The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Gracious God of new beginnings, who makes all things new and fills us with newness of life, we thank You for the fresh start as we begin this fall season of the Senate. We trust You, Lord, to guide and provide. Give us viable hope and vibrant expectancy as we confront old problems and unresolved issues. We need You, Father. Our own strength, ability, experience, and training are inadequate for times like these. Give us a vision of what we could be and do, if, in total trust in You, we receive Your wisdom, knowledge, insight, and inspiration. Fill us with Your spirit and make us courageous leaders in the conflict of these days.

We pray that our trust in You may give us greater trust in one another. Make us trustworthy as we seek Your best for our Nation. Free us of defensiveness and suspicion of those who may not share our party loyalties or political persuasions. Bind us together in the oneness of a shared commitment to You, a passionate patriotism, and a deep dedication to find creative solutions in the concerns that confront us and often divide us.

Bless the women and men of this Senate as they place their ultimate trust in You, and are faithful to the trust placed in them by the people of this Nation. In our Lord’s name. Amen.

The legislative clerk read as follows:

A bill (S. 1026) to authorize appropriations for fiscal year 1996 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.

Mr. THURMOND. Mr. President, I want to advise all Senators that the Senate is on the Defense authorization bill, and the unanimous-consent agreement we propounded before adjourning on August 11 requires us to remain on this bill until all debate is completed and we have a final vote. This bill is essential to our national security and must be passed today.

Let me start the discussion by alerting everyone of today’s plans.

First, from now until 5 p.m. we plan to debate those amendments that are in order under the unanimous-consent agreement of August 11.

Second, we plan to stack the votes on those amendments and dispose of them immediately after the vote on the Defense appropriations bill scheduled for 5 p.m. today.

Third, after the stacked votes, we plan to proceed to consideration of the bipartisan missile defense amendments. This debate is scheduled for 3 hours. When that debate concludes, we plan to vote on the amendment and then vote on the bill itself.

This means all amendments that are in order under the unanimous-consent agreement should be raised and debated prior to 5 p.m. today to ensure
they are given appropriate consideration. If amendments are not offered early, they may have to wait until after 9 p.m. this evening. Keep in mind that the unanimous-consent agreement we are operating under states that we will limit amendments or recess until final vote is taken on the authorization bill.

Mr. President, I ask my colleagues to come forward with their amendments, limit debate, and work toward a timely vote on this bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the pending amendment be dispensed with.

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

AMENDMENT NO. 2427

(Purpose: To revise the applicability of the Atomic Energy Community Act of 1955 to the Los Alamos, NM.)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from New Mexico (Mr. BINGAMAN), for himself and Mr. DOMENICI, proposes an amendment numbered 2427.

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

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

The amendment is as follows:

On page 570, between lines 10 and 11, insert the following:

SEC. 106B. APPLICABILITY OF ATOMIC ENERGY COMMUNITY ACT OF 1955 TO LOS ALAMOS, NEW MEXICO.

(a) DATE OF TRANSFER OF UTILITIES.—Section 72 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2372) is amended by striking out ‘‘not later than five years after the date the law is in effect’’ and inserting in lieu thereof ‘‘not later than June 30, 1998’’.

(b) DATE OF TRANSFER OF MUNICIPAL INSTALLATIONS.—Section 83 of such Act (42 U.S.C. 2383) is amended by striking out ‘‘not later than five years after the date it is included within this Act’’ and inserting in lieu thereof ‘‘not later than June 30, 1998’’.

(c) CONTRACT TO MAKE PAYMENTS.—Section 94 of such Act (42 U.S.C. 2394) is amended—

(1) by striking out ‘‘June 30, 1996’’ each place it appears in the proviso in the first sentence and inserting in lieu thereof ‘‘June 30, 1997’’; and

(2) by striking out ‘‘July 1, 1996’’ in the second sentence and inserting in lieu thereof ‘‘July 1, 1997’’.

Mr. BINGAMAN. Mr. President, the amendment that I am offering on behalf of myself and Senator DOMENICI is a modification of the amendment that we originally filed, amendment No. 2159. We have made several modifications in the original amendment to accommodate the desires of the managers on both sides to speed the day that assistance payments to the Los Alamos community and its school board can be brought to a mutually agreeable conclusion.

Mr. President, the amendment would extend assistance payments under the Atomic Energy Community Act to Los Alamos County and the Los Alamos School Board for 1 year, until June 30, 1997. It would require a report from the Department of Energy by June 30, 1996 on how and whether a plan could be drawn up to end these payments at that time.

The original amendment would have had a 2-year extension. The pending amendment would also require the utilities and municipal installations now run by Department of Energy be transferred to the county by June 30, 1996, instead of June 30, 2001, as in the original amendment.

Mr. President, the two Los Alamos governmental entities are the last retraining recipients of payments under the Atomic Energy Community Act of 1954. That law originally encompassed the Hanford area and the Oak Ridge area in Tennessee as well. When those communities ceased to receive payments under the act, substantial settlements were reached with the communities to put them on a firm financial footing.

Senator Jackson and Senator Magnuson won approval of an amendment of a settlement for the Hanford communities in the late 1970s. Senator Howard Baker, then the majority leader, spearheaded the Oak Ridge settlement in the early 1980s during the Reagan defense buildup when defense funds were plentiful.

Mr. President, unfortunately, the Los Alamos community and DOE did not reach agreement at that time on a transition plan. The Department of Energy told Congress in a 1986 report that the existing arrangement should be continued. So Senator DOMENICI and I in 1986 offered an amendment extending the payment for 10 years to June 30, 1996.

Mr. President, we do not have the option today of making a substantial one-time payment to the Los Alamos entities. The Department of Energy has been discussing possible land transfers and other arrangements with the county.

These arrangements will involve other Federal agencies and other local entities, and will require time and will probably require that legislation be enacted.

The Department of Energy also must negotiate a new contract with the University of California to run the laboratory in 1996, and there is a possibility that the Department of Energy will decide to compete that contract. The details of that contract could also affect the county and the school board significantly.

For those reasons, Senator DOMENICI and I are proposing to give these processes time to work and have the Congress revisit this issue late next year, or more likely in 1997, with specific Department of Energy proposals in hand.

The provision that we are offering has been worked out between the Department of Energy and the community leaders and has the support of both as an interim step toward a comprehensive solution within the next 2 years.

Mr. President, I understand this is acceptable to both the majority and the Democratic sides, and I urge support of the amendment.

Mr. THURMOND. Mr. President, we have no opposition to this amendment and are willing to accept it. As I understand, the amendment is offered not only by the distinguished Senator who is speaking, Senator BINGAMAN, but also Senator DOMENICI. They are both in favor of the amendment, and we are willing to accept it.

The PRESIDING OFFICER. If there is no further debate on the amendment, without objection the amendment is agreed to.

So the amendment (No. 2427) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2157

(Purpose: To require the Secretary of Defense to take such actions as are necessary to reduce the cost of renovation of the Pecos Reservation to not more than $1,118,000,000.)

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the pending
Mr. BINGAMAN. Mr. President, I offer this amendment on behalf of myself, Senator FEINGOLD, Senator WELLSTONE, and Senator LOTT. It is a very simple amendment. The amendment sets a new target for the total cost of renovation of the Pentagon over a multiyear period. The target that we set in here is $1.118 billion. That is $100 million less than the level previously set.

Mr. President, in 1990, Congress took the Pentagon out of the hands of the General Services Administration and put it in the hands of the Department of Defense. The reason was that the GSA was doing nothing to renovate the building, which was in disrepair, and was getting paid a lot more than maintenance costs. The 1990 law set the course for Pentagon renovation, such renovation is desperately needed. There is no question about that. The building is over 50 years old. Its utilities are totally outdated. Power outages are routine. Rats roam the basement. There is no question that we need to move ahead, and we are moving ahead.

In recent years, the Appropriations Committee has required the Secretary of Defense to certify that the total cost of Pentagon renovation will not exceed $1.218 billion. Secretary Perry sent the last such certification to Senator BYRD on December 19, 1994.

In March of this year, Secretary Perry appointed a steering committee chaired by Dr. Kaminski to review plans for the Pentagon renovation and to make recommendations on options available for cost reductions, transition of personnel, and ultimate tenancy of the building.

It is my understanding that Deputy Secretary White has now taken over that committee. The March Pentagon news release says that—

This review will include a reexamination of all lower cost options. At a time when the Secretary has initiated efforts to improve housing for our soldiers, sailors, airmen, and marines, we need to do all we can to ensure that other important projects for other infrastructure projects are not being taken away from the very high priority of improving the life-style of our men and women in uniform. It is also prudent at this stage in the project to take a new look to insure that costs are being contained and that we won't end up with more money being spent than initially estimated.

Mr. President, my cosponsors and I agree with that statement from the Pentagon. We are spending $161 million this year for Pentagon renovation. The Secretary is right that it is time to assess where we are. There is evidence that we can get a better price than the $1.218 billion previously estimated for the renovation.

On page 33 of the annual status report on Pentagon renovation submitted March 1, 1995, it is noted that—

Favorable bids on the Basement Phase I renovation were received on August 10 of 1994. The contract was awarded August 30, 1994 to Hyman Construction Company for $48,043,871. The original bid was about 36 percent below the Government estimate.

The amendment we are offering today gives the Pentagon steering committee a target to aim for in their cost reduction efforts, and I for one hope they can do even better than this target. When we are asking Americans in all walks of life to tighten their belts, the Pentagon can do its fair share at the renovation of its headquarters. That is what this amendment attempts to achieve.

Mr. President, as I understand the situation, the majority has agreed to this amendment, and on the Democratic side Senator GLENN has indicated opposition and a desire to speak to the amendment. - Until he comes and has that opportunity, I suggest the absence of a quorum.

Mr. BROWN addressed the Chair. The PRESIDING OFFICER. Does the Senator withholds his quorum call request?

Mr. BINGAMAN. Mr. President, I do withhold the quorum call request.

The PRESIDING OFFICER. The amendment we are offering today gives the Pentagon steering committee a target to aim for in their cost reduction efforts, and I for one hope they can do even better than this target. When we are asking Americans in all walks of life to tighten their belts, the Pentagon can do its fair share at the renovation of its headquarters. That is what this amendment attempts to achieve.

Mr. President, as I understand the situation, the majority has agreed to this amendment, and on the Democratic side Senator GLENN has indicated opposition and a desire to speak to the amendment. - Until he comes and has that opportunity, I suggest the absence of a quorum.

Mr. BROWN addressed the Chair. The PRESIDING OFFICER. The amendment we are offering today gives the Pentagon steering committee a target to aim for in their cost reduction efforts, and I for one hope they can do even better than this target. When we are asking Americans in all walks of life to tighten their belts, the Pentagon can do its fair share at the renovation of its headquarters. That is what this amendment attempts to achieve.

Mr. BROWN. Mr. President, I yield to the distinguished Senator from South Carolina.

Mr. THURMOND. On the question of time, how does the Senator want his time charged? Is he going to offer an amendment? Does he want time charged to himself?

Mr. BROWN. Yes, Mr. President.

Mr. THURMOND. Mr. President, is that clear now? The time he uses will be charged to him when he offers this amendment and not to the present amendment.

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

Mr. BROWN. What is the pending business of the Senate?

The PRESIDING OFFICER. The pending question is amendment 2157 offered by the Senator from New Mexico.

Mr. BROWN. Mr. President, I ask unanimous consent that the pending question is amendment 2157 of beer the Senator from New Mexico.

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

AMENDMENT NO. 2428

(Purpose: To urge the Secretary of the Army to move expeditiously to lease the Fitzsimons Army Medical Center, Colorado, slatted for closure 1995)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerks read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 2428.

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

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

The amendment is as follows:

At the appropriate place in the bill, add the following new section:
The problem with doing so, Mr. President, is that a delay could cause the loss of this alternative use. Fitzsimons Medical Center is a vital and important part of our economy. It will be shut down. It will be closed. It is the thought of the community that it should not be closed. It is to new use. And, fortunately, the University of Colorado's Health Science Center happens at the moment to be looking for an alternative facility. It is a serendipitous circumstance that this particular facility is available, at the time the facility is being shut down.

So, what we had hoped to have is an immediate authorization for it to be used by the University of Colorado Health Science Center. It could provide significant savings because you would not have the long delay and expense of the shutdown and the closedown. It could provide immediate and beneficial use of the facilities, saving not only the University of Colorado money but the Federal Government money as well.

Mr. President, that is not what this amendment does. I wish it did. What this amendment does is simply express the sense of Congress that this alternative use is meriting prompt consideration. My hope is, though, that we will see the Pentagon act expeditiously in developing this as the alternative use. It is of enormous benefit to the community to have this facility reused as a medical center. It not only makes the best use of the facility, but it also helps the community by saving jobs, medical jobs, that had been at Fitzsimons. Many of them can be saved by this alternative use by the University of Colorado.

Mr. President, last, let me close with this thought. The delegation from Colorado did not come in as others have in this thought. The delegation from Colorado did not come in as others have in this thought. The delegation from Colorado did not come in as others have in this thought. The delegation from Colorado did not come in as others have in this thought. The delegation from Colorado did not come in as others have in this thought. 

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

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND addressed the Chair.

Mr. THURMOND. Mr. President, we would like more time to look into this amendment. We cannot go under-mining what the Base Closure Commission has done, but we would like to study this amendment further. I ask unanimous consent that it be set aside and let us consider it further during the day.

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

Mr. REID addressed the Chair.

Mr. REID. Mr. President, I first want to say, when I was in the House of Representatives, I supported the nuclear freeze. I also want to say initially, I think the problem in the world today is not the nuclear testing, but nuclear weapons.

Having said that, I feel it is appropriate for me to comment on the most
Mr. President, for those who still question the issues, let me again quote from the report. I am reading directly verbatim from the report. This is a quote:

Underground testing of nuclear weapons at any yield level below that required to initiate boosted nuclear explosions in the United States. However, experiments involving high explosives and fissionable material that do not reach criticality are useful in improving our understanding of the behavior of weapons materials under relevant physical conditions. They should be included among treaty consistent activities that are discussed fully in the report.

Mr. President, that is as clear as the English language can be. If people on the committee want to disagree with the report as it is written, that is their privilege. But I read from the report a month ago, and I am reading from it again. The language is very clear. In plain English, that clearly supports tests or experiments that opponents were trying to prohibit. More importantly, it should be understood that the JASON study report is a political report, not a technical report. It was created for political reasons and its conclusions were generally preordained. Using the report as a so-called consensus of nuclear weapons experts is a misrepresentation. There may have been an expert or two on the committee, but that does not mean it represents the expert opinion on the issue.

On the technical level, there is still much for the Senate and the public to evaluate. The technical issues are complex and do not translate easily to public debate. I will, though, Mr. President, do the best I can to make the key issues clear to the Senate and to the American public. Bits and pieces of the issue have been addressed in various studies, and the whole picture has not been laid before the Congress.

In particular, the loss of confidence that will come from the end of testing has not been adequately reviewed. No one who even superficially understands the issues will be able to maintain the current level of confidence in our nuclear weapons system without testing. The question is how much confidence do we need.

When that issue is fully understood by the Congress and the American people, we can then properly assess the value of testing and the need for testing. My view is clear. We must have the utmost confidence in the safety and reliability of our nuclear weapons, and we can do that only by achieving that confidence should be done. Second-class confidence is irresponsible and unacceptable in a first-class nation.

In the best case, this means we should continue with nuclear testing. In the case we debated last month, it meant getting on with whatever experiments the President was prepared to allow. We must continue to explore this issue. The debate on testing, stewardship, treaty compliant experiments is not over until all the facts are out.

I look forward to the JASON report being finalized and published. That should help us all understand the basis for the conclusions of the study group and perhaps clear up some of the controversy on this issue.

I also, Mr. President, look forward to the weapons laboratory report called for in section 3164 of the Senate version of the National Defense Authorization Act, the matter that is now before this body. I look forward to it being completed and presented to the Congress. This report promises to be a credible technical report, written by real nuclear weapons experts.

In the meantime, I urge the President to get on with the stockpile stewardship plan that he has developed, including the treaty compliant experiments endorsed by the JASON’s and called for in the current test ban negotiating positions. The $50 million added by the Senate should allow these experiments to begin without further delay. It is time for action with respect to implementing all elements of our Nation’s Stockpile Stewardship Program.

Mr. President, I appreciate very much the managers of this bill allowing me to speak out of order, but certainly this is of relevance to the matter before this body.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 5 minutes as in morning business.

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

UNDERGROUND NUCLEAR TESTING

Mr. BINGAMAN. Mr. President, this afternoon at 5 o’clock, the Senate will vote on final passage of the Defense appropriations bill, which will then go to conference. One of the provisions contained in that bill, which was added by amendment, I think is worthy of note and has not received significant attention, either by Members of the Senate or by the public at large.

So I wanted to call it to the attention of both of my colleagues and of the public and indicate my strong support for it. It is an amendment that Senator AKAKA offered, amendment No. 2406 on behalf of himself and Senator PELL. The amendment was adopted by voice vote and puts the Senate clearly on record with regard to nuclear testing contemplated by the Republic of France. Let me just read the amendment as it was adopted by the Senate before we went out of session earlier in August. It says:

Sense of the Senate regarding underground nuclear testing.

Findings. The Senate makes the following findings:

(1) The President of France stated on June 13, 1995, that the Republic of France plans to conduct eight nuclear test explosions over the next several months.

(2) The People’s Republic of China continues to conduct underground nuclear weapons tests.
The PRESIDING OFFICER (Mr. BURKS). Is there objection? Without objection, it is so ordered. So the amendment (No. 2125) was withdrawn.

CRUSADER

Mr. SHELBY. Mr. President, I wish to engage the distinguished Senator from Virginia, the chairman of the Subcommittee on AirLand Forces, in a brief colloquy regarding the Army’s Crusader program. Senator WARNER, I note that the committee has fully supported the Army’s priority development of the Advanced Field Artillery System, Crusader program and I commend the committee for its action. However, I am concerned by the actions of the House National Security Committee relative to the liquid propellant (LP) gun aspect of the Crusader program. I have been led to believe that the Army recognized the performance advantages of the LP gun and that the Army in recognition of those performance advantages accepted the risks associated with LP development. Am I correct in that understanding?

Mr. WARNER. The Senator is correct. The performance and some of the advantages of LP would greatly increase the performance and capabilities of the Army’s field artillery.

Mr. SHELBY. I am concerned that the House has written several pages of bill language which would legislate noncontractual performance goals which might add schedule risk and might jeopardize the schedule flexibility critical to the successful management of any development effort. I am also concerned that the House position appears to prejudge the failure of the LP gun while not adequately considering the risk nor providing for comparable oversight for the Army’s backup technology, unicharge.

Mr. WARNER. The committee staff has reviewed the Army’s Crusader program and LP development in detail. LP development is receiving intensive management by both the contractor and the Army. I understand the Senator’s concern that the House position legislating performance goals and decision schedules might exceed the oversight needs of this program. I do believe, however, that we should maintain adequate congressional oversight over both LP and unicharge development at the Army’s Crusader program. I would point out that the Army is just completing the first year of a 8 ½ year development program for the Crusader. We are pushing the limits of technology in an entirely new area with the research and development of liquid propellant for Crusader. I believe that the potential advantages of LP justify the risks associated with its development. We will continue to watch this program carefully. We expect that the development of LP will stabilize and the Crusader will be produced and fielded on schedule. If, on the other hand, the technology challenges are too difficult, and LP simply doesn’t work, then we won’t buy it. However, in the meantime, I believe we should allow the Army’s developmental efforts to proceed.

Mr. KENNEDY. If the Senator would yield, I would point out that the Navy has an requirement to improve its naval surface fire support and has a cooperative agreement with the Army to monitor and leverage off of the liquid propellant gun development. The successful development of LP offers great opportunities for the Navy in this important area and in as much as the House legislation serves as a detriment to that effort, I would be happy to work to resolve this issue in conference.

Mr. SHELBY. I want to thank the Senator from Virginia and the Senator from Massachusetts for their understanding of this matter and for their commitment to work to resolve this in conference.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. THURMOND. Mr. President, I rise now to urge Senators who have amendments to the Defense authorization bill to come to the floor and take up their amendments. We are supposed to pass this bill today. If they wait until this afternoon, then they are all stacked in at the last minute and it is going to be very difficult to handle. I urge them to come on out. We have been here all morning starting at 10 o’clock, and we have approved a few things. But there is a lot more to be done. I want them to come and take up the amendments and let us get them all on one way or another.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. EXON. Mr. President, I would like to say we are making good progress, working back and forth on both sides. I think with a little cooperation here and a little cooperation there, this whole proposition might move much more expeditiously than we had earlier anticipated.

I thank my friend and colleague from South Carolina for his usual good cooperation, and we are going to be working very hard the rest of the day to try to eliminate any and all barriers to cut through this program and probably come to a resolution, hopefully, on the authorization and the appropriations bills early this evening, and I

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2125 WITHDRAWN

Mr. THURMOND. Mr. President, on behalf of Senator BROWN, I ask unanimous consent that amendment No. 2125, relating to Pakistan, be withdrawn.
emphasize the word "early" this evening, which I think would be good news for all.

AMENDMENT NO. 2429
(Purpose: To amend the hydronuclear provisions of S. 1029)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk reads the following:

The Senator from Nebraska [Mr. EXON], for himself and Mr. Bingaman, proposes an amendment numbered 2429.

The amendment is as follows:

Notwithstanding any other provision of this Act shall be construed as amending or repealing the requirements of section 507 of Public Law 102-377.

The PRESIDING OFFICER. Without objection, the preceding amendments are set aside.

The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, this is a matter that myself, Senator Hatfield, and many other Senators have put in a great deal of time and effort on. I think this is a compromise amendment that has a chance of being accepted on both sides. Therefore, we have set aside the hour and a half, if I remember the figures correctly, that we agreed to in the unanimous-consent request. In any event, at the present time I yield such time as is assigned to me in the unanimous-consent agreement for the following remarks.

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

Mr. EXON. Mr. President, before the August recess, a number of amendments to the Defense authorization bill were debated at length. One of these was an amendment proposed by myself, Senator Hatfield, and nine other Senators to delete the $50 million add-on to the bill for hydronuclear weapons testing. While that amendment failed, I strongly feel that the Senate should revisit the issue in a different form so that it may be clarified in light of President Clinton’s recent decision to forgo such tests.

Therefore, Mr. President, I would emphasize that the amendment that I have just offered and has just been read by the clerk is an amendment that I believe goes a long way in clarifying the situation for all concerned. And I firmly believe that it is simply a re-statement, a punctuation mark, if you will, with the wording that was agreed to on matters in this regard in the Defense authorization bill as it came out of the Armed Services Committee.

The Defense authorization bill in its present form contains section 3135, a provision authorizing $50 million for preparation for the commencement of hydronuclear tests. As my colleagues may know, the United States has been negotiating a comprehensive test ban treaty with the world’s nuclear powers for the past 2 years. President Clinton’s August 11 announcement to push for an international agreement by 1996 that would prohibit all nuclear detonations was an important development toward the goal of halting the spread of nuclear weapons around the world.

I was particularly encouraged yet this morning to learn that the French President has now indicated a signal to cut dramatically short the full-scale underground nuclear testing that the French Government had proposed in the South Pacific. Things are coming together perhaps so that we can have a meeting of the minds.

After over 1,100—and I emphasize 1,100—nuclear tests conducted by the United States over 50 years, the U.S. nuclear stockpile is the safest and most reliable on Earth. Computer simulation backed up with the data from these tests, not additional detonations, can maintain this high degree of confidence in the future. But a nonnuclear nation looking to obtain superpower status in the form of a nuclear bomb is unlikely to develop such a capability without the means to test these unproven weapons. A truly comprehensive and verifiable test ban treaty will be an effective tool at closing membership in the nuclear club.

My amendments simply clarify that the language in section 3135 is for test preparation—that is how it reads now, preparation—and not authority to violate the existing U.S. testing moratorium policy. My amendment reaffirms the congressional review process for new tests required by the 1992 Energy and Water Appropriations Act by adding the following simple and straightforward paragraph to the bill:

quote:

Nothing in this act shall be construed as an authorization to conduct hydronuclear tests. Furthermore, nothing in this act shall be construed as amending or repealing the requirements of section 507 of Public Law 102-377.

Unlike my previous amendment on hydronuclear testing, this amendment does not affect—I emphasize—does not affect the $50 million authorization in the bill presently. The Department of Energy would be allowed to spend the funds but only for the purpose stated in the bill, that being test preparation. The intent of the bill language would be made clearer by my amendment and brought into line with the administration’s stated policy. The funds can be spent on Department of Energy stockpile stewardship activities but the authorization of funds in no way should be construed as a congressional authorization to conduct a test. That prerogative, as I mentioned earlier, is reserved for the President, con- tained in the original Hatfield-Exon-Mitchell provision to the 1992 energy and water appropriations bill, wherein the President must report to Congress and seek its approval for any new tests and provide the safety or reliability justification for such tests.

There is no reason why the United States should restart nuclear weapons testing. To do so would be expensive, yet this bill—issued on August 3 of this year on a study on whether we should continue nuclear weapons testing. The study, called the JASON study, was headed by Sidney Drell of Stanford and was written by 14 top scientists, including representatives from each of the national laboratories responsible for the stewardship and maintenance of these weapons. Their conclusion was unequivocal: There is no need to resume testing, including the hydronuclear tests discussed in this bill.

Among the JASON report findings:

The United States can, today, have high confidence in the safety, reliability, and performance margins of the nuclear weapons that are designated to remain in the enduring stockpile.

A further quote from that report:

A pervasive case has not been made for the utility of hydronuclear tests for detecting small changes in the performance margins for our U.S. weapons.

Further quote:

Underground testing of nuclear weapons at any yield below that required to initiate nuclear weapons testing. The study, called the JASON study, was headed by Sidney Drell of Stanford and was written by 14 top scientists, including representatives from each of the national laboratories responsible for the stewardship and maintenance of these weapons. Their conclusion was unequivocal: There is no need to resume testing, including the hydronuclear tests discussed in this bill.

A further quote from that report:

A pervasive case has not been made for the utility of hydronuclear tests for detecting small changes in the performance margins for our U.S. weapons.

Further quote:

The United States can, today, have high confidence in the safety, reliability, and performance margins of the nuclear weapons that are designated to remain in the enduring stockpile.

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A further quote from that report:

A pervasive case has not been made for the utility of hydronuclear tests for detecting small changes in the performance margins for our U.S. weapons.

Further quote:

The United States can, today, have high confidence in the safety, reliability, and performance margins of the nuclear weapons that are designated to remain in the enduring stockpile.
that all tests should be banned under a comprehensive test ban treaty. The goal of nuclear nonproliferation has been greatly enhanced. Let us keep it that way.

There is another reason why a comprehensive test ban treaty is beneficial for the United States. No nation has tested more than the United States and has more advanced computer technology than we do. A comprehensive test ban will lock in the technological advantages that we possess over the rest of the world.

But this discussion about a comprehensive test ban treaty is all prospective. The negotiations are ongoing and no agreement has been reached as of yet. All the more reason for the Congress to interject itself capriciously into the question of mandating weapons testing of any kind.

The issue at hand is my amendment and whether the words in section 3135 of the bill mean what they say. My amendment does not touch the $50 million add-on in the bill for test preparation. It simply reiterates that "preparation" is different than an actual decision to test.

I urge my colleagues to support this amendment.

Mr. President, I reserve the remainder of my time. I will revisit this issue at a later time.

