of the Armed Services Committee, the Ranking Democrat, and the Chairman of the Procurement Subcommittee for their support of my amendment which provides an authorization of funding for the procurement of important fire fighting equipment used by the Air National Guard and Air Force Reserve.

Currently, there are twelve Modular Airborne Firefighting Systems known as MAFFS in operation, two of which operate in California. These units, which are twenty-six years old and which are used exclusively on military aircraft to help fight forest fires across the country, are now at the end of their useful life and are in urgent need of replacement. Our Air Force Reserve and National Guard believe that each year these aged and outdated systems continue to be used, the more they become a danger to the C-130s they are flown in and the crews that man them.

As you know California and many other areas of the Southwest suffer from severe wildfire damage every year. These units are extremely important in helping to fight these fires and the replacement of these MAFFS units is a high priority among our National Guard.

Last year, for Fiscal Year 1999, the Defense Appropriations bill included $6 million for the procurement and replacement of the first several MAFFS units. I understand the Air Force has already begun the process of competing these funds for the replacement units.

My amendment simply authorizes the Secretary of the Air Force to carry out the remainder of this procurement.

I understand the many competing, and important programs for which the Committees must provide funding and I appreciate the Committee's willingness to help support this critically needed firefighting equipment by accepting my amendment.

Mr. Chairman, this amendment was inspired by a House Science Committee Democratic Staff report entitled ''Spinoff or Ripoff,'' released on April 9 of this year, which examined many aspects of the technology transfer program at a government-owned contractor-operated National Laboratory. I would like to submit to the record Chapter C of the Committee Staff report, which reviews an intellectual property dispute, and the technology transfer practices at one of our National Laboratories.

This amendment will help ensure that the transfer of technology from our National Labs to American business is working hard as well as it should. It will make alternative dispute resolution and mediation available to small companies that simply can't afford the time or costs associated with a prolonged legal dispute with the government-owned Labs. Avoiding a prolonged legal battle will not only save money and resources for American companies, but it will also save money for the American taxpayers.

This amendment will hold the contractor that operates the Lab liable for damages to the extent that they are found at fault. This is simply assuring appropriate accountability for those who participate in technology transfer practices that may cause harm to commercial businesses.

This amendment also addresses the structure of the technology transfer policies at each of the DOE National Laboratories. Today, if any company in this Nation wanted to enter into technology transfer partnerships with multiple DOE National Laboratories, they would have to deal with a different set of procedural requirements at each Lab. This amendment will ensure consistency of technology transfer policies and procedures across the Labs. We hope that this will encourage maximum utilization of tax-payer funded research and development by commercial industry.

I would like to make it clear that I believe that most of the people working at our National Laboratories are among our most talented and patriotic citizens. We are concerned that the technology personnel at these Labs receive sufficient training in U.S. law governing technology transfer. This amendment requires that personnel responsible for patenting, licensing, and commercialization activities—all of which are fundamental to a successful technology transfer program—be knowledgeable about the appropriate legal, procedural, and ethical standards.

This amendment is intended to help ensure that future technology transfer activities at the National Labs are carried out in a manner befitting a taxpayer-funded entity, with the goal of strengthening the competitive, scientific, and economic stature of American companies and research organizations. This amendment will strengthen the role that the National Laboratories will play in bringing this great Country into the 21st Century. Mr. Speaker, I urge my colleagues to support the future of technology transfer and our National Laboratories by supporting the McIntyre-Cramer amendment.

SPINOFF OR RIPOFF?

TECHNOLOGY TRANSFER AT DEPARTMENT OF ENERGY NATIONAL LABORATORIES: THE DEVELOPMENT & COMMERCIALIZATION OF MICROPOWER IMPULSE RADAR AT LAWRENCE LIVERMORE NATIONAL LABORATORY

(C) The Intellectual Property Dispute with TDC

There are four stories that can be told relating to the intellectual property dispute between the Laboratory and TDC. The first story, and the one that attracted Congressional attention, was a claim by TDC that Thomas McEwan and the LLNL/UC had appropriated TDC's technology and passed it off as their own. The second story is Mr. McEwan's story; not surprisingly, it lies approximately 180 degrees away from the TDC claims. While Democratic Staff will briefly recount these two claims, we do not have the capability to determine where the truth lies. We simply cannot ascertain whose version of the truth is right, and we repeat the tales simply to aid those who would take up further investigation and to create a context in which the third and fourth stories make more sense.

It is the third and fourth stories, regarding technology transfer practices at the National Laboratories and the Laboratories' response to complaints such as TDC's, that raise important policy questions: Is there adequate guidance for inventors on what prior art they are required to cite when crafting patent applications? Are the Laboratory technology transfer attorneys doing a reliable job of scrubbing and perfecting those applications before submitting them to the PTO?[1] Is there a policy in place at the Laboratories that directs what the response of a Laboratory should be when it is faced with a complaint like TDC's?

If the technology transfer process at the Laboratories allows incomplete applications to go forward, it may be that there are cases out there, still unidentified, where the PTO has assigned a patent in good faith to the Laboratory based on incomplete disclosure of prior art. In this event, the taxpayers are at risk for legal costs and damages should a private firm or individual challenge that patent and win at trial. Without judging the merits of the TDC claim against the Laboratory, there may be a system in place at LLNL that could create more TDC-type complaints in the future.[2]

Finally, a fourth story can be told about the response of LLNL/UC to TDC's claim as well as to repeated requests by Members of Congress both for information and for a resolution to the problem. TDC first brought this matter to the attention of DOE in fall, 1995. It was not until December 1997 that LLNL/UC submitted the patent for reexamination to the PTO. Moreover, LLNL/UC have consistently supplied both TDC and Members of Congress misleading or factually incorrect information regarding several aspects of the commercialization of MIR technology, and their submission of this information has consistently taken much longer than it should have. The policy issue raised by this aspect of the case is whether there are options available to a small private sector entity when making a complaint against a National Laboratory to ensure that the complaint is addressed promptly and in good faith by the Laboratory in question.

(1) TDC's account of intellectual property theft

In essence, the TDC account is that Thomas McEwan and LLNL/UC stole technology from TDC and Larry Fullerton. As Ralph Petroff of TDC stated in a February 9, 1999 letter to Dr. Michal Freedhoff: ''(t)his is not technology transfer; this is the 'evil twin' of technology transfer—the government knowingly appropriates technology that it did not invent, sells licenses for technology that does not work, and declares the whole process ''the most successful technology transfer project in DOE history.''

TDC argues that Mr. McEwan began working on his MIR project immediately upon his return from the March, 1990 LANL meeting on UWB radar where he had heard at least one presentation involving Fullerton, and that ''Mr. Fullerton presented two papers at the Symposium.''[3] TDC describes this symposium as a ''small conference'' and quotes another attendee as saying that ''(y)ou could not have attended that conference without being exposed to the Fullerton technology.''[4] TDC also notes that Aviation Week & Space Technology, ''a publication that is widely read at LLNL,'' ran two articles subsequent to the conference that emphasized Mr. Fullerton's work and patents.[5] Finally, TDC notes that several other publications that would probably have been seen by those in the UWB radar community in the early 1990s also mention Larry Fullerton and his inventions.[6] In short, Mr. McEwan had to have known who Larry Fullerton was, the nature of Mr. Fullerton's work and that Mr. Fullerton held patents in the UWB radar field.

More proof of Mr. McEwan's awareness of Fullerton is offered by TDC: ''The 'never-

Footnotes at end of document.

heard-of-Fullerton' explanation was further contradicted by the comments of two customers (one commercial, one government) who claimed that Lawrence Livermore personnel (including McEwan himself) had contacted them in an attempt to take potential business away from Time Domain. The basic message was 'You don't want to (sic) business with Time Domain. Our technology is the same as Fullerton's—only better.'''[7]

TDC also claimed that ''McEwan himself made the comment that the 'MIR technology was the same as Fullerton's—only better.''[8]

Finally, TDC points to a September, 1990 funding proposal co-authored by Thomas McEwan and David Christie. This presentation, titled ''Ultra-Wideband Time Domain Imaging Radar,'' included a graph that TDC's attorneys concluded was a reconstruction of a graph included in the paper co-authored by Fullerton and presented at the March, 1990 LANL meeting.[9] That presentation, according to TDC: ''utiliz(ed) only slightly reformatted graphs of the same information (emphasis in original) that Fullerton presented at Los Alamos! . . . This proves McEwan knew of the Fullerton technology and was busily preparing presentations within weeks after the Los Alamos Symposium . . . (T)his document proves that McEwan had access to Fullerton's work, and therefore that McEwan derived his invention from Fullerton.''[10]

TDC goes on to say: ''This blatant misappropriation of intellectual property was the beginning, we believe, of the pattern of 'inventions' by McEwan. McEwan's successful solicitation of financial support from LLNL led the Lab into the field of 'reverse technology transfer'—*taking technology from the private sector and using public funds to compete against the original inventor* (emphasis in original).[11]

Review of Laboratory documents and other materials by Democratic Staff revealed at least two other occasions when, prior to his 1993 patent application, Mr. McEwan cited the work of Larry Fullerton. A June 27, 1990 internal memo from T.E. McEwan to E.M. Campbell stated: ''A recent Aviation Week article brought out another new area for fast impulses—covert and spread-spectrum communications. Apparently some outfit perfected a time-domain encoder which uses picosecond timing to convey information and is both undetectable and undecipherable with conventional gear.'' This quote describes the substance of the June 4, 1990 Aviation Week & Space Technology article that pointed to Fullerton's work in UWB communications.[12]

On February 11, 1992, Thomas McEwan faxed a copy of a Fullerton paper entitled ''Ultra-Wideband Beamforming in Sparse Arrays'' to Mr. Bruce Winker of Rockwell International.[13] Mr. Winker had been in discussions with Mr. McEwan and LLNL about licensing a shockline technology.[14] Mr. McEwan had apparently promised to send Mr. Winker a paper that spoke to a technical issue that Winker had raised—Fullerton's paper is what was faxed out.

This additional example confirms Mr. McEwan's knowledge of Fullerton and TDC's work in this area as of February, 1992. In August, 1992, McEwan filed his first Invention Disclosure form; in 1993 he filed his first patent applications on UWB for motion-sensing radar technology. As TDC notes, neither the Invention Disclosure nor the patent application makes any mention of Larry Fullerton despite the many occasions on which McEwan was exposed to Fullerton's work. TDC goes on to claim that McEwan was engaged in ''terminology tactics'' designed to obscure the similarities between the device he was submitting for patent protection and the inventions that Fullerton already had patents on—patents going back to 1987.[15]

In sum, TDC argues that Mr. McEwan knew about Mr. Fullerton's work; Mr. McEwan felt Fullerton's work was important enough to cite or mention to others at the Laboratory and to an outside party with whom he was negotiating; Mr. McEwan neglected to cite any of that work in his Invention Disclosure form or patent applications to try to obscure from the PTO the similarity between his and Fullerton's work. With a patent in hand, Mr. McEwan and LLNL/UC could then proceed to license ''their'' technology and reap the enormous profits that would come—all at the expense of TDC. To defend its intellectual property, TDC would have to bear the costs of litigation against a Federally-funded entity and the State of California.

(2) Thomas McEwan's account of intellectual creativity

Mr. McEwan's account of events is extraordinarily different from the TDC version. It is difficult to form a coherent picture of the McEwan and LLNL/UC account because of differences in claims that have come to us from Mr. McEwan and LLNL/UC and because of holes in the documentary record provided by LLNL/UC. Consequently, some of the following is based on piecing that record together, largely from communications from Mr. McEwan to others, including Democratic Staff.[16]

Mr. McEwan became interested in UWB applications and decided to attend the March, 1990 LANL meeting. He wrote in his trip report on the symposium that his interest was piqued by an article in Aviation Week & Space Technology[17] that ''it could defeat stealth technology and the stealth community regards impulse radar as a 'very very touchy issue.'''[18] In preparation for the March session at LANL, he began reading relevant literature in January, 1990. His Task Progress Report (TPR) for January reads (in part): ''Impulse radar was surveyed in the library, with some papers on subsurface probing found.'' Mr. McEwan's February, 1990 TPR reads (in part): ''Impulse radar range calculations were made, and related survey work continued.''

Mr. McEwan attended the March, 1990 LANL meeting along with 10 other LLNL employees. This Symposium included more than 200 official participants with 74 papers presented. Mr. McEwan maintains that: ''I did not see or hear Mr. Fullerton at the conference, and can only assume that he made an oral presentation, if any, during the classified session, which I can prove I missed except for the opening paper by Col. Taylor (as I recall).''