Mr. President, I ask unanimous consent that Senator BINGAMAN and Senator LIEBERMAN be added as original cosponsors of the Exon amendment.

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

Mr. EXON. Mr. President, I reserve the remainder of my time.

Pursuant to a previous discussion I had with my distinguished friend and colleague from South Carolina, the chairman of the Armed Services Committee, I think at this time we may be in a position to proceed with the adoption of a series of amendments that I understand have been cleared on both sides.

Mr. THURMOND. Mr. President, on this particular amendment, I want to say we are looking at the amendment. I ask unanimous consent that it be laid aside until we can go to other things and then reconsider it at a later time during the day. I am pleased to go to the matters that have been agreed upon.

Mr. EXON. I agree.

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

Mr. EXON. May I inquire of my colleague from South Carolina if he is prepared, as a manager of the bill, to proceed with the 20-odd amendments that I understand have been offered and have been cleared on both sides. We are prepared to take those matters up now, if it is the will of the chairman.

Mr. THURMOND. Mr. President, of those that have been cleared, it is agreeable for us to take those up at this time. I would like for us to get the staff here to see about that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

SECTION 351 OF S. 1026—THE DETERMINATION OF WHERABOUTS AND STATUS OF MISSING PERSONS

Mr. MCCAIN. Mr. President, the fiscal year 1995 National Defense Authorization Act directed the Secretary of Defense to review current law related to missing service personnel and report to Congress on recommended changes. In addition to the recommendations made in the mandated report, the Department of Defense accommodated the committee’s concerns by agreeing to several additional provisions, which were included in this bill, that went considerably beyond the scope of the initial recommendations.

In the provisions of this bill, the committee has gone as far as the Congress should on this issue. I believe the Harkin-Shelby-Campbell-Robb amendment to the Senate position and oppose the provision that would not prohibit the Department of Defense from declaring a serviceman dead when there are obvious indications that he is indeed dead, including the passage of time. Contrary to the report language, the bill language does not confer immortality on MIA’s. Further, I do not share the editorial charge of the current accounting system as insensitive and unresponsive. Whereas this may have been true many years ago, the Department of Defense and the Services have since taken extensive measures to make the system sensitive, responsive, and most important, workable.

When the bill before us goes to conference, I will steadfastly support the Senate position and oppose the provisions in the House bill which, in my view, is flawed. I encourage my colleagues in the strongest possible terms to do likewise.

Mr. WARNER. Mr. President, my colleague, the distinguished senior Senator from Nebraska, will take up an amendment by Senator HARKIN.

AMENDMENT NO. 2430

(Purpose: To increase the amount provided for the Civil Air Patrol by $5,000,000)

Mr. EXON. Mr. President, on behalf of Senator HARKIN, I offer an amendment which will reduce and refocus the Department of Defense’s Civil Air Patrol budget from a $5 million reduction to a $2.9 million reduction. This amendment would effectively speed up the ongoing reorganization of the Civil Air Patrol so that the savings plan for 1997 would be achieved by 1996.

I send an amendment to the desk and ask for its immediate consideration.

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

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for Mr. HARKIN, for himself, Mr. SHELEY, Mr. CAMPBELL, Mr. ROBB, Mr. HEF LIN, and Mr. BINGAMAN, proposes an amendment numbered 2430.

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

The PRESIDING OFFICER. Without objection.

The amendment is as follows:

On page 72, between lines 18 and 19, insert the following:

SEC. 305. INCREASE IN FUNDING FOR THE CIVIL AIR PATROL.

(a) INCREASE.—(1) The amount of funds authorized to be appropriated by this Act for operation and maintenance of the Air Force Civil Air Patrol Corporation is hereby increased by $5,000,000.

(2) The amount authorized to be appropriated for operation and maintenance for the Civil Air Patrol Corporation designated as an auxiliary organization in paragraph (1) is in addition to any other funds authorized to be appropriated under this Act for that purpose.

(b) OFFSETTING REDUCTION.—The amount authorized to be appropriated under this Act for Air Force support of the Civil Air Patrol is hereby reduced by $2,900,000. The amount of funds authorized to be allocated among funds authorized to be appropriated for Air Force personnel supporting the Civil Air Patrol and for Air Force operation and maintenance support for the Civil Air Patrol.

Mr. HARKIN. Mr. President, on behalf of my esteemed colleagues Senators SHELEY, CAMPBELL, ROBB, HEF LIN, BINGAMAN, and myself, I offer an amendment to restore the cuts in the Civil Air Patrol budget. The Senate defense authorization bill S. 1026 cuts the Civil Air Patrol (CAP) operations and maintenance by $5 million, from $14.7 million to $9.7 million, a 34 percent reduction. This heavy cut would severely limit the CAP’s capability to carry out its search and rescue missions, emergency air transport, counterdrug surveillance, and other important functions.

The Harkin-Shelby-Campbell-Robb-Heffin-Bingaman bipartisan amendment to the fiscal year 1996 defense authorization bill increases the Civil Air Patrol budget from a $5 million reduction to a $2.9 million reduction. This amendment would effectively speed up the ongoing reorganization of the Civil Air Patrol so that the savings plan for 1997 would be achieved by 1996.

The Civil Air Patrol is a nonprofit corporation designated as an auxiliary of the Air Force by public law in 1948. It is mostly made up of over 50,000 volunteers who are mainly ex-Air Force personnel, and who often must fly over large areas of country in their missions of mercy. It is to the credit of the CAP that their volunteers reassure the Government of the expense such that only 10 percent of the CAP budget needs reimbursement to reimburse the volunteers. Furthermore, the CAP is undergoing a reorganization to replace active duty Air
Force personnel with retired fliers who receive only one-half their former pay. This will save taxpayers about $3 million. Additionally, the Air Force active duty personnel are being replaced by civilians at the CAP headquarters, so the CAP budget reflects an increase equivalent to the expense for active duty personnel. The Air Force budget used to pay for headquarters personnel. These reorganization changes were misinterpreted in a General Accounting Office report to justifying cutting the CAP. The Harkin-Shelby-Robb-Heflin-Bingaman amendment corrects the well-intentioned but misguided cuts in the CAP. The CAP is invaluable to our country, and performs its missions much more inexpensively than could be done by Government.

Because the Air Force personnel are being replaced by retirees and other civilians, the active duty Air Force personnel and operations and maintenance budget should be reduced by $2.9 million. This reflects the savings to the taxpayer that the recent reorganization attains.

Mr. McCAIN. Mr. President, I support this amendment to cut the level of support for the Civil Air Patrol in the Air Force budget. This reflects the savings to the taxpayer that the recent reorganization attains.

Mr. EXON. Mr. President, I believe this amendment has been cleared by the other side.

Mr. WARNER. Mr. President, the Senator is correct. We support the amendment.

Mr. McCAIN. Mr. President, the Senate is correct. We support the amendment.

The amendment (No. 2430) was agreed to.

Mr. EXON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. WARNER. I ask to have my personal view reflected in the RECORD. I had occasion to visit Civil Air Patrol installations in several places in my State. Throughout those visits, I also had a brief service with them during the early stages of World War II. I think it is a highly useful and productive organization, helping many of our young people in their first introduction to aviation. I strongly support the Civil Air Patrol.

AMENDMENT NO. 2431

(Purpose: To increase the authorization for operation and maintenance for the Air Force Reserve by $10,000,000, and to offset that increase by reducing the authorization of appropriations for operation and maintenance for Defense-wide activities by $10,000,000)

Mr. WARNER. Mr. President, on behalf of the chairman of the Armed Services Committee, Mr. THURMOND, I offer an amendment which would adjust funding for civilian personnel in the Air Force Reserve. The amendment is as follows:

The PRESIDING OFFICER. The amendment reads as follows:

The amendment is as follows:

On page 69, line 25, decrease the amount by $10,000,000.

On page 70, line 5, strike out "$1,472,947,000" and insert in lieu thereof "$1,482,947,000".

Mr. THURMOND. Mr. President, this amendment would adjust the funding for civilian personnel under strength in the Air Force Reserve. The Department of Defense made an error in verifying the degree to which various accounts were overfunded. In response to my inquiry, the Department reconsidered its report and determined the figure for the Air Force Reserve should be $3 million in reductions, not $13 million as previously reported. This amendment would restore $10 million of the $13 million to the Air Force Reserve and reduce DOD funding by $10 million.

I thank the Chair, and yield the floor.

Mr. WARNER. This amendment has been cleared by both sides.

Mr. EXON. This amendment has been cleared on both sides.

Mr. WARNER. Mr. President, I urge the adoption of the amendment.

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

The amendment (No. 2431) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2432

(Purpose: To provide $9,500,000 for the Joint Seismic Program and Global Seismic Network)

Mr. EXON. Mr. President, on behalf of Senator GLENN, I offer an amendment to authorize $9.5 million for seismic monitoring to detect nuclear explosions. These funds would be used to continue the operation of global seismographic network operated by the consortium of American University.

I believe this amendment has been cleared on the other side of the aisle.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The amendment is as follows:

On page 49, between lines 14 and 15, insert the following:

SEC. 224. JOINT SEISMIC PROGRAM AND GLOBAL SEISMIC NETWORK.

To the extent provided in appropriations Acts, $9,500,000 of the unobligated balance of funds available to the Air Force for research, development, test, and evaluation for fiscal year 1995 shall be available for continuation of the Joint Seismic Program and Global Seismic Network.

Mr. GLENN. Mr. President, the proliferation of nuclear weapons continues to be one of the most serious threats to national security, which underscores the need for the United States to maintain an effective capability to detect and identify clandestine nuclear tests. The challenge for seismic monitoring is the detection of low yield tests of events of small magnitude. To meet this challenge it is necessary to acquire regional data not less than 1,000 kilometers from a test.

For many years, a consortium of universities has operated a multiple-use, global seismographic network that has been supported with funds from the Department of Defense and the National Science Foundation. These facilities represent a small but significant investment by the U.S. Government, offer effective and needed nuclear test monitoring capabilities worldwide, and enhance regional coverage in areas not adequately covered by National Technical Means [NTM].

The data provided by this global seismographic network can be used to locate seismic events, discriminate natural versus explosive sources, and estimate magnitude and/or yield—all of which are critical in detection and identification of clandestine nuclear tests. Enhancing accuracy of event location is particularly important in greatly reducing the area which must be investigated through costly on-site inspections or the use of NTM. The data obtained from this network thus complement, rather than compete with, data obtained from NTM.

This type of information will be invaluable in helping our Government to verify a comprehensive nuclear test ban treaty. We are already well into the evolution of the post-cold-war world, and one unpleasant fact of life about such a world is that professional test ban monitors no longer have the
luxury of simply gathering data about activities at certain fixed, well-characterized sites. Now the problem has gotten more complex: we are increasingly concerned about small, low-yield test explosions, and we are facing a verification challenge that is truly global in scope. Given the global distribution of significant nongovernmental seismic monitoring capabilities, it is only prudent for us to exploit whatever resources are available and appropriate to get the job done.

The network is administered by a consortium which today consists of over 80 research institutions and affiliates around the globe. The National Science and Technology Council (NSTC) is developing a long-term funding plan for the GSN and JSP. Because of delays in the NSTC process funding recommendations were not included in the administration’s fiscal year 1996 budget request, but are being incorporated in the fiscal year 1997 budget request. In the meantime, this action is needed to ensure continuation of these important programs.

My amendment specifies that $9,500,000 of prior year funds from the Defense Support Program which are available as a result of the omnibus reprogramming shall be available for continuation of the Global Seismographic Network (GSN) and Joint Seismographic Program (JSP). This is maintained by the Air Force Office of Scientific Research (AFOSR) in PE 601102F, project 2309. This is needed to ensure continuation of these important programs.

The amendment (No. 2432) was agreed to.

Mr. WARNER. I send to the desk an amendment on behalf of the senior Senator from North Carolina [Mr. HELMS].

Mr. EXON. Mr. President, I urge adoption of the amendment.

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

The amendment (No. 2432) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2432

(Purpose: To reconcile authorization of the funds appropriated for the construction of a Special Operations Forces (SOF) Group Headquarters at Fort Bragg, North Carolina with the Senate Appropriations Committee recommendation)

Mr. WARNER. I send to the desk an amendment on behalf of the senior Senator from North Carolina [Mr. HELMS].

The PRESIDING OFFICER. I urge adoption of the amendment.

The amendment (No. 2432) was agreed to.

The legislative clerk reads as follows:

The Senator from Nebraska [Mr. EXON], for Mr. SMITH, proposes an amendment numbered 2435.

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

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

The amendment is as follows:

On page 424, line 22, increase the amount by $1,300,000.

On page 424, line 25, increase the amount by $1,300,000.

At the request of Mr. DoLE, the following statement was ordered to be printed in the RECORD.

Mr. HELMS. Mr. President, this technical amendment is to fix an incorrect authorization level for construction of a mission essential Special Operations Forces (SOF) Group Headquarters at Fort Bragg, NC.

This project was authorized by the Senate Armed Services Committee at the original, incorrect estimate of $2,600,000.

As background, the U.S. Special Operations Command—or USSOCOM, as it is called—requested in its fiscal year 1996 milcon budget a Group HQ originally estimated to cost $2,600,000.

Based upon that erroneous estimate, the administration requested and the House Appropriations Committee appropriated that amount.

The correct project estimate is $3,900,000. The cost increase is attributable to two key factors: a failure to account for the area cost factor for construction in the Fort Bragg area and the realization that special construction requirements are necessary.

Equipped with the new, accurate estimate, the Senate Military Construction Subcommittee, approved $3,900,000 for the project.

My amendment will fix the discrepancy between the Senate Military Construction Subcommittee’s appropriation and the Senate Appropriations Committee’s authorization.

Mr. WARNER. Mr. President, this is a technical correction to the funding level of a project included in the President’s budget request. I believe this amendment to be prudent.

Mr. EXON. Mr. President, this is a technical amendment that is entirely in order and has been cleared on this side.

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

The amendment (No. 2433) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2433

(Purpose: To reconcile the authority of the Secretary of State’s authority to coordinate policy on international military education and training system)

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

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

The amendment is as follows:

On page 49, between lines 14 and 15, insert the following:

SEC. 234. DEPRESSED ALTITUDE GUIDED GUN ROUND SYSTEM.

Of the amount authorized to be appropriated under section 201(1), $5,000,000 is authorized to be appropriated for continued development of the depressed altitude guided gun round system.

Mr. SMITH. Mr. President, the amendment that I am offering would authorize $5 million from within the Army research, development, test and evaluation account to continue development of the depressed altitude guided gun round system.

DAGGR is a surface-to-air weapon that could provide an effective defense against low-altitude threats, both in rear areas and for maneuver forces in forward areas. It has an all-weather capability, and could be mounted on either standard trucks or an armored
chassis such as the AGS or M113A. DAGGR would integrate an existing radar guided 60 millimeter gun round, developed by the Navy, with an interferometric radar, developed by the Army.

As currently envisioned, DAGGR could address mortars, short range rockets, unmanned aerial vehicles, cruise missiles, and helicopter delivered air-to-ground missiles. The Army currently has little or no direct capability against these threats.

Mr. President, this program is not part of the Army budget. However, the committee was contacted by the Army after markup and apprised of their strong interest in the program. I have been fully briefed on the potential application of this technology and believe that it has merit. It would complement other ongoing efforts to provide 360-degree coverage for our maneuver forces, and enhance the warfighting capabilities of our frontline units.

I believe that this amendment has been cleared on both sides.

Mr. WARNER. Mr. President, this amendment provides $5 million of Army research and development funds which may be used to continue development of the depressed altitude guided gun round system.

It is my understanding. This amendment has been cleared.

Mr. EXON. It has been cleared on this side, and we are prepared to accept the amendment.

Mr. WARNER. I urge adoption of the amendment.

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

The amendment (No. 2436) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2437

(Purpose: To require the Army to provide a report to the Congress on plans to provide T700-701C engine upgrade kits for Army AH-64D helicopters.

The amendment is as follows:

On page 31, following line 21, insert the following:

SEC. . REPORT ON AH-64D ENGINE UPGRADES.

(a) REPORT.—No later than February 1, 1996, the Secretary shall submit to Congress a report on plans to procure T700-701C engine upgrade kits for Army AH-64D helicopters.

The report shall include:

1. a plan to provide for the upgrade of all Army AH-64D helicopters with T700-701C engine kits commencing in FY 1996;

2. detailed timeline and funding requirements for the engine upgrade program described in (a)(1);

Mr. EXON. Mr. President, I believe this amendment has been cleared.

Mr. WARNER. The Senator is correct.

Mr. EXON. Mr. President, I therefore urge adoption of the amendment.

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

The amendment (No. 2437) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2438

(Purpose: To provide $15,000,000 (under the line item for the M1 Abrams tank series (M1T)) for procurement of direct support electronic system test sets (DSESTST) test program sets for the M1 Abrams series tanks and the Bradley infantry fighting vehicle.

The amendment is as follows:

On page 31, following line 21, insert the following:

SEC. . JOINT PRIMARY AIRCRAFT TRAINING SYSTEM PROGRAM.

Of the amount authorized to be appropriated under section 103(1), $54,968,000 shall be available for the Joint Primary Aircraft Training System program for procurement of up to eight aircraft.

Mr. DOLE. Mr. President, I want to thank the Senator for offering this amendment on my behalf. The amendment is simple. It allows the Air Force to buy up to eight joint primary aircraft trainers (JPATS) in fiscal year 1996.

In its fiscal year 1996 budget submission, the Department of Defense had requested authorization to buy 3 JPATS aircraft for $55 million. However, at the time the budget was submitted, the JPATS competition had not been completed and the contract had not been awarded. Consequently, the Air Force had to plan for the possibility that it would be awarded a much more expensive aircraft than the submission which was actually selected. Let me be clear, this amendment does not increase funding for JPATS procurement—it simply allows the Air Force to procure this new trainer at a more efficient rate. Additionally, my colleagues should know that this change has been coordinated with the Air Force.

Again, I thank Senator Thurmond and my colleagues on the other side of the aisle for their assistance in clearing this amendment.

Mr. WARNER. I urge the adoption of the amendment. It has been cleared on both sides.

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

The amendment (No. 2437) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2439

(Purpose: To provide $5,000,000 (under the line item for the M1 Abrams tank series (M1T)) for procurement of the Joint Primary Aircraft Training System (JPATS) for procurement of eight JPATS aircraft.

The amendment is as follows:

On page 31, following line 21, insert the following:

SEC. . Joint Primary Aircraft Training System Program.

Of the amount authorized to be appropriated under section 103(1), $54,968,000 shall be available for the Joint Primary Aircraft Training System program for procurement of up to eight aircraft.

Mr. DOLE. Mr. President, I want to thank the Senator for offering this amendment on my behalf. The amendment is simple. It allows the Air Force to buy up to eight joint primary aircraft trainers (JPATS) in fiscal year 1996.

In its fiscal year 1996 budget submission, the Department of Defense had
Mr. WARNER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 277, after line 25, insert the following:

(b) EFFECTIVE DATE FOR PROGRAM AUTHORITY.—Section 559(a) of the National Defense Authorization Act for Fiscal Year 1994 (107 Stat. 1666; 10 U.S.C. 1059 note) is amended by striking out “the date of the enactment of this Act” and inserting in lieu thereof “April 1, 1994”—

On page 277, beginning on line 21, strike out “: CLARIFICATION OF ENTITLEMENT.”

On page 277, line 23, insert

(a) CLARIFICATION OF ENTITLEMENT.—before “Section”.

Mr. DOMENICI. Mr. President, I offer a technical correction to section 1059 of title X, United States Code, which provides the authority to the Secretary of Defense to provide transitional benefits for abused military spouses and their children. I understand that my amendment has been accepted on both sides, and I want to thank the chairman and ranking member for their support.

I would like to take just a few brief moments to refresh my colleagues’ memories about this issue. Members will recall that in the fiscal year 1993 Defense authorization bill I offered an amendment to provide up to 50 percent of the retirement pay of a military member to his spouse and children if that member was dishonorably discharged from the service for spouse or child abuse. That amendment was accepted by this committee and it had the full support of both the chairman and ranking member. I am very proud of that amendment, Mr. President. Today abused military spouses and their children have a way out.

There was such a recognized need for that amendment that the fiscal year 1994 Defense authorization bill included language that provided the Secretary of Defense with this authority to make transitional benefits for up to 3 years payable on a force-wide basis to any military spouse or child whose member was dishonorably discharged from the service for spouse or child abuse.

By the fiscal year 1995 Defense authorization bill, the Department of Defense had not implemented the language from the fiscal year 1994 bill. When the bill came to the floor, I offered an amendment to make the fiscal year 1994 language mandatory and to provide transitional benefits and other benefits that were not included in the fiscal year 1994 language.

On July 1, 1994, during the consideration of the Defense authorization bill, the Department of Defense did not implement the language from the fiscal year 1994 bill. When the bill came to the floor, I offered an amendment to make the fiscal year 1994 language mandatory and to provide transitional benefits and other benefits that were not included in the fiscal year 1994 language.

On July 1, 1994, during the consideration of the Defense authorization bill, in a colloquy with Senator Nunn I informed Senators, “Frankly, I was going to try to make this mandatory in the original amendment, but I am not doing that because I have assurance of the Chairman that he is going to join me here on the floor urging that the military pay this responsibility.” Senator Nunn did that.

On July 7, 1994, Assistant Secretary of Defense Dorn, sent a letter to Chairman Nunn stating that the DOD “intends to implement transitional compensation, authorized by the fiscal year 1994 Defense Authorization Act, on October 1, 1994, with coverage retroactive to April 1, 1994.”

Assistant Secretary Dorn’s letter, DOD did not implement the fiscal year 1994 language until January 25, 1995, and they only made benefit payments retroactive to October 1994, not April 1994 as they committed.

I urge the Assistant Secretary Dorn, on February 9, 1995, expressing my extreme displeasure and informing him that the only reason we withdrew our amendment to the fiscal year 1995 DOD authorization bill was because the DOD gave the staff of the Senate Armed Services Committee assurance that the transitional benefits would be retroactive to April 1994.

Assistant Secretary Dorn responded on March 6, 1995. Most importantly, he said, “As you correctly stated in your letter to the DOD management, and we do plan to take the appropriate actions to rectify the situation. My staff is preparing the request to Congress asking for a technical change in the language that will allow us to make retroactive payments to April 1, 1994.”

Assistant Secretary Dorn submitted the request to both the House National Security Committee and the Senate Armed Services Committee for inclusion in the fiscal year 1996 Defense authorization bill. The House National Security Committee included the technical correction in section 556 of their bill. My amendment achieves the same objective.

Mr. President, I have been working on this issue for 4 years. Every year it seems that there is always something else standing in the way. It took a few years to convince the DOD to acknowledge the problems they face in this area, and they were very reluctant to follow Congress’ leadership and direction.

Last year, I was informed that the DOD was poised to implement the program. A letter was sent to then Chairman Nunn on July 7, 1994, stating the program would be implemented and that it would be retroactive to April 1, 1994. It took the DOD a half year to implement the program after I withdrew my amendment, and that was already after a 1-year delay. When they did implement the program, they retroactive until October 1, 1994; a full half-year later than the date committed on me and to the Senate Armed Services Committee in the July 7, 1994 letter from Assistant Secretary Dorn to then Chairman Nunn.

For whatever reason, the DOD did not honor their commitment to the committee, and my amendment makes sure that the commitment is honored. I appreciate the support of my colleagues. Mr. President, I yield the floor.

Mr. WARNER. Mr. President, this amendment establishes the effective
date of the transitional spouse abuse payments as April 1, 1994. This amend-
ment, it is my understanding, has been accepted on both sides.

Mr. EXON. Mr. President, I think this is a very worthy amendment of-
ofered by Senator DOMENICI. We have ac-
cepted this on this side and I urge its adoption.

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

The amendment (No. 2439) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2440

(Purpose: To require the Secretary of De-
ferred to a report on the feasibility of using private sources for performance of
certain functions currently performed by military aircraft)

Mr. EXON. Mr. President, on behalf of Senator ROBB, I offer an amendment
which would require the Secretary of Defense to submit a report on the feas-
ibility of using private sources for performance of certain functions cur-
rently performed by military aircraft.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for Mr. ROBB, proposes an amendment numbered 2440.

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

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

The amendment is as follows:

On page 127, after line 24, insert the fol-
lowing:

SEC. 389. REPORT ON PRIVATE PERFORMANCE
OF CERTAIN FUNCTIONS PER-
FORMED BY MILITARY AIRCRAFT.

(a) REPORT REQUIRED.—Not later than May 1, 1996, the Secretary of Defense shall submit to Congress a report on the feasibility, in-
cluding the costs and benefits, of using pri-
vate sources for satisfying, in whole or in
part, the requirements of the Department of Defense for VIP transportation by air, airlift for other personnel and for cargo, in-flight refueling of aircraft, and performance of such other military aircraft functions as the Secretary considers appropriate to discuss in the report.

(b) CONTENT OF REPORT.—The report shall include a discussion of the following:

(1) Contracting for the performance of the functions referred to in subsection (a).

(2) Converting to private ownership and op-
eration the Department of Defense VIP air
flights, personnel and cargo aircraft, and in-
flight refueling aircraft, and other Depart-
ment of Defense aircraft.

(3) The wartime requirements for the var-
ious VIP and transport fleets.

(4) The assumptions used in the cost-ben-
efit analysis.

(5) The effect on military personnel and fa-
cilities of using private sources, as described in paragraphs (1) and (2), for the purposes de-
scribed in subsection (a).

Mr. EXON. Mr. President, these func-
tions would include personnel and
cargo transport, in-flight refueling, and such other military aircraft functions as the Secretary considers appropriate to discuss.

I believe, also, this amendment has been cleared on the other side of the aisle.

Mr. WARNER. The Senator is cor-
rect. This is a very worthy amendment. It has my full support and the support of all of our Senators.

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

The amendment (No. 2440) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2441

(Purpose: To require the Department of De-

fered to a study to assess the risk associ-
ated with transportation of the unitary stockpile within the continental United States and of the assistance available to communities in the vicinity of chemical weapons stockpile installations that are affected by base closures and real-
alignments)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of
the Senator from Colorado [Mr. BROWN], and ask for its immediate con-

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. BROWN, proposes an amendment num-
bered 2441.

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

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

The amendment is as follows:

At the appropriate place in the bill add the fol-
lowing:

SEC. 3. STUDY ON CHEMICAL WEAPONS STOCK-
PILE.

(a) STUDY.—(1) The Secretary of Defense shall conduct a study to assess the risk associ-
ated with transportation of the unitary stockpile, any portion of the stockpile to in-
clude drained agent from munitions and the munitions from one location to another
within the continental United States. Also, the Secretary shall include a study of the as-
sistance available to communities in the vic-
inity if the Department of Defense facilities co-located with continuing chemical stockpile and chemical de-
militarization operations where the fac-

ty is subject to closure, realignment, or reutilization.

(2) The review shall include an analysis of—

(A) the results of the physical and chem-
ical integrity report conducted by the Army on existing stockpile,

(B) a determination of the viability of transpor-
tation of any portion of the stock-
pile, to include drained agent from mun-
tions and the munitions;

(C) the safety, cost-effectiveness, and pub-
iclarity acceptable to communities for reuse by such communities.

Mr. BROWN. Mr. President, as you
know, several communities have been affected by the recent base closures and base realignments. I have been working with these communities in my State, trying to assist them to make
these transitions as smooth as possible.

For nearly 50 years the Pueblo Depot Activity [PDA] in Pueblo, CO, was an
integral part of the U.S. Army’s system of supply and storage depots. In 1988, however, the Pueblo Depot Activity
was designated for realignment. Since this base currently stores chem-
ical weapons, the Army does not plan to transfer ownership of any of the un-neutralized chemical weapons储存
facilities. I move to reconsider the vote.

Mr. WARNER. The Senator is cor-
rect. This is a very worthy amendment.

Mr. President, I move to reconsider the vote.

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

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

The motion to lay on the table was agreed to.
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Development Authority. They have worked hard for the community of Pueblo during this realignment process.

Mr. President, the study proposed in this amendment offered by Senator Campbell and myself will make an important contribution to the resolution of a number of problems faced by communities in the vicinity of Defense Department facilities co-located with continuing chemical stockpile and chemical demilitarization operations.

Mr. Campbell. Mr. President, I would like to thank my Colorado colleague, Senator Brown, for proposing this amendment of which I am a co-sponsor.

The city of Pueblo faces a dual burden from the chemical weapons stockpile at the Pueblo Depot. First, Pueblo’s citizens must cope with a controversial and complicated chemical demilitarization effort. Second, as the national debate on pursuing a permanent chemical disposition, the city of Pueblo must deal with finding ways to profitably reuse excess facilities.

Unfortunately, despite years of effort by the depot’s reuse commission, the reuse process is still blocked. People like Mel Takaki, Chuck Finley, and many others worked hard to find users who would be willing to pay for space at the depot’s buildings, and they have some success. They still cannot come to a satisfactory agreement with the Army on leasing the depot’s facilities—it seems mostly because of uncertainty about the needs of the demilitarization process.

There are not many communities that face this type of situation. There are only eight chemical weapons stockpile sites in the United States. All this amendment does is require the Defense Secretary to let us know that he understands the problems faced by Pueblo and other communities in the vicinity of chemical weapons stockpile sites. For those sites that, like Pueblo, also involve closed or realigned military installations, the Secretary would also send those communities some ideas on how to move forward with reusing those facilities.

This is a simple amendment, and it should not require much work at the Defense Department, but it will go a long way toward addressing issues that concern citizens living near stockpile facilities. I hope that the Senate and the conferees will accept this amendment.

Mr. WARNER. Mr. President, the amendment would require the Department of Defense to conduct a study on the risks of transporting the unitary chemical stockpile within the United States, and assistance that would be available to the communities surrounding the chemical weapons stockpile that will be closed when destruction of the stockpile is completed.

I understand this amendment has been cleared.

Mr. EXON. It has been cleared on this side of the aisle, Mr. President.

Mr. WARNER. I urge adoption of the amendment.

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

The amendment (No. 2441) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2442

(Purpose: To provide for the disposal of property and facilities at Fort Holabird, MD, as a result of the closure of the installation under the 1995 round of the base closure process.)

Mr. EXON. Mr. President, on behalf of Senator Mikulski, I offer an amendment and send it to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for Ms. Mikulski, for herself and Mr. SARBANES, proposes an amendment numbered 2442.

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

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

The amendment is as follows:

On page 468, below line 24, add the following:

SEC. 2823. CONSOLIDATION OF DISPOSAL OF PROPERTY AND FACILITIES AT FORT HOLABIRD, MARYLAND.

(a) CONSOLIDATION.—Notwithstanding any other provision of law, the Secretary of Defense shall dispose of the property and facilities at Fort Holabird, Maryland, described in subsection (b) in accordance with subparagraph (2)(e) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (P.L. 103–421), treating the property described in (b) as if the CEO of the state had submitted a timely request to the Secretary of Defense under subparagraph (2)(e)(1)(B)(i) of the Base Closure Redevelopment and Homeless Assistance Act of 1994 (P.L. 103–421).

(b) COVERED PROPERTY AND FACILITIES.—Subsection (a) applies to the following property and facilities at Fort Holabird, Maryland:

(1) Property and facilities that were approved for closure or realignment under the 1988 base closure law that are not disposed of as of the date of the enactment of this Act, including buildings 305 and 306 and the parking lots and other property associated with such buildings.

(2) Property and facilities that are approved for closure or realignment under the 1990 base closure law in 1995.

(c) USE OF OTHER EVALUATIONS OF PROPERTY.—In carrying out the disposal of the property and facilities referred to in subsection (b)(1), the Secretary shall utilize any surveys and other evaluations of such property and facilities that are prepared by the Corps of Engineers before the date of the enactment of this Act as part of the process for the disposal of such property and facilities under the 1988 base closure law.

(d) DEFINITIONS.—In this section:


(SEC. 2826. LAND CONVEYANCE, PROPERTY UNDERLYING CUMMINS APARTMENT COMPLEX, FORT HOLABIRD, MARYLAND.

(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law, the Secretary of the Army may convey to the existing owner of the improvements thereon all right, title, and interest of the United States in and to a parcel of real property underlying the Cummins Apartment Complex at Fort Holabird, Maryland, consisting of approximately 6 acres and any interest the United States may have in the improvements thereon.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the owner of the improvements referred to in that subsection shall provide compensation to the United States in an amount equal to the fair market value (as determined by the Secretary of the interior) of the property interest to be conveyed.

(c) 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 that is satisfactory to the Secretary.

(d) 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.

Mr. EXON, Mr. President, this amendment by Senator Mikulski first would allow for all base closure affected property at Fort Holabird, MD, to be disposed of in the 1994 base closure disposal process and second, would authorize the Secretary of the Army to convey, for fair market value, 6 acres of real property at Fort Holabird to the owner of the apartment complex that is situated on the real property.

I believe this is a noncontroversial amendment that has been cleared on the other side. Mr. WARNER. The Senator is correct.

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

The amendment (No. 2442) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2443

(Purpose: To designate the NAUTICUS building in Norfolk, VA, as the “National Maritime Center”)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 2443.

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

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

The amendment is as follows:

On page 468, between lines 16 and 17, insert the following:
SEC. 1095. DESIGNATION OF NATIONAL MARITIME CENTER.

(a) DESIGNATION OF NATIONAL MARITIME CENTER.—The NAUTICUS building located at one Waterside Drive, Norfolk, Virginia, shall be known and designated as the ‘‘National Maritime Center’’.

(b) REFERENCE TO NATIONAL MARITIME CENTER.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the ‘‘National Maritime Center’’.

Mr. WARNER. Mr. President, the amendment designates a building in Norfolk, VA, as the ‘‘National Maritime Center’’.

Mr. President, I urge my colleagues to support the designation of the NAUTICUS building in Norfolk, VA, as the ‘‘National Maritime Center’’.

Designation as the ‘‘National Maritime Center’’ is indeed a special honor and should only be bestowed upon a center of the highest caliber in an area with a rich history of maritime excellence. I believe that NAUTICUS, located in the city of Norfolk, VA, more than any other center deserves to receive this special recognition.

NAUTICUS is a comprehensive maritime center that includes an interactive aegis and ship design theater, exhibits, and presentations on a variety of subjects including marine environmental issues, marine research, and ocean exploration. Additionally, the Hampton Roads areas is where our most powerful Navy, the world’s largest, oldest shipyard, and a center of marine engineering unequaled anywhere in the world.

A national maritime center in this region could aid measurably in educating the public about maritime issues and the importance of the maritime industry in our Nation’s history. Indeed, in the era of our All Volunteer Military, this center will help to maintain our national security and the public through education and understanding.

Designation as a ‘‘National Maritime Center’’ need not be exclusively reserved to NAUTICUS but could also be granted to other institutions of similar stature and function upon nomination and consideration by Congress. Also, the designation carries with it no operational support funds nor any positive and important issue for future support of operational needs by any Federal agency.

Mr. EXON. Mr. President, this matter has been cleared on this side. This amendment as written would be under the Commerce Committee. But it has been cleared by the Commerce Committee. We have no objection on this side. I urge its adoption.

Mr. WARNER. Mr. President, I am thankful for the personal consideration of my colleague, who serves on the Commerce Committee.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Virginia.
2445—as introduced and which was agreed to a few moments ago—by Senator Stevens.

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

Mr. WARNER. Mr. President, this amendment would delay the implementation of regulations waiving the application of the Cargo Preference Act to subcontracts for commercial items.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. EXON. Mr. President, the amendment has been cleared on this side of the aisle.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 2445) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2446

(Purpose: To require that the fiscal year 1997 requirements regarding Reserve components include a listing of specific amounts for specific purposes on the basis of an assumption of funding of the Reserve components in the same total amount as the funding provided for fiscal year 1996.)

Mr. EXON. Mr. President, in behalf of Senator ROBB, I send an amendment to the desk for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The amendment is as follows:

On page 231, between lines 19 and 20, insert the following:

(3) If the total amount reported in accordance with paragraph (2) is less than $1,080,000,000, an additional separate listing described in paragraph (2) in a total amount equal to $1,080,000,000.

Mr. ROBB. Mr. President, I rise to offer an amendment to fix, in part, a longstanding procedural contest between the executive and legislative branches. Each year, the administration sends over a budget request for the Department of Defense which includes funding for the National Guard and Reserves. Typically this budget includes a robust request for reserve personnel and O&M funding. But two accounts are invariably unfunded, or underfunded. They are the procurement account, which ensures our reserve forces have modern weaponry and equipment, and military construction, which provides buildings and other infrastructure needed by the Reserves.

With one exception in the last 10 years, the administration’s request has failed to include any funding for National Guard and Reserve weapons or equipment. In the last 5 years, Reserve construction has been underfunded in the request, typically by several hundred million dollars each year. The request fails to add the necessary funding and this leads to several complications. First, the Congress must add back funding that must be taken out of other requested defense programs, or increase the total defense authorization level above the request to accommodate the Reserves. Second, the Congress must determine specifically what the Reserves need in terms of equipment and construction, and how much these additions will cost. In the last several years, the Congress has in fact not specified exactly what equipment should be procured, but rather authorized a generic pot of money for each of the Reserve components and left the decision on how specifically to spend the money to the Department of Defense. In total, this means that the Congress would order expenditures without an administration recommendation. Without initial Department of Defense guidance, the Congress becomes vulnerable to catering to Member-interest items. More fundamentally, it is imprudent for the Department of Defense to ignore all Reserve equipment and many Reserve construction requirements during its regular budget preparations. How can our military be optimally structured if the Guard and Reserves are treated as afterthoughts in the budgeting process?

Since the Congress cannot require the executive to submit a Reserve budget recommendation at a set level, the bill before us has a useful provision requiring the Secretary of Defense to submit a report, concurrently with the fiscal year 1997 defense authorization request, that details actions taken by the Department of Defense to engage the Guard and Reserves during the request process. The report also requires the Secretary to submit a details listing on how the department will spend its fiscal year 1997 Reserve equipment and construction requests. Because the administration can still choose to make a request of zero—or one that is far too low—this provision still will not necessarily fix the problem.

The amendment I offer today will do much to alleviate this problem. Mr. President. It requires the Secretary of Defense to include a listing or report, in addition to the one already required in the bill, that assumes a serious equipment and construction request level. In my amendment, the fiscal year 1996 Armed Services Committee authorization request level for Reserve equipment and construction of $1,080,000,000 is used, but any comparable sum will do the job. In other words, if the fiscal year 1997 Reserve equipment and construction requests are lower than $1,080,000,000, the Secretary of Defense must provide the Congress with a report detailing how it specifically would allocate funding for equipment and construction assuming that it would have this amount to spend.

The amendment accomplishes several things. It gives the Congress a foundation to work from in determining a reasonable Reserve top line for the Reserves. The Congress could decide on a significantly lower or higher amount, but at least it would have guidance from the Department of Defense on the Department’s Reserve priorities should the Department again decide to deliberately underfund the Guard and Reserve. It forces the Department of Defense to fully address Guard and Reserve funding while Active Force budgets are under preparation. It reduces the temptation by Congress to distort Reserve accounts with Member-interest items. Finally, it helps put the Reserves on equal footing with the Active Forces, rather than giving them the leftovers from budgeting for the active components.

Mr. President, it is my understanding that this amendment is acceptable on both sides, and I urge its adoption.

Mr. EXON. Mr. President, this amendment would modify section 1007 to require DOD to provide Congress with a prioritized list of modernization and investment priorities, at least for large amounts, amounts that will be funded by Congress this year. This will ensure that the Congress gets DOD’s best advice on priorities for reasonably sized funding packages.

Mr. President, I believe this amendment has been agreed to by those on the other side of the aisle.

Mr. WARNER. The Senator is correct.

Mr. EXON. I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Virginia.

The amendment (No. 2446) was agreed to.

AMENDMENT NO. 2447

(Purpose: Relating to interim leases of property approved for closure or realignment)

Mr. EXON. Mr. President, I send an amendment to the desk on behalf of Senators PAYOR, FEINSTEIN, and BOXSEN, and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.
The legislative clerk read as follows:

The President from Nebraska [Mr. EXON], for Mr. PRIOR, for himself, Mrs. FEINSTEIN, and Mrs. BOXER, proposes an amendment numbered 2447.

Mr. EXON. Mr. President, I ask unanimous consent that the amendment be dispensed with.

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

The amendment is as follows:

On page 468, after line 24, add the following:

SEC. 2825. INTERIM LEASES OF PROPERTY PROVED FOR CLOSURE OR REALIGNMENT.

Section 2667(f) of title 10, United States Code, is amended by adding at the end the following:

"(4)(A) Notwithstanding the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the scope of any environmental impact analysis necessary to support an interim lease of property under this subsection shall be limited to the environmental consequences of activities authorized under the proposed lease and the cumulative impacts of other past, present, and reasonably foreseeable future actions during the period of the proposed lease.

"(B) Interim leases entered into under this subsection shall not be deemed to affect the final property disposal decision, even if final property disposal may be delayed until completion of the interim lease term. An interim lease entered under this subsection shall not be entered into without prior consultation with the redevelopment authority concerned.

"(C) The provisions of subparagraphs (A) and (B) do not apply to an interim lease under this subsection if authorized activities under the lease would—
"(i) significantly effect the quality of the human environment; or
"(ii) irreversibly alter the environment in a way that would preclude any reasonable disposal alternative of the property concerned.

Mr. PRIOR. Mr. President, I rise to offer an amendment to help eliminate a current obstacle to the quick redevelopment of closing military bases.

My amendment will give the military service greater flexibility to negotiate longer interim leases for the reuse of base property where the military is preparing for its departure. It will do so in a responsible way that does not eliminate vital environmental safeguards.

This amendment will hopefully solve many interim leasing problems that are occurring at closing bases nationwide.

At Eaker Air Force Base in Blytheville, AR, Cotton Growers, Inc., approached the local redevelopment authority about storing cotton in an old B-52 hanger until cotton prices improved. Upon learning from the Air Force that they could receive only a 1-year lease with a 30-day cancellation clause, Cotton Growers Inc. decided not to locate at Eaker.

At Alameda Naval base in Alameda, CA, AEG Transportation is seeking a 10-year lease to obtain use of base property to refurbish rail cars for the San Francisco-based BART public transit company. The BART contract is for 10 years, and AEG desires a 10-year commitment before spending millions of dollars on capital improvements to Alameda property. Unfortunately, the Department of the Navy is thus far unwilling to enter into a lease agreement longer than 5 years. This stalemate could result in the loss of an attractive tenant and the abandonment of the base.

The military services have informed my office that the inability to offer longer interim leases is due primarily to their fear of a lawsuit over requirements from the National Environmental Policy Act of 1969, the so-called NEPA. This amendment attempts to address this problem without degrading the environment or fully exempting interim leases from NEPA.

In recent years, Congress and the Clinton administration have made substantial progress in removing the obstacles that have blocked past efforts to redevelop bases. This amendment will help remove yet another barrier. It will give the military services greater flexibility to negotiate with interested tenants. It also ensures that our effort to create jobs and economic activity on base does not come at the expense of the environment.

I thank the distinguished chairman and the ranking member for accepting this amendment.

I also thank the Department of Defense, the Departments of Army, Navy, and Air Force, the Council on Environmental Quality, the Environmental Protection Agency, Senators CHAFEE, BAUCUS, LAUTENBERG, and BOXER from the Senate Environment and Public Works Committee and Senators NUNN and THURMOND from the Senate Armed Services Committee who contributed greatly to the passage of this amendment.

Mr. EXON. Mr. President, this amendment provides the military services greater flexibility to negotiate longer interim leases for the reuse of base property at a closing of a military installation. This amendment allows for flexibility without eliminating important environmental protections.

Mr. President, I believe this amendment has been agreed to on the other side.

Mr. WARNER. Mr. President, the amendment provides the military services greater flexibility to negotiate leases for the reuse of base property prepared for closure.

Mr. EXON. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 2447) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2448

(Purpose: Relating to the operational support airlift aircraft fleet.

Mr. WARNER. Mr. President, on behalf of Senator GRASSLEY, I send an amendment to the desk and ask for its consideration.

Mr. GRASSLEY. Mr. President, I would like to thank the chairman of...
the committee, Senator Thurmond, and the ranking minority member, Senator Nunn, for their assistance and cooperation in developing this compromise agreement on the operational support airlift (OSA) aircraft issue.

The amendment deals with the 600 executive aircraft and VIP helicopters operated by the Department of Defense (DOD). These are called OSA aircraft.

I think we have succeeded in working out a reasonable compromise on the OSA issue.

When I first began discussing the issue, I was recommending a 50-percent cut in the OSA fleet.

But from day 1, I never claimed to have the magic solution. The 50 percent figure was nothing more than a starting point.

I just wanted to see us take a significant first step down the road toward downsizing the OSA fleet.

Mr. President, the idea of downsizing the OSA fleet was not dreamed up by Current. My thinking on this issue is based on a mountain of studies and analyses—all prepared by the DOD.

All the studies point in one direction: cut the OSA fleet.

In February 1993, the Chairman of the Joint Chiefs of Staff, Gen. Colin Powell, recommended that the OSA fleet be cut.

In September 1994, the Chief of Staff of the Air Force, General McPeak, recommended that the OSA fleet be cut.

Then in May 1995, the DOD Commission on Roles and Missions recommended that the OSA fleet be cut.

Well, the Roles and Missions Commission was chaired by Mr. John P. White.

Right after Mr. White made those recommendations, he became the Deputy Secretary of Defense.

So cutting the OSA fleet is not Chuck Grassley’s idea. The idea of cutting the OSA fleet is coming directly from the top at the Pentagon.

Chuck Grassley is just trying to do what these top DOD officials say must be done. That’s it.

Mr. President, this issue has been studied to death.

It’s time to make some cuts.

This is where the rubber meets the road.

The only question is this: How do we do it?

How should the cuts be made?

The compromise agreement embodied in this amendment starts us down the road toward downsizing the OSA fleet.

It gets us headed in the right direction.

It directs DOD to develop a plan to carry out the recommendations of the Commission on Roles and Missions.

It directs DOD to identify excess OSA aircraft and to develop a plan for disposition of those aircraft.

It directs DOD to prescribe regulations that would require the use of commercial airlines for routine official travel.

And those regulations must not require the use of OSA aircraft by any particular class of personnel.

The compromise agreement would curtail OSA flight operations by 15 percent in fiscal year 1996.

The reduction in OSA operations would also apply to helicopter flights in the National Capital region.

The amendment contains a device to encourage DOD to submit its plan for downsizing the OSA fleet in a timely manner.

Fifty percent of all OSA funds in the bill are fenced until the plan is submitted to Congress.

Again, Mr. President, I thank the chairman and ranking minority member for their help in crafting this compromise agreement.

I would also like to thank a member of the committee staff, Mr. Steve Madey, for his persistence and determination. His efforts were instrumental in shaping the final agreement.

We can see the next year after we have had an opportunity to assess how well the DOD plan is working.

Mr. WARNER. Mr. President, this amendment would reduce the Flying Hour Program for operational support aircraft and respond to the recommendations by management of these aircraft by the Chairman of the Joint Chiefs and the Commission on Rules and Missions of the armed services.

We strongly support the amendment and urge its adoption.

Mr. WARNER. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER (Mr. FRIST). If there is no further debate, the question is on agreeing to the amendment of the Senator from Iowa.

The amendment (No. 2448) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2449
(Purpose: To transfer funds for procurement of communications equipment for Army echelons above corps.

Mr. WARNER. Mr. President, on behalf of the senior Senator from New Mexico, [Mr. DOMENICI], and the Senator from Hawaii, [Mr. INOUYE], I send this amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The amendment authorizes $50,000,000 for Force Development, strongly supports the Army’s EAC communications systems, and has been accepted on both sides. I want to thank the Senators Thurmond, Warner, and Nunn for their cooperation in this effort.

My amendment will fund modernization of the Army’s military command, control, and communication systems.

It will allow the Army to move more of its communications equipment, including switches, multiplexer assemblies, message controllers, network assemblies, and other equipment, into combat areas quickly during combat and contingency operations.

This program has allowed the Army to downsize its combat communications equipment to the point that it can now transport more critical combat information systems into a fire zone in less time and at significantly less cost than before.

For example, the benefits of this program save $1 million in air transportation costs every time the Army moves a single communications battalion from Fort Gordon, GA to a major center in the Middle or Far East. Consequently, if the Army moves a minimum of 25 communications battalions this year during exercises, it will save $25 million in operational costs.

Furthermore, this new equipment permits the Army combat personnel to communicate more frequently under severely adverse conditions, with greater success than ever before. The new systems are faster, more secure, vastly more dependable, and of significantly smaller size than their predecessors. They also provide more interoperability than has ever been possible.

The new downsized configurations of this equipment fit neatly into the Army’s latest heavy HMMWV. Sizeable numbers of these vehicles can be transported into combat zones on C-141 and C-5 aircraft, providing significantly more communications capability in world hot spots sooner than was previously possible.

Major Gen. Edward Anderson, Deputy Chief of Staff, Operations and Planning for Force Development, strongly supports this program. Nevertheless, the Army has been limited in its budget submissions due to modernization and weapons systems requests. I believe this amendment addresses the critical communications needs of the Army, and I thank the Senate Armed Services Committee for its support.

Mr. WARNER. Mr. President, this amendment adds $40 million for the
procurement of certain communications programs for the Army.

Mr. EXON. Mr. President, this amendment would allow the Army to continue its program to make theater-level communications units more capable, lighter and more easily deployable in emergency situations.

We think it is a very good amendment. We urge its adoption.

Mr. WARNER. Mr. President, I thank my distinguished colleague, and I urge its adoption.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 2449) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2450
(Purpose: To authorize the conveyance of certain parcels of real property at Fort Sheridan, Ill.)

Mr. EXON. Mr. President, I send an amendment to the desk in behalf of Senator SIMON, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for Mr. SIMON, proposes an amendment numbered 2450.

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

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

The amendment is as follows:

On page 497, below line 24, add the following new sections:

SEC. 2838. LAND CONVEYANCE, NAVY PROPERTY, FORT SHERIDAN, ILLINOIS.

(a) AUTHORITY TO CONVEY.—Subject to subsections (b) and (l), the Secretary of the Navy may convey to any transferee selected under subsection (i) all right, title, and interest of the United States in to and a parcel of real property (including any improvements thereon) at Fort Sheridan, Illinois, consisting of approximately 182 acres and comprising the Navy housing areas at Fort Sheridan.

(b) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not convey the property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(c) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the transferee selected under subsection (i) shall—

(A) convey to the United States a parcel of real property that meets the requirements of subsection (d); and

(B) pay the cost of relocating Navy personnel residing in the housing facilities located on the property conveyed pursuant to the authority in subsection (a) as the Secretary considers appropriate.

(2) The Secretary shall ensure that the fair market value of the consideration provided by the transferee under paragraphs (1) and (2) is not less than the fair market value of the real property to be conveyed by the Secretary under subsection (a) and the real property to be conveyed under subsection (c)(1)(A) shall be conveyed by the Secretary to the transferee selected under subsection (a).

(d) REQUIREMENTS RELATING TO PROPERTY TO BE CONVEYED TO UNITED STATES.—The property interest conveyed to the United States under subsection (c)(1)(A) by the transferee selected under subsection (i) shall—

(1) be located not more than 25 miles from the Great Lakes Naval Training Center, Illinois; and

(2) be located in a neighborhood or area having social and economic conditions similar to the social and economic condition of the area in which Fort Sheridan is located.

(e) EDUCATION OF NAVY PERSONNEL.—In providing for the education of dependents of Navy personnel under subsection (c)(1)(D), the transferee selected under subsection (i) shall ensure that such dependents may enroll at the schools of one or more school districts in the vicinity of the property conveyed to the United States under subsection (c)(1)(A) which schools and districts—

(A) meet such standards for schools and school districts as the Secretary shall establish; and

(B) will continue to meet such standards after the enrolment of such dependents regardless of the receipt by such school districts of Federal aid impact.

(f) INTERIM RELOCATION OF NAVY PERSONNEL.—Pending completion of the construction of all the housing facilities proposed to be constructed under subsection (c)(1)(B) by the transferee selected under subsection (c)(1)(A), the Secretary may relocate Navy personnel residing in housing facilities located on the property to be conveyed pursuant to the authority in subsection (a) to the housing facilities constructed by the transferee under subsection (c)(1)(B).

(g) APPLICABILITY OF CERTAIN AGREEMENTS.—The property conveyed by the Secretary pursuant to the authority in subsection (a) shall be subject to the Memorandums of Understanding concerning the Transfer of Certain Properties at Fort Sheridan, Illinois, dated August 8, 1991, between the Department of the Army and the Department of the Navy.

(h) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property interest to be conveyed pursuant to subsection (a) and of the consideration to be provided under subsection (c)(1). Such determination shall be final.

(1) SELECTION OF TRANSFEE.—(1) The Secretary shall use competitive procedures for the selection of a transferee under subsection (a).

(2) In evaluating the offers of prospective transferees, the Secretary shall—

(A) consider the technical sufficiency of the offers received in meeting the requirements for consideration set forth in subsection (c)(1); and

(B) consult with the communities and jurisdictions in the vicinity of Fort Sheridan (including the City of Lake Forest, the City of Highland Park, and the County of Lake) and determine the most appropriate use of the property to be conveyed.

(i) DESCRIPTIONS OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed by the Secretary under subsection (a) and the real property to be conveyed under subsection (c)(1)(A) shall be set forth in the Survey Record of the Secretary.

(j) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2839. LAND CONVEYANCE, ARMY RESERVE PROPERTY, FORT SHERIDAN, ILLINOIS.

(a) AUTHORITY TO CONVEY.—Subject to subsection (b), the Secretary of the Army may convey to any transferee selected under subsection (g) all right, title, and interest of the United States in to a parcel of real property (including improvements thereon) at Fort Sheridan, Illinois, consisting of approximately 114 acres and comprising an Army Reserve area.

(b) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not convey the property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(c) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the transferee selected under subsection (g) shall—

(A) convey to the United States a parcel of real property that meets the requirements of subsection (d); and

(B) design for and construct on the property conveyed under subparagraph (A) such facilities (including support facilities and infrastructure) to replace the facilities conveyed pursuant to the authority in subsection (a) as the Secretary considers appropriate.

(C) pay the cost of relocating Army personnel in the facilities located on the real property conveyed pursuant to the authority in subsection (a) to the facilities constructed under subsection (g).

(2) The Secretary shall ensure that the fair market value of the consideration provided by the transferee under paragraph (1) is not less than the fair market value of the real property conveyed by the Secretary under subsection (a).

(d) REQUIREMENTS RELATING TO PROPERTY TO BE CONVEYED TO UNITED STATES.—The real property conveyed to the United States under subsection (c)(1)(A) by the transferee under subsection (g) shall—

(1) be located not more than 25 miles from Fort Sheridan; and

(2) be located in a neighborhood or area having social and economic conditions similar to the social and economic conditions of the area in which Fort Sheridan is located.