Mr. McEwan also adds that: ''I believe Forrest Anderson orally presented the first [Fullerton] paper on antenna arrays, with Mr. Fullerton cited as a co-author. Mr. Fullerton is not listed as an author or co-author on the second paper,[19] so I'm confused about TDC's claim that it's Fullerton's paper (don't you have to be an author to claim it's your paper?). Neither paper was mentioned in my extensive trip report, nor Dave Christie's.''[20]

Mr. McEwan is right to raise a question about the TDC claim that Fullerton presented two papers. There are references to Fullerton in the text of the Bretthorst paper, but he is not listed as a co-author; TDC's assertion that he had two papers at the conference is misleading. In any case, Mr. McEwan's trip report does not offer clear evidence that he attended either presentation. However, he does mention work being done at Washington University, stating ''They ran probability of detection studies on 300 ps impulse returns.''[21] This is certainly a reference to the Bretthorst (Washington University) et al. paper. Whether McEwan attended the presentation or saw a poster regarding this work, or learned of it in some other way, is unclear. But even if he had attended the presentation, it was not given by Mr. Fullerton.[22]

Mr. McEwan submitted a very detailed, six-page trip report that mentions 23 different organizations or presentations, though it isn't always clear whether he was at a presentation, saw a poster, collected a paper or learned about the work he mentioned in another fashion. One could probably fairly characterize the majority of his discussion regarding applications that relate the possibility that UWB could defeat stealth technology.

Mr. McEwan returned from LANL excited about the possibilities of developing UWB technologies. In his trip report, he writes: ''There was virtually no mention of work below 100 ps and no mention of high power avalanche shock-wave devices. By all appearances, our work in the Laser Program places us well in the lead for high power sub-100-ps pulses . . .''[23]

''Our work in the Laser Program positions us in the areas of waveform generation and transmitters with our avalanche shock-wave devices and in the receiver area with our high speed instrumentation work, e.g., photoconductive sensors and sampling devices. Avalanche shock-wave pulse generation is an area where LLNL retains international leadership. We are currently generating 100 kW pulses with a 25ps risetime and expect to be near the 1MW level within six months. . . . It is possible that avalanche shock-wave techniques could satisfy virtually all impulse radar requirements.''[24]

Mr. McEwan wasn't the only one from the group who saw some possibility of applying the work they had been doing for the NOVA laser to solving challenges to UWB applications. Mr. David Christie's trip report reads in part: ''My assessment is that this technology is still in its infancy . . . Clearly, the message was that everything is at an early stage of development, not just the high average power, high rep-rate impulse generator technology. This leaves both time and room for us to get involved . . . My opinion is that the 'bulk avalanche' GaAs [gallium arsenide] switch is a good candidate for further examination. Its availability at a significant peak power and rep-rate could serve to shape the direction of the impulse radar business. At a minimum, it would give us a clear entry into the early development of impulse radar technology. Power Spectra [a private firm] is known to be developing this technology for radar, countermeasure, and detonator applications. My impression is that they are still struggling with life and reliability issues. The University of Texas has one graduate student working on the avalanche mode switch, and LLNL, as you know, has a small effort funded by Engineering. The physics of the 'bulk avalanche' switch are not yet understood, and . . . would be the most important thing to address first.''[25]

Mr. McEwan did apply or internal Laboratory funding to develop this technology; he and LLNL/UC have maintained that he never received funding and had to work on the UWB technology in this spare time. However, Democratic Staff are in possession of a series of documents that indicate that he not only proposed and received funding for these efforts in FY 91, FY92, and FY 93, but was also involved in a series of marketing presentations in 1991 and 1992[26] (see appendix 2 for citations). These presentations raise the possibility that Mr. McEwan possessed the elements for his invention well before the date on his invention Disclosure Form. However, we were unable to examine his lab notebooks to track the progress of his work.

In any case, Mr. McEwan did not file an Invention Disclosure until August 28, 1992. He

portrays the moment as coming from a flash of insight. A July 24, 1998 letter from Mr. McEwan to Mr. Ron Cochran states: ''I invented MIR during 1992 while experimenting with a classic impulse radar that is well-described in the technical literature; the radar was similar to ground penetrating radar, but employed sampling technology that I developed for the Nova laser program at LLNL. The idea for MIR came quite by accident and in a flash of inspiration—I still remember the moment. Its subsequent development and refinement relied heavily on my extensive background in high speed electronics, electronic warfare and sampling technology.'' [27]

After this insight, he reportedly began and completed his 30-page Invention Disclosure form (over a very short ten-day period) and worked with the LLNL patent office to prepare his first MIR patent application.

Mr. McEwan has not denied knowing something about Fullerton and his work. However, he denies that he had an obligation to cite Fullerton in his patents or Invention Disclosure: ''As I understand it, TDC's position is that I should have cited Fullerton on my MIR motion sensor patent. I agree—had I known about the Fullerton motion sensor patent. I disagree with the idea that knowing someone was working in radar would be sufficient grounds to search their patent records. By that logic, I should have searched all 100 presenters at the LANL '90 conference, and (sic) well as 1000s of others in the field of radar. After all, radar is a greatly diversified field.'' [28]

He goes on to say that: ''The LLNL patent group did not perform a prior art search on the disputed MIR patent. As I understand it, LLNL patent group generally relies on the PTO to conduct a minimal prior art search. There's nothing illegal in not performing a prior art search—you are only required to submit known relevant art.'' [29]

(3) LLNL/UC technology transfer practices may be inadequate

It is impossible to determine, based on the materials in our possession, whose version of the story is accurate. But from a policy perspective, our concern rests with the adequacy of the LLNL/UC patenting process. In this sense, this third story begins where Mr. McEwan's defense leaves off.

Mr. McEwan's defense for not citing TDC rests on his understanding that relevant prior art resides only with patents. It is clear that even as late as October, 1998, three years after the intellectual property dispute with TDC had begun, he was still defending his failure to cite TDC based on his lack of awareness of the TDC patents. The duty of candor that comes with a patent application includes a much broader conception of prior relevant art than Mr. McEwan's position reveals.[30]

Independent patent experts contacted by Democratic Staff have said that material information could include articles in the press, white papers, presentations at conferences, or publicly available information from any other source, including but not limited to patents.[31] Consequently, Mr. McEwan's knowledge of the Fullerton patent portfolio is not the sole universe of prior art which he should have been concerned about citing in a patent application. Mr. McEwan could reasonably have been expected, had he understood this broader definition of prior art, to have cited the Fullerton work that he was aware of that TDC can point to as proof that Mr. McEwan had knowledge of Mr. Fullerton's efforts.

To put this another way, if Mr. Fullerton's work was important enough to cite in internal Laboratory memoranda and faxes to third parties, it was probably something an attorney would suggest be included in his patent applications. The evidence that Mr. McEwan may not, even now, understand this broader responsibility lies in the language of his defense; he does not say he didn't cite Mr. Fullerton's body of work because it was not relevant prior art, nor does he deny that he at least knew something about Mr. Fullerton. He rests his defense on ignorance of Mr. Fullerton's patents. This suggests that neither at the time he was preparing his patents nor to this day has Mr. McEwan been properly instructed by a LLNL/UC patent attorney on the subject of prior relevant art.

LLNL/UC's technology transfer office had a duty to vet Mr. McEwan's work in a meaningful fashion.[32] Their guidance and questioning of the inventor should have made clear the scope of materials that would constitute prior relevant art. Further, we would expect that the technology transfer office should have engaged in their own review of the literature and existing patents and Fullerton should have shown up prominently in one place or the other (or both), leading to follow-up with Mr. McEwan.[33]

This apparently did not happen. If LLNL/UC's patenting process was more rigorous, it is highly likely that at least some of Mr. Fullerton's work would have been cited as prior art. It is also likely that any one of those citations would have triggered the patent reviewers to find and examine Mr. Fullerton's patents for comparison and all parties in this dispute would have had a clearer, fuller ruling from the PTO many years ago. If these is fault here, it perhaps lies not with Mr. McEwan, but with LLNL/UC's patenting process. We strongly recommend that this process be reviewed by DOE and Laboratory management, and that steps be taken to insure that a) every disputed patent owned by LLNL/UC is thoroughly reviewed, and the PTO and general public be immediately notified of any failures to cite relevant prior art and b) every future patent application is thoroughly reviewed and appropriate prior art searches done before the attorneys for LLNL/UC move patents forward to the PTO.

(4) LLNL/UC's response to TDC and Members of Congress was inadequate

The fourth story associated with the intellectual property dispute between LLNL/UC and TDC is LLNL/UC's response, both to the dispute and to Congressional inquiries associated with it.

In September, 1995, a meeting was held in Senator Shelby's office which included DOE personnel and representatives of a precursor entity to TDC. LLNL/UC personnel were reportedly invited but unable to attend. This meeting was the first known instance in which DOE was made aware that the MIR patent claims granted to Mr. McEwan and LLNL/UC were being contested by TDC. It also appears clear from the Taylor/McEwan paper cited earlier that Mr. McEwan and LLNL/UC personnel knew about TDC's patents by fall, 1995.[34]

Appendix 4 lists more than 40 additional attempts by Members of Congress and TDC and/or its precursor entities to resolve this matter with correspondence, meetings and conversations with LLNL/DOE. In the words of TDC: ''Neither LLNL–UC nor DOE has made any serious attempt to resolve the situation. Indeed, there is little incentive for LLNL–UC to ''do the right thing'' under the present structure because they can outlast any private sector challenge by using the almost unlimited legal and financial resources of the state of California and the U.S. Government.'' [35]

Several of the contacts listed in Appendix 4 are worthy of some mention. The June 19, 1997 document entitled ''Summary of the Dispute Between Time Domain and LLNL'' is 21 pages long with a very lengthy appendix, and was provided by TDC to LLNL at the request of Dr. C. Bruce Tarter.[36]

On February 2, 1998, Dr. C. Bruce Tarter responded to the June 19, 1997 submission from TDC with a 5-page reply. The response stated that: ''In response to the initial complaint, the matter was fully investigated and no evidence was found to support any of the allegations. . . . Upon receipt of the ''new material,'' we took all the papers and exhibits you submitted and reviewed them in detail. I sought input from several associates, with knowledge of the patenting process and the technical fields. Our unanimous conclusion, after that review, was that the material did not support your representations.''

When LLNL/UC personnel were asked to provide copies of this investigation, Committee Staff were informed that the results of these endeavors were conveyed to Dr. Tarter orally, and that correspondence between LLNL/UC and its counsel was privileged and could not be shared.

On September 25, 1998, Congressmen Brown, Cramer, Roemer, Aderholt and Callahan submitted 9 pages of detailed questions to both LLNL/UC and DOE.[37]

On December 21, 1998 LLNL/UC responded to this letter. The response contained few specific answers to the variety of technical and legal questions posed, referring the requesters to submissions by LLNL/UC to the PTO and other documentation. On February 23, 1999, the DOE responded with no specific answers to these questions.

The LLNL/UC MIR web site continues to make no mention of this dispute or the status of the PTO reexamination. A prospective licensee who was perusing the site would know neither that the intellectual property was being challenged, nor that the PTO had issued a First Office Action.

TDC attempted to resolve this matter with LLNL/UC in 1995; Nearly four years later and after numerous attempts on the part of Members of Congress to expedite the resolution of this problem, it remains tied up in what could be a lengthy and costly ruling and appeals process in the PTO—a process that was only started two and a half years after the beginning of the dispute. Dr. C. Bruce Tarter does state, in a September 17, 1998 letter to Congressmen Brown, Cramer and Roemer, that: ''For example, the allegation that LLNL has not done what it should to resolve this issue as quickly as possible is especially troubling in light of the special efforts LLNL has made toward expeditious resolution. In fact, shortly after initial questions were raised more than two and one-half years ago, a request for re-examination was proposed by LLNL. Filing this re-examination request was delayed at the urging of a predecessor to TDS in this area, Pulson, and subsequently of TDS in order to explore other approaches. Nevertheless, in LLNL's view, this PTO process continued to provide the only feasible means available to us to effect an objective and expedient resolution to this issue by an entity with the expertise to deal with the highly technical subject matter.'' [38]

Democratic Staff believes that if a private sector entity enters into dispute with a Federally Funded entity, that the Federally Funded entity should behave with the utmost haste and integrity in order to see that the matter is resolved as expeditiously as possible and with the least possible expense to the private sector entity. This may not have happened in this case. We believe that before resorting to a PTO process which can take years and cost hundreds of thousands of dollars, Federally Funded entities should attempt to enter into a less expensive, less time-consuming solution such as alternative dispute resolution (ADR). We have been told that both TDS and DOE were willing in principle to enter into some sort of ADR, but

that LLNL/UC was not; we don't know the degree to which the option was explored by LLNL/UC before it was rejected, nor do we know why it was ultimately rejected.