(e) INTERIM RELOCATION OF ARMY PERSONNEL.—Pending completion of the construction of all the facilities proposed to be constructed under subsection (c)(1)(B) by the transferee selected under subsection (g), the Secretary may relocate Army personnel in the facilities located on the real property conveyed pursuant to the authority in subsection (a) to the facilities that have been constructed under subsection (g).

(f) SELECTION OF TRANSFEE.—(1) The Secretary shall use competitive procedures for the selection of a transferee under subsection (a).

(2) In evaluating the offers of prospective transferees, the Secretary shall—

(A) consider the technical sufficiency of the offers received in meeting the requirements for consideration set forth in subsection (c)(1); and

(B) consult with the communities and jurisdictions in the vicinity of Fort Sheridan (including the City of Lake Forest, the City of Highland Park, and the County of Lake) and determine the most appropriate use of the property to be conveyed.

(g) DESCRIPTIONS OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed by the Secretary under subsection (a) and the real property to be conveyed under subsection (c)(1)(A) shall be set forth in the Survey Record of the Secretary.
year 1996 Defense authorization bill, I would like to make a few comments regarding section 551, which addresses the determination of whereabouts and the status of missing persons. Section 551 is the direct result of S. 256, the Missing Men in Action Act of 1995, which I introduced on January 20 of this year. I want to thank Senator COATS, the Personnel Subcommittee chairman, for his efforts to include as much of the original bill in the Defense authorization bill as possible. It wasn’t easy. DOD had its objections, as did a number of our colleagues.

The original intent of S. 256 was to reform the Department of Defense’s procedures for determining the status and location of missing personnel of the Armed Forces. Legislation concerning those missing in action has not changed in the past 50 years. Since the Vietnam war, the Department of Defense and the United States Government have been criticized for their handling of this issue. Some of that criticism is justified. The Government’s own actions—or inaction—has provoked legitimate criticism. S. 256 was an attempt to correct these problems and establish a fair and equitable procedure for determining the exact status of missing personnel. At the same time, it was my hope that we might restore some of the Department’s credibility on this issue and renew the trust between the public and the Federal Government.

I realize that some who supported S. 256 are concerned that section 551 is not identical. I agree, it is not everything we had hoped to achieve. However, I do believe that section 551 represents the best language we could pass in the Senate. There are reforms we had hoped to achieve but which are not reflected in the Defense authorization bill. But our colleagues in the House have included this matter in their version of the authorization bill. In my view, some of the House language better reflects our original bill. When the Senate goes to conference, it is my hope that all of the essential provisions of the original bill will be included in the conference report.

So, again, I would like to thank Senator COATS for his efforts. Section 551 centralizes oversight and responsibility for accounting for missing persons, it establishes new procedures for reviewing cases of missing persons, and it protects the missing service member from being declared dead solely based on the passage of time. I look forward to working with my colleagues to ensure that the conference report includes all of the necessary reforms outlined in S. 256.

Mr. WARNER. Mr. President, I thank my distinguished friend and colleague. It is always a pleasure to work with him as we have now 17½-plus years.
not authorize hydronuclear experiments. So there is no problem with this part of Senator Exon’s amendment.

Furthermore, this provision does not amend or repeal the requirements of section 507 of Public Law 102-377, which is also known as the Hatfield-Exon-Mitchell amendment on nuclear weapon testing.

The amendment proposed by Senator Exon basically invokes the restrictions of the 1992 Hatfield-Exon-Mitchell amendment on U.S. nuclear weapons testing. It is my understanding that the Hatfield amendment was not meant to encompass hydronuclear experiments under 4 pounds.

Therefore, as long as the proposed Exon amendment is not construed to make low yield hydronuclear experiments subject to the Hatfield amendment’s ban on all nuclear weapons testing after September 20, 1996, I would have no problem with the second portion of Senator Exon’s amendment.

I would like to make some further remarks pertaining to section 3135. The Senate passed this provision as an element of the Thummond-Domenici amendment to the 1996 National Defense Authorization Act on August 4, 1995. On that same day, after vigorous debate, the Senate rejected an attempt to remove this provision from the bill by a vote of 56 to 44. I maintained then, and I maintain now, that this was a prudent decision. I do so in spite of the fact that a careful reading shows that its conclusions are based on misconception.

These are not tests of nuclear weapons safety and reliability for the stockpile but tests of nuclear weapon technologies aimed at primarily assessing potential nuclear weapon design capabilities. They are not tests of nuclear weapons that is relevant to assessing potential nuclear weapon design capabilities. They are experiments aimed at primarily assessing potential nuclear weapon design capabilities. They are not tests of nuclear weapons that is relevant to assessing potential nuclear weapon design capabilities. They are not tests of nuclear weapons that is relevant to assessing potential nuclear weapon design capabilities. They are not tests of nuclear weapons that is relevant to assessing potential nuclear weapon design capabilities. They are not tests of nuclear weapons that is relevant to assessing potential nuclear weapon design capabilities. They are not tests of nuclear weapons that is relevant to assessing potential nuclear weapon design capabilities. They are not tests of nuclear weapons that is relevant to assessing potential nuclear weapon design capabilities. They are not tests of nuclear weapons that is relevant to assessing potential nuclear weapon design capabilities. They are not tests of nuclear weapons that is relevant to assessing potential nuclear weapon design capabilities. They are not tests of nuclear weapons that is relevant to assessing potential nuclear weapon design capabilities. They are not tests of nuclear weapons that is relevant to assessing potential nuclear weapon design capabilities. They are not tests of nuclear weapons that is relevant to assessing potential nuclear weapon design capabilities.

Furthermore, this provision does not anticipate safety problems with the current stockpile. This is simply an unsupported assertion.

We found out some other interesting things about the JASON report after the debate. First, we asked DOE for the full classified JASON report. We were told that it was not finished and that it would be available in 3 or 4 weeks. Evidently, the nuclear weapons laboratory officials with the ultimate responsibility for the stockpile were not given an opportunity to review the JASON report before it was announced on a zero yield comprehensive test ban treaty. Second, we found out that the individuals selected for this JASON committee were not experts in nuclear weapons and that they called on the services of four current and former nuclear weapons laboratory experts to serve as consultants to the JASON members. Why did DOE not go to its own experts to begin with? So we talked to the two lab experts who dealt with the JASON’s. They both agreed that tests in the 500 ton range would be of greatest value to the U.S. nuclear weapons program. On hydronuclear experiments below 4 pounds, these two had a genuine technical disagreement. The expert who found hydronuclear experiments to be of value told us that his material was dropped from the report by the JASON’s chairman. He told us that his material ‘wound up on the cutting room floor.’

Upon further inquiry we found that the chairman of this particular JASON committee is an expert in high energy physics. His resume also says that he is an arms control specialist. In fact, he has been a Director of the Arms Control Association in Washington, DC. His close adviser to the Secretary O’Leary.

Why should the nuclear weapons experts from our Government-owned laboratories have to have their work filtered through individuals with a clear track record in the arms control arena? This has not been the case in the 50-year history of the U.S. nuclear weapons program. Last year I alerted this body to my concerns about the fact that the Secretary of Energy had surrounded himself with many career anti-nuclear activists. Nothing seems to have changed.

Mr. President, this Senator does not believe that this is an objective way to form a committee nor to elucidate expert opinions on a subject of such importance to national security.

We then asked DOE for the results of the DOE stockpile confidence meeting that took place at STRATCOM in Omaha from the 1st to the 3d of June of this year with the nuclear weapons laboratories participating. It turns out that the position of the nuclear weapons laboratories at this meeting concluded that good confidence in the safety and reliability of the enduring stockpile could be maintained with a combination of 500-ton tests and the science based stockpile stewardship and management program. If 500-ton tests were excluded, then we could retain good confidence in weapon safety with hydronuclear experiments and the science based stockpile stewardship and management program. Without 500-ton tests and hydronucleuses, the laboratories concluded that there would be a period of vulnerability in our stockpile confidence between the end of testing and the realization of the goals of the science based stewardship and management program. You will not see these conclusions discussed publicly by the administration.

Mr. President, I now ask unanimous consent that this amendment be adopted.

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

The amendment (No. 2429) was agreed to.

Mr. THURMOND. I move to reconsider the vote.

The PRESIDING OFFICER. Will the Senator suspend for a moment? Was the Senator referring to Exon amendment No. 2429?

Mr. THURMOND. Yes.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BROWN. Mr. President, what is the item before the Senate at this point? What is the business of the Senate at this point?

The PRESIDING OFFICER. The business before the Senate now is Brown amendment No. 2428.

AMENDMENT NO. 2428, AS MODIFIED

Mr. BROWN. Mr. President, I have been in conversation with both Members of our side of the aisle and the Democratic side of the aisle. Senator Domenici has had some positive suggestions for my amendment.

At this point, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment (No. 2428), as modified, is as follows:

At the appropriate place in the bill, add the following new section:

SEC. 5. SENSE OF THE CONGRESS REGARDING FITZSIMONS ARMY MEDICAL CENTER, COLORADO.

(a) FINDINGS.—The Congress finds that—

(1) Fitzsimons Army Medical Center in Aurora, Colorado has been recommended for closure in 1995 under the Defense Base Closure and Realignment Act of 1990;

(2) The University of Colorado Health Sciences Center and the University of Colorado Hospital Authority are in urgent need of space to maintain their ability to deliver health care to the growing demand for their services;

(3) Reuse of the Fitzsimons facility at the earliest opportunity would provide significant benefit to the cities of Aurora and Denver;
Mr. BROWN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. The quorum call having been rescinded, the Senate will proceed with the business before it.

Mr. DORGAN. Mr. President, I commend the work of Senator Thurmond. He has a great grasp of defense issues.

Mr. THURMOND. Mr. President, I thank the Senator from Minnesota for his kind words.

The PRESIDING OFFICER. The Senate will now proceed to the consideration of Senate Bill 12548, the National Missile Defense Authorization Act of 1995.

Mr. BROWN. Mr. President, this legislation incorporates the suggestions of the distinguished Senator from Ohio, Senator Glenn. It clarifies some of the aspects of the Congress relating to Fitzsimons and broadens some of the sense of the Congress measures included therein, including a wish that the procedures involved in disposing of facilities be expedited for not just Fitzsimons, but other facilities as well, when it is appropriate.

Mr. President, it is my understanding that this amendment has the approval of both sides. I ask at this time for its adoption.

Mr. THURMOND. Mr. President, I understand it is acceptable on both sides.

The PRESIDING OFFICER. The question is on the amendment, as modified.

The amendment (No. 2428), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.
of the cold war was the agreements by which, with ABM and START I and START II, we now have circumstances where missiles and warheads are being dismantled and destroyed, warheads and missiles that previously were in silos aimed at the United States are now being reduced and dismantled.

This legislation says that the very agreement upon which those reductions in missiles and warheads is based will be renegotiated and changed and destroyed—effectively, because we say we are not satisfied. We now want to build a national missile defense system. Against whom are we going to deploy a national missile defense system? And for what?

As always seems to be the case when you debate defense spending issues on the Senate floor—when you are talking, on the one hand, about spending for a hot lunch program, for a feeding program, for a nutrition program, for a hot lunch program, for a feeding program, for a nutrition program, for college education help, for financial aid, for Medicare, for Medicaid—on the other hand, about spending, effectively, on the one hand, about spending, effectively, in support of a national missile defense system?

And for what?

For what?

If we destroy or get rid of a missile, on the one hand, about spending, effectively, in support of a national missile defense system?

And for what?

As I said, this bill builds trucks and it is preposterous for us, at this point, to be debating, in a defense authorization bill, whether we ought to build a national multiple-site missile system. When we are talking about initial deployment, the fact is, the first site under this agreement will be built in North Dakota, likely, although I think there is also a potential that those who want multiple sites, probably, down the road foresee changing the ABM system so they will not have to build a site in North Dakota. But the fact is, whether it is built in North Dakota or not, I do not think we ought to have it, I do not think the country needs it. I do not think the country can afford it. I think it is preposterous for us, at this point, to be debating a national multiple-site missile system. Whether we ought to build a $48 billion star wars program. The time has passed. This was a 1983 proposal by President Reagan at the height of the cold war when the Soviet Union represented our arch enemy. The height of the cold war was the agreements by which the Defense Department did not need. And I certainly will not be a part of those who now decide they want to renegotiate the ABM agreement upon which those reductions were negotiated and changed and destroyed—effectively, because we say we are not satisfied. We now want to build a national missile defense system. Against whom are we going to deploy a national missile defense system? And for what?

As I said, this bill builds trucks and it is preposterous for us, at this point, to be debating, in a defense authorization bill, whether we ought to build a national multiple-site missile system. Whether we ought to build a $48 billion star wars program. The time has passed. This was a 1983 proposal by President Reagan at the height of the cold war when the Soviet Union represented our arch enemy. The height of the cold war was the agreements by which the Defense Department did not need. And I certainly will not be a part of those who now decide they want to renegotiate the ABM agreement upon which those reductions were negotiated and changed and destroyed—effectively, because we say we are not satisfied. We now want to build a national missile defense system. Against whom are we going to deploy a national missile defense system? And for what?
spenders are in the Congress, that we can discuss who really wants to spend billions that were not asked for, who wants to spend billions writing in special projects, who wants to start a star wars program.

I also hope maybe we can ask them, “Who are you going to get the money? Who are you going to ask to pay for these, or is this going to be charged to the taxpayers’ credit card like so much of the spending is?”

Mr. President, if no one else is seeking the floor, ask to be allowed to speak for 5 minutes in morning business on a subject unrelated to the bill.

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

THE TRADE DEFICIT

Mr. DORGAN. In 5 minutes, Mr. President—because I suspect at the end of the time some others will want to move on some additional defense issues—I wanted to comment on something that happened during the Senate’s recess. About two weeks ago we received notice about America’s trade deficit for the first 6 months of this year. A report was met with a giant yawn because nobody cares much about the trade deficit. Nobody writes about it. The major press does not treat it seriously in this country.

The trade deficit is largely a function of the trade policy that allows big American corporations to profit for their stockholders by accessing cheap labor in Sri Lanka, Bangladesh, Malaysia, or Indonesia, and selling the products of that cheap labor in Pittsburgh and Fargo and Devils Lake and Denver. All of that might make sense for stockholders and profits, but it means a wholesale exodus of jobs out of this country.

The trade figures showed that in the first 6 months of this year, we have the largest trade deficit in America’s history, and that by the end of this year we will have a merchandise trade deficit approaching $200 billion. Let me say that again. By the end of this year, our merchandise trade deficit will approach $200 billion. By contrast, the Federal budget deficit will be $160 billion in this year.

Let me give you some examples of where we are. Japan: At a time when we have to put more money into Medicare, you would expect our trade situation with Japan would be improving. It is not. Japan has a $65 billion annual trade surplus with the United States; China, over $30 billion.

We just entered into NAFTA with Mexico and Canada in January of 1994. Prior to that, we had a surplus with Mexico, a $2 billion trade surplus. Guess what? It is going to be an $18 billion deficit this year.

I would like to just ask one of those folks, one of those apostles for change, that came here and preached the virtues of the free trade agreement with Mexico, to come and stand in this Chamber and tell me how this makes sense for America, how it makes sense for American workers, how it makes sense for the people who want good jobs and good income in this country.

We went from a $8 billion trade surplus with Mexico before NAFTA to an $18 billion trade deficit projected for 1995. Mexico, China, Japan—our trade strategy is a disaster, one that requires, in my judgment, emergency action in this country to stop the hemorrhaging.

You can make the point—I do not, but you could make the point—on fiscal deficits in this country, that the deficit is money we owe to ourselves, and even though it probably is even proportionately owed you can make the point that it is not a significant deficit. However, the trade deficit must be and will be repaid eventually in this country with a lower standard of living in America.

We have to take emergency action to stop this hemorrhaging. The hemorrhaging is the loss of good jobs moving outside of our country with the enormous trade imbalances.

Some people say, “Well, but the trade deficits relate to the fiscal deficits. If we did not have a fiscal deficit, we would not have trade deficits.” The fiscal deficit came down $280 billion to $160 billion. The trade policy deficit is going up sharply at exactly the same time.

I would like the company economists to answer that. The fact is, this is a disconnected reality. International corporations, that is, them Americans, have devised a strategy by which they say, “We have a plan. Our plan is to maximize profits.” We want to maximize profits by producing overseas and selling here. The dilemma with that is it means you are losing good manufacturing jobs, which is the genesis of good jobs and good income and good security in our country, all for the sake of profits. Profits are fine for stockholders. But the fact is, jobs are important for the American wage earner.

We must somehow in some way decide that there is something called fair trade. Should we continue to allow producers to decide to produce in countries where they can hire 12-year-old kids to work 12 hours a day and pay them 12 cents an hour and then ship the product to be sold in North Dakota or New York? Should we allow producers to produce in countries where there is no worker safety standard, no child labor standards, no minimum living wage standard, and then ship the product to be sold in North Dakota or North Dakota? I do not think so. I think it hurts our country, and I am not a protectionist. I am not someone who believes we ought to build walls around our country. But I believe this country can stand up and insist on fair trade and stop the hemorrhaging of trade deficits that injure and weaken America’s economic system.

I very much would like one day in some way to see the press and the corporate world and others in our country, especially Congress, take seriously what I think is an emergency in this country; and that is a failed trade strategy that is a bipartisan failure. It has been a failure for 20 years.

Our trade policies have not essentially changed since the end of the Second World War. During the first 25 years after World War II it was almost totally a foreign policy, foreign aid strategy. In those first 25 years it did not matter because we were so big and so strong that we just won the world economic race by waking up in the morning.

However, in the last 25 years that same trade policy has been a disaster. Sixty percent of the American families now have less income than they did 20 years ago, and less jobs and less opportunities.

That is why this is an important issue that this country must begin to address and begin to address on a bipartisan basis and do it soon.

Mr. President, thank you for the time.

Mr. President, I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 2157

Mr. GLENN. Mr. President, I rise today in opposition to the amendment offered this morning by the Senator from New Mexico, Senator Bingaman.

The PRESIDING OFFICER. If the Senator will suspend for a moment, technically the Senator will have to have someone yield him time at this point.

Who yields time?

Mr. THURMOND. Mr. President, I yield such time as the Senator may need.

Mr. GLENN. I am opposing the amendment. I guess I am ranking on the bill, so I will yield myself time.

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

Mr. GLENN, Mr. President, I rise in opposition to the amendment offered by the Senator from New Mexico, Senator Bingaman, to reduce by $100 million the $1.2 billion cap on the costs of renovating the Pentagon.

Mr. President, I do not plan to seek a rollcall vote on the amendment, but I do ask that when the vote on this amendment occurs, I be recorded as being opposed to this amendment.

My principal objection to the amendment is its timing.

Mr. President, I support every attempt to make prudent cuts to the cost of this enormous 15-year renovation project, but I believe that lowering the
The Pentagon is over 50 years old. It was built in 1943, and fundamental structural work is necessary. In fact, that portion of the Pentagon closest to the Potomac River has sunk close to 11 inches because the original pilings on which it was constructed were inadequate.

In addition to being old, the Pentagon has received minimal maintenance over the years and its heating, ventilation, electrical, and plumbing systems are breaking down. I am told that the Pentagon averages 30 power outages a day due to the poor condition of these electrical systems.

Moreover, the Pentagon simply was not constructed with the kind of electrical system needed to accommodate the sophisticated electronic and communication systems required today.

Rather, when the Pentagon was built in 1943, at a cost of $83 million, the Pentagon’s office of automation systems today consisted of plain old manual typewriters and telephones. Today, however, the Pentagon relies on 11 major computer centers that form the network of communications, command centers, and administrative support systems on which the Pentagon must rely for day-to-day operations.

As I am sure the Senator from New Mexico would agree, I do not believe there is much doubt that we need to renovate the Pentagon. The question at hand turns on just how much the renovation will cost and what is the best approach to keep those costs down.

We are in the 5th year of renovation. Secretary Perry certified to the Defense Appropriations Committee last year that the remaining 10 years of renovation will not exceed a theoretically imposed cap of $1.2 billion. That is the effective cap right now.

Moreover, the senior leadership at the Pentagon recognizes that this huge and complex 15-year project needs to be examined to validate the basic requirements of a post-cold-war Pentagon which now houses a much smaller work force.

Secretary Perry established a Pentagon renovation steering committee in May of 1991 to do exactly that. The steering committee is chaired by the Under Secretary of Defense for Acquisition and Technology. Its other members include the comptroller, the Assistant Secretaries of Defense for Management Policy, Economic Security, and C “cubed” I, the Under Secretaries of the military services and representatives from the Joint Staff. An essential part of the steering committee’s charter is to consider cost reduction options for the renovation project.

Let there be no mistake about it. I support every effort to keep the costs of Pentagon renovation as low as possible. I understand that the amendment of the Senator from New Mexico is designed in part to force a serious and thorough examination of the costs involved in renovation.

I simply do not buy the approach and believe it is premature to impose what is, with all due respect, an arbitrary cut of $100 million before we have the benefit of the steering committee’s recommendations. I discussed this issue with the Deputy Secretary of Defense this morning. He indicated that DOD is opposed to the Bingaman amendment because the steering committee’s work is still underway and there is no basis to support a $100 million cut at this time.

So to the extent that the steering committee’s recommendations do not result in at least $100 million in savings, the effect of the amendment of my colleague will be that necessary renovations will go uncompleted.

Without saying this is not dramatic, it is important to remember that the Pentagon is not your average office building. It is our central military command center. Forcing an arbitrary cut of close to 10 percent of current cost estimates could have an unintended disruptive impact on the Pentagon’s ability to carry out critical military functions.

We need to ask ourselves some questions: Was the original estimate wrong? Do we not know that it was? Was the original cap of $1.2 billion too high? No, we do not know that it was too high. If so, in what areas was it too high? What programs were overfunded? How much should be cut out? These are the things the steering committee should determine.

In other words, if this amendment is adopted, what is proposed to be cut in order to achieve $100 million savings? We have no basis right now on which to say that the $100 million cut is fact. I doubt that the Senate from Ohio is not in favor of the amendment, if the Chair will put that question again.

So the amendment (No. 2157) was agreed to.

Mr. THURMOND. Mr. President, I understand the Senator from Ohio wished to be recorded on the amendment, and I believe the Senator from Ohio is not in favor of the amendment, if the Chair will put that question again.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Chair put the question again.

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

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

The motion to lay on the table was agreed to.

NATIONAL DEFENSE FEATURES PROGRAM

Mr. COHEN. Mr. President, I rise to describe for my colleagues an important element of the bill that will help preserve our shipbuilding sector and the jobs of skilled mariners. At my urging, the committee authorized $50 million for the national defense features [NDF] program. I am gratified to report that the Appropriations Committee has since agreed to appropriate $50 million to jump-start this worthy program. Given its importance to our national security, I thought it would be helpful to expand on the committee’s report.

At my urging, the Secretary of Defense earlier this year provided to Congress a study of the costs and benefits of an active Ready Reserve Force [RRF] program employing privately owned commercial ships equipped with national defense features as an alternative to government-owned strategic sealift. Although submitted 14 months later, the report by the committee because it confirmed that the program offered important benefits to the Nation.
Unfortunately, the Pentagon’s fiscal year 1996 budget request contained $70 million to purchase existing, foreign-built RO/RO ships for the RRF, but nothing to fund the NDF program. The committee believed the $70 million request was inadequate, as these foreign-built and-owned RO/RO ships is not in the national security interest, is not cost-effective, and would weaken our national defense shipbuilding industrial base. The Committee recommended authorizing $50 million to procure and install national defense features on vessels built in, and documented under the laws of, the United States. This program will provide substantially superior ships, help preserve rapidly dwindling seafaring manpower and skills, save or create a significant number of jobs in the shipbuilding and supplier industrial base, and assist U.S. shipyards in reentering the commercial shipbuilding market.

The DOD report demonstrates that an active RRF program, comprised of newly constructed or commercially built vessels, will have national defense features, would have important benefits. The report finds that procuring these vessels would be a cost-effective means of recapitalizing the aging, lower-speed fleet at the end of the decade. The DOD report noted, however, that securing entry into the commercial market will be a critical element for the success of the program. As many as 14 of the principal carrying trade is with Japan. Remarkably, only 3 of the 50 vessels operating in it today fly the American flag. In my view, the entry of new U.S.-built commercial carriers equipped with national defense features in this trade would be in the national interest. Under one proposal now on the drawing board, for example, a fleet of ten refrigerated car carriers would be constructed in the United States and produce and other refrigerated products to Japan at commercially competitive rates. Equipped with hoistable strengthened decks, these vessels would be well-adapted for carrying both heavy equipment and ammunition. Designed to move at speeds and with loading and unloading capabilities that far exceed those of used, foreign-built vessels, a fleet of this kind would appear to be large enough to ensure vessels would be available for loading at designated ports of embarkation within the time demands contemplated in an emergency.

I am particularly interested in this type of proposal because it would lead to the construction of new ships in U.S. shipyards. As my colleagues no doubt appreciate, we must do something to help our shipyards supplement their military work with commercial orders. The President of the American Shipbuilding Association, for example, recently pointed out in a letter to members that the transit of military sealift ships is critical to the Nation’s defense, to sustaining the Navy’s shipbuilding base, and to our industry’s efforts to supplement declining orders with commercial work.” By encouraging the entry of new U.S.-built vessels equipped with national defense features in this trade, Congress and the Administration can advance the national interest.

I, therefore, would again urge the Department of Defense and our trade negotiators to emphasize to the Government of Japan the importance of augmenting orders with commercial work in this trade as a means of advancing the mutual defense and security interests of our two nations. And I would urge my colleagues not only to support this provision of the bill, but also to support the provision of the fiscal year 1996 appropriations measure that would allocate $50 million to get this program underway.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 1026, the pending bill.

Mr. LEVIN. Is it open to amendment at this point?

The PRESIDING OFFICER. The Senator can call up an amendment.

Mr. LEVIN. I thank the Chair.

AMENDMENT NO. 2451

(Purpose: To encourage swift ratification of the START II Treaty and Chemical Weapons Convention)

Mr. LEVIN. I now send to the desk an amendment which is listed and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 2451.

The amendment is as follows:

At the appropriate place in the bill, add the following section:

SEC. 2. SENSE OF THE SENATE ON CHEMICAL WEAPONS CONVENTION AND START II TREATY RATIFICATION.

(a) FINDINGS. The Senate makes the following findings:

(1) Proliferation of chemical or nuclear weapons materials to United States national security, and the threat or use of such materials by terrorists would directly threaten U.S. citizens at home and abroad.

(2) The Chemical Weapons Convention negotiated and signed by President Bush would make it more difficult for would-be proliferators, including terrorists, to acquire or use chemical weapons.

(3) The START II Treaty negotiated and signed by President Bush would help reduce the danger of potential proliferators, including terrorists, acquiring nuclear warheads and materials that would contribute to U.S.-Russian bilateral efforts to secure and dismantle nuclear warheads.

(4) It is in the national security interest of the United States to take effective steps to make it harder for proliferators or would-be terrorists to obtain chemical or nuclear materials for use.

(5) The President has urged prompt Senate action on, and advice and consent to ratification of, the START II Treaty and the Chemical Weapons Convention.

(b) SENSE OF THE SENATE. It is the sense of the Senate that the Senate should promptly consider giving its advice and consent to ratification of the START II Treaty and the Chemical Weapons Convention.

The PRESIDING OFFICER. The Chair advises the Senator has 15 minutes.

Mr. LEVIN. I thank the Chair, and I yield myself 10 minutes.

Mr. President, the amendment is a simple and straightforward sense-of-the-Senate amendment. The operative language in the sense of the Senate is that it should promptly consider giving its advice and consent to the ratification of the START II treaty and the Chemical Weapons Convention.

Now, these treaties have been before us for some time. There have been lengthy hearings on these treaties, and it is important that they come to the Senate for our consideration.

These treaties are, just very simply, in our national security interest. It will make Americans safer and the less dangerous they are going to help reduce the threat, not just of attack from another country on the United States and our citizens, but of terrorist attack involving weapons of mass destruction.

First, the START II treaty, the second strategic arms reduction treaty negotiated between President George H.W. Bush and Russian President Yeltsin in January 1993. This treaty is a follow on to the START I agreement, which has already been ratified and is being implemented. The START I agreement has led to significant reductions in the number of nuclear warheads that Russia has deployed, warheads that were targeted on the United States but which are now moving to storage and dismantlement as the START I agreement forces retirement of the delivery systems that they were on.

By ratifying START II, we would continue that process and achieve further reductions in the thousands of remaining Russian nuclear warheads. We would further reduce the threat of nuclear war and advance the non-proliferation interest of the United States. By ratifying START II promptly, we could help encourage the Russian federation to also complete ratification.

If START II is ratified, it can be fully implemented, as originally scheduled, by the year 2003, after which the United States will still maintain a robust deterrent of about 3,500 nuclear warheads and the Russians will have about 3,000 nuclear warheads.

START II builds on the progress of START I by restructuring nuclear arsenals away from instability. START II eliminates all land-based missiles with MIRV’s, multiple independently targeted reentry vehicles, as well as the last of the land-based heavy ICBM’s, the Russian SS-18.
As General Shalikashvili testified for the Joint Chiefs of Staff—and here I am quoting the Chairman:

Eliminating these systems makes both of our nuclear forces more stable deterrents . . . This, beyond even the considerable reduction in nuclear forces, is the beneficial hallmark of this treaty—a security gain that is as positive for the Russians as it is for the Americans. The other members of the joint staff and I have no reservations towards this treaty, about the strategic force reductions it entails, or about our ability to properly verify that the Russians are complying with its provisions; we thus encourage you [General Shalikashvili said] to promptly give your advice and consent to the ratification of the START II Treaty.

Now, that is the advice of our highest military adviser. Promptly ratify the START II Treaty. Mr. President, because START II will get more Russian warheads off of missiles and off of submarines and move them into secure storage and eventual dismantlement. It will greatly consolidate, control and improve the security of those warheads and reduce opportunities for unauthorized access or theft. That is clearly in the national security interest of the United States to have thousands more Russian missiles and warheads retired and dismantled.

Getting that significant reduction in the nuclear forces of both countries will also produce real cost savings for our military. The military’s enthusiastic support for the START II treaty in testimony before the Congress was underscored by Secretary of Defense Perry, who noted that:

. . . it’s very important to lock in the gains that have been made since the ending of the Cold War with formal arrangements, of which START II is a primary example.

Now, relative to chemical weapons, Mr. President, the convention on the prohibition of the development, production, and use of chemical weapons and on their destruction known as the Chemical Weapons Convention, or the CWC, was signed in January 1993 by President Bush and President Yeltsin after years of negotiations. And there is also strong bipartisan congressional support for this agreement as well.

The Chemical Weapons Convention would establish a comprehensive ban on chemical weapons, prohibiting their development, production, possession, acquisition, and transfer. It would require participating states to destroy their chemical arsenals and production facilities under international supervision, an important step toward actual disarmament of chemical weapons stockpiles in those states which possess them. States that refuse to join the convention will be automatically penalized, prohibited from gaining access to dual-use chemicals.

The CWC will make it possible to monitor illegal diversions of materials used to make chemical weapons.

While 159 countries have signed the CWC, 65 must ratify the agreement for it to enter into force, but only 27 have done so. Most countries are waiting to see what the United States is going to do. Russia has signed the convention but has not yet ratified it, and there have been some reports of continued Russian testing and production of chemical weapons which is permitted until it is ratified.

If the CWC were in place, it would impose a legally binding obligation on Russia, and other nations that possess chemical weapons, to seize offensive chemical weapons activities and to destroy their chemical weapons stockpiles and production facilities.

Over a year ago, in August 1994, the Chairman of the Joint Chiefs, General Shalikashvili, testified as follows:

From a military perspective, the chemical weapons convention is clearly in our national interest. The nonproliferation aspects of the convention will retard the spread of chemical weapons and, in so doing, reduce the probability that U.S. forces may encounter chemical weapons in a regional conflict. Finally—

General Shalikashvili said:

while forgoing the ability to retaliate in kind, the U.S. is convening which the U.S. is convening the means of their production. And that is why in May of this year General Shalikashvili said that START II would contribute to our counterterrorism efforts and that the CWC would improve the ability of the United States to know the nature of the chemical weapons threat so that we can defend against it.

The CWC has a historic verification protocol, and it was, in fact, crafted with the help of the chemical industry of the United States, which views the protocol as effective and which testified in support of the convention’s ratification.

Mr. President, the Foreign Relations and the Armed Services Committees and the Intelligence committees have both done thorough work on these two treaties since they were submitted a couple of years ago for ratification. Between the committees, there have been no fewer than 18 hearings over the past 2 years, with officials of the State Department, Joint Chiefs, CIA, and other intelligence agencies, Arms Control and Disarmament Agency, chemical manufacturers and outside experts. So the issues—

The PRESIDING OFFICER. The Chair advises the Senator from Michigan his 10 minutes have expired.

Mr. LEVIN. I thank the Chair and yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LEVIN. The issues, Mr. President, have been fully explored by our committees, and it is time now for the full Senate to consider these treaties and to debate a resolution of ratification. We should not be seen as being the ones to drag our feet, especially if we want Russia and other nations to ratify and begin implementing these important security measures.

We talked a great deal about the threats of proliferation and terrorism which are growing as the cold war thaws and we build a productive, cooperative relationship with our former superpower adversary. But now we have an opportunity through these two treaties to do something to stem proliferation of nuclear and chemical materials, not just to talk about it but to do something to make it harder for terrorists to get their hands on these weapons of mass destruction or the means of their production. And that is why in May of this year General Shalikashvili said that START II would contribute to our counterterrorism efforts and that the Chemical Weapons Convention would make it more difficult for nonsignatories or terrorists to obtain or create chemical weapons.

I hope that this sense-of-the-Senate resolution will be adopted by voice vote, or otherwise. It simply urges as a sense of the Senate prompt consideration by the Senate of these two agreements.

I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2451, AS MODIFIED
Mr. LEVIN. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is so ordered.

The amendment (No. 2451), as modified, is as follows:

At the appropriate place in the bill, add the following section:

SEC. 1. SENSE OF THE SENATE ON CHEMICAL WEAPONS CONVENTION AND START II TREATY RATIFICATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) Proliferation of chemical nuclear weapons materials poses a danger to United
States national security, and the threat or use of such materials by terrorists would directly threaten U.S. citizens at home and abroad.

(2) The Chemical Weapons Convention negotiated and signed by President Bush would make it more difficult for would-be proliferators, including terrorists, to acquire or use chemical and biological weapons, if ratified and fully implemented as signed, by all signatories.

(3) The START II Treaty negotiated and signed by President Bush would help reduce the danger of potential proliferators, including terrorists, acquiring nuclear warheads and materials, and would contribute to U.S.-Russian bilateral efforts to secure and dismantle nuclear warheads, if ratified and fully implemented as signed by both parties.

(4) It is in the national security interest of the United States to take effective steps to make it harder for proliferators or would-be terrorists to obtain chemical or nuclear materials for use in weapons.

(5) Mr. President, I urge prompt Senate action on, and advice and consent to ratification of, the STATE II Treaty and the Chemical Weapons Convention.

(6) The Chairman of the Joint Chiefs of Staff has testified to Congress that ratification and full implementation of both treaties by all parties is in the U.S. national interest, and has urged prompt Senate advice and consent to their ratification.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States and all other signatories to the START II and Chemical Weapons Convention should promptly ratify and fully implement, as negotiated, both treaties.

Mr. LEVIN. Yes, we yield our time. The PRESIDING OFFICER. Mr. THURMOND. Yes, we also yield back our time.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 2451), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2420

Mr. ROBB. Mr. President, I have submitted an amendment No. 2440 to the DOD authorization bill which has been accepted as part of the managers’ package. I want to thank the managers, and in particular, my distinguished senior colleague from Virginia, Senator WARNER, for his effort in clearing that on his side of the aisle.

I will take just a moment, if I may, during the time that no other amendments are pending or about to be offered, to describe the amendment.

I believe that this amendment can play an important role in reshaping and improving the efficiency of our military and chemical programs.

We all agree that Congress must continue to maintain the highest degree of military readiness in order to fulfill the constitutional direction to provide for our national security.

But, Mr. President, we need to be much smarter in the way in which we fund the establishment that supports our national defense.

This year’s Defense authorization process has shown us, once again, that the forces and weapons we require are rapidly becoming unaffordable.

We have to seek new and innovative ways to conduct our defense business.

We must give visionary and far-reaching tools to the military and civilian authorities to let them continue to transform and redefine a military for the next century.

The recently completed BRAC Commission, the White Commission and numerous GAO and other studies have consistently shown that our military infrastructure is simply too large.

We have completed three exhausting BRAC rounds and have accomplished much—but our work is not yet complete.

Both the 1995 BRAC Report to the President and the recently completed White Commission on Roles and Missions in the Military concluded that further efforts in privatization can achieve significant savings and should be aggressively pursued.

Mr. President, I strongly agree with these conclusions and am firmly convinced that a key element in reshaping our military establishment must be the active exploration of further privatization opportunities for appropriate defense functions.

In the near future, I intend to introduce legislation which will provide the Department of Defense with the tools it will require to implement the proposals made by the White Commission.

In the meantime, my amendment will give us an opportunity to move forward in exploring privatization opportunities now.

Mr. President, it seems to me that a detailed examination of the operation of our various, non-combat military air fleets offers the quickest and most efficient way to begin the exploration of using private sources to reduce unnecessary infrastructure and associated costs.

We maintain a variety of military aircraft for diverse functions, including: VIP airlift, transport, logistics, aerial refueling, target services, and scientific research.

Several recent studies have reported that, in many cases, these air capabilities exist well above and beyond that required to meet realistic “wartime needs.”

In the Gulf war, for example, the existing size of the operational support aircraft fleet was 10 times the amount actually used.

My Amendment directs the Secretary of Defense to conduct a comprehensive and detailed study to examine “privatizing options” with respect to the specialized, non-combat military air fleets.

I want the DOD to focus on the feasibility of using private sources to replace many of the administrative or support functions now being performed, mostly within the continental United States, by military versions of commercial aircraft models.

The distinguished Senator from Iowa, Senator GRASSLEY, has highlighted the tremendous potential for the foolish and unnecessary use of OSA aircraft for purposes which could and should have been accomplished, at a much lower cost, using commercial means.

I support his efforts to reduce unneeded capability in this area of civilian aircraft.

Mr. President, the OSA fleet represents only part of the many functions now being performed by “military aircraft.”

I believe many of these functions can be done cheaper, through private means, while at the same time increasing overall military efficiency.

Paying for air services on a “per flight hour” basis (only when requirements exist that cannot be met by commercial airlines) gives us an opportunity to capture tremendous savings by cutting the personnel, maintenance, and infrastructure required to support these specialized fleets.

Additionally, I believe that the privatization of these functions, especially with respect to VIP aircraft will dramatically reduce instances of abuse of the system.

Naturally, we must ensure that we do not inadvertently cut a capability which could adversely affect our ability to conduct wartime or other emergent operations.

We must also maintain the ability to retain training opportunities for the
aircrews who will be required to provide support in “combat operations.”

On the other hand, we will never know exactly how much we can cut until we conduct an in-depth study of the “non combat air operations” presently conducted by the military. My amendment will require examination of the realistic wartime requirements that were economic assumptions in conducting a cost benefit analysis, and the impact on force structure and personnel which “privatization” would produce.

Mr. President, as I mentioned earlier, I intend to introduce legislation which would form a Privatization and Cross-Servicing Commission which will look at options for using private sources in several areas of existing military operations.

This legislation will also examine ways to combine functions within the individual services. By aggressively pursuing the recommendations made in recent studies, we can save billions in defense dollars without the massive unemployment that creates economic hardship for loyal Federal employees and service personnel.

My amendment can give us many of the answers we need to craft the tools to further improve efficiency in the military services.

Mr. President, I again thank the managers of this particular bill for accepting this amendment on both sides. I look forward to working with them on this and other amendments as we continue to try to provide ways to meet our defense needs and defense obligations in ways that respect the limited resources of the taxpayers.

With that, Mr. President, I thank the Chair and I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mr. LEVIN. Mr. President, prior to the recess I agreed with the distinguished chairman of the committee on an amendment relative to residual value. This is not listed in the unanimous consent because it was an amendment that was cleared on both sides. I will send the amendment to the desk in a moment.

This requires that the Secretary of Defense, in coordination with the Director of the Office of Management and Budget, submit to the congressional defense committees status reports on the results of residual value negotiations between the United States and Germany.

This is a very important issue. It is an important issue for our budget because we are turning over to Germany properties that have great value. There are values that are attributed to these properties on our books. We should get at least that value when we turn over properties that we have approved to Germany.

What this amendment provides is the reports that it refers to will include the following information:

1. The estimated residual value of U.S. capital value and improvements to facilities in the United States that has been determined.

2. The actual value obtained by the U.S. for each facility or installation turned over to the government of Germany.

3. The reason(s) for any difference between the estimated and actual value obtained.

A number of us on the committee on both sides of the aisle have been very actively engaged in the residual value issue because of the amount of money that has been invested in these properties in Germany, and this amendment will help us track very carefully what we are agreeing to when we turn over those properties to the Government of Germany.

AMENDMENT NO. 2216

(Purpose: To require the Defense Department to report to the congressional defense committees on residual value negotiations between the United States and Germany)

Mr. LEVIN. Mr. President, I believe this amendment has been cleared on the other side and I therefore call up amendment No. 2216.

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

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

The amendment is as follows:

SEC. 2. RESIDUAL VALUE REPORT.

The Secretary of Defense, in coordination with the Director of the Office of Management and Budget (OMB), shall submit to the congressional defense committees status reports on the results of residual value negotiations between the United States and Germany, within 30 days of the receipt of such reports to the OMB. The reports shall include the following information:

1. The estimated residual value of U.S. capital value and improvements to facilities in Germany that has been determined.

2. The actual value obtained by the U.S. for each facility or installation turned over to the government of Germany.

3. The reason(s) for any difference between the estimated and actual value obtained.

Mr. LEVIN. Mr. President, Congress in recent years has attempted to exercise responsible oversight over negotiations between the U.S. military and foreign governments, primarily Germany, on how much compensation our government will receive for the residual value of improvements we made to military bases we are closing and returning to those governments. In some cases, there are very valuable facilities we built on those bases, paid for by U.S. taxpayers, that still have some reuse value to the governments to which they are being returned.

For each facility, the Defense Department has determined the remaining value of those improvements, and negotiations ensue with the host government over how much compensation we will actually receive. The vast majority of these facilities are in Germany, which was the front line of efforts to deter Soviet expansion during the Cold War.

To show the Germans that we were serious about being fairly compensated for the improvements we made at military facilities on their soil, and to give our own negotiators maximum leverage, Congress has passed a series of measures over the last few years. One of these was section 1432 of Public Law 103-160, which prevented the United States from spending funds to move our embassy from Bonn to Berlin, a high priority for the German Government, until we had recovered at least 50 percent of the remaining residual value from these negotiations. According to State and Defense Department officials, that provision has helped to provide some leverage for our negotiators, although talks have not yet been completed on most of the facilities.

But now that the United States has negotiated a favorable land deal for an embassy in Berlin, the administration argues that section 1432 presents a potential liability that would delay construction of that new embassy and force us to incur costs from that delay. So the administration has requested repeal of section 1432 and the committee has concurred with the repeal provision in this bill.

Mr. President, we need to keep the pressure on the governments we are negotiating with, especially Germany, and also on our own negotiators to recover as much value as possible. Congress needs to continue to oversee that process if we are to maximize the amount we recover.

My amendment continues that oversight by requiring reports from the Secretary of Defense and Office of Management and Budget, explaining the reason for any difference between the estimated residual value of U.S. capital improvements to facilities, and the actual value being obtained in negotiations. If a settlement is providing the United States with less than the full value we invested, we need to know why.

We need at least that level of congressional scrutiny. Our negotiators and the German negotiators should know going into a negotiation that a settlement will be seen and reviewed by Congress.

Mr. President, of course the greatest proof for our investment in improvements to installations abroad, especially in Europe, has been the peace they helped keep during years of high
East-West tension. But where those improvements that still have value are being returned to the host government, we are entitled to compensation in the form of direct payments or in-kind payments. This amendment should help improve the chances of success in that faithful nation.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, we have no objections to this amendment. We believe that the American people should have a full accounting of the property that our Armed Forces turn over to Germany and should receive a fair return on 50 years of improvements made to these properties. I congratulate Senator LEVIN on his amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. THURMOND. We yield our time.

Mr. LEVIN. I yield back the remainder of our time.

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

The amendment (No. 2216) was agreed to.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

Mr. COHEN. I would like to bring to the manager's attention a problem with the disposal of surplus property in Presque Isle, ME, from the former Loring Air Force Base. The designated local reuse authority is having difficulty with the Department of Interior in the disposal of the Federal property known as the BonAire Housing Complex. I understand that it is the intention of the chairman to assist the Maine delegation in resolving this matter.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator LUTENBERG of New Jersey be added as an original cosponsor to the residual value amendment which we just agreed to, No. 2216.

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

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator THOMPSON of New Jersey be added as an original cosponsor to the amendment on the table.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mr. EXON. Mr. President, per the arrangement that I have made with the manager of the bill, Senator STROM THURMOND, I would like to ask unanimous consent at this time that the Senator from South Carolina be allowed to continue as if in morning business for as much time as he may need, and that following the conclusion of his remarks we return to the regular order.

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

The Senator from Rhode Island.

Mr. THOMSON. Mr. President, I thank my friend and colleague very much.

ANNOUNCEMENT OF RETIREMENT

Mr. PELL. Mr. President, I wish to state that this morning in Providence I announced my decision not to seek reelection to the Senate next year.

This afternoon I wanted to formally make that decision known to my colleagues, and to share with you all the thoughts I conveyed to my Rhode Island constituents.

This was not an easy decision for me. I regret that it is fashionable today to malign the Congress, to malign the Federal Government, and to malign those of us who serve the public in elective office.

I, however, consider this U.S. Senate a marvelous institution full of talented and committed men and women who, contrary to public belief, are dedicated to serving our constituencies and to improving the quality of our national life. And I continue to believe that government—and the Federal Government in particular—can, should, and does make a positive impact on the lives of most Americans. Federal programs and agencies do not always work perfectly, and many need reform. But they were conceived to help people, and I believe most continue to do so.

When you believe as strongly as I do in the value of good government and see some of its virtues under attack, there is a great temptation to continue to serve and to fight for those values and those programs that we consider vital.

As to my health, I have been assured that there is no medical barrier to my seeking reelection and serving another 6-year term. I feel strong and healthy and continue my 2-mile runs. However, I decided not to be a candidate for reelection.

There is a natural time for all life's adventures to come to an end, and this period of 36 years would seem to me about the right time for my service in the Senate to end.

I know I will miss more than anything else the people of Rhode Island which it has been my pleasure to serve these years. They are fine, caring people who put their trust in me in all these years, tolerated my eccentricities, and gave me great affection. And I only pray that I repaid their trust and served them faithfully.

And I will particularly miss this wonderful Senate and you, the men and women who serve here. Let me say again, almost without exception, each of us believes he or she can make a positive difference to our Nation's well-being.

The Senate seat from my State has been held for six decades by a forward-thinking Democrat, first by Theodore Francis Green, and then by me. And I want to make it clear today that I am intent on doing all I can to ensure that another progressive Democrat is elected to fill this seat.

And I also plan to do what I can to assist in the reelection of President Clinton, whom I consider a sadly underrated and really quite successful President. He has served our country with intelligence and vision and passion, and I firmly believe he deserves another term.

Beyond that, I have no concrete plans. I will stay active, stay engaged in some kind of public service and will continue to cherish my association with Rhode Island and its wonderful people.

I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I ask unanimous consent that morning business be continued for whatever time is necessary for any Senator who wishes to make remarks with regard to the announcement that we have just heard from the distinguished Senator from Rhode Island.

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

RETIREMENT OF SENATOR CLAIBORNE PELL

Mr. EXON. Mr. President, we have just heard the announcement in the typical style of the great Senator from the State of Rhode Island. Certainly, he has left his mark. I will not be here to miss him at the conclusion of his term but others will miss him. The institution of the Senate will miss him because I can say that no one who has been more forthright in demonstrating to his colleagues in the Senate and the folks that he has so ably represented back home in Rhode Island what a U.S. Senator should be, what a U.S. Senator is all about.

CLAIBORNE PELL has been a man of outstanding character, a very hardworking, dedicated soldier for the Senate and for the United States of America and, of course, for Rhode Island.

Certainly, he has distinguished himself in many areas during his term of service. Most distinguished, I suspect, has been the steady hand he has provided as a very senior member of the
Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, we just heard the announcement by the Senator from Rhode Island [Mr. PELL], that he will not seek re-election. Senator PELL is a man of integrity. He is a man of ability. He has all enjoyed serving with him. He served ably as the Foreign Relations Committee chairman some years ago, an important job. We are going to feel a void in the Senate when Senator PELL leaves.

I wish to say to you that your colleagues here in the Senate feel most kindly toward you. They think highly of you. They wish you well. We hope you enjoy good health. Good luck. God bless you and God bless all you have stood for while you were here.

Mr. LIEBERMAN. Mr. President, the announcement that Senator PELL has made to retire will retire from the Senate at the end of this term obviously in one sense fills us with sadness because we will no longer have the benefit of his service and the pleasure of his company. In another sense, I would say it is not just sadness; it is a time to celebrate and express respect for an extraordinary career of service in the Senate. CLAIBORNE PELL has run the race well and has an awful lot to be proud of. He leaves a legacy of great accomplishment.

I think we will not only think first but quite significantly of the Pell grants. I do not know how many recipients of those Pell grants, whose lives have been changed by the opportunity Senator PELL's legislative leadership gave them, good people to receive an education, know exactly who CLAIBORNE PELL is, but they ought to know.

He is a man who came to the Senate with a proud tradition of service in his family which he carried forward. He is a man to has measured himself by his accomplishments and by the principles which his service has reflected. The Pell grants may be the most visible of them because of the extent to which his name is attached to them, but that is only the beginning of his service.

I think also of not only the other work he has done to support public education and broadening opportunity in this country and to his pioneering work—and often the lonely work—he has done on behalf of the rule of law in international relations. He carries around in his pocket the charter of the United Nations. I do not know of another Member of Congress—there it is—who does that.

CLAIBORNE PELL was there when the charter was put together and ratified, and his service in this Chamber has been a service that respected and attempted to give meaning and life to the great hopes and principles for international law expressed in that charter. He has pursued individually and as chairman of the Senate Foreign Relations Committee ratification of treaties that would have sat dormant, treaties that offered the opportunity to realize and create some rule of law and morality in international affairs where they might not otherwise exist.

This is an extraordinary legacy, a legacy of substantial accomplishment. But I wish to say at this time—and it is not all that one wants to say, but I do want to say in the midst of a time in our politics when people have become all too vicious and partisan, when there is too often for political advantage as opposed to public service, CLAIBORNE PELL has established a very high standard of public service and public civility.

Earlier this year, the Speaker of the House, Mr. GINGRICH, talked about the need to renew American civility—a worthy goal.

But it strikes me that we will not ever get to renew American civilization unless we can renew American citizenship. And by private lives I mean in the life of our community and in the basic interaction that we bring to our families, to our neighborhoods, to our communities and that CLAIBORNE PELL has brought to service in this body. This is as a fellow New Englander, neighbor in Connecticut. I am very proud to think that CLAIBORNE represents the best of our long history in his steadfast and deep commitment to the best interests of our country, in his wider vision of service for the price of our world, of humankind, and in the extremely decent, thoughtful way he has gone about arguing for principles and causes without ever being contentious or disagreeable.

He has a wonderful family. His wife and children and grandchildren bring him the greatest pleasures I have seen when I have been with him.

As to this question of his physical condition, I can offer this personal testimony. My wife and I often jog on a small track at Georgetown University right across the street from Georgetown Hospital. And many a morning as we have jogged, we have seen, usually ahead of us, a solitary figure out there, sometimes uniquely wearing a tweed coat while jogging—we do not see this often on the track—none other than our beloved Senator CLAIBORNE PELL. Nor can this announcement be taken lightly by our State, our joint State of Rhode Island. Our small State, as you can expect, makes big demands on its Senate delegation. We all know that the Senate was created under the Constitution in order to protect the smaller States from the will of the larger, more powerful, more prosperous States over the smaller ones. And over the years, different events have created special needs in our State that only the Federal Government has been able to adequately address.

Now, there is no doubt, Mr. President, that the Senate and the State of Rhode Island will miss Senator PELL. Over 35 years—and 36 when he finishes—he has served our Nation and his State with great distinction. He not only lived up to the demands of his office, but, indeed, he left his handwork on some of the most important areas and policy that our Nation has encountered. Let us just briefly take a look at them.

First, I believe Senator PELL will be most remembered for his work in education. He was particularly vigorous in pushing for education for lower- and middle-income families in this Nation of ours. Now, many of the younger people today, even the younger Members of the Senate refer kind of casually to Pell Grants as though they always been there. But they have not. The principle behind that program was not as widely accepted as today when they were started by Senator PELL.

In recognition for the great accomplishments not just as a primary sponsor of the legislation creating these grants, as I recall, it was a Republican, Senator Javits, who proposed they be
named the Pell grants. It was that, I think, that was a reflection of the bipartisanship that existed in the Foreign Relations Committee and in the Labor Committee among Senator Pell and his colleagues. And, indeed, it seems to me that the chairman of the Foreign Relations Committee, one of the things that Senator Pell had always strived for was bipartisanship, to reach a consensus, to have matters reported out unilaterally. That has been one of his great gifts and also has achieved it.

Now, another example has been Senator Pell's long-standing commitment to protection of the oceans and the coastal resources of our country. He has been a leader in the beginnings of the Sea Grant Program, which is part of the National Oceanic and Atmospheric Administration. And he has been the leading Federal sponsor of the University of Rhode Island's School of Oceanography, which is the crown jewel of one of our State's fine institutions of higher education.

Senator Pell has demonstrated his expertise in foreign affairs. He has been chairman of the Committee on Foreign Relations for many years. He has distinguished himself as a man of peace. His active work to achieve agreements with other nations to limit chemical weapons, for example, and nuclear weapons nonproliferation are matters that he has worked on constantly ever since he has been in this Chamber.

In addition, Senator Pell has been the leading advocate, the leading advocate in the Senate, for the betterment of our cultural life, primarily through his sponsorship and initiation of the National Endowment for the Arts. And I think he will long be remembered for that likewise. No question about it.