We also note that since beginning to examine the allegations made by TDC against LLNL/UC we have been made aware of three additional disputes, two of which involve LLNL/UC, that have also been in progress for several years without any resolution.[39]

Another issue is the manner in which LLNL/UC responded to inquiries made by TDC, Members of Congress, and Democratic Staff. The responses were generally late, generally lacking specific answers to the questions asked, and at times including information later established to be incorrect or misleading. One such example (discussed in an earlier section) involves LLNL/UC's response to a question regarding the way the FCC licensing requirements were portrayed. Another involves the genesis of early UWB radar work at LLNL, as Thomas McEwan and LLNL/UC personnel have maintained a version of the circumstances surrounding the development and commercialization of MIR that is often at odds with other documentation obtained by Democratic Staff (see Appendix 2).

APPENDIX 2, THE EARLY DEVELOPMENT OF MIR

The discovery of MIR was said to have been accidental, not to have been a result of targeted UWB radar R&D, and to have taken place in 1992 during a flash of inspiration experienced by Mr. McEwan. LLNL/UC and Mr. McEwan have made the following statements in regard to this discovery: ''Since the MIR technology was developed in conjunction with work being performed for laser fusion research, there was no separate request for funding in the early stages of the work.[40]

''After the LANL '90 conference, LLNL turned down my radar funding requests in the '90–'93 time frame. I ended up developing MIR after hours.''[41]

During a meeting with Committee Staff at LLNL on December 8, 1998, Dr. Michael Campbell, Director of Laser Programs at LLNL, reiterated the claim that no targeted development of UWB radar technology was funded prior to Mr. McEwan's reportedly accidental discovery of MIR in 1992. According to Dr. Campbell, Mr. McEwan's sole responsibility until the date of that discovery in 1992 was the development of the transient digitizer used in NOVA experiments, and no UWB radar work done by Mr. McEwan or anyone else in the Laser Programs division at LLNL until after the accidental 1992 discovery of MIR.

However, LLNL/UC documents obtained by Democratic Staff indicate that funding was obtained to conduct this work in FY91, FY92 and FY93:

January, 1990: ''Impulse radar was surveyed in the library, with some papers on subsurface probing found.'' Tom McEwan's Task Progress Report.

February, 1990: ''Impulse radar range calculations were made, and related survey work continued.'' Tom McEwan's Task Progress Report.

March, 1990: ''Attended the four day ''First Los Alamos UWB Radar Conference. . . Several basic impulse radar antennas were built and pulses were propagated. . . Met with other Lab researchers on impulse radar and decided we could all be of mutual benefit.'' Tom McEwan's Task Progress Report.

April, 1990: ''Wrote an IR&D [Industrial Research and Development] proposals on impulse radar and presented the proposal to the Lucifer group.'' Tom McEwan's Task Progress Report.

May, 1990: ''A prototype solid-state pulser was built and tested. Pulse amplitude was 1.28 kV into 25m at 200ps FWHM. An annual report was written. Fast pulse/impulse radar potential users were surveyed and related proposal work took.'' Draft of Tom McEwan's Task Progress Report.

May 10, 1990: ''Mike, this is in response to your recent memo. . . . With the development of higher power avalanche diodes (10MW), we could meet virtually all future impulse radar requirements. . . . Receiver development—picosecond amplifier, detector and sampler design work using the ERD foundry. . . Licensing would be a particularly sensitive issue since to some extent all the individual elements of our pulser have been published by others and so far the technology is completely off-the-shelf. . . we probably don't have a case for a patent. . . What we have is very close to a profitable product which would normally be deemed proprietary in private industry. . . we need some time to work with the Patent Office and the technology transfer people. . .'' Memo entitled Impulse Radar R&D Proposal from Thomas E. McEwan to E. M. Campbell.

June 27, 1999: ''A recent Aviation Week article brought out another new area for fast impulses—covert and spread-spectrum communications. Apparently some outfit perfected a time-domain encoder which uses picosecond timing to convey information and is both undetectable and undecipherable with conventional gear.'' Memo entitled Avalanche Pulser Update from Thomas E. McEwan to E.M. Campbell.

June 27, 1990: ''Concerning impulse radar interest, I talked to Rick Ziolkowski of ERD's Electromagnetics Group. He said he mentioned our work to several impulse radar funding committee members in Washington, and they are very interested.'' Memo entitled Avalanche Pulser Update from Thomas E. McEwan to E.M. Campbell.

September 12, 1990: ''The objective of this project is to create a unique capability at LLNL in ultra-wideband time domain imaging radar. . . FY '91 efforts will result in a demonstration of imaging with time domain radar. . . This is an opportunity to generate new programs in a growing technology. . .'' Internal funding proposal entitled ''Ultra-Wideband Time Domain Imaging Radar,'' Thomas McEwan and David Christie.[42]

February 28, 1991: A presentation by Thomas McEwan to General Motors entitled ''Ultra-Short Pulse Radar Proximity Sensor'' described a device that was ''Low cost, <$10 projected, Low power (1 microwatt) spread spectrum operation, small size & low cost, Environmental, safety and FCC approval should be assured'' whose applications were the same as those claimed by what would become known as MIR technology to be: ''position sensing, fluid levels, trunk lid position, side & rear obstacle detection, smart highway vehicle spacing, motion sensing, wheel motion, security alarm, and collision detection.'' Also, the presentation stated that LLNL was ''funded to develop a prototype chip,''[43] was ''building a short-pulse radar security alarm,'' and had ''most of the base technology in place.''

March 1, 1991: ''We are moving closer to making serious proposals both within the Lab and through tech. Transfer, in the area of transient digitizers and impulse radars,'' memo entitled ''Monolithic Shock Line Feasibility Study'' from Thomas McEwan to Don Meeker, also at LLNL. The memo also requested funding.

May 21, 1991: ''Vast market potential exists for these systems,'' that ''Impulse radar shows potential for future automotive sensors'' due to its ''simplicity and low cost,'' and that ''covert operation [of a spread spectrum communications system] is possible, especially if receiver has timing knowledge for multiple pulse integration.''[44] Thomas McEwan and Gregory Cooper, also of LLNL, research proposal for an internal Lab-Wide IR&D Competition entitled ''Development of a Transmit/Receive Element for New Sensor, Radar and Communications Systems.''

July 1, 1991: Thomas McEwan wrote a letter to W.R. Coggins, Commander, Naval Sea System Command, describing the UWB equipment that LLNL ''currently uses or have in design'' to include an ''ultra-low cost, compact 50ps system in design for short range mass-market applications'' in response to the Commander's June 20, 1991 request for such information.

March 19, 1992: ''A transmit/receive version will be used in a very compact ultra-wideband (UWB) radar sensor,'' ''Mass market UWB radar applications'' include ''door opener, stud detector, motion detector/security alarm,'' the proximity sensor ''antenna and electronics module fit in 1″ package,'' ''low cost, <$10 projected,'' ''Low power (1 microwatt) spread spectrum operation'' and ''FCC approval should be assured.'' Excerpts from a presentation by Thomas McEwan and Gregory Cooper, in a Laboratory Directed Research and Development (LDRD) Midyear Review[45] entitled ''Development of a Transmit/Receive Element for New Sensor, Radar and Communications Systems.''

May 1, 1992: ''Electrical pulse compression techniques developed under LDRD '92 funding[46] (short title: ''transmit Element'') provide the foundation for a new sensor technology based on the direct radiation of picosecond pulses for pulse-echo radar. The sensor is expected to have a 2M range, 2mm resolution, physical dimensions on the order of 2 cm and a cost of less than $10 . . . Signal processing enhancements will allow extremely low power operation for environmental, safety and FCC compatibility. A fully functional prototype will be built as a precursor to a miniaturized version based on custom integrated circuits. . . .'' FY 93 funding proposed entitled ''Development of a Miniature Ultra-Short Pulse Radar Sensor'' by Thomas McEwan and Gregory Cooper.

October, 1992: A LLNL viewgraph entitled ''FY93 RISE Electronics Engineering Technology Base Plan'' dated October, 1992, lists a project entitled ''Ultra wideband radar motion sensors'' with T. McEwan as the lead researcher. The proposed funding for FY93 was $70,000—which was said to equal the FY92 level.

August 28, 1992: The first known MIR Invention Disclosure by Thomas McEwan entitled ''Ultra Wideband Radar Motion Sensor'' was filed on August 28, 1992. This 30-page document states that funding had already been provided for the project. The disclosure also states that the earliest documentation of the invention was the first sketch or drawing describing it, done on August 18, 1992, only 10 days before the Invention Disclosure document was written. The first model prototype was said to have been completed 4 days later, on August 22, 1992. So, in the course of 10 days, Mr. McEwan had his idea for MIR, drew complicated circuit and block diagrams describing it, built a working prototype, analyzed operational test data and prepared a 30-page Invention Disclosure document. The disclosure states that ''no past disclosures'' of ''documents that describe the invention, that you have published or prepared for publication, or presented on the subject'' had taken place despite the February, 1991 and March, 1992 UWB radar presentations which also contained verbal and pictorial descriptions of a technology that seems extremely similar if not identical to MIR. No dated pages from laboratory notebooks are included in the Invention Disclosure submission, and no other patents or publications or references thereto are included as prior art references.

FOOTNOTES

[1] Democratic Staff would certainly agree that a Laboratory stealing the innovations of a private sector firm and passing them off as their own would raise a significant policy issue. However, given the documentation in our possession, the facts are not conclusive and we are reluctant to do more than simply recount the competing claims of both sides.

[2] In fact, one such complaint has recently been brought to the attention of Democratic Staff. Biosource, a small company with ten issued patents in a particular water purification technology, believes that LLNL/UC has patented and marketed a similar technology without citing the relevant prior art and with full knowledge of the existence of that prior art. Democratic Staff have not conducted a thorough investigation of this claim.

[3] TDC's June 19, 1997 submission to Dr. C. Bruce Tarter, Director of LLNL, entitled ''Summary of the dispute between Time Domain and Lawrence Livermore National Laboratory,'' page 11.

[4] ''Summary of the Dispute,'' page 11. The quote used by TDC on the impossibility of attending the conference without seeing Fulllerton is unattributed.

[5] Excerpts from these articles, both published in Aviation Week & Space Technology and authored by William B. Scott include: ''Larry R. Fullerton, president of Time Domain Systems, Inc., said his company has secured two patents on UWB-based communications techniques and one for a radar concept. Additional patent applications are 'in progress' in the U.S., Europe, Japan, India, Brazil and other countries, he said. These ultra-wideband techniques are applicable to covert communications, commercial/consumer products and an area security system, in addition to standard radar applications. All of these were 'reduced to practice' before he filed for patents, Fullerton said . . . Fullerton is part of a small group of researchers that has been working on UWB technologies and applications since the late 1970s.'' March 26, 1990, Vol. 132, No. 13, page 55. ''For example, Larry Fullerton, president of Time Domain Systems, Inc., built his first UWB communicator in 1976 and currently has a functioning analog breadboard system in a Huntsville, Ala., laboratory. It comprises a transmitter, receiver with cross-correlation front end, antennas, time-coding and all the necessary components and subsystems required of a military-glass UWB communications system. Fullerton recently demonstrated short-range, end-to-end transmission, reception and processing of voice information . . .'', June 4, 1990, Vol. 132, No. 23, Page 40. ''GRAPHIC: Photograph, Time Domain Systems-developed ultra-wideband or impulse communicator would find immediate applications as a covert communication device for special forces. A laboratory demonstration system currently is being tested; Graph, Time Domain Systems President Larry Fullerton demonstrates breadboard version of a basic UWB link. Cross-correlator, lock error and modulation recovery circuit boards are at lower center.'' June 4, 1990 Vol. 132, No. 23, page 40.

[6] (a) A panel convened to assess the state of UWB technology issued its report, ''Assessment of Ultra-Wideband (UWB) Technology,'' OSD/DARPA Ultra-Wideband Radar Review Panel, on July 13, 1990. The report, which examined public, private and classified work in the field, indicates that Larry Fullerton made a presentation to the panel, and that TDC was working in the UWB-related areas of Switches, Sources, Receivers, Antennas and Ranges. (b) ''The panel [the 1990 DARPA panel] listened to many proponents of and contributors to the field of Impulse Radar . . . It heard of interesting, creative work in the field by some of the principal contributors: Gerry Ross of ANRO, Roger Vickers of SRI, Larry Fullerton of Time Domain Systems, to mention some. It learned that commercially available impulse radars were doing terrain profiling, finding buried pipes and doing other jobs where the combination of good range resolution, relatively low frequency and a impulse, inexpensive systems was a clear winner for such short range applications,'' Charles A. Fowler, Chairman, DARPA UWB Radar Panel, in ''The UWB Impulse Radar Caper or Punishment of the Innocent'', IEEE AES Systems Magazine, December 1992 issue, page 3. (c) ''Other panelists included . . . Larry Fullerton of Time Domain Systems . . .'' Yale Jay Lubkin, ''illuminating the Scene with Impulse Radar,'' A&DS, September/October 1990 edition, page 15.

[7] Summary of the Dispute,'' page 12.

[8] Summary of the Dispute,'' page 15.

[9] Wideband Beam Patterns from Sparse Arrays,'' by Forrest Anderson, Consultant; Larry Fullerton, TDS; and Wynn Christensen and Bert Kortegaard, LANL, Proceedings of the First Los Alamos Symposium, March, 1990.

[10] Summary of the Dispute,'' page 12.

[11] ''Summary of the Dispute,'' page 13.

[12] There is no definitive proof that Mr. McEwan read the March 26, 1990 Aviation Week & Space Technology article—though he did read prior articles and cites the June 4, 1990 piece in his memo. The March 26, 1990 article specifically cites Fullerton for having secured two patents on UWB-based communications techniques and one for a radar concept. Additional patent applications were described as being in progress.

[13] F. Anderson, W. Christensen, L. Fullerton and B. Kortegaard, ''Ultra-wideband Beamforming in Sparse Arrays,'' IEE Proceedings II, Vol. 138, No. 4, August 4, 1991. This paper appears to be an updated version of the paper bearing the same title that was presented at the March, 1990 LANL meeting. An excerpt of this paper reads ''This research is also of importance to wideband radar. Medical ultrasound steered phase arrays use transmitted pulses consisting of from one to three cycles of a damped sinusoid, which is similar to certain ultra-wideband radar systems . . . This type of transmitted pulse is use in an impulse radar that is commercially available for geophysics applications . . . Wide-band arrays have been constructed and tested by Time Domain Systems . . .''

[14] As we understand it, this technology is an impulse generation technology. Rockwell was also, unbeknownst to LLNL, talking to TDC about using their signal processing receiver design, placing Rockwell at the crossroads of integrating LLNL and TDC technologies for the purpose of developing a landmine detection and imaging system.

[15] ''Summary of the Dispute,'' page 13.

[16] We have chosen to tell Mr. McEwan's version as much as possible, rather than the pre-masticated story LLNL/UC has offered up. Mr. McEwan, as the LLNL inventor, is the central figure and has neither the management nor political concerns to temper his message that may play a role in shaping LLNL/UC's pablum. LLNL/UC's role will be discussed in a later section.

[17] Early articles that discuss the potential ability of UWB radar to defeat stealth aircraft include ''UWB Radar Has Potential to Detect Stealth Aircraft,'' William B. Scott, and ''Radar Networks, Computing Advances Seen As Keys to Counter Stealth Technologies,'' David F. Bond, Aviation Week & Space Technology, December 4, 1989.

[18] T.E. McEwan to J.D. Kilkenny, ''Report and Commentary on the Ultra-Wideband Radar Symposium, March 12, 1990, page 1.

[19] ''Radar Target Discrimination Using Probability Theory,'' C. Ray Smith, U.S. Army Missile Command; Lloyd S. Riggs, Auburn University; and G. Larry Bretthorst, Washington University at St. Louis. This second paper references Mr. Fullerton's work, stating that ''The impulse radar used to gather the experimental data used in this simulation is briefly described in the introduction. Due to proprietary restrictions, a complete description of the system cannot be given at this time—contact Mr. Larry Fullerton for further information.''

[20] October 7, 1998 email from Mr. Thomas McEwan to Dr. Michal Freedhoff, page 5.

[21] T.E. McEwan to J.D. Kilkenny, ''Report and Commentary on the Ultra-Wideband Radar Symposium, March 12, 1990, page 6.

[22] While Mr. Fullerton was not a presenter or co-author on this paper, he is reported to have taken an active role in the discussion following the presentation from his seat in the audience. A February 2, 1998 affidavit from Mr. William B. Moorhead, consultant, states ''. . . Fullerton bluntly emphasized that he had some patents on his work . . . Similarly, I observed Larry Fullerton answer questions from his seat when another paper entitled 'Radar Target Discrimination Using Probability Theory' was being presented. It was apparent to me that he was fielding the really difficult questions . . .''

[23] T.E. McEwan to J.D. Kilkenny, ''Report and Commentary on the Ultra-Wideband Radar Symposium, March 12, 1990, page 4.

[24] T.E. McEwan to J.D. Kilkenny, ''Report and Commentary on the Ultra-Wideband Radar Symposium, March 12, 1990, page 6.

[25] March 26, 1990 Memorandum from David J. Christie to Georg F. Albrecht entitled ''First Los Alamos Symposium on Ultra-Wideband Radar,'' page 2.

[26] While some of these were specifically about the shockline technology (which would be used to generate impulse signal), as in the Rockwell negotiations discussed in the above section, others appear to be general presentations on a complete UWB radar system—not just an impulse source. For example, a February 28, 1991 presentation by Thomas McEwan to General Motors entitled ''Ultra-Short Pulse Radar Proximity Sensor'' described a device that was ''Low cost, <$10 projected, Low power (1 microwatt) spread spectrum operation, small size & low cost, Environmental, safety and FCC approval should be assured'' whose applications were the same as those claimed by what would become known as MIR technology to be: ''position sensing, fluid levels, trunk lid position, side & rear obstacle detection, smart highway vehicle spacing, motion sensing, wheel motion, security alarm, and collision detection.'' Also, the presentation stated that LLNL was ''funded to develop a prototype chip,'' was ''building a short-pulse radar security alarm,'' and had ''most of the base technology in place.'' See Appendix 2 for other citations.

[27] July 24, 1998 letter from Mr. Thomas McEwan to Mr. Ron Cochran, page 1.

[28] October 25 email from Mr. Thomas McEwan to Dr. Michal Freedhoff, page 3.

[29] October 25 email from Mr. Thomas McEwan to Dr. Michal Freedhoff, page 3.

[30] Mr. McEwan was clearly aware of Mr. Fullerton's patents by November 29, 1995, when Colonel James D. Taylor sent McEwan a draft of an article on MIR that McEwan and Taylor had agreed to co-author the previous winter. The draft article states: ''MIR provides a convenient implementation of a impulse radio link. An impulse radio system using these principles was described by Mr. Larry Fullerton in his patient descriptions for a time domain radio transmission system [25] and a spread spectrum radio transmission [26].'' James D. Taylor and Thomas E. McEwan, draft article. ''The Micropower Impulse Radar.''

[31] Chapter 2000 on Duty of Disclosure of the Manual of Patent Examining Procedure (MPEP), used as the statutory guideline by all patent examiners handling patent applications at the U.S. PTO, states that: ''All individuals covered by 37 CFR 1.56 (reproduced in MPEP §2001.01) have a duty to disclose to the Patent and Trademark Office all material information they are aware of regardless of the source of or how they become aware of the information. Materiality controls whether information must be disclosed to the Office, not the circumstances under which or the source from which the information is obtained. If material, the information must be disclosed to the Office. The duty to disclose material information extends to information such individuals are aware of prior to or at the time of filing the application or become aware of during the prosecution thereof. Such individuals may be or become aware of material information from various sources such as, for example, coworkers, trade shows, communications from or with competitors, potential infringers, or other third parties, related foreign applications (see MPEP §2001.06(a)), prior or co-pending United States patent applications (see MPEP §2001.06(b), related litigation (see MPEP §2001.06(c)) and preliminary examination searches.''

[32] Chapter 2000 on Duty of Disclosure of the Manual Patent Examining Procedure (MPEP), used as the statutory guideline by all patent examiners handling patent applications at the PTO, states that: ''While it is not appropriate to attempt to set forth procedures by which attorneys, agents, and other individuals may ensure compliance with the duty of disclosure, the items listed below are offered as examples of possible procedures which could help avoid problems with the duty of disclosure. Though compliance with these procedures may not be required, they are presented as helpful suggestions for avoiding duty of disclosure problems. 1. Many attorneys, both corporate and private, are using letters and questionnaires for applicants and others involved with the filing and prosecution of the application and checklists for themselves and applicants to ensure compliance with the duty of disclosure. The letter generally explains the duty of disclosure and what it means to the inventor and assignee. The questionnaire asks the inventor and assignee questions about—the origin of the invention and its point of departure from what was previously known and in the prior art—possible public uses and sales—prior publication, knowledge, patents, foreign patents, etc. The checklist is used by the attorney to ensure that the applicant has been informed of the duty of disclosure and that the attorney has inquired of and cited material prior art. The use of these types of aids would appear to be most helpful, though not required, in identifying prior art and may well help the attorney and the client avoid or more easily explain a potentially embarrassing and harmful ''fraud'' allegation. 2. It is desirable to ask questions about inventorship. Who is the proper inventor? Are there disputes or possible disputes about inventorship? If there are questions, call them to the attention of the Patent and Trademark Office.''

[33] Professor Donald Chisum (a nationally recognized expert on patent law whose treatise is often cited in case law), clarifies the duty of candor requirements further in ''A Review of Recent Federal Circuit Cases and a Plea for Modest Reform,'' published in 1997 by the Santa Clara Computer & High

Tech. Law Journal: ''The duty of candor requires persons who are substantively involved in a prosecution to disclose only what they know. Courts decisions do not impose a duty to conduct a search of the prior art, but they caution that a person may not cultivate ignorance, that is, 'disregard numerous warnings that material information or prior art may exist, merely to avoid knowledge of that information or prior art.'" It isn't clear from this guidance whether Mr. McEwan, who had at least general knowledge of Mr. Fullerton's work, should have engaged in a more thorough effort to search for his patents. However, we would argue that the patent attorneys at LLNL/UC had a duty to go beyond the bare minimum requirements for prior art searches because of the competitiveness consequences of filing and prosecuting a patent that treads upon existing patents held by private entities. In this regard, the Laboratories should establish patent review and application processes that are so thorough and rigorous so as to be above suspicion.

[34] It is worth noting that 18 MIR patents (see appendix 3 for a list) that did not include citations of TDC's patents were prosecuted by and granted to Mr. McEwan and LLNL/UC subsequent to fall, 1995, and 19 new MIR license agreements granting rights under LLNL/UC's patents were signed. The Democratic Staff has not attempted to determine which, if any, of the MIR patents granted subsequent to November, 1995 should have included citations of TDC's patents, and the PTO has not yet been asked to reexamine any of these patents.

[35] February 9, 1999 letter from Mr. Ralph Petroff, President and CEO of TDC to Dr. Michael Freedhoff.

[36] The document contains: (1) the history of TDC's inventions and the dispute with LLNL/UC; (2) two claim—by-claim patent comparisons of TDC's patents with the MIR patents; (3) estimation of damages to TDC' (4) a proposal for a settlement agreement; and (5) documentation to substantiate their allegations.

[37] The questions included requests for: (1) detailed and specific technical differences that led LLNL/UC to state that the MIR inventions were patentably distinct from TDC's; (2) substantiations of statements made by LLNL/UC that the allegations made by TDC were false, including all documentation surrounding the complete investigation into the matter that LLNL/UC claimed to have made; (3) information on how the First Office Action made by the PTO would, if upheld, impact the rest of the LLNL/UC MIR patent portfolio; (4) information on how LLNL/UC would respond to a Final Office Action by the PTO should it be substantially similar to the First Office Action; (5) clarifications of statements made by LLNL/UC in light of the materials in the June 19, 1997 package submitted by TDC to LLNL; (6) clarifications of statements made by LLNL/UC at a July 29, 1998 briefing with Committee Staff; and (7) export control documentation for international LLNL/UC MIR licensees.