Beyond those overarching policy concerns, Senator Pell has been a strong advocate for our State. And it is a pleasure that I have had in working with him since the years that I have been here on things like the preservation of our nation's cultural life, primarily through his sponsorship and initiation of the National Endowment for the Arts. And I think he will long be remembered for that likewise. No question about it.

And when one out of every three Rhode Islanders found themselves without access to deposits through failed credit unions—one out of every three Rhode Islanders, 33 percent of our State, had some money tied up in credit unions when they failed—Senator Pell was the one member in creating Federal assistance for that.

Above all, I wish to emphasize those personal qualities that Senator Pell has brought to this Chamber as an example for all of us. At some point we have to address the debate with the sense that we will never finish some of this complicated legislation. But Senator Pell has never lost his pleasant disposition, his calmness, his sense of objectivity, his striving to achieve a consensus that I mentioned before. This is particularly important, his honesty coming through.

And that is important in our State where we have had a series of mismanagement and scandals and outright failures. And, indeed, many people of our State have gotten very, very cynical about their elected officials, but not about Senator Pell, who has stayed true to the work even since he came into public life.

So, Senator Pell will leave the Senate a better place for his having been here. My father used to say, "Try to leave, wherever you have been, your work a little better than when you got there." And certainly Senator Pell has followed that admonition. His work station, this work station, the Senate of the United States, is a better place for his having been here.

He has left an example for all of us to aspire to. So it is with regret and affection that I wish him well in the years to come and that he may enjoy the best of health and the pleasures and good times that come with his family and with good health that I so hope that he will enjoy.

I thank the Chair.

I thank the distinguished Senator from New York for letting me proceed. Mr. MOYNIHAN and I pressed the Chair. The PRESIDING OFFICER. The Senator from New York.

HONORING SENATOR CLAIBORNE PELL

Mr. MOYNIHAN. Mr. President, this Chamber has been graced with many a fine and wondrous person. Rarely has a State sent two such. In the remarks of the junior Senator from Rhode Island concerning his senior colleague, we have an example the Republic would do well to consider.

I would think, sir, of two moments. The first—and I see the senior Senator from Massachusetts on the floor—first would be in 1966, November, the Presidential election of that year. They were in a store front on Salina Street in Syracuse, NY. And my wife Elizabeth had persuaded Robert F. Kennedy that if his brother, then Senator Kennedy, could carry Syracuse, carry Onondaga County and carry New York, and accordingly become President of the United States, not the worst calculation, as a properly Democratic city had not voted Democratic since 1936. At 9:12 that evening, a phone call came from the compound, as I believe it was, and it was Robert F. Kennedy calling for my wife, and the exchange went very quickly. It said: Did we? 'Yes.' Then President Kennedy had come to office, or would do, and within about 5 or 10 minutes, young Robin Pell, who had been working with the Kennedy campaign in upstate New York, came in, was there and put down the phone and said, "Cousin Claiborne has been elected as well."

That is the beginning of a third of a century in this Senate, but a career already well begun because I said, Mr. President, the week rock of two moments. The other took place in San Francisco not hours ago, if you would like. President Clinton was speaking in that city on the occasion of the 50th anniversary of the agreement to the U.N. Charter. It was in a great hall, the music, the opera where the ratification had taken place, and the delegates in what would have been, I dare not ask the Senator, I believe 56 countries. The President looked up into the boxes and said: "And Claiborne Pell was present."

Indeed, he was on assignment from the military, the Coast Guard, his beloved Coast Guard in which he served valiantly in the Second World War. He carried that charter with him today, reminding a Senate and certainly an administration that sometimes seems to have forgot that we made promises in those days in the aftermath, not yet finished, of that extraordinary world confederation.

He served behind the Iron Curtain in the Department of State. No Member of this Chamber has done that. He did in what is now Slovakia in times that were difficult, tenuous and, in the case of his mission, dangerous.

He brought to the Senate floor two of the most important treaties for the control of nuclear weapons in our history. And if we may think that last week we have achieved a measure of control, CLAIBORNE PELL will be remembered as the person who brought them forth as a common understanding of this body, not a contentious, not a ragged, not a narrow, but a firm common understanding that the world involved could accept because of that unanimity.

Other Senators wish to speak. I will only say, and I hope I can claim, I hope the junior Senator will not be amiss, that by rights, he is a New Yorker. His father represented Manhattan, a district in Manhattan in the House of Representatives. His father was chairman of the New York County Democratic Committee, a most honored and, at times, advantage not of which some of us still admire and respect and hope to do.

It is typical, as the junior Senator said, that when the Pell Grants, that great beneficence, came to the moment when it was to be enacted, it was the Senator from New York, my revered former colleague, Senator Jacob K. Javits, who said they ought to be named for the Senator who has made them possible—CLAIBORNE PELL of Rhode Island.

It is much too early to say we will miss him. He is still very much among
us. He will not for a moment leave public service. In this time to speak to the extraordinary achievement of this Senator, I would not be amiss, I hope, and I am sure I will not, to mention Nuala, without whom it could not possibly have happened.

Mr. President, with great respect to my colleague who sits right before me now, I thank him for all those things, and yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

HONORED TO SERVE THE PEOPLE

Mr. KENNEDY, Mr. President, just a few hours ago, in his very typical manner, CLAIBORNE PELL addressed the people of the State that he has served so nobly and so well to announce his decision not to seek further election opportunity to represent the people of Rhode Island. And then just a few moments ago, he talked to this institution and its representatives and to the people of the world about his sense of the meaning of the institution of the U.S. Senate and about how he has been honored to serve the people of Rhode Island for these past years in advancing not just their causes but the causes of our Nation.

It is a powerful example, Mr. President. All of us should take just a few moments to reflect on the career of this extraordinary Senator and his life of public service in a world where very often serving the public is dismissed or disdained or vilified or condemned.

We marvel at this extraordinary man and the totality of his lifetime, his service in wartime in the Coast Guard, his years in the Foreign Service with great distinction, which have been commented on so well by our friend and colleague from New York and others, and his extraordinary service in the U.S. Senate.

As one who has shared his party label, I would be quick to join with those on the other side of the aisle who always found CLAIBORNE PELL was committed to advancing the causes of the people he represented in Rhode Island and all Americans, and did it in a way that brought us together and achieved the greatest support.

Mr. President, today we honor the people of his State as well, the people of Rhode Island, because for these many years they have sent this extraordinary man to the U.S. Senate. His service is a powerful reflection of their values, of the causes which they hold dear, of the high ideals by which they are motivated and what this institution is really about. We honor the people of Rhode Island for the man they have selected to serve them so well in the U.S. Senate.

I join with others who commend Senator PELL for his extraordinary contribution and his innovation in so many different areas of public policy. I think if I asked the Senator right now on this important day if he had in his pocket a small notebook that would indicate the number of days that the children of America spend in school versus the number of days that the children of Japan spend in school versus the number of days that the people of Germany spend in school, he would have it. I take note now, as I am looking at the valued, valued, and dear friend, that I think he has just pulled that notebook out of his pocket.

Does the Senator care to respond so that we can put into the RECORD one more time just what these figures are? I think it is useful information, and there is nobody who displays it with such commitment as the Senator from Rhode Island.

Mr. PELL. Mr. President, in the United States, we have 180 days a year school; in Sweden, there are 200; in the Soviet Union, 210; in Canada, 200; in Thailand, 220; in Japan, 240; in Italy, 213. We are way down the list.

Thank you.

Mr. KENNEDY, Mr. President, I do not have to recite the Senator's commitment in the area of the education of the young people of this country. I think all of us can see here, all of us who have been honored to serve on the Education Subcommittee have championed and led over these many years, that this is not just a public policy issue for him. This is a commitment, a deep commitment, one that continues with him every single hour of every single day.

I will just address the Senate for a moment about the value the Senator has placed on education, and about some of the innovative initiatives he has taken over his extraordinary life.

Mr. President, today in Rhode Island, in my State, and in all of our States represented here, there are millions of young people whose hopes and dreams will be achieved because of the work in education by Senator PELL as chairman of the Education Subcommittee for so many years, because of his dedication and his commitment, and because of his tenacity and his willingness to bring various groups together, from the youngest of children in the early Head Start programs, to pupils in the high schools of this country, to students in the colleges throughout this land. Millions of Americans perhaps do not know the name of CLAIBORNE PELL, but their lives have been forever changed by the service and commitment in the field of education.

So I think I speak for all the parents of Massachusetts when I say: Thank you, Senator PELL, for the work that you have done in education.

I also had the good fortune to serve on the Labor and Human Resources Committee when Senator PELL—again, in a bipartisan way with Senator Javits—began the initiative that has continued on and enhanced and enriched the lives of so many of our citizens through the National Endowments for the Arts and the Humanities. He understood that the greatest days of any civilization are recognized over history by respect and support for the arts and humanities, more than through the use of force and weaponry.

He has made that case so well and so eloquently and provided such leadership in those areas. I can remember being here as a young Member of the Senate when the Senate took up the Seabed Treaty, to try to prevent nuclear weapon from being planted in the ocean bottoms. Even the Soviet Union and United States had not done so, we were moving technologically to the point where each nation could have done so. The Senator was ahead of his time. Even in the height of the cold war, he was able to achieve accomplishments and agreements in anticipation of new types of technology. What a difference that has made.

Mr. President, reference has been made to his family, to his family here as a young Member of the Senate when the Senate took up the Seabed Treaty, to try to prevent nuclear weapon from being planted in the ocean bottoms. Even the Soviet Union and United States had not done so, we were moving technologically to the point where each nation could have done so. The Senator was ahead of his time. Even in the height of the cold war, he was able to achieve accomplishments and agreements in anticipation of new types of technology. What a difference that has made.

Mr. President, reference has been made to the Senator from Rhode Island and such a strong team for Rhode Island and such wonderful, loving, caring friends to President Kennedy, to his brother Bob, and to the members of the family. I commend their four children—Herbert, Christopher, Dallas, and Julia—and their five grandchildren, who have brought so much joy to their family, and who will always be proud of Senator PELL's extraordinary service to the country. He has been the kind of Senator that all of us hope to be able to be compared to.

So, CLAIBORNE, we admire your service. We know that you will continue to be involved in public life in the years ahead, and we are grateful for all that you have done—not just for your State but for the Nation, which I know you have loved and continue to love, and that you have served so well, and I want to join in saying that I know that Clai borne and Nuala are such a strong team for Rhode Island and such a wonderful, loving, caring friends to President Kennedy, to his brother Bob, and to the members of the family. I commend their four children—Herbert, Christopher, Dallas, and Julia—and their five grandchildren, who have brought so much joy to their family, and who will always be proud of Senator PELL's extraordinary service to the country.

Mr. SIMON. Mr. President, I want to join the others who are paying tribute to our colleague, who has announced today that he will not seek reelection. I think Senator PELL today is a better place because of Senator PELL. I do not know that the Senate is a better place than the day CLAIBORNE PELL arrived, but it is true that he has improved the quality of life around here by his conduct. And what is unquestionably true is that the Nation is a better place because of CLAIBORNE PELL's service.

We use the term ‘public servant’ rather freely around here, more freely sometimes we should. We apply it to anyone who holds public office. A man who died just a few weeks ago, who succeeded Averell Harriman as head of the Marshall plan in Western Europe, Milton Katz, told me one time that there are two kinds of politicians: Those who seek office because they want to be whatever it is—Senator, Governor, President, whatever the office—and those who seek office because of what the office can do. There is a literal difference. But CLAIBORNE PELL is there because he wants to serve the public. It is evident in everything he does.
Mr. HARKIN. Mr. President, I just want to lay it down before 5 o'clock. I will do it after 5 o'clock, if that is the case. I had a position under the unanimous-consent agreement to offer an amendment to the Dodd bill. I was going to offer the amendment. I will do it after the hour of 5 o'clock, if that is the case.

Mr. SIMON. Mr. President, I do not know anything about the amendment. I was just trying to accommodate a colleague. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I want to join those who are here today to express the feelings for the senior Senator from Rhode Island. Many eloquent speakers have preceded me. I do not intend to try to compete with them or make remarks of that nature.

I have served some 24 years and perhaps the only one that served with the Senator across the table from the other side during this period of time. There is no person that I have come more to admire, respect, or feel affection for. There are some, sometimes too few, for whom we feel true friendship and compassion as an individual, someone we know is in love with life and in love with his job and in love with the people that are around him. Senator Pell has all those characteristics. I know he has moved all Members in some way or another in that respect.

In the House, he served with the senior Senator from Vermont, Senator Stafford. He and Senator Pell were a remarkable combination. I had the ability for a time to be able to serve, too brief a time, in this Senate with him. During that period of time, I again took the admiration and respect and affection that Senator Stafford held for him and carried it on in my own feelings.

What he and I and others have done in the many areas that are critical to myself as well as to him, whether it be in education or the Endowment for the Arts, but most poignantly I will remember our recent trip to Africa where he and his wife Nuala and I and my wife went to nations far away from here. The love and affection that the people of those countries have for them demonstrates that his knowledge and his work is not only appreciated here in this country but throughout the world.

It is with some sadness I am here to speak in this kind of praise in a way, but I will miss him and will miss his service. I wish him all possible good health in the days ahead and look forward to working with him as our mentor from afar.

I yield the floor.

Mr. DODD. Mr. President, I realize that this is not the last time we are going to be here after 5 o'clock. I want to say that I have come to speak about my friend from Rhode Island. I ask unanimous consent that we postpone that vote until 5:30. We have a period for the conducting of routine morning business so all might make our expressions while the friend is available—and I have cleared this with the leadership on our side. I assume there is no objection.

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

Mr. STEVENS. Mr. President, as the manager of the bill, the vote is scheduled for 5 o'clock. I want to say that I have come to speak about my friend from Rhode Island. I ask unanimous consent that we postpone that vote until 5:30. We have a period for the conducting of routine morning business so all might make our expressions while the friend is available—and I have cleared this with the leadership on our side. I assume there is no objection.

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

Mr. STEVENS. If the Senator from Connecticut wishes to continue.

Mr. DODD. Mr. President, I thank my colleague from Alaska. I wish I had
Claiborne Pell of Rhode Island has never once—never once—attacked a political opponent that he has run against in an ad or a speech.

I suspect that may be a record in this place, at least by today's standards where many of us spend half of our budgets going after our opponents. It is a worthwhile note that he never lost an election, never lost an election, not even in the last campaign of the Senator from Rhode Island, Bernard Buonanno, from Providence, RI. So our family relationships go back not just to service in this Chamber but also through a political relationship as well.

Mr. President, any one of four or five accomplishments of the Senator from Rhode Island could be tantamount to a career for any single Member. As has been noted already, the Senator from Rhode Island, of course, is responsible for the Pell grant program. If you did nothing else in your service but establish the Pell grant program, you could call your career a success. Thousands, hundreds of thousands of young people in this country who never would have ever been able to have had a higher education have done so because of the Pell grant program.

Had you merely been responsible for the Pell grant program, but established the Pell grant program, you could call your career a success. However, there are two generations of my family, I suppose one might say. But not only that, and I point out my brother-in-law was the finance chairman in the last campaign of the Senator from Rhode Island, Bernard Buonanno, from Providence, RI. So our family relationships go back not just to service in this Chamber but also through a political relationship as well.

Mr. President, I yield the floor.

Mr. Harkin, Mr. President, I join with those paying tribute to our esteemed colleague and friend, Mr. Pell. I do not think there is a stronger argument against term limits than the personage of Claiborne Pell. I know it is fashionable to talk about term limits these days, limits to the amount of time people can spend here. I have always been opposed to that, and I think, looking at the contributions that Claiborne Pell has made to the better nature of people in debate and discussion, it is a role of U.S. Senator that ought to be a model for all who serve in this body, to bring to this Chamber a degree of elegance and sophistication, a degree of great concern for his fellow man.

My relationship with Claiborne Pell goes back two generations. He served with my father, as the distinguished Senator from South Carolina and a few others who remain in this body have done. That is more than some people should have to tolerate, is two generations of my family, I suppose one might say. But not only that, I also point out my brother-in-law was the finance chairman in the last campaign of the Senator from Rhode Island, Bernard Buonanno, from Providence, RI. So our family relationships go back not just to service in this Chamber but also through a political relationship as well.

I am quite confident, Mr. President, Claiborne Pell will serve this country in many different ways in the years to come. I know I could ask him at this very moment whether he is carrying the U.N. Charter with him, and I suspect he can reach in his pocket and produce that U.N. Charter. I am watching and, as I see him, he is reaching in his pocket and there it is. I know I can ask him to do that any day of the week, any day of the year. Claiborne Pell carries the U.N. Charter with him every single day because of his deep affection and understanding of the value of an international body to try to bring people together to resolve their difficulties.

So I am confident we will hear more from Claiborne Pell in the years to come. Sadly, it will not be in this Chamber once this term has ended. But join me with others in commending him for more than three decades of remarkable service and to thank the people of Rhode Island, our neighboring State, fellow New England State, for having the good sense and wisdom to send him back to the Senate over and over again over the years, and to wish him and his lovely wife Luisa well in the coming years. I look forward to a longstanding relationship with him.

I congratulate him. He is truly a Senator man.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Iowa.

CLAIBORNE PELL

Mr. HARKIN. Mr. President, I join with those paying tribute to our esteemed colleague and friend, Mr. Pell. I do not think there is a stronger argument against term limits than the personage of Claiborne Pell. I know it is fashionable to talk about term limits these days, limits to the amount of time people can spend here. I have always been opposed to that, and I think, looking at the contributions that Claiborne Pell has made to the better nature of people in debate and discussion, it is a role of U.S. Senator that ought to be a model for all who serve in this body, to bring to this Chamber a degree of elegance and sophistication, a degree of great concern for his fellow man.

My relationship with Claiborne Pell goes back two generations. He served with my father, as the distinguished Senator from South Carolina and a few others who remain in this body have done. That is more than some people should have to tolerate, is two generations of my family, I suppose one might say. But not only that, I also point out my brother-in-law was the finance chairman in the last campaign of the Senator from Rhode Island, Bernard Buonanno, from Providence, RI. So our family relationships go back not just to service in this Chamber but also through a political relationship as well.

I am quite confident, Mr. President, Claiborne Pell will serve this country in many different ways in the years to come. I know I could ask him at this very moment whether he is carrying the U.N. Charter with him, and I suspect he can reach in his pocket and produce that U.N. Charter. I am watching and, as I see him, he is reaching in his pocket and there it is. I know I can ask him to do that any day of the week, any day of the year. Claiborne Pell carries the U.N. Charter with him every single day because of his deep affection and understanding of the value of an international body to try to bring people together to resolve their difficulties.

So I am confident we will hear more from Claiborne Pell in the years to come. Sadly, it will not be in this Chamber once this term has ended. But join me with others in commending him for more than three decades of remarkable service and to thank the people of Rhode Island, our neighboring State, fellow New England State, for having the good sense and wisdom to send him back to the Senate over and over again over the years, and to wish him and his lovely wife Luisa well in the coming years. I look forward to a longstanding relationship with him.

I congratulate him. He is truly a Senator man.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

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I want to assure Senator PELL that those of us who have been involved with him in this endeavor will do all we can to continue that legacy that he started so many years ago in the field of healing in this country.

I just want to say that really has been his whole life's work here, and that has been one of healing, of bringing people together, of understanding. Whether it has been the League of Nations or the United Nations, which he was an alternate delegate to, or education, humanities, arts, it has been a healing process, bringing people together, understanding, advancing the concept of American civilization.

Mr. President, when you talk about a civilized America, you can sum it up by just saying two words, “CLAIBORNE PELL.”

I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, thank you. I thank Senator PELL, for affording us a few moments to be able to speak about our colleague.

Mr. President, what a pleasure and what a privilege it has been to serve with Senator PELL for 2½ years. About 2 months ago, after one of our late-night sessions, I had a chance to give him a lift home. And in the course of that we had a chat about the incipient decision that he was facing. And I was struck as he sort of closed the options and the choices available to him how totally compelled he was by the notion that there was work left undone and this incredible sense of responsibility that he felt to the country, to Rhode Island. That is what weighed on him in the decision.

One of the other considerations that many people tally up on a yellow legal pad and weigh. But it is characteristic of CLAIBORNE PELL, that it was, above all, his sense of duty, the sense of personal responsibility that compelled him to enter public life in the first place and that has guided these remarkable 36 years that he has served as a U.S. Senator.

I daresay to my colleagues that if there were 59 other CLAIBORNE PELLS in the Senate, and perhaps 58 of them as a wishful thought, we would not have half the conflict, a quarter of the conflict, maybe any conflict. We would certainly not be looking toward confrontation in the days ahead, perhaps even the train wreck everybody talks about. I hope that will rub off on the Senate in the days ahead.

Others have spoken about his many accomplishments, and there are many a lot of the people do not know that much about because, again, uncharacteristically compared to the norms of modern American politics, he is self-effacing beyond anybody else's capacity in the Senate. He is somebody who believes simply in doing what is right and doing it in the sense of responsibility and decency that guides him.

Senator HARKIN wondered out loud about those who have been educated by Senator PELL. Millions of Americans have been educated on Pell grants. One-fifth of the population of this country has gone to school because of this U.S. Senator. Sixty-three billion dollars has been invested in the future of the country in educating people and helping to churn the engine of our economy and expand the remarkable technological and research and development capacity of this great Nation.

Most people, if they thought of the engine of America, probably will not immediately associate it with the Pell grant with his efforts. But this is, in and of itself, an extraordinary accomplishment.

In addition to that, he has been the principal Senate sponsor of the National Endowment for the Arts and Humanities, recognizing the extraordinary linkage between a nation and a civilization in its support for the arts and its literacy. He was the author of the National Sea Grant College Program, and a founding member who served for years as the Senate cochairman of the Helsinki Commission. He has been one of the strongest proponents of arms control in the U.S. Senate, and as a member of the Senate observer group and as chairman of the Foreign Relations Committee, has played a principal role in helping to move this country to a reasonable arms control policy.

He can take credit, though he personally never does, for bringing to the Senate for approval the INF Treaty, the CFE Treaty, the Threshold Test Ban Treaty, and he took the lead in Senate action in favor of the Sea Ban, the Arms Control Treaty, and Environmental Modification Convention. He also authored legislation in 1994 that revitalized and strengthened that, and he has been the principal author of legislation imposing sanctions against the development and use of chemical and biological weapons.

In 1994, he authored legislation to place tough sanctions on countries and individuals involved in nuclear weapons proliferation.

Mr. President, I have been privileged in the 11 years that I have served here to serve with Senator PELL both as ranking member and as chairman of the Senate Foreign Relations Committee.

Interestingly enough, my relationship with Senator PELL did not begin with my entry as a freshman on the Foreign Relations Committee. Twenty-four years ago when I first came back from Vietnam, Senator Fulbright invited me to testify before the committee, and it was Senator PELL who was among those on the committee and in the Senate most prepared to listen and to take the position of courage with respect to the difficult choices America faced at that period of time.

I will personally never forget his warm welcome to me as a young returning naval officer and his then brave and perhaps ill-advised suggestion that I might someday consider
Senator PELL always permitted every power of reason or of dialog work its who are very quick to resort to par-

integrity and with a sense of leed with grace. He led with remarkable

qualities. He led with remarkable leadership on that com-

mittee. Senator PELL led quietly. He had served together.

Let me just close by saying a word about his leadership on that com-

mittee. Senator PELL led quietly. He showed patience where pa-

tience had been tested, and he was al-

ways, always civil, even in the most trying moments.

There is no one on the Foreign Rela-
tions Committee on either side of the aile who will ever question the full measure of this man’s decency of its commit-
tment to the public dialog. He has shown an extraordinary public in-
tegrity, an extraordinary commitment to the best ideals of public service, an extraordinary commitment and sense of duty and public responsibility. I think that all of us, Rhode Island par-

ticularly, will understand that with his departure from the Senate, the Senate and the country lose a voice for peace, a voice for reason, a voice for the environment, a voice for human rights, a voice for civil rights, a voice for women, and above all a voice for education and for the future.

We will miss his service and the qual-

ity of his character enormously. I yield the floor.

(At the request of Mr. Dole, the fol-

dowing statement was ordered to be printed in the RECORD.)

MENT OF SENATOR CLAIBORNE PELL

Mr. MURKOWSKI. I rise today to join my colleagues in paying tribute to our friend from Rhode Island, Senator CLAIBORNE PELL, who today announced his plans to retire from the Senate. I would like to commend Senator PELL for his years of service in the Senate and to wish him much happiness in re-

tirement.

I had the pleasure of serving on the Foreign Relations Committee during Senator Pell’s knighthood. I know that it comes as no surprise to my col-

leagues that he was a fair and cordial chairman who treated Republicans and Democrats alike with great respect. He was a reliable ally on issues on which we agreed, and a reliable ad-

versary on those issues on which we disagreed. But whether we agreed or disagreed, he never deviated from his standards of decency and character. I have the utmost respect for how he conducted himself throughout his dis-
tinguished career.

My colleagues have spoken of the many accomplishments of the Senator over his 36-year career. I will only highlight the fact that he was a foreign policy pillar throughout his career—

from being a witness to the signing of the original United Nations Charter to guid-
ing through ratification of landmark on the Senate’s in-

stitutional knowledge and expertise in these matters will be greatly depleted

when Senator PELL departs. He will be missed.

HENT WISHES TO SENATOR PELL

Ms. MIKULSK: Mr. President, I rise to offer my best wishes to our col-

league, Senator CLAIBORNE PELL. I know that many of my colleagues have already spoken eloquently about Sen-

ator PELL and his accomplishments. But, I wanted to express my grati-
date for what Senator PELL has meant to me, to foreign policy and to the cre-

ation of an opportunity structure for the students of this country.

For me, Senator PELL serves as a model for commitment and conviction. He’s been committed to the people of Rhode Island for 36 years. That kind of commitment is hard to find. The con-

tributions he’s made over that time are enormous and should empower all Americans to work hard for what they believe in.

Mr. President, Senator PELL has been actively involved in foreign affairs. As the senior Democrat on the Senate’s Foreign Relations Committee since 1981, he helped create the international institutions that helped us to win the cold war.

And he’s been a leader in the effort to adapt these institutions to meet the challenges of the post-cold-war effort. He was instrumental in crafting arms control treaties and has been one of the Senate’s strongest and most consistent voices for human rights throughout the world.

But, I probably know him best for his work as a member of the Labor Com-

mittee. He’s been a pioneer for edu-
cation and has made an enormous con-

tribution to create an opportunity ladder for all Americans through Pell

grants.

Fifty-four million people have been educated through Pell grants. That’s a lot of people. That’s a lot of young minds and a lot of Maryland students who can now have access to the American dream.

Students and their parents are al-

ways worried about how they will pay for education. Senator PELL made it possible. He’s been there to make sure our education needs were being met and that this Nation’s students knew they had a friend in the U.S. Senate.

He’s been a voice for students who had been left out and left be-

hind. And he’s been a voice for those who had no voice.

This kind of contribution cannot be truly appreciated on a résumé or on a list of legislative accomplishments. It can only be seen in the opportunity that others now have to create a better life for themselves and their families; and in turn, they will contribute to their communities and their country.

I want to thank Senator PELL for what he has meant to the Nation, to foreign policy, and to the students of this country. We are blessed to have his legacy.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Sen-

ator from Louisiana.

Mr. JOHNSTON. Mr. President, when I arrived in the Senate in 1972, the Sen-

ator from Rhode Island, Mr. PELL, had already achieved a record which made him known as one of the best and brightest, one of the most accomplished Senators. In the ensuing 23 years, he has built that reputation into a legend.