[38] September 17, 1998 letter from Dr. C. Bruce Tarter to Congressmen Brown, Cramer and Roemer, page 1.

[39] The claims have been made by: Ultratech, a stepper company who believes that LLNL/UC illegally disclosed their intellectual property in September, 1997; Biosource, a company with ten issued patents in the area of capacitive deionization of water, who believes that LLNL/UC filed and obtained a similar patent in 1995 even though the LLNL inventor knew about Biosource's prior art; and Mr. Sanford Rose, who has been in litigation with Brookhaven National Laboratory (BNL) since 1993 because he believes he acquired an exclusive license to a cleanup technology developed by BNL that BNL later reneged on in order to further develop and commercialize the technology on its own. We have not attempted to determine the validity of these claims and cite them only to point out that the TDC dispute is not an isolated one. We believe that DOE and the Laboratories involved should take immediate steps to investigate and resolve these additional disputes in the fairest and most expeditious way possible, perhaps through the use of independent mediators.

[40] September 17, 1998 letter from Dr. C. Bruce Tarter, Director LLNL, to Congressmen Brown, Cramer and Roemer.

[41] October 25, 1998 e-mail from Mr. Thomas McEwan to Dr. Michael Freedhoff.

[42] According to Mr. Christie's recollection, the proposal was partially funded for FY 1991. However, Mr. Christie left LLNL in early 1991, and Democratic Staff have not been able to determine how much money was received or what it was used for.

[43] It is not clear whether the funding discussed in this presentation was related to the September 12, 1990 funding proposal by Christie and McEwan.

[44] Interestingly, the part of the June 4, 1990 article in *Aviation Week & Space Technology* that Mr. McEwan chose to highlight in his June 27, 1990 memo to Dr. E.M. Campbell was TDC's covert and spread spectrum UWB communications device. This article also described the patented timing system used by TDC in its UWB receiver.

[45] The fact that this was a mid-year review suggests that his project did receive funding in FY 1992.

[46] This also suggests that funding was received in FY 1992.

Mr. HAYES. Mr. Chairman, I support the amendment offered by the gentleman from New York, Mr. REYNOLDS, and appreciate his concern for the operational readiness of the 82nd Airborne Division.

The 82nd Airborne Division is the jewel in the crown of the Army, and I'm proud that this elite division makes its home at Ft. Bragg in the 8th District of North Carolina. When conflict arises in any corner of the world, it's a safe bet that the United States will call on the 82nd Airborne first to defend her interests. Since its inception in 1942 when it contributed greatly to the Allied victory of WWII, the 82nd Airborne has amassed a record of military successes unrivaled by any fighting force in the world.

To maintain the integrity of the 82nd Airborne's warfighting capability, Congress must provide them the equipment, weapons and training necessary to accomplish the many missions with which they are charged. Currently, two obsolete, non-secure hand held radios are in use by the 82nd, representing what I believe is an operational risk. As outlined in an Operational Needs Statement by the commanding officer of the XVIII Airborne Corp, Lt. General Buck Kernan, secure means of communications are a critical element of reconnaissance operations. To ensure the safety of 82nd Airborne scouts whose surveillance missions bring them in close proximity to the enemy, we must provide the our reconnaissance teams with lightweight, secure radios.

I commend my colleague's efforts to see to it that our forces have the equipment they need, and I will certainly support his amendment.

The CHAIRMAN. All time has expired.

The question is on the amendments en bloc by the gentleman from South Carolina (Mr. SPENCE).

The amendments en bloc were agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 47 printed in House Report 106–175.

AMENDMENT NO. 47 OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment.

The Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 45 offered by Mr. WELDON of Florida:

At the end of subtitle B of title III (page 45, after line 13), insert the following new section:

SEC. 312. OPERATION AND MAINTENANCE OF AIR FORCE SPACE LAUNCH FACILITIES.

(a) ADDITIONAL AUTHORIZATION.—In addition to the funds otherwise authorized in this Act for the operation and maintenance of the space launch facilities of the Department of the Air Force, there is hereby authorized to be appropriated $7,300,000 for space launch operations at such launch facilities.

(b) CORRESPONDING REDUCTION.—The amount authorized to be appropriated in section 301(4) for operation and maintenance for the Air Force is hereby reduced by $7,300,000, to be derived from other service-wide activities.

(c) STUDY OF SPACE LAUNCH RANGES AND REQUIREMENTS.—(1) The Secretary of Defense shall conduct a study—

(A) to access anticipated military, civil, and commercial space launch requirements;

(B) to examine the technical shortcomings at the space launch ranges;

(C) to evaluate oversight arrangements at the space launch ranges; and

(D) to estimate future funding requirements for space launch ranges capable of meeting both national security space launch needs and civil and commercial space launch needs.

(2) The Secretary shall conduct the study using the Defense Science Board of the Department of Defense.

(3) Not later than February 15, 2000, the Secretary shall submit to the congressional defense committees a report containing the results of the study.

□ 1715

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Florida (Mr. WELDON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the Cox Commission report in recommendation No. 24 recommended that it is in the national security interests of the United States that we expand our domestic launch capacity. My amendment addresses this issue. I would like to point out that we have no other proposal being put forward to address that. The Air Force in its IPT report indicated that with $7.3 million—I say million dollars, not billion dollars— you can increase the domestic launch capacity of the United States by 20 to 30 percent, a remarkable achievement with such a small amount of money. Indeed, the other body has already funded this priority in their appropriation bill.

Now, the Air Force in their unfunded priority list listed this as one of their priorities. I believe it was their fourth priority. I believe it is the responsibility of this body to decide what are the priorities. I believe that we need to ask ourselves what are we going to do to address the issue of all of these launches going overseas and going overseas particularly to China.

This amendment is very, very simple. It authorizes the $7.3 million. It additionally calls for a study to be conducted by the Secretary of Defense to look at how we are going to offer our launch ranges to these commercial users in the future years. I would encourage all of my colleagues to vote in support of this amendment if they want to do something to address this particular recommendation in the Cox Commission report. I think it is also well worth pointing out that many of the other recommendations in the Cox Commission report, which we are ultimately going to try to implement, they are going to cost millions and millions more than this recommendation. Indeed some of them will cost hundreds

of millions. Some of them may actually cost billions of dollars.

Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, I would like to reinforce the point that the gentleman from Florida (Mr. WELDON) just made. One of the central recommendations of the Cox-Dicks report is that we need to beef up domestic launch capacity here in the United States as a matter of national security. We have a very direct, simple opportunity to do that by investing in increased launch capacity in the Vandenberg Air Force Base in California and in the Kennedy Space Center in Florida. This amendment provides additional funding for a second shift, will increase the ability of the Kennedy Space Center and the Vandenberg Air Force Base to engage in other commercial launch capacity, exactly what is being recommended by the Cox-Dicks report. This should be the first in a series of steps we take to directly respond to that recommendation. I urge adoption of the Weldon amendment.

Mr. WELDON of Florida. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman for yielding me this time. If there were a national security issue that needs addressing any more important, I cannot quite understand how it could be here on the floor. This is a readiness issue and it should allow, as does Cox-Dicks, for robust, versatile and capable handling of our current demand as well as our future demand. The fact of the matter is what my colleague from Florida is proposing will add a second crew to cut the 48-hour turnaround time in half and it will result in nine additional launches in the United States that may otherwise be launched overseas. Do we want them to launch from over yonder or do we want them to launch from here?

Mr. WELDON of Florida. Mr. Chairman, I yield myself such time as I may consume. I understand that the work of this committee is very difficult, that we are operating under very tight budget constraints and priorities have to be set. But it is really the will of the People's House that sets the ultimate priorities. That is the way the Founding Fathers intended it. If you support this amendment, you will not be helping China's missile program. You will be helping immediately to expand our domestic capacity by 20 to 30 percent. You will promote more satellites being launched from U.S. soil. It is a very, very modest amount of money. I encourage all my colleagues on both sides of the aisle to support the amendment.

Mr. WELDON of Florida. Mr. Chairman, today Congress takes definitive action on addressing the recommendations in the Cox Report. My amendment addresses the issue that was the catalyst for the establishment of the Select Committee—the transfer of missile technology under the commercial satellite launch agreements.

One of the principle reasons American satellites were being launched from communist China is due to the fact that our national launch ranges (the Eastern and Western Range) could not accommodate these launches—they simply did not have the capacity. This is because our ranges are operating under a tight budget with outdated equipment and they are unable to reduce turnaround time. Turnaround time is the amount of time it takes to reconfigure the range from one launch to the next launch.

With the appropriation of $7.3 million for an additional crew at the Eastern and Western range will cut turnaround time in half. This will lead to a 20% to 30% increase in American launch capacity. This will immediately translate into 9 more launches taking place from American soil rather than from countries like China.

Providing this funding is the most important thing we can do in the short-term to reduce launches from foreign soil and keep them in the U.S. Adoption of this amendment will have a direct and immediate positive impact. This is probably the best bang we will get for our buck in addressing the issues raised in the Cox Report. This is not the long-term solution. It is a short-term action we can take today that will have a positive impact toward stemming the flow of critical technology to China.

Due to the fact that range upgrade money has been raided again and again, our ranges have fallen into disrepair. This has reduced the launch capacity of our ranges, meaning that they cannot accommodate the launch demand. Range Standardization and Automation (RSA) program was to be completed in 2003. Because of excessive diversions of these funds, RSA will not be completed until 2006.

The failure to adequately fund our ranges also means we have delayed the efficiencies we had hoped to achieve. This means the savings we had anticipated seeing because of the range upgrades is also delayed.

My amendment will help to stem the flow of American technology going overseas by ensuring that our national launch ranges are robust and capable of handling the demand of both government and non-government launches.

Unlike many other military installations, Cape Canaveral Air Station (Eastern Range) and Vandenberg Air Force Base (Western Range) provide vital, one-of-a-kind services to the United States. Nowhere else in the entire United States can military, civil, and commercial assets be launched into space.

Over the past few years, I have devoted a considerable amount of my time to issues relating to our national ranges. I cannot overemphasize how important this is for our national security interest.

My amendment also directs the Secretary of Defense, through the Defense Science Board of the Department of Defense to conduct a study of our space launch ranges and requirements and report back to the Congress by February 15, 2000.

This study is critical as the ranges' unique position requires the Air Force to manage them and make them adaptive along two tracks. The first track has been and will continue to be the development and testing of national security launch systems and assets. There are and will continue to be numerous national security payloads that will be launched from the ranges and it is imperative that we maintain these critical national security assets.

The second track—a more recent mission—includes commercial space ventures. As these dual purposes continue to mature, Congress and the Department of Defense must assess how best to operate the ranges. Specifically, we must set forth a plan for managing the ranges in a manner that best accommodates the ranges' critical role in meeting our national security needs while accommodating a growing commercial market. The study requested in my amendment would provide the Congress with additional insight on how to move forward on this matter.

I would like to address the various aspects of the ranges that the Science Board is to review under my amendment.

First (subsection A), the board is to assess anticipated military, civil, and commercial space launch requirements. This assessment will help us better understand the current and future users of the launch ranges. This study is to estimate the number of military payloads, NASA and other civil payloads as well as the number of commercial launches. This is important as we try to determine how to ensure that the range is more user friendly to all of these customers and to determine how we can best accommodate the growing demand for launch services.

Second (subsection B), my amendment directs the board to examine the technical shortcomings at the space launch ranges. This recognizes that fact that the equipment at our ranges is antiquated and has deteriorated. It is simply too old to be operated efficiently and hinders the expansion of range capacity. We must move forward with modernization in a manner that improves the ranges with interests of all parties in mind.

Third (subsection C), the study is particularly important as we seek to gain efficiencies. The Joint Base Operations and Support Contract (JBOSC) is generating significant savings for the Air Force and NASA. Also, NASA established a contract with United Space Alliance (USA) to operate the Space Shuttle program. Similar consolidations and new contractual arrangements could help the Air Force operate the ranges more efficiently and increase our domestic launch capacity. The study should examine ways that will help the Air Force reduce its long-term costs and involvement by enhancing the likelihood that some components and operations at the ranges can be commercialized, privatized, or contracted out for better management, efficiency, and range scheduling.

Finally (subsection D), the study is to assess the costs associated with being able to meet the domestic launch needs of military, civil, and commercial users at the ranges. This review should include an assessment of the costs that the military might incur if they were to upgrade the systems in order to accommodate the increased launch demands. Also, the assessment may include an assessment of the costs to the private sector and/or state agencies if they were to assume some of the operations as the ranges. The study shall examine the use of and/or procurement of government space launch assets by commercial or state launch entities. Such study should also include an assessment of the likelihood, willingness or ability of industry or a state agency to assume any operation and/or costs

associated with them. In conducting this part of the study, the board should receive input from industry and state agencies that might be interested in any such contract.

Mr. Chairman and members of the Committee, I thank you for your time and attention to this matter.

Mr. WELDON of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. WELDON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WELDON of Florida. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 303, noes 118, not voting 13, as follows:

[Roll No. 188]

AYES—303

Abercrombie	DeMint	Hunter
Aderholt	Deutsch	Hutchinson
Allen	Diaz-Balart	Hyde
Armey	Dicks	Inslee
Bachus	Dixon	Isakson
Baird	Dooley	Istook
Baldacci	Doolittle	Jackson (IL)
Baldwin	Doyle	Jackson-Lee (TX)
Ballenger	Edwards	Jefferson
Barcia	Ehlers	John
Barr	Ehrlich	Johnson, E. B.
Barrett (NE)	Emerson	Jones (OH)
Bartlett	Engel	Kanjorski
Barton	English	Kaptur
Bass	Eshoo	Kelly
Becerra	Etheridge	Kennedy
Bentsen	Evans	Kildee
Bereuter	Everett	Kind (WI)
Berkley	Farr	King (NY)
Berman	Fattah	Kingston
Berry	Filner	Kleczka
Biggert	Fletcher	Klink
Bilirakis	Foley	Knollenberg
Bishop	Forbes	Kolbe
Blumenauer	Ford	Kucinich
Boehlert	Fowler	LaFalce
Boehner	Frelinghuysen	LaHood
Bonilla	Frost	Lampson
Boyd	Gallegly	Lantos
Brady (PA)	Ganske	Largent
Brady (TX)	Gejdenson	Larson
Brown (FL)	Gekas	LaTourette
Bryant	Gibbons	Lazio
Burr	Gilchrest	Leach
Burton	Gillmor	Levin
Buyer	Gilman	Lewis (CA)
Callahan	Gonzalez	Lewis (GA)
Calvert	Goodlatte	Lewis (KY)
Campbell	Goss	Linder
Canady	Granger	LoBiondo
Cannon	Green (TX)	Lowey
Capps	Green (WI)	Lucas (OK)
Cardin	Gutknecht	Manzullo
Carson	Hall (OH)	Martinez
Castle	Hall (TX)	Mascara
Chambliss	Hansen	McCarthy (MO)
Chenoweth	Hastings (FL)	McCarthy (NY)
Clement	Hastings (WA)	McCollum
Clyburn	Hayes	McCrery
Coburn	Hayworth	McGovern
Collins	Hefley	McHugh
Combest	Herger	McIntosh
Cook	Hill (IN)	McIntyre
Cooksey	Hill (MT)	McKeon
Cox	Hilliard	McKinney
Cramer	Hinojosa	Meehan
Crane	Hobson	Meek (FL)
Cubin	Hoeffel	Meeks (NY)
Cunningham	Hoekstra	Menendez
Davis (FL)	Holden	Metcalf
Davis (IL)	Holt	Mica
Deal	Hooley	Millender-McDonald
DeFazio	Hostettler	Miller (FL)
Delahunt	Houghton	Mollohan
DeLauro	Hoyer	Moore
DeLay	Hulshof	Morella
Murtha	Roybal-Allard	Tauzin
Myrick	Royce	Taylor (MS)
Napolitano	Rush	Terry
Nethercutt	Ryan (WI)	Thomas
Ney	Ryun (KS)	Thompson (CA)
Northup	Salmon	Thompson (MS)
Norwood	Sanders	Thornberry
Oberstar	Sandlin	Thurman
Ortiz	Sawyer	Tiahrt
Ose	Saxton	Toomey
Oxley	Scarborough	Traficant
Packard	Schaffer	Udall (CO)
Pallone	Schakowsky	Visclosky
Pascrell	Sensenbrenner	Vitter
Pastor	Sessions	Walden
Payne	Shadegg	Walsh
Pease	Shaw	Waters
Pelosi	Sherman	Watkins
Peterson (PA)	Shows	Watts (OK)
Pickering	Skeen	Waxman
Pombo	Smith (MI)	Weldon (FL)
Pomeroy	Smith (NJ)	Weldon (PA)
Portman	Smith (TX)	Weller
Price (NC)	Snyder	Wexler
Pryce (OH)	Souder	Weygand
Quinn	Spence	Wicker
Radanovich	Spratt	Wilson
Regula	Stabenow	Wise
Reyes	Stearns	Wolf
Reynolds	Stenholm	Wu
Riley	Strickland	Wynn
Rodriguez	Stupak	Young (AK)
Rogers	Sununu	Young (FL)
Rohrabacher	Sweeney	
Ros-Lehtinen	Tancredo	
Rothman	Tanner	

NOES—118

Ackerman	Gordon	Ramstad
Andrews	Greenwood	Rangel
Archer	Gutierrez	Rivers
Baker	Hinchey	Roemer
Barrett (WI)	Horn	Rogan
Bateman	Jenkins	Roukema
Bilbray	Johnson (CT)	Sabo
Blagojevich	Johnson, Sam	Sanchez
Bliley	Jones (NC)	Sanford
Bonior	Kilpatrick	Scott
Borski	Kuykendall	Serrano
Boswell	Latham	Shays
Boucher	Lee	Sherwood
Brown (OH)	Lipinski	Shimkus
Camp	Lucas (KY)	Shuster
Capuano	Maloney (CT)	Simpson
Chabot	Maloney (NY)	Sisisky
Coble	Markey	Skelton
Condit	Matsui	Slaughter
Conyers	McDermott	Smith (WA)
Costello	McInnis	Stark
Coyne	McNulty	Stump
Crowley	Miller, Gary	Talent
Cummings	Miller, George	Tauscher
Danner	Minge	Taylor (NC)
Davis (VA)	Mink	Thune
DeGette	Moran (KS)	Tierney
Dickey	Moran (VA)	Towns
Dingell	Neal	Turner
Doggett	Nussle	Udall (NM)
Dreier	Obey	Upton
Duncan	Owens	Velazquez
Dunn	Paul	Vento
Ewing	Peterson (MN)	Wamp
Fossella	Petri	Watt (NC)
Frank (MA)	Phelps	Weiner
Franks (NJ)	Pickett	Whitfield
Gephardt	Pitts	Woolsey
Goode	Porter	
Goodling	Rahall	

NOT VOTING—13

Blunt	Graham	Moakley
Bono	Hilleary	Nadler
Brown (CA)	Kasich	Olver
Clay	Lofgren	
Clayton	Luther	

☐ 1745

Messrs. WAMP, SMITH of Washington, SLAUGHTER, OBEY, TAYLOR of North Carolina, MORAN of Virginia, Ms. WOOLSEY, Messrs. ARCHER, SCOTT, WATT of North Carolina and Ms. DEGETTE changed their vote from ''aye'' to ''no.''

Ms. SCHAKOWSKY and Messrs. FARR of California, SPRATT, GILLMOR, EVERETT, CHAMBLISS, and SAWYER changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

☐ 1745

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to explain and apologize for my absence during part of the debate on the Skelton amendment earlier today. I was involved in negotiations toward a settlement of that issue, and I was involved partly in conversations with the President, who called me and said that he would commit to us that he would submit a request for Kosovo for fiscal year 2000 in a timely manner with the funds to be used not to be taken from readiness. That, after all, was the object of our having this provision in the bill in the first place.

Having this assurance from the President and the gentleman from Missouri (Mr. SKELTON), I am prepared to accept the gentleman's amendment.

Mr. Chairman, I submit a copy of the letter from the President for the RECORD.

THE WHITE HOUSE,
Washington, June 10, 1999.

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

DEAR MR. SPEAKER: This letter responds to your inquiry concerning the funding of the Kosovo peacekeeping operations. As was set forth to you in a May 26, 1999, letter from the Director of the Office of Management and Budget, I intend to fund these operations in a manner fully consistent with maintaining the high state of military readiness we require.

We are in the early stages of a transition from a military campaign to a peacekeeping force. Clearly this will alter the pattern of funding required compared to the assumption of a continued air campaign through the end of the current fiscal year, which was the assumption underlying my FY99 emergency supplemental request.

I have asked the Secretary of Defense and the Director of the Office of Management and Budget to conduct a detailed review to reconcile the cost of current operations with the previously funded program. It is critical that my Administration maintain the flexibility which I and previous Presidents have used to deal with emerging situations. To the extent that ongoing requirements exceed an amount that could be managed without harming military readiness, I will submit a further FY00 budget request in a timely manner. I look forward to working with the Congress to ensure that these critical operations are fully funded.

Sincerely,

BILL CLINTON.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me first thank the gentleman from South Carolina (Chairman SPENCE) for his comments a few moments ago. It is true that this matter has been resolved. At least it appears to be. I want a supplemental, the gentleman from South Carolina wants a supplemental, the President will request a supplemental, and I think every Member of this chamber wants a

supplemental, and that the funds for any continuation of peacekeeping should not come out of readiness in the bill we are about to pass.

I thank the gentleman for his understanding, for hearing us out, for his gentlemanly demeanor in the debate. As a matter of fact, that goes for everyone who participated in the debate today.

Mr. Chairman, this is an excellent bill. I certainly urge the adoption of my amendment. At the end of the day I urge an overwhelming vote for the bill so we can let our troops know we really care about them.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 200, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 19 by the gentleman from Missouri (Mr. SKELTON) and Amendment No. 21 by the gentleman from Connecticut (Mr. SHAYS).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 19 OFFERED BY MR. SKELTON

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri (Mr. SKELTON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 270, noes 155, not voting 10, as follows:

[Roll No. 189]

AYES—270

Abercrombie
Ackerman
Allen
Andrews
Armey
Baird
Baldacci
Ballenger
Barcia
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Callahan
Calvert
Camp
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frost
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastert
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
Lampson
Lantos
Largent
Larson
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Northup
Oberstar
Obey
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reyes
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Shaw
Sherman
Sherwood
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—155

Aderholt
Archer
Bachus
Baker
Baldwin
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bilbray
Bilirakis
Bliley
Blunt
Bonilla
Brady (TX)
Bryant
Burr
Burton
Campbell
Canady
Cannon
Chabot
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Crane
Danner
Deal
DeMint
Dickey
Doolittle
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gibbons
Goode
Goodlatte
Goodling
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hoekstra
Horn
Hostettler
Hulshof
Hutchinson
Istook
Jackson (IL)
Jenkins
Johnson, Sam
Jones (NC)
Kingston
Kucinich
LaHood
Latham
Lazio
Leach
Lee
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKinney
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Moran (KS)
Myrick
Nethercutt
Ney
Norwood
Nussle
Oxley
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Quinn
Radanovich
Ramstad
Reynolds
Riley
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (TX)
Souder
Stark
Stearns
Stump
Sununu
Sweeney
Talent
Tauzin
Taylor (NC)
Thornberry
Thune
Tiahrt
Toomey
Vitter
Walden
Wamp
Watkins
Weldon (FL)
Whitfield
Wicker
Wilson

NOT VOTING—10

Bono
Brown (CA)
Clay
Clayton
Graham
Hilleary
Kasich
Lofgren
Luther
Olver

☐ 1809

Mr. TAUZIN and Mr. SWEENEY changed their vote from ''aye'' to ''no.''

Mr. KUYKENDALL changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 200, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the other amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 21 OFFERED BY MR. SHAYS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a five-minute vote.