Mr. President, we have heard detailed here by my colleagues these last few moments the details of that record—Pell grants, foreign relations. I will not repeat that record except to say it is historic in proportions and outstanding in its quality and its moral.

The remarkable thing to me, Mr. President, is the character of the man who has achieved the record. And I would like to take note today, as Sen-

ator PELL announces his retirement, of the kind of person and the kind of ci-

ty, which he has brought to this Chamber but to politics in general.

Mr. President, at this difficult time in American political history, at a time when a former Governor of New Jersey announced that he would not run for the Senate in large part be-
cause of the lack of civility in this body, because of the lack of civility in politics, I think it is important and ap-

propriate we take note of the career of Senator PELL and what he was able to bring to this body in terms of civility.

In all those terms of running for of-

fice, always very successful, usually by huge margins, it is just absolutely astonishing and remarkable that he never said anything bad or negative about his opponents. It shows, Mr. President, that you need not be nega-

tive in order to be successful. In all those years serving with Senator PELL in this body, there has never been the slightest deviation from those standards of friendship, respect, courtesy, and warmth of character which was un-

failing in even the most difficult of cir-

stances.

You do not amass a record like Sen-

ator PELL, has amassed without mixing it up on very difficult and very con-

troversial issues, and yet he was able to do that while at the same time hav-

ing the love and respect and the warmth and the feelings from all of his colleagues.

This will unquestionably be a lesser place when Senator PELL is gone. Nuala Pell, his wonderful, wonderful wife will certainly make it a lesser place in the pantheon of Senate wives because she in her way adds the same thing to the Senate wives that Senator PELL does to the Senate.

Mr. President, I just hope that we can take example from his service, not
only in what he has accomplished in terms of things for the Nation, which have been very well detailed and, as I say, which constitute a legend in itself, but the quality of his character and the quality of his service and his relationship with his colleagues. If you want to just put the bottle in and bottle it and keep it and profit by it and emulate it, we would have a much better and different country and Senate.

I salute Senator PELL on his outstanding record of service to the Nation.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I sought the floor a half hour ago in order to make some remarks about my friend, and I am delighted to have a chance to do so. I am reminded of a friend of mine who asked me once why we made these speeches in the Chamber when people make announcements, and he told me that I should be careful because “he ain’t gone yet.”

In terms of this announcement today, I share a lot of the remarks and feelings that have been expressed today. My experience goes back a long way—Mr. President, Senator PELL. He was there when we flew down to Caracas for the Law of the Sea Conference, with his bride Nuala sitting between us, and how we talked about a lot of things.

That is the same as either one of us can say, but I do remember that discussion. We talked about Social Security, Mr. President. And we were on our way to the Law of the Sea Conference. I remember talking to Senator PELL about other things—the National Endowment for the Arts—as we went to meetings of the Arms Control Observer Group in Geneva and how Senator PELL’s great stature in the foreign relations area had led to so many successes in dealing with the Russians, the Soviets really at that time, with regard to arms control.

As we continue to deal with our friend here in these months ahead—and I do recognize the fact that the Senator from Rhode Island will be with us for well over a year—I want the Senate to know that many of us who came here as youngsters from the far west and me from the far north remember so well the great grace with which the Senator from Rhode Island and his wife from Rhode Island welcomed us and how they helped our wives and invited us to their home and made us feel part of the Senate family.

Notwithstanding all of the other accomplishments that have been mentioned on the floor today about Senator PELL, I think he will be remembered as a man who had great respect for the Senate, who wanted the Senate family to have a quality of life and make being in the Senate a different experience for those of us who come here and make sacrifices from our families. I congratulate him for making his statement today so far in advance so that we can all cherish the time we will have with him in the months to come.

Mr. President, I think it is now time for the vote on my bill.

Ms. MOSELEY-BRAUN. Mr. President, will the Senator yield?

Mr. President, I think it is now time for the vote on my bill.

Mr. STEVENS. Mr. President, I might say to Senators, I have already extended time for a vote on the defense bill by a half hour in order for these proceedings, and I have agreed that we would not extend it further. It is time now for a vote on the defense appropriations bill. I call for a vote.

The PRESIDING OFFICER. DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 1087. The bill clerk read as follows:

A bill (S. 1087) making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

The Senate resume consideration of the bill.

THE B-1 BOMBER—A COST EFFECTIVE INVESTMENT

Mr. PRESSLER. Mr. President, today the Senate will pass S. 1087, the fiscal year 1996 Department of Defense (DOD) appropriations bill, and soon will pass S. 1026, the fiscal year 1996 DOD authorization bill. I am pleased to support both pieces of legislation. Both bills call for a full investment in the B-1 bomber in the coming fiscal year—a clear reflection of the Senate’s wise and strong support for the bomber. As a strong supporter of this important component of our long-range bomber force, I believe this is great news for those who support both a strong national defense and a sound fiscal policy.

One of the critical military force structure issues that the U.S. Senate has considered in recent years is the fundamental need to maintain an effective heavy bomber force. In my view, the continued effectiveness of our long-range bomber fleet rests on a full investment in the Conventional Mission Upgrade Program (CMUP) for the B-1 bomber (B-1B)—the Lancer. The B-1B is critical to our Nation’s bomber force structure.

As my colleagues know, the B-1B originally was designed as a multimrole bomber during the cold war, with its primary mission being its capability to deliver a nuclear payload. Today, in response to these dramatic changes and new demands on our post-cold-war national security goals, the United States must commit fewer resources to nuclear deterrence in favor of advancing conventional capabilities. Our bomber force now must fill a dual role. First, it must continue its commitment to nuclear deterrence missions. Second, our bombers must adapt to serve conventional needs.

Of the three heavy bombers—the B-52, the B-1B, and the B-2—the B-1B has the greatest potential to serve both nuclear and conventional missions. I have been a strong supporter of the B-1B throughout the years because it is one of the most versatile aircraft ever constructed. This was the view of the Department of Defense when, as part of its 1993 Bottom-Up Review, it concluded that the B-1B represented the backbone of the heavy bomber force. Further, the Pentagon believed that a full investment in the B-1B’s conventional capabilities was the most cost-effective method to maintaining a bomber force structure capable of meeting our national security needs.

Over the years, I have talked to many associated with the B-1B—its designers, Pentagon strategists, and the dedicated men and women who fly and maintain this extraordinary aircraft. All believe in the B-1B and its place in our force structure. Yet, despite these glowing reviews, a skeptical Congress over the last several years has subjected the B-1B to a series of performance evaluations and studies. The B-1B has met each and every challenge.

The first congressionally mandated test was the Operation Peacekeeper Assessment 2097 test—code named the Dakota Challenge—was to determine if one B-1B wing, when provided fully with the necessary spare parts, maintenance equipment, support crews, and logistics equipment, could meet the Air Force mission availability rate goal of 75 percent. Tasked to take on the Dakota Challenge was the 2Bth Bomber Wing stationed at Ellsworth Air Force Base in Rapid City, SD. The 28th Bomber Wing more than met the goal of the Dakota Challenge, achieving an extraordinary 84-percent mission capable rate.

Additionally, improvements were seen in other readiness indicators, including the 12-hour fix rate—a measure of how often a heavy aircraft can be repaired and returned to the air within one-half day. The enormous success of the Dakota Challenge prompted Gen. John Michael Loh, commander of the Air Combat Command to state that the B-1B has established its title as “a solid investment in our Nation’s capability to project power on a global scale.”

A second congressionally mandated study released this year was done by the Institute for Defense Analyses (IDA). The IDA study represents perhaps the most in-depth, comprehensive analysis of the entire bomber fleet. This report examined the deployment options of our long-range heavy bomber forces—in association with additional tactical forces—and the circumstances of two hypothetical, nearly simultaneous world conflicts. Under these circumstances, the IDA study found that the B-1B is not just mission-effective but cost-effective as well. The study concluded that the B-1B is successfully the centerpiece of American airpower projection, while producing the highest return on our defense investment.
The Dakota Challenge and the IDA study together made clear that an investment in the B-1B’s conventional capabilities was the best investment in fiscal and national security terms. These congressionally mandated tests have changed the congressional view of the B-1B substantially to support. The DOD authorization and appropriations bills before us today reflect this wise shift. Specifically, the DOD appropriations bill would provide $407 million for the B-1B. This funding includes over $100 million for research and development, modification programs and, of course, the Conventional Mission Upgrade Program.

What would all this funding do? It would enhance the B-1B in three key ways. First of all, the B-1B would be outfitted with new precision weapons to bring added conventional lethality to the bomber. Second, computer upgrades would enable the B-1B to be ultimately capable of carrying the new generation of smart weapons. Third, the B-1B would be equipped with state-of-the-art jam-resistant radio to allow the aircraft to communicate with fighters and other support aircraft. In addition, upgrades would be provided to improve the bomber’s survivability in medium-high threat areas.

The end of the cold war has brought a world environment of unpredictability. New regional threats could occur with very little warning. In this environment, we must look to our bomber force to quickly respond to conventional threats. By fully funding the CMUP for fiscal year 1996 and providing additional enhancements to make up for prior year delays, we can provide our bomber force better prepared to respond to this dynamic world environment.

Mr. President, the people of Rapid City, SD, know well the effectiveness and the importance of the B-1B to our nation. Many of the men and women who live in Rapid City have a family member, a friend, or a neighbor who serves in the 28th Bomber Wing—the men and women who collectively are the backbone of our bomber fleet’s backbone. They do more than just keep the B-1B’s flying. They firmly believe that the B-1B is a high quality aircraft, capable of being the centerpiece of the bomber fleet in the years to come. They were willing to put their beliefs in their bomber to the test. Through the Dakota Challenge, they proved what they believed. And today, the 28th Bomber Wing’s success is being recognized by the U.S. Senate, which will show its strongest support yet for the future conventional success of the B-1 bomber.

Mr. LAUTENBERG. Mr. President, I intend to vote against the fiscal year 1996 Department of Defense appropriations bill.

What most people talk about the budget, they talk about the cuts it contains—cuts in programs that will hurt middle- and lower-income Americans, cuts in taxes which will benefit the richest among us, cuts in education programs that will hinder our children’s ability to carry America into the 21st century.

While most areas of spending have been cut in the budget for next year, the defense budget will receive a huge increase. President Clinton recommended a budget which increased defense spending by roughly $25 billion over what we were told we needed just 1 year ago.

Apparantly it was not enough. Even though the cold war has ended, the United States is the only superpower left in the world, and democracy is flourishing where communism once prevailed. The House version of the budget resolution boosted defense spending by another $7 billion for next year. During conference, the House number survived. No “compromise by splitting the difference,” just a total victory for the House position. And so, in line with the budget resolution, this appropriations bill spends nearly $7 billion more on the defense budget than the President requested.

This bill, Mr. President, underscores the misguided direction in which the new congressional leadership wants to take our military. This program, which places a higher value on buying weapons we do not need than on books with which to educate our children, is a direction which says that buying more aircraft and helicopters than the Pentagon has requested will spend nearly $7 billion more on the defense budget than the President requested.

The strength of our Nation, Mr. President, depends on more than the number of missiles we build and the aircraft we procure. It depends on having a prepared work force, a clean environment, safe streets, a sound and strong economy.

We cannot afford to starve domestic needs so we can spend a billion-plus on an amphibious assault ship that isn’t budgeted until the turn of the century, spend hundreds of millions more than the administration requested for a national missile defense system, and spend billions of tax dollars for unrequested helicopters, aircraft, and other military equipment.

Where is our sense of priorities? What happened to our common sense?

The American people deserve better. And we need to make better choices with their tax dollars.

We can and should start by opposing this bill.

ELECTRONIC COMMERCE RESOURCE CENTERS

Mr. ROBB. Mr. President, if the chairman will allow me, I would like to engage him in a brief colloquy concerning the Electronic Commerce Resource Center Program.

Mr. STEVENS. Mr. President, I would be happy to engage in a colloquy with the Senator from Virginia.

Mr. ROBB. Mr. President, I would say to the chairman that it has come to my attention that the House report accompanying the fiscal year 1996 Defense appropriations bill includes language which directs the Secretary of Defense to enter into a 5-year sole-source contract for the establishment of a single, consolidated National Electronic Commerce Resource Center. Under the current program structure, two nonprofit organizations act as system integrators to coordinate activity among the various Electronic Commerce Resource Centers located across the country.

Mr. STEVENS. Mr. President, I am familiar with the program and the House language has been brought to my attention as well.

Mr. ROBB. Mr. President, I would say to the chairman that, as he knows, the current ECRC program is working well and has enabled the development of successful programs to transfer electronic commerce [EC] and electronic data interchange [EDI] technologies and processes to small and medium-sized enterprises. In the first quarter of 1995, for example, the network trained over 4,000 business personnel and 1,300 small and medium-sized enterprises (SMEs) to provide EC services to approximately 1,800 business and Defense Department clients. Based on industry standards for training and consulting services, it is estimated that this program has saved U.S. businesses over $6 million during the first quarter of 1995 alone.

Mr. President, I am concerned about the House effort, on a sole-source basis, to alter the management and reporting relations that have successfully served this program. While a single, consolidated National Electronic Commerce Resource Center is needed to coordinate the program’s activities, such a center should be established on a competitive basis, not sole-sourced. Competition among the Defense Department and the American taxpayer are best served.

As the chairman knows, I have an amendment I was planning to offer that would require full and open competition in the establishment of a National Electronic Commerce Resource Center. I will not offer that amendment on this bill, but I would like to seek some assurances from the chairman that this issue will be revisited when the Defense appropriations bill goes to conference.

Mr. STEVENS. Mr. President, the Senator from Virginia has raised a valid concern. I am familiar with the program and am aware that many of the Electronic Commerce Resource Centers around the country were established through full and open competition. Furthermore, I recognize your valid arguments about the importance of full and open competition in the establishment of a national ECRC. I assure the Senator that this will be an issue we raise during our conference with the House. Furthermore, I will ask my staff to arrange a briefing on
Mr. PRESSLER. Mr. President, I appreciate those assurances from the chairman and thank him for his consideration.

Mr. LEVIT. Mr. President, I would like to engage the distinguished manager of the bill in a brief colloquy regarding the Strategic Environmental Research and Development Program (SERDP). As he knows, these funds have been and continue to be used for investigating and demonstrating innovative environmental clean-up technologies. He may also know that the U.S. Army Corps of Engineers Research Laboratory [USACERL] has been a very active component of DOD’s efforts in this area. Through USACERL’s work, many of these private/public sector technologies are now available for commercialization, stimulating small company creation, economic development, and continued governmental protection.

I would urge that the Committee support continuation of USACERL’s excellent work, particularly remediation activities at the Army production plants.

Mr. STEVENS. I am aware of the application of innovative remediation technologies at numerous DOD sites throughout the country. I appreciate the thoughtful comments of the Senator from Michigan on the Army Corps’ work and bring it to my attention.

Mr. LEVIT. Very briefly, I would like to provide the Senator from Alaska with two specific examples that demonstrate just how effective USACERL has been.

The first example is an innovative air control technology being implemented at the Lake City Army Ammunition Plant in Independence, MO. A full-scale demonstration biofilter is being installed to reduce air emissions by more than 80 percent. This will allow the plant to double production and continue to emit less than its current air quality control requirements.

The second example is a manufactured wastewater treatment project at the Radford Army Ammunition Plant in Radford, VA. This is a full-scale demonstration of granular activated carbon-fluidized bed technology for treatment products in wastewater. This type of wastewater has proven resistant to any other type of treatment technology available today. I hope the committee will continue to support the development of cost-effective technologies, such as these, for treating DOD wastes.

Mr. STEVENS. The technologies the Senator has mentioned sound promising. I commend DOD and USACERL for their work in this area and encourage the Department to continue such innovative work.

Mr. PRESSLER. Mr. President, I see the chairman of the Appropriations Subcommittee for Defense, my friend from Alaska, on the floor, and I wanted to be sure he is aware of concerns brought to my attention by the South Dakota National Guard. The concerns involve a funding difference for multiple launch rocket systems [MLRS] between S. 1087, the fiscal year 1996 Department of Defense [DOD] appropriations bill and S. 1026, the fiscal year 1996 DOD authorization bill.

Any addition of MLRS batteries to National Guard units would be an important component for the next several decades, our national security increasingly will need to respond rapidly and decisively to regional security threats. The post-cold-war defense drawdown will result in an increased reliance on the National Guard and the reserve forces to meet our national security needs. The opportunity for the South Dakota National Guard to be fielded an MLRS battery would improve greatly its readiness and capability to respond rapidly to time critical targets.

I urge the chairman and the appointed conferees to consider going to the authorized funding level for MLRS launchers, as S. 1087 proceeds to conference. I believe we should encourage the successful reconditioning and fielding of 29 MLRS launchers important to our reserve forces.

Mr. STEVENS. Mr. President, I appreciate the senior Senator from South Dakota bringing this matter to my attention. As he knows, we faced a number of difficult funding decisions in this bill. A number of programs were not funded at the proposed authorized level. I would bring to the Senator’s attention that S. 1087 provides $300 million for the Army National Guard to allocate to meet its foremost modernization priorities. I am confident that the MLRS needs of the South Dakota National Guard will be carefully considered this year.

Mr. PRESSLER. Mr. President, I thank my friend from Alaska. I appreciate his consideration of my request and look forward to working with him on this matter of importance to the South Dakota National Guard.

Mr. CONRAD. Mr. President, I intend to oppose S. 1087, the Department of Defense appropriations for fiscal year 1996.

Although I recognize the need to provide for a strong national defense, I cannot support this legislation because it spends too much money. The cold war is over, the Soviet Union has collapsed, and we already spend more money than the next nine biggest military spenders combined. If we are serious about balancing the budget without unnecessary cuts in programs that benefit average American families, it simply does not make sense to spend more money than the administration requested for defense.

Earlier this year, when we debated the budget in the Senate there was broad bipartisan agreement that we should freeze defense spending at the administration’s request. On most issues, I disagreed with the priorities in the budget put forward by the Republican majority, and I offered an alternative that was both fairer and more ambitious than the Republican proposal. But on defense my flat-share plan contained a hard freeze at the administration’s flat-share doing 1996 request just like the Republican proposal.

Unfortunately, the budget that came back from conference increased defense spending by more than $7 billion in fiscal year 1996 alone over the level in my fair share plan and the Senate-passed budget. This increase in defense spending comes at the expense of greater cuts in other areas important to hard working American families, such as agriculture, Medicare, and student loans.

Where does the extra $7 billion added to the fiscal year 1996 defense appropriations act go? Does it go to fund the priorities of our military leaders, such as ongoing operations in Iraq, Bosnia, and Haiti where we know we will have additional expenses this year, or go to improving readiness through increased operations and maintenance funding? Or does it go toward closing the bomber gap between the number of bombers the military estimates it will need to fight one major regional conflict and the bombers actually funded in the President’s budget? No, no, and again no.

The extra funding above the amounts our military leadership requested goes largely to fund major new weapons procurement of questionable value to our immediate national security. The appropriators have added $1.4 billion for two extra DDG-51 Aegis destroyers, an extra $1.3 billion for one LHD-7 amphibious ship, $600 million for ballistic missile defenses, and $375 million for F-18 fighters. These weapons are not needed this year, and this wave of new procurement sets future increases to the defense budget because this pace will be unsustainable in the outyears unless we dramatically cut funding for readiness.

I am especially concerned that, despite this added funding for procuring new weapons, the bill does nothing to close the bomber gap. This bill funds only 93 deployable bombers, but the Pentagon’s Bottom-Up Review concluded that 100 deployable bombers are needed to fight just one major regional conflict, let alone a second nearly simultaneous conflict. The Air Force estimates that a mere $130 million would be sufficient to maintain a combat coded squadron of B-52 bombers, six additional trainers and all remaining B-52’s in attrition reserve. Although the Senate defense authorization bill contains language prohibiting the retirement of—[the] most capable bombers in our inventory and a vital element in our strategy to win two nearly simultaneous conflicts—the appropriations bill fails to...
ed in the President’s initial budget submission. Let me remind my colleagues, those programs were requested by the leadership or our armed services and deserve and requested funding. I fully support those programs. However, the programs fundamentally wrong in an era of severe fiscal constraint to increase defense spending in areas not specifically requested by the Joint Chiefs of Staff or their respective services. With so much at stake in so many other critical programs in our national infrastructure, I cannot in good conscience support this bill.

I thank my colleagues.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. The roll call having been read the third time, the question is now—

The roll was called. The yeas and nays were ordered, and as follows:

**YEA—62**

Abraham
Ashcroft
Bennett
Bond
Breaux
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Craig
Daschle
Domenici
Durbin
Eaton
Eckstein
Edwards
Feingold
Fischer
Frist
Gallagher
Gorton
Grassley
Granger
Griffith
Hammond
Harken
Hatch
Heflin
Hollings
Hutto
Inhofe
Inouye
Johnson
Keating
Kennedy
Kerry
Klobuchar
Lott
Lucas
Mack
Mann
McCain
McCaskill
McCoy
McConnell
McNulty
McNulty
Moynihan
Nunn
Nichols
Nickles
Nunn
Oleary
Perdue
Palmisano
Pelosi
Perez
Plummer
Portman
Prude
Rao
Reed
Robb
Robb
Roemer
Romano
Roth
Runyan
Santorum
Sarbanes
Simpson
Smathers
Smith
Snowe
Specter
Steinberg
Thurmond
Thune
Warner
Wasserbauer
Wildstein
Wirth
Wynn
Young
Zellweger
Zoric

**NAY—35**

Alaska
Baucus
Biden
Bingaman
Boxer
Bradley
Brown
Bumpers
Byrd
Campbell
Daschle
Dodd
Dorgan
Dukakis

NOT VOTING—3

Akaka
Helsel
Markowski

**So the bill (S. 1087), as amended, was passed, as follows:**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, and for other purposes, namely:

**TITLES**

**MILITARY PERSONNEL**

**MILITARY PERSONNEL, ARMED FORCES**

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations for members of the Army on active duty (except members of reserve components provided for elsewhere); cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $21,775,700,000.

**MILITARY PERSONNEL, NAVY**

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations for members of the Navy on active duty (except members of reserve components provided for elsewhere); midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $16,879,000,000.

**MILITARY PERSONNEL, MARINE CORPS**

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $5,386,500,000.

**MILITARY PERSONNEL, AIR FORCE**

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations for members of the Air Force on active duty (except members of reserve components provided for elsewhere); cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $17,156,453,000.

**RESERVE PERSONNEL, ARMED FORCES**

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3021, and 3038 of title 10, United States Code, or while serving on active duty under section 3037 of title 10, United States Code, in connection with performing duties specified in section 678(a) of title 10, United States Code, or while performing active duty training while performing drills or equivalent duty or other duty, and for members of the Reserve Officers’ Training Corps, and expenses authorized by section 239 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $2,102,466,000.
TITLE II
OPERATION AND MAINTENANCE
OPERATION AND MAINTENANCE, ARMY
(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law, and not to exceed $14,437,000 can be used for emer-
gencies and extraordinary expenses, to be ex-
pended on the approval or authority of the Sec-
retary of the Army, and paid out of the National
Defense Stockpile Transaction Fund: Provided, That the funds appropriated in this paragraph, not
less than $388,599,000 shall be available only for
Real Property Maintenance activities, and shall remain available for obligation until Sep-
tember 30, 1997: Provided further, That from
within the funds appropriated under this heading, the Air Force may enter into a long-term lease or purchase agreement to re-
place the existing fleet of VC-137 aircraft.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the military departments and agencies of the Department of Defense (other than the military departments), as authorized by law; $9,804,068,000, of which not to exceed $25,000,000 may be avail-
able for the CINC contingency fund; and of which not to exceed $28,588,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and pay-
ments may be made on his certificate of ne-
cessity for confidential military purposes: Provided, That of the funds provided under this heading, $20,000,000 shall be made available only for use in federally owned education facilities located on military in-
stances for the purpose of transferring title of such facilities to the local education agency: Provided further, That of the funds provided under this heading, $189,800,000 shall be available only for Real Property Maintenance activities, and shall remain available for obligation until September 30, 1997: Pro-
vided further, That of the funds appropriated in this paragraph, $11,200,000 shall be avail-
able for the Joint Analytic Model Improve-
ment Program: Provided further, That of the funds appropriated in this paragraph, $10,000,000 shall be available for the Troops-
to-Cops program: Provided further, That of the funds provided under this heading, $13,200,000 shall be available for the Troops-
to-Teachers program.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and mainte-
nance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger
motor vehicles; travel and transportation; care of the dead; recruiting; procurement of
services, supplies, and equipment; and com-
munications; $1,685,312,000: Provided, That of the funds provided under this heading, $97,589,000 shall be available only for Real Property Maintenance activities, and shall remain available for obligation until Sep-

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and mainte-
nance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger
motor vehicles; travel and transportation; care of the dead; recruiting; procurement of
services, supplies, and equipment; and com-
munications; $826,042,000: Provided, That of the funds provided under this heading, $31,954,000 shall be available only for Real Property Maintenance activities, and shall remain available for obligation until Sep-
OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; repair expenses (other than mileage), as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel; and aircraft, including ordnance, ground handling equipment, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of ordnance, armament, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $2,724,021,000, to remain available for obligation until September 30, 1997.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of supplies and equipment; and communications; $1,487,000,000: Provided, That of the funds provided under this heading, $150,188,000 shall be available only for Real Property Maintenance activities, and shall remain available for obligation until September 30, 1997.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repair of facilities and structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for the Army National Guard personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law, and expenses of repair, modification, maintenance, and issues of supplies and equipment (including aircraft); $2,361,708,000: Provided, That of the funds provided under this heading, $63,062,000 shall be available only for Real Property Maintenance activities, and shall remain available for obligation until September 30, 1997.

OPERATION AND MAINTENANCE, AIR FORCE

For construction, procurement, production, and modification of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories thereof; specialized equipment and training devices; expansion of public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $846,555,000, to remain available for obligation until September 30, 1998.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of armament and ordnance, and ammunition therefor, for the foregoing purposes; $1,396,264,000, to remain available for obligation until September 30, 1997.

HUMANITARIAN ASSISTANCE

For training and activities related to the clearing of landmines for humanitarian purposes; $60,000,000.

FOREIGN SCIENTIFIC AND TECHNICAL ASSISTANCE

For assistance to the governments of nations to support scientific and technical assistance projects; $150,189,000: Provided, That these funds shall be available only for Real Property Maintenance activities, and shall remain available for obligation until September 30, 1997.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ordnance, and ammunition and accessories thereof; specialized equipment and training devices; expansion of public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,090,891,000, to remain available for obligation until September 30, 1997.

TITLE III

PROCUREMENT FOR THE ARMY

For construction, procurement, production, and modification of ordnance; for the procurements, production, and modification of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,498,623,000, to remain available for obligation until September 30, 1998.
may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $2,760,002,000, to remain available for obligation until September 30, 1998.

**AIRCRAFT PROCUREMENT, NAVY**

For construction, procurement, production, modification, and modernization of aircraft, spacecraft, rockets, missiles, and related equipment; procurement of aircraft, spacecraft, rockets, missiles, and related equipment (including ground handling equipment, and training devices); expansion of public and private plants, including the land necessary therefor, and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $1,497,383,000, to remain available for obligation until September 30, 1998.

**WEAPONS PROCUREMENT, NAVY**

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, other ordnance, ammunition, and related equipment (including ground handling equipment, and training devices); expansion of public and private plants, including the land necessary therefor, and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $1,711,421,000, to remain available for obligation until September 30, 1998.