The vote was taken by electronic device, and there were—ayes 116, noes 307, not voting 11, as follows:

[Roll No. 190]

AYES—116

Baldwin
Ballenger
Barcia
Barr
Barrett (WI)
Bartlett
Bilbray
Blagojevich
Blumenauer
Bonior
Brown (OH)
Campbell
Cannon
Capuano
Chabot
Chenoweth
Coble
Condit
Conyers
Cook
Costello
Crane
Danner
Davis (IL)
Deal
DeFazio
Delahunt
DeMint
Duncan
Emerson
English
Eshoo
Evans
Farr
Foley
Frank (MA)
Franks (NJ)
Ganske
Gephardt
Goode
Green (TX)
Gutknecht
Hall (TX)
Hayes
Hill (MT)
Hoekstra
Hooley
Inslee
Jackson (IL)
Jefferson
Jones (NC)
Kingston
Kucinich
Lee
Lewis (GA)
Linder
Markey
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Metcalf
Miller, George
Minge
Mink
Moakley
Morella
Myrick
Nadler
Neal
Ney
Norwood
Nussle
Owens

Paul	Sensenbrenner	Tierney
Pelosi	Serrano	Towns
Peterson (MN)	Shadegg	Traficant
Phelps	Shays	Udall (NM)
Ramstad	Shimkus	Upton
Rivers	Slaughter	Velazquez
Rohrabacher	Smith (TX)	Vento
Ros-Lehtinen	Souder	Walsh
Royce	Stabenow	Wamp
Rush	Stark	Waxman
Salmon	Tancredo	Weiner
Sanders	Tauzin	Woolsey
Sanford	Thompson (CA)	Wu
Schakowsky	Tiahrt	

NOES—307

Abercrombie	Etheridge	Leach
Ackerman	Everett	Levin
Aderholt	Ewing	Lewis (CA)
Allen	Fattah	Lewis (KY)
Andrews	Filner	Lipinski
Archer	Fletcher	LoBiondo
Armey	Forbes	Lowey
Bachus	Ford	Lucas (KY)
Baird	Fossella	Lucas (OK)
Baker	Fowler	Maloney (CT)
Baldacci	Frelinghuysen	Maloney (NY)
Barrett (NE)	Frost	Manzullo
Barton	Gallegly	Martinez
Bass	Gejdenson	Mascara
Bateman	Gekas	Matsui
Becerra	Gibbons	McCarthy (MO)
Bentsen	Gilchrest	McCarthy (NY)
Bereuter	Gillmor	McCollum
Berkley	Gilman	McCrery
Berman	Gonzalez	McHugh
Berry	Goodlatte	McInnis
Biggert	Goodling	McIntosh
Bilirakis	Gordon	McIntyre
Bishop	Goss	McKeon
Bliley	Granger	McNulty
Blunt	Green (WI)	Meek (FL)
Boehlert	Greenwood	Menendez
Boehner	Gutierrez	Mica
Bonilla	Hall (OH)	Millender-McDonald
Borski	Hansen	Miller (FL)
Boswell	Hastings (FL)	Miller, Gary
Boucher	Hastings (WA)	Mollohan
Boyd	Hayworth	Moore
Brady (PA)	Hefley	Moran (KS)
Brady (TX)	Herger	Moran (VA)
Brown (FL)	Hill (IN)	Murtha
Bryant	Hilliard	Napolitano
Burr	Hinchey	Nethercutt
Burton	Hinojosa	Northup
Buyer	Hobson	Oberstar
Callahan	Hoeffel	Obey
Calvert	Holden	Ortiz
Camp	Holt	Ose
Canady	Horn	Oxley
Capps	Hostettler	Packard
Cardin	Houghton	Pallone
Carson	Hoyer	Pascrell
Castle	Hulshof	Pastor
Chambliss	Hunter	Payne
Clement	Hutchinson	Pease
Clyburn	Hyde	Petri
Coburn	Isakson	Pickering
Collins	Istook	Pickett
Combest	Jackson-Lee (TX)	Pitts
Cooksey	Jenkins	Pombo
Cox	John	Pomeroy
Coyne	Johnson (CT)	Porter
Cramer	Johnson, E. B.	Portman
Crowley	Johnson, Sam	Price (NC)
Cubin	Jones (OH)	Pryce (OH)
Cummings	Kanjorski	Quinn
Cunningham	Kaptur	Radanovich
Davis (FL)	Kelly	Rahall
Davis (VA)	Kennedy	Rangel
DeGette	Kildee	Regula
DeLauro	Kilpatrick	Reyes
DeLay	Kind (WI)	Reynolds
Deutsch	King (NY)	Riley
Diaz-Balart	Kleczka	Rodriguez
Dickey	Klink	Roemer
Dicks	Knollenberg	Rogan
Dingell	Kolbe	Rogers
Dixon	Kuykendall	Rothman
Doggett	LaFalce	Roukema
Dooley	LaHood	Roybal-Allard
Doolittle	Lampson	Ryan (WI)
Doyle	Lantos	Ryun (KS)
Dreier	Largent	Sabo
Dunn	Larson	Sanchez
Edwards	Latham	Sandlin
Ehlers	LaTourette	Sawyer
Ehrlich	Lazio	Saxton
Engel		

Scarborough	Stenholm	Visclosky
Schaffer	Strickland	Vitter
Scott	Stump	Walden
Sessions	Stupak	Waters
Shaw	Sununu	Watkins
Sherman	Sweeney	Watt (NC)
Sherwood	Talent	Watts (OK)
Shows	Tanner	Weldon (FL)
Shuster	Tauscher	Weldon (PA)
Simpson	Taylor (MS)	Weller
Sisisky	Taylor (NC)	Wexler
Skeen	Terry	Weygand
Skelton	Thomas	Whitfield
Smith (MI)	Thompson (MS)	Wicker
Smith (NJ)	Thornberry	Wilson
Smith (WA)	Thune	Wise
Snyder	Thurman	Wolf
Spence	Toomey	Wynn
Spratt	Turner	Young (AK)
Stearns	Udall (CO)	Young (FL)

NOT VOTING—11

Bono	Graham	Luther
Brown (CA)	Hilleary	Olver
Clay	Kasich	Peterson (PA)
Clayton	Lofgren	

□ 1820

Mr. RUSH, Mrs. EMERSON and Mr. GEORGE MILLER of California changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mrs. CAPPS. Mr. Chairman, I rise in support of H.R. 1410, the National Defense Authorization Act for Fiscal Year 2000. This legislation contains several important provisions, including a much needed pay raise and revamping of the retirement system.

As Members of Congress, we have the distinct—almost sacred—responsibility to preserve our nation's security. This means ensuring that our military remains the best trained, best equipped, and most prepared in the world.

We need to provide the men and women of the armed forces, and those who have retired, with the support they need to maintain the quality of life they deserve. This is especially true at a time when military personnel are being deployed more and more frequently all over the world.

During visits to Vandenberg Air Force Base in my district and conversations with the base commander, Col. Mercer, I have heard firsthand the concerns of our men and women in the military. In particular, I have heard about some key issues—supporting an increase in military pay, improved health care coverage, and a strengthened retirement system.

H.R. 1410 provides for a 4.8% pay raise and authorizes bonuses and other incentives to retain and promote our service men and women. It will also change the unfair REDUX retirement plan in order to give retirees the choice to return to the more generous pre-REDUX system or receive a $30,000 retirement bonus.

In addition, this important legislation includes $16.8 million to continue a critical family housing initiative at Vandenberg Air Force Base. This project will replace outdated facilities with the safe, modern, and efficient family homes so important for service men and women and their families. Such projects increase morale and strengthen a sense of community in and around the base.

The legislation also includes important provisions to support the growing commercial space industry at Vandenberg. I am pleased that $3 million is included for the study, planning, and design of a universal space port at Vandenberg. And, in response to the Cox-Dicks Commission recommendation that we improve our domestic launch capacity, I am pleased that the House today approved the Weldon amendment that will increase the amount of funding for space launch operations at Vandenberg and Cape Canaveral by $7.3 million.

This bill incorporates other important recommendations offered by the Cox-Dicks Commission to safeguard our weapons facilities and national laboratories from Chinese efforts to steal U.S. military technology. It institutes new procedures to increase security at sensitive Energy Department facilities, requires the president to submit frequent reports to Congress on Chinese espionage and military activities, and establishes new guidelines to prevent the illegal transfer of technology to foreign countries during satellite launches.

We have an obligation to stand fully and completely behind all American service men and women who are putting their lives on the line. We need to do everything possible to guard and protect their safety and morale. I will always support our fighting men and women, whether in peace time or in war. I urge support for this bill.

Mr. SPENCE. Mr. Chairman, I am submitting for inclusion in the RECORD a letter from the Chairman of the Committee on Commerce, Mr. BLILEY, regarding H.R. 1401, the National Defense Authorization Act for Fiscal Year 2000. I thank Chairman BLILEY for his letter and for his decision not to seek sequential referral on several provisions that are of jurisdictional interest to the Commerce Committee.

COMMITTEE ON COMMERCE,
Washington, DC, May 24, 1999.

Hon. FLOYD SPENCE,
Chairman, Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN: I am following up on my correspondence of May 21, 1999 concerning H.R. 1401, the National Defense Authorization Act for Fiscal Year 2000. After consultation with the Parliamentarians, we continue to believe that several provisions of H.R. 1401, as ordered reported, may fall within the jurisdiction of the Committee on Commerce. These provisions include:

Section 321—Remediation of Asbestos and Lead-Based Paint. One reading of this provision would permit a waiver of applicable law with respect to the remediation of asbestos and lead-based paint. I am sure that that is not the legislative intent of the language, however.

Section 653—Presentation of United States Flag to retiring Members of the Uniformed Services not Previously Covered;

Section 3152—Duties of Commission. This section, as ordered reported, makes clear that the Commission on Nuclear Weapons Management formed pursuant to Section 3151 will specifically deal with environmental remediation. Such matters are traditionally within the jurisdiction of the Commerce Committee. I understand, however, that you have deleted subsection (a)(9) from this section, and therefore the Committee registers no jurisdictional objection.

Section 3165—Management of Nuclear Weapons Production Facilities and National Laboratories. As ordered reported, this section contains a number of provisions which we feel strongly fall within the Committee's Rule X jurisdiction over management of the Department of Energy. In particular, we are concerned about provisions which move functions heretofore carried out by various offices within the Department to the direct control of the Assistant Secretary for Defense Programs. We believe that this kind of

wholesale reorganization of DOE functions must be considered by all of the committees of jurisdiction, including the Committee on Commerce.

However, recognizing your interest in bringing this legislation before the House expeditiously, the Commerce Committee has agreed not to seek a sequential referral of the bill based on the provisions listed above. By agreeing not to seek a sequential referral, the Commerce Committee does not waive its jurisdiction over the provisions listed above or any other provisions of the bill that may fall within its jurisdiction. The Committee's action in this regard should not be construed as any endorsement of the language at issue. In addition, the Commerce Committee reserves its right to seek conferees on any provisions within its jurisdiction which are considered in the House-Senate conference.

I request that you include this letter in the RECORD during consideration of this bill by the House.

Sincerely,

TOM BLILEY,
Chairman.

Mr. LEVIN. Mr. Chairman, genocide should never be appeased. The lesson of Kosovo is that it does not have to be. NATO has shown that it is willing and able to keep the peace in Europe. We have stopped the genocide. Now we have to return the Kosovars to their homes in security and help them rebuild their lives in this troubled land.

We should salute our men and women in uniform. We should also salute our men and women in leadership positions, both military and civilian. We should be standing here applauding with our hands, not placing handcuffs on our President and our military leaders.

I favor continued Congressional oversight. There are plenty of hurdles yet to overcome and it is time for Congress to come together and forge the policies needed to advance our goals in Kosovo. This is not the time for rearguard actions here on the Floor to make it more difficult to overcome the challenges ahead in the Balkans.

I urge my colleagues to support the Skelton amendment and to reject the Souder amendment. It is time for peacekeeping. It is time to stop the war on the President on this issue.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. NETHERCUTT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes, pursuant to House Resolution 200, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 365, noes 58, not voting 12, as follows:

[Roll No. 191]

AYES—365

Abercrombie	Cook	Green (WI)
Ackerman	Cooksey	Greenwood
Aderholt	Costello	Gutknecht
Allen	Cox	Hall (OH)
Andrews	Coyne	Hansen
Archer	Cramer	Hastert
Armey	Crane	Hastings (FL)
Bachus	Cubin	Hastings (WA)
Baird	Cunningham	Hayes
Baker	Danner	Hayworth
Baldacci	Davis (FL)	Hefley
Ballenger	Davis (VA)	Herger
Barcia	Deal	Hill (IN)
Barr	Delahunt	Hill (MT)
Barrett (NE)	DeLauro	Hilliard
Bartlett	DeLay	Hinchey
Barton	DeMint	Hinojosa
Bass	Deutsch	Hobson
Bateman	Diaz-Balart	Hoeffel
Bentsen	Dickey	Hoekstra
Bereuter	Dicks	Holden
Berkley	Dingell	Horn
Berman	Dixon	Hostettler
Berry	Dooley	Houghton
Biggert	Doolittle	Hoyer
Bilbray	Doyle	Hulshof
Bilirakis	Dreier	Hunter
Bishop	Duncan	Hutchinson
Blagojevich	Dunn	Hyde
Bliley	Edwards	Inslee
Blumenauer	Ehlers	Isakson
Blunt	Ehrlich	Istook
Boehlert	Emerson	Jackson-Lee (TX)
Boehner	Engel	Jefferson
Bonilla	English	Jenkins
Bonior	Etheridge	John
Borski	Evans	Johnson (CT)
Boswell	Everett	Johnson, E. B.
Boucher	Ewing	Johnson, Sam
Boyd	Farr	Jones (NC)
Brady (PA)	Fletcher	Kanjorski
Brady (TX)	Foley	Kaptur
Brown (FL)	Forbes	Kelly
Bryant	Ford	Kennedy
Burr	Fossella	Kildee
Burton	Fowler	Kilpatrick
Buyer	Franks (NJ)	Kind (WI)
Callahan	Frelinghuysen	King (NY)
Calvert	Frost	Kingston
Camp	Gallegly	Klink
Canady	Ganske	Knollenberg
Cannon	Gejdenson	Kolbe
Capps	Gekas	Kuykendall
Cardin	Gephardt	LaFalce
Carson	Gibbons	LaHood
Castle	Gilchrest	Lampson
Chabot	Gillmor	Lantos
Chambliss	Gilman	Largent
Chenoweth	Gonzalez	Larson
Clement	Goode	Latham
Clyburn	Goodlatte	LaTourette
Coble	Goodling	Lazio
Coburn	Gordon	Leach
Collins	Goss	Levin
Combest	Granger	Lewis (CA)
Condit	Green (TX)	Lewis (KY)
Linder	Pickering	Souder
Lipinski	Pickett	Spence
LoBiondo	Pitts	Spratt
Lucas (KY)	Pombo	Stabenow
Lucas (OK)	Pomeroy	Stearns
Maloney (CT)	Porter	Stenholm
Maloney (NY)	Portman	Strickland
Manzullo	Price (NC)	Stump
Martinez	Pryce (OH)	Stupak
Mascara	Quinn	Sununu
Matsui	Radanovich	Sweeney
McCarthy (MO)	Rahall	Talent
McCarthy (NY)	Ramstad	Tancredo
McCollum	Rangel	Tanner
McCrery	Regula	Tauscher
McHugh	Reyes	Tauzin
McInnis	Reynolds	Taylor (MS)
McIntosh	Riley	Taylor (NC)
McIntyre	Rodriguez	Terry
McKeon	Roemer	Thomas
McNulty	Rogan	Thompson (CA)
Meehan	Rogers	Thompson (MS)
Meek (FL)	Rohrabacher	Thornberry
Meeks (NY)	Ros-Lehtinen	Thune
Menendez	Rothman	Thurman
Metcalf	Roukema	Tiahrt
Mica	Roybal-Allard	Toomey
Millender-McDonald	Royce	Traficant
Miller (FL)	Ryan (WI)	Turner
Miller, Gary	Ryun (KS)	Udall (CO)
Mink	Salmon	Udall (NM)
Moakley	Sanchez	Upton
Mollohan	Sandlin	Visclosky
Moore	Sanford	Vitter
Moran (KS)	Sawyer	Walden
Moran (VA)	Saxton	Walsh
Morella	Scarborough	Wamp
Murtha	Schaffer	Watkins
Myrick	Scott	Watt (NC)
Napolitano	Sessions	Watts (OK)
Neal	Shadegg	Waxman
Nethercutt	Shaw	Weldon (FL)
Ney	Sherman	Weldon (PA)
Northup	Sherwood	Weller
Nussle	Shimkus	Wexler
Ortiz	Shows	Weygand
Ose	Shuster	Whitfield
Oxley	Simpson	Wicker
Packard	Sisisky	Wilson
Pallone	Skeen	Wise
Pascrell	Skelton	Wolf
Pastor	Slaughter	Wynn
Pease	Smith (MI)	Young (AK)
Peterson (PA)	Smith (NJ)	Young (FL)
Petri	Smith (TX)	
	Smith (WA)	

NOES—58

Baldwin	Jackson (IL)	Peterson (MN)
Barrett (WI)	Jones (OH)	Rivers
Becerra	Kleczka	Rush
Brown (OH)	Kucinich	Sabo
Campbell	Lee	Sanders
Capuano	Lewis (GA)	Schakowsky
Conyers	Lowey	Sensenbrenner
Crowley	Markey	Serrano
Cummings	McDermott	Shays
Davis (IL)	McGovern	Stark
DeFazio	McKinney	Tierney
DeGette	Miller, George	Towns
Doggett	Minge	Velazquez
Eshoo	Nadler	Vento
Fattah	Oberstar	Waters
Filner	Obey	Weiner
Frank (MA)	Owens	Woolsey
Gutierrez	Paul	Wu
Holt	Payne	
Hooley	Pelosi	

NOT VOTING—12

Bono	Graham	Lofgren
Brown (CA)	Hall (TX)	Luther
Clay	Hilleary	Norwood
Clayton	Kasich	Olver

☐ 1838

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel

strengths for such fiscal year for the Armed Forces, and for other purposes.''.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PERMISSION FOR COMMITTEE ON BANKING AND FINANCIAL SERVICES TO FILE SUPPLEMENTAL REPORT ON H.R. 10, FINANCIAL SERVICES ACT OF 1999

Mr. LEACH. Mr. Speaker, I ask unanimous consent for the Committee on Banking and Financial Services to file a supplemental report to accompany H.R. 10, the Financial Services Act of 1999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000, OR TO HOUSE AMENDMENT TO TEXT OF S. 1059

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill H.R. 1401, or a House amendment to the text of Senate 1059, that (1) the Clerk can insert at the end of the title XIV, rather than at the end of the title XII, the sections inserted by the action of the Committee of the Whole in adopting amendments numbered 6, 8 and 10 of House Report 106–175; and (2) the Clerk may make corrections to section numbers, cross references, the table of contents, and punctuation and other such clerical corrections as may be necessary to reflect the actions of the House in amending the bill H.R. 1401.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 850 and H.R. 1732

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent to remove my name as cosponsor of the following bills: H.R. 850 and H.R. 1732.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

MOTION TO ADJOURN

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 104, noes 302, answered ''present'' 1, not voting 27, as follows:

[Roll No. 192]

AYES—104

Abercrombie	Gephardt	Oberstar
Ackerman	Hastings (FL)	Obey
Allen	Hill (IN)	Owens
Andrews	Hinchey	Pallone
Baldwin	Hoyer	Pastor
Barcia	Jackson (IL)	Payne
Barrett (WI)	Jackson-Lee (TX)	Pelosi
Becerra	Jefferson	Peterson (MN)
Bonior	Johnson, E. B.	Pomeroy
Boucher	Kaptur	Rivers
Brown (FL)	Kennedy	Roybal-Allard
Capuano	Kilpatrick	Rush
Cardin	Kleczka	Sabo
Clement	Lantos	Sanders
Clyburn	Larson	Sawyer
Conyers	Lee	Skelton
Coyne	Levin	Slaughter
Crowley	Lewis (GA)	Spratt
Cummings	Lipinski	Stabenow
Danner	Lowey	Stark
Davis (FL)	Markey	Stupak
Davis (IL)	Matsui	Tauscher
DeLauro	McDermott	Taylor (MS)
Dicks	McGovern	Thurman
Dingell	McNulty	Tierney
Dixon	Meek (FL)	Towns
Doggett	Meeks (NY)	Velazquez
Engel	Millender-McDonald	Vento
Eshoo	Miller, George	Visclosky
Evans	Mink	Waters
Farr	Moakley	Waxman
Fattah	Moran (VA)	Weiner
Filner	Nadler	Weygand
Ford	Napolitano	Woolsey
Frank (MA)		
Gejdenson		

NOES—302

Aderholt	Blumenauer	Chabot
Archer	Blunt	Chambliss
Armey	Boehlert	Chenoweth
Bachus	Boehner	Coble
Baird	Bonilla	Coburn
Baker	Borski	Collins
Baldacci	Boswell	Combest
Ballenger	Boyd	Condit
Barr	Brady (PA)	Cook
Barrett (NE)	Brady (TX)	Costello
Bartlett	Brown (OH)	Cox
Barton	Bryant	Cramer
Bass	Burr	Crane
Bateman	Burton	Cubin
Bereuter	Buyer	Cunningham
Berkley	Callahan	Davis (VA)
Berman	Calvert	Deal
Berry	Camp	DeGette
Biggert	Campbell	Delahunt
Bilbray	Canady	DeLay
Bilirakis	Cannon	DeMint
Bishop	Capps	Deutsch
Blagojevich	Carson	Diaz-Balart
Bliley	Castle	Dickey
Dooley	Kucinich	Rothman
Doolittle	LaFalce	Roukema
Dreier	LaHood	Royce
Duncan	Lampson	Ryan (WI)
Dunn	Largent	Ryun (KS)
Edwards	Latham	Salmon
Ehlers	LaTourette	Sanchez
Ehrlich	Lazio	Sandlin
Emerson	Leach	Sanford
English	Lewis (CA)	Saxton
Etheridge	Lewis (KY)	Scarborough
Everett	Linder	Schaffer
Ewing	LoBiondo	Schakowsky
Fletcher	Lucas (KY)	Scott
Foley	Lucas (OK)	Sensenbrenner
Forbes	Maloney (CT)	Serrano
Fossella	Maloney (NY)	Sessions
Fowler	Manzullo	Shadegg
Franks (NJ)	Mascara	Shays
Frelinghuysen	McCarthy (MO)	Sherman
Gallegly	McCarthy (NY)	Sherwood
Ganske	McCollum	Shimkus
Gekas	McCrery	Shows
Gibbons	McHugh	Shuster
Gilchrest	McInnis	Simpson
Gillmor	McIntosh	Sisisky
Gilman	McIntyre	Skeen
Gonzalez	McKeon	Smith (MI)
Goode	McKinney	Smith (NJ)
Goodlatte	Meehan	Smith (TX)
Goodling	Menendez	Smith (WA)
Gordon	Metcalf	Snyder
Granger	Mica	Souder
Green (WI)	Miller (FL)	Spence
Greenwood	Minge	Stearns
Gutierrez	Moore	Stenholm
Gutknecht	Moran (KS)	Strickland
Hall (OH)	Morella	Stump
Hall (TX)	Murtha	Sununu
Hansen	Myrick	Sweeney
Hastings (WA)	Neal	Talent
Hayes	Ney	Tancredo
Hayworth	Northup	Tanner
Hefley	Norwood	Tauzin
Herger	Nussle	Taylor (NC)
Hill (MT)	Ortiz	Terry
Hilliard	Ose	Thomas
Hinojosa	Oxley	Thompson (CA)
Hobson	Packard	Thompson (MS)
Hoeffel	Pascrell	Thornberry
Hoekstra	Paul	Thune
Holden	Pease	Tiahrt
Holt	Peterson (PA)	Toomey
Hooley	Petri	Traficant
Horn	Phelps	Turner
Hostettler	Pickering	Udall (CO)
Houghton	Pickett	Udall (NM)
Hulshof	Pitts	Upton
Hunter	Pombo	Vitter
Hutchinson	Porter	Walden
Hyde	Portman	Walsh
Inslee	Price (NC)	Wamp
Isakson	Pryce (OH)	Watkins
Istook	Quinn	Watt (NC)
Jenkins	Radanovich	Watts (OK)
John	Rahall	Weldon (FL)
Johnson (CT)	Ramstad	Weldon (PA)
Johnson, Sam	Regula	Weller
Jones (NC)	Reyes	Wexler
Kelly	Reynolds	Whitfield
Kildee	Riley	Wilson
Kind (WI)	Rodriguez	Wise
King (NY)	Roemer	Wolf
Kingston	Rogan	Wu
Klink	Rogers	Wynn
Knollenberg	Rohrabacher	Young (AK)
Kolbe	Ros-Lehtinen	

ANSWERED ''PRESENT''—1

DeFazio

NOT VOTING—27

Bentsen	Graham	Martinez
Bono	Green (TX)	Miller, Gary
Brown (CA)	Hilleary	Mollohan
Clay	Jones (OH)	Nethercutt
Clayton	Kanjorski	Olver
Cooksey	Kasich	Rangel
Doyle	Kuykendall	Shaw
Frost	Lofgren	Wicker
Goss	Luther	Young (FL)

□ 1859

Mr. SESSIONS changed his vote from ''aye'' to ''no.''

So the motion to adjourn was rejected.