**SHIPBUILDING AND CONVERSION, NAVY**

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment and installation thereof; procurement of critical long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $7,171,421,000, to remain available for obligation until September 30, 1998.

**AIRCRAFT PROCUREMENT, AIR FORCE**

For construction, procurement, and modification of aircraft and equipment, including armor and armament, ground handling equipment, and training devices; expansion of public and private plants; Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $7,163,258,000, to remain available for obligation until September 30, 1998.

**MISSILE PROCUREMENT, AIR FORCE**

For construction, procurement, and modification of missiles, space craft, rockets, ammunition, and related equipment, including spare parts and accessories thereof, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $3,550,192,000, to remain available for obligation until September 30, 1998.

**OTHER PROCUREMENT, NAVY**

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new naval vessels, and ships; and weapons of military departments) necessary for procurement and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, including costs and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $2,594,260,000, to remain available for obligation until September 30, 1998.

**PROCUREMENT, MARINE CORPS**

For expenses necessary for the procurement, manufacture, and modification of mis siles, torpedoes, ordnance, ammunition, and related equipment, including armor and armament, specialized ground equipment, and training devices; procurement of critical long leadtime components and designs for the Marine Corps, of which 447 shall be for replacement only; and the purchase of not to exceed 365 passenger motor vehicles, for which $448,715,000; to remain available for obligation until September 30, 1998.

**PROCUREMENT, DEFENSE-WIDE**

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts for the Armed Forces; and other procurement purposes; the purchase of not to exceed 451 passenger motor vehicles, of which 447 shall be for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $2,114,824,000, to remain available for obligation until September 30, 1998.

**NATIONAL GUARD AND RESERVE EQUIPMENT**

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement purposes for the reserve components of the Armed Forces; $777,000,000, to remain available for obligation until September 30, 1998; Provided, That the Reserve, National Guard and other Armed Forces components shall, not later than December 1, 1995, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

**TITLE IV**

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION**

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY**

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities, equipment, and supplies for the Army, as authorized by law; $4,639,131,000, to remain available for obligation until September 30, 1997; Provided, That of the funds appropriated in this paragraph for the Other Research and Development Program program element, $10,000,000 is provided only for the full qualification and operational platform certification of Non-Devel oped Items (NDI) (i.e., items less than 30 inches long, diesel rocket motors and composite propellant pursuant to the initiation of a Product Improvement Program (PIP) for the Hydra-70 rocket.)

**RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY**

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities, equipment, and supplies for the Navy, as authorized by law; $8,282,051,000, to remain available for obligation until September 30, 1997; Provided, That of the funds appropriated in Public Law 103-355, in title IV, under the heading Research, Development, Test and Evaluation, Navy, $5,000,000 shall be made available as a grant only to the Marine Air-Ground Task Force Research and Development Station (MERTS) for laboratory and other efforts associated with
TITLE V
REVOLVING AND MANAGEMENT FUNDS
DEFENSE BUSINESS OPERATIONS FUND
For the Defense Business Operations Fund: $1,178,700,000: Provided, That of the funds appropriated under this heading, $30,000,000 shall be available only to support the national defense missions of the Coast Guard, while operating in conjunction with and in support of the Armed Forces of the United States; Provided further, That of the funds appropriated under this heading, Secretary of the Navy shall make available for the procurement of one additional MPS ship until September 30, 1997.

NATIONAL DEFENSE SEALIFT FUND
For National Defense Sealift Fund projects, programs, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1774); $1,226,220,000, to remain available until expended: Provided, That the Secretary of the Navy may obligate not to exceed $110,000,000 from available appropriations to the Navy for the procurement of one additional MPS ship.

TITLE VI
OTHER DEPARTMENT OF DEFENSE PROGRAMS
DEFENSE PERFORMANCE FUND
For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law; $18,758,500, of which $9,908,500 is for Operation and Maintenance, $3,000,000 shall be available for obligation during the current fiscal year, $5,000,000 shall be available for the operation of the Battlefield Integration Center: Provided further, That the funds appropriated in this paragraph, not more than $46,266,000 shall be available for the Strategic Environmental Research Program, program element activities and not more than $34,302,000 shall be available for Technical Studies, Support and Analysis Program element activities: Provided further, That of the funds appropriated in this paragraph, $3,000,000 shall be available for the operation of the Large Millimeter Telescope project: Provided further, That of the funds appropriated in this paragraph, not more than $48,655,000 shall be available for the operation of the Nuclear Test Detonation Systems Research and Development Program, and for the Comprehensive Nuclear Test Ban Treaty: Provided further, That of the funds appropriated in this paragraph, not more than $33,950,000 shall be available for the Corps Surface to Air-Missile (Corps SAM) program: Provided further, That of the funds appropriated in this paragraph, $3,000,000 shall be available for Technical Studies, Support and Analysis Program element activities: Provided further, That of the funds appropriated in this paragraph, not more than $30,000,000 shall be available for upgrades to the Strategic Target System (STARS) program.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE
For expenses, not otherwise provided for, of independent activities of the Director, Test and Evaluation in the direction and supervision of developmental test and evaluation, including aerospace and ground developmental testing and evaluation; and administrative expenses in connection therewith; $266,934,000, to remain available for obligation until September 30, 1997.

OPERATIONAL TEST AND EVALUATION, DEFENSE
For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational testing and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; $257,000,000, to remain available for obligation until September 30, 1997.

DRUG INTERDiction AND COUNTER-DRUG ACTIVITIES, DEFENSE (INCLUDING TRANSFER OF FUNDS)
For drug interdiction and counter-drug activities, but not to exceed $700,000,000, to be transferred from the appropriated budget to the Department of Defense for military personnel of the reserve components serving under the provisions of title 32, United States Code; for Operation and Maintenance: $48,000,000; for Research, Development, Test, and Evaluation: $70,000,000; to remain available until September 30, 1997.

TITLE VII
RELATED AGENCIES
CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND
For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System: $23,000,000.

NATIONAL SECURITY EDUCATION TRUST FUND
For the purposes of title VIII of Public Law 102-183, $7,500,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

COMMUNITY MANAGEMENT ACCOUNT
For necessary expenses of the Community Management Account; $96,283,000.

KAHO‘OLAKEI ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION TRUST FUND
For payment to the Kahoolawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, as authorized by law, $20,000,000, to remain available until expended.

TITLE VIII
GENERAL PROVISIONS
SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States and diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980; Provided further, That limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.
year shall be obligated during the last two months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

S. 8006. Upon determination by the Secretary of Defense that such action is necessary in the public interest, he may with the approval of the Office of Management and Budget, transfer not to exceed $2,600,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction). Such transfers shall be accounted for as an appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the funds transferred.

S. 8008. Funds appropriated by this Act may not be used to initiate a special access program if notification 30 calendar days in advance to the Committees on Appropriations, Armed Services, and National Security of the Senate and House of Representatives is not received. Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by Civilian Affairs to the Trust Territories of the Pacific Islands and for the operation and maintenance of the United States Defense installations in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as provided by section 401 of chapter 20 of title 10, United States Code, and hereafter, shall be obligated for the pay of any IOWA Class Battleships to the Naval Register, or to retain the logistical support necessary for support of any IOWA Class Battleships in active service.

S. 8012. None of the funds provided in this Act shall be available to return any IOWA Class Battleships to the Naval Register.

S. 8013. (a) The provisions of section 115(a)(4) of title 10, United States Code, shall not apply with respect to fiscal year 1996 or with respect to the appropriation of funds for that year.

(b) During fiscal year 1996, the civilian personnel of the Department of Defense may not be reduced below the end-strength, and the administration of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of that fiscal year.

(TRANSFER OF FUNDS)

S. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2690 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds and the ‘‘Foreign Currency Fluctuations, Defense’’ and ‘‘Operation and Maintenance’’ appropriation accounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made by the Secretary of Defense without the express written authorization of the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unmet requirements for programs those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

S. 8007. Using funds available by this Act or any other Act, the Secretary of the Air Force shall not be required to determine the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the amounts transferred shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unmet requirements, those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

SEC. 8011. Within the funds appropriated in this Act, funds made available in title III of this Act shall be available for grants to the following: (a) The educational assistance programs authorized under title XVIII of the Social Security Act, for project support and the development of multiyear authority shall require the use of multiyear procurement contracts for any fiscal year in excess of $20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the Committees on Appropriations and Armed Services have notified the Secretary of Defense that such economic order quantity procurement is necessary for support of any IOWA Class Battleships to the Naval Register, or to retain the logistical support necessary for support of any IOWA Class Battleships in active service.

SEC. 8014. Notwithstanding any other provisions of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the fifty United States, its territories, and the District of Columbia, 125,000 civilian workers: Provided, That workforces shall be applied as defined in the Federal Personnel Manual: Provided further, That none of the funds made available in this Act shall be used to return any IOWA Class Battleships to the Naval Register, or to retain the logistical support necessary for support of any IOWA Class Battleships in active service.

SEC. 8016. None of the funds appropriated by this Act, during the current fiscal year and hereafter, shall be obligated for the pay of any individual who is initially employed after the date of enactment of this Act as a technician in the administration and training of the Reserve Officers' Training Corps: Provided further, That none of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislative appropriation matter pending before the Congress.
than Army Reserve troop program units need only be members of the Selected Reserve.

Scc. 8017. Notwithstanding any other provision of law, the Secretary of Defense may authorize the retention in an active status until age sixty of any person who is employed in an active status and who is employed as a National Guard or Reserve technician in a position in which active status in a reserve component is required under section 607 of title 10, United States Code, for any member of the armed services who, on or after the date of enactment of this Act—

(1) enlisted in the armed services for a period of active duty of less than three years; or

(2) receives an enlistment bonus under section 3068a or 3068f of title 37, United States Code, nor shall any amounts representing the normal cost of such future benefits be transferred to the Department of Treasury to the Secretary of Veterans Affairs.

Scc. 8018. (a) None of the funds appropriated by this Act shall be used to make contributions to the Education Benefits Fund pursuant to section 206(g) of title 10, United States Code, representing the normal cost for future benefits for any member of the armed services who, on or after the date of enactment of this Act—

(1) enlists in the education benefits program for a period of active duty of less than three years; or

(2) receives an enlistment bonus under section 3068a or 3068f of title 37, United States Code, unless the Secretary of Defense determines that the owner agrees to remain a member of the armed forces of the United States for a period of time

Scc. 8019. None of the funds appropriated in this Act shall be available for the payment of any higher education expenses of any officer in the Ready Reserve of the Army National Guard or Army Reserve for education or training during his off-duty periods, except that no part of the charges may be paid unless the officer agrees to remain a member of the Ready Reserve for at least four years after completion of such training or education.

Scc. 8020. None of the funds appropriated by this Act shall be used to procure or acquire (1) defensive hand guns unless such hand guns are the M9 or M119mm Depot model of the Department of Defense; (2) offensive hand guns except for the Special Operations Forces; or (3) to the Appropriations Committees of the House of Representatives and the Senate. Provided, That the foregoing section shall not apply to defensive hand guns and ammunition for marksmanship training purposes for any nonmilitary use. (TRANSFER OF FUNDS) Scc. 8021. Notwithstanding any other provision of law, the Department of Defense may transfer prior year, unobligated balances and funds appropriated in this Act to the operation and maintenance appropriations for the purpose of providing military retirement, military medical, nonmedical personal pay and medical programs (including CHAMPUS) for any transfer pursuant to section 9009 of title 10, United States Code, for the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) and by the Budget Enforcement Act of 1990 (Public Law 101-508) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) and by the Budget Enforcement Act of 1997 (Public Law 105-213) as provided further, the Secretary of Defense may proceed with such transfer after notifying the Appropriations Committees of the House of Representatives and the Senate of the legislative intent and the amount of the transfer, and the availability of that care.

Scc. 8022. (a) None of the funds appropriated in this Act shall be used for the purpose of procuring or maintaining with the Department of Defense any weapon or weapon system not subject to appropriation by law, except in the case of those weapons or weapon systems required by the Secretary of Defense to protect from the threat of nuclear attack the President, the Cabinet, the White House, the National Capitol, and any other location or facility in the Unted States of America designated by the Secretary of Defense. Provided, That this subsection shall not apply to any weapon or weapon system required by law for use in emergency situations or to meet unusual or emergent situations.
to American Samoa: Provided, That notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a reimbursable basis, to the Indian Health Service when it is in conjunctural with a civil-military project to support United States military forces in that host nation, or such real property maintenance and base operating costs that shall be used to demilitarize or dispose of more than 50 percent of the funds appropriated or otherwise available for transfers to the United States Treasury:

SEC. 8039. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by Executive Agreement with host nation govern-ments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO mem-
erber states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: Provided, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: Provided further, That the De-
partment of Defense’s budget submission for fiscal year 1996 must identify such amounts par-
ticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be used to demilitarize or dispose of more than 50 percent of such amounts: Provided further, That such Executive Agreement with a NATO member host nation shall be reported to the Committees on Appropriations of the Armed Services of the House of Representatives and the Senate thirty days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8040. None of the funds available to the Department of Defense in this Act shall be used to demilitarize or dispose of more than 50 percent of the funds appropriated or otherwise available for the purchase of a weapon system that is a title or grade when purchased from another State and has an unemploy-
tation or temporary indefinite, who

SEC. 8038. None of the funds appropriated by this Act shall be used to provide for the execution of a single function activity or forty-eight

months after initiation of such study with respect to a single function activity or forty-eight

months after initiation of such study for a multi-functional activity.

SEC. 8037. Funds appropriated by this Act for the African Forces Information Service shall not be used for any national or inter-
national political or psychological activities.

SEC. 8035. None of the funds appropriated during the current fiscal year and hereafter, may be used by the Department of Defense to award a contract or grant or any other agreement establishing a contract, which is for the purpose of providing that portion of the contract in such State that is not contiguous with another State, individuals who are resi-
dents of such State and who have an annual income in excess of the federal poverty level: Provided, That such contracts may be awarded by the Department of Defense under this section and of the last sentence of section 311 of title 10, United States Code; that the Secretary of Defense may waive the requirements of this section and of the last sentence of section 311 of title 10, United States Code; that the Secretary of Defense may waive the requirements of this section and of the last sentence of section 311 of title 10, United States Code.

SEC. 8036. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of twenty-four months after initiation of such study with respect to a single function activity or forty-eight months after initiation of such study for a multi-functional activity.

SEC. 8038. Notwithstanding any other provision of law, the Secretary of Defense may, without regard to the provisions of sections 5519 and 6323(b) of title 10, if such employee is otherwise entitled to such annual leave: Provided, That any employee who requests leave under subsection (A) for service des-
cribed in subsection (2) of this section is en-
titled to such leave, subject to the provisions of section 5519(b) of title 10, United States Code, but section 6323(b) of title 10, and such leave shall be considered leave under section 6323(b) of title 10.

SEC. 8039. Of the funds made available in this Act, not less than $24,197,000 shall be available for Operation and Ma-

aintance.

SEC. 8040. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission, unless authorized by law provided in this Act.

SEC. 8041. (a) Of the funds for the procure-
ment of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable oppor-
tunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense:

(b) During the current fiscal year, a busi-
ness concern which has negotiated with a military service or defense agency a subcon-
tracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be credited with twenty percent of the subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase “qualified nonprofit agency for the blind or other severely handicapped” means a nonprofit agency for the blind or other se-
verely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O’Day Act (41 U.S.C. 44-
48).

SEC. 8042. During the current fiscal year, not less than $14,259,000 shall be available for the Civil Air Patrol, of which

$130 Weather Reconnaissance

SEC. 8043. Notwithstanding any other pro-
vision of law, of the funds appropriated for the Defense Health Program during this fiscal year and hereafter, the amount payable for services provided under this section shall not be less than the amount calculated under the coordination of benefits reimbursement formula utilized when CHAMPUS is a sec-
ondary payor to medical insurance programs other than Medicare, and such appropria-
tions as necessary shall be available (not-
withstanding the last sentence of section 1086(c) of title 10, United States Code) to con-
tinue civilian Health and Medical Program of the Uniformed Services (CHAMPUS) bene-
fits, until age 65, under such section for a

former member of a uniformed service who is retired or in receipt of a reversionary or eqiva-

ten pay, or a dependent of such a member, or

any other beneficiary described by section 1086(c) of title 10, United States Code, who is eligible for benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) solely on the grounds of physical disability, or end stage renal disease. That expenses under this section shall only be covered to the extent that such expenses are not cov-
ered under parts A and B of title XVIII of the Security Act (42 U.S.C. 1395 et seq.) covered under CHAMPUS: Provided further, That no reimbursement shall be made for services provided prior to October 1, 1991.

SEC. 8044. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $250,000,000 for purposes specified in section 2309(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Governor of Kuwait, under that section:

That, upon receipt of such contribu-

tions from the Governor of Kuwait shall be credited to the appropriation or fund which incurred such obligations.

SEC. 8045. None of the unobligated balances available in the National Defense Stockpile Transaction Fund during the current fiscal year may be obligated or expended to finance any grant or contract to conduct research, development, test and evaluation activities for the development or production of advanced materials, unless amounts for such purposes are appropriated in a subsequent appropriations Act.

SEC. 8046. For the purposes of this Act, the term ‘National Security Committee’ means the National Security Committee of the House of Representatives, the Armed Services Committee of the Senate, the sub-
committees on Defense of the Committee on Appropriations of the Senate, and the Sub-
committees on National Security of the Commi-

tees on Appropriations of the House of Representa-

tives.

SEC. 8047. Notwithstanding any other pro-
vision of law, during the current fiscal year, the Department of Defense may acquire the depot maintenance, depot repair of aircraft, vehicles and vessels as well as the production of components and other Defense-
related articles, through competition be-
tween the Department of Defense, depot main-

enance activities and private firms: Provided, That the Senior Acquisition Executive of the
military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both domestic and foreign production; Provided further, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

Sec. 8051. The funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine shall apply to all alcoholic beverages only for military installations in States contiguous to, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That a case in which the installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States contiguous to any State in which the installation is located: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be purchased from the most competitive source, price and other factors considered.

Sec. 8049. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense on energy used during the current fiscal year and hereafter to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

Sec. 8050. During the current fiscal year, voluntary separation incentives payable under 10 U.S.C. 1175 may be paid in such amounts as are necessary from the assets of the Voluntary Separation Incentive Fund established by section 1175(b)(1).

(INCLUDING TRANSFER OF FUNDS)

SFC. 8051. Amounts deposited during the current fiscal year and hereafter to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2677(d)(1) are appropriated and shall be available until transferred to the special account established under 10 U.S.C. 2677(d)(3)(A) and (C): Provided further, That 10 U.S.C. 2677(d)(1) may be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

Sec. 8052. None of the funds in this Act or any other Act shall be available for the preparation of studies—

(a) the feasibility of removal and transporation of chemical weapons from eight chemical storage sites within the continental United States to Johnstown Atoll; Provided, That this prohibition shall not apply to future Office studies requested by a Member of Congress or a Congressional Committee; and

(b) the potential future uses of the nine chemical disposal facilities other than for the destruction of stockpile chemical munitions and as limited by section 1412(c)(2), Public Law 99–145: Provided, That this prohibition shall not apply to future Office studies requested by a Member of Congress or a Congressional Committee.

Sec. 8053. During the current fiscal year, appropriations available to the Department of Defense Overseas Military Facility Investment Program for operation and maintenance of a reserve component of the member concerned.

Sec. 8054. For fiscal year 1996, the total amount appropriated to fund the Uniformed Services University, operated pursuant to section 911 of Public Law 97–99 (42 U.S.C. 248c), is limited to $329,000,000, of which not more than $300,000,000 may be provided by the funds appropriated by this Act.

Sec. 8055. Notwithstanding any other provision of law, the Naval Shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this Act or any other Act.

Sec. 8056. During the current fiscal year, amounts contained in the Defense Overseas Military Facility Investment Recovery Reserve or any other Act shall be available for the purposes, provided in section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 102–510; 10 U.S.C. 2673 note) shall be available until expended for the purposes specified by section 2921(c)(2) of that Act.

Sec. 8057. During the current fiscal year, annual payments granted under the provisos in section 2921(c)(5) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–428; 106 Stat. 2714) shall be made from appropriations in this Act which are available for the pay of reserve component personnel.

Sec. 8058. During the current fiscal year, appropriations available for the pay and allowances of active duty members of the Armed Forces shall be available to pay the retired pay which is payable pursuant to section 4403 of Public Law 102–484 (10 U.S.C. 1293 note) under the terms and conditions provided in section 4403.

Sec. 8059. None of the funds provided in this Act or any other Act shall be used by a Military Department to modify an aircraft, weapon, ship or other item of equipment, that the Military Department concerned plans to decommission within five years after completion of the modification: Provided, That this prohibition shall not apply to safety modifications: Provided further, That this prohibition may be waived by the Secretary of a Military Department if the Secretary determines it is in the best national security interest of the United States to procure such notifies the congressional defense committees in writing.

Sec. 8060. None of the funds appropriated by this Act or any other Act shall be used for the procurement of any equipment that is in development or production at the time this Act takes effect: Provided further, That such equipment may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence support systems, for the National Security Agency, the National Reconnaissance Office, the National Imagery and Mapping Agency, the Army National Security Agency, the National Geospatial–Intelligence Agency, the Army, the United States Air Force, the Army National Guard Reserve, or the Navy Reserve, and the component commands.

Sec. 8061. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence support systems for the National Security Agency, the National Reconnaissance Office, the National Imagery and Mapping Agency, the Army National Security Agency, the National Geospatial–Intelligence Agency, the Army, the United States Air Force, the Army National Guard Reserve, or the Navy Reserve, and the component commands.

Sec. 8062. (a) None of the funds appropriated in this Act for the military used to transport or provide for the transportation of chemical munitions to the Johnstown Atoll for the purpose of storing or demilitarizing such munitions.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II demilitarizing chemical munitions found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SFC. 8063. Amounts collected for the purpose of the activities of the National Technical Intelligence and Security Center for Communications and Electronics during the current fiscal year pursuant to section 1459(c)(1) of the Department of Defense Authorization Act, 1996 and deposited to the special account established under subsection 1459(c)(2) of Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(c)(2).

Sec. 8064. None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term “Buy American Act” means title III of the Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes”, approved March 4, 1934

Sec. 8065. Of the funds appropriated to the Department of Defense under the heading “Army—Activities and Civilian Defense—Wide”, not less than $8,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation, on Indian lands resulting from Department of Defense activities.

Sec. 8066. None of the funds appropriated by this Act shall be available for a contract for studies, analyses, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the work is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

That the limitation herein shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production at the time this Act takes effect as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

Sec. 8067. To the extent authorized in law, the Secretary of Defense shall issue loan guarantees in support of U.S. defense exports and contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the total contingent liability of the United States for guarantees issues under the authority of this section may not exceed $12,000,000. That the exposure fees charged and collected by the Secretary for each guarantee, shall be paid by the country involved and shall not be subject to partial repayment by the United States: Provided further, That the Secretary shall provide quarterly reports to
the Committees on Appropriations, Armed Services and Foreign Relations of the Senate and the Committees of Appropriations, National Security and International Relations in the House of Representatives on the implementation of this program.

Sec. 8068. Funds appropriated by this Act for purposes are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 1996, and the appropriation from which transferred, shall be transferred to the following amounts: $8,600,000 for the joint services intelligence mission; $578,000 for the National Imagery Program mission; $1,800,000 for the National Reconnaissance Program; $5,000,000 for the Defense Waste Management Program; $4,000,000 for the Air Force intelligence program; and $1,800,000 for the Army intelligence program.

Sec. 8069. None of the funds provided in this Act shall be obligated or expended for the sale of zinc in the National Defense Stockpile if zinc commodity prices decline more than five percent below the London Metal Exchange market price reported on the date of enactment of this Act.

Sec. 8070. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: Provided, That during the performance of such duty, the members of the National Guard in a State commanded by a Federal authority shall be considered as military reserve technicians (as defined in section 8401(30) of title 5, United States Code) for reserve components as of the last day of the fiscal year shall be as follows: For the Army National Guard, $37,500; for the Air National Guard, $27,000; and for the Air Force Reserve, $27,000.

Sec. 8071. Funds appropriated in this Act for the support of military intelligence activities shall be subject to the limitation and control: Provided, That such duty shall be treated as full-time National Guard duty for purposes of sections 3866a(2) and 3866a(3), United States Code.

Sec. 8072. All refunds or other amounts collected in the administration of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be credited to current year appropriations.

Sec. 8073. Of the funds provided in the Act for operation and maintenance of the Miliary Departments, Unified and Specified Commands and Defense Agencies shall be available for reimbursement of pay, allowances, and other expenses which would otherwise be incurred against appropriations of the National Guard and Reserve when members of the National Guard and Reserve provide intelligence support to Unified Commands and Joint Intelligence Activities, including the activities and programs included within the General Intelligence Activities, including the activities and programs included within the General Intelligence Program and the Consolidated Cryptologic Program: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

Sec. 8074. Funds or other amounts collected in the administration of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be credited to current year appropriations.

Sec. 8075. Of the funds provided in the Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:


Sec. 8076. None of the funds appropriated in this Act are available for the joint services intelligence mission; $578,000 for the National Imagery Program mission; $1,800,000 for the National Reconnaissance Program; $5,000,000 for the Air Force intelligence program; and $1,800,000 for the Army intelligence program.

Sec. 8077. None of the funds appropriated in this Act are available to establish a new FFRDC, either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) LIMITATION ON COMPENSATION.—No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, may be compensated for his or her services as a member of such entity, or as a paid consultant, except under the same conditions, and to the same extent, as members of the Defense Science Board: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the Department of Defense from any source during fiscal year 1996 may be used by a defense FFRDC to pay, on a cost-reimbursement basis, any other payment mechanism, for charitable contributions, for construction of new buildings, for payment of cost sharing for projects funded by government grants, or for absorption of contract overrun.

(d) Notwithstanding any other provision of law, 10 percent of the amounts available to the Department of Defense during fiscal year 1996, not more than $1,162,650 may be obligated for financing activities of defense FFRDCs: Provided, That the amounts appropriated in titles II, III, and IV of this Act are hereby reduced by $90,000,000 to reflect the funding ceiling contained in this subsection.

(e) None of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 1995 level.

Sec. 8078. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: Provided, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: Provided further, That the amounts shall be transferred following the above appropriations in the amount specified:

(c) MHC coastal mine hunter, $9,536,000;
T-AGOS surveillance ship program, $42,000,000;
SEC. 8080. The Department shall include, in
$2,300,000;
$645,000.
Marine Corps, 1995/1997, $1,784,000;
For escalation, $3,347,000;
From:
For craft, outfitting, post delivery, and
$35,770,000;
—
$378,000;
inflation, Navy, 1995/1996, $5,600,000;
$350,000;
Aircraft Procurement, Navy, 1995/1997, $3,600,000;
Research, Development, Test and Evaluation, Navy, 1995/1996, $5,600,000;
DDG–51 destroyer program, $5,315,000;
For craft, outfitting, post delivery, and
$75,000,000;
Procurement, Marine Corps, 1995/1997, $376,000;
Other Procurement, Navy, 1995/1997, $355,000;
From:
MHC coastal mine hunter program, $35,770,000;
For craft, outfitting, post delivery, and
$1,600,000;
first destination transportation, and inflation, adjustments, $5,627,000;
Procurement of Ammunition, Navy and Marine Corps, 1995/1997, $1,784,000;
Other Procurement, Navy, 1995/1997, $655,000.
To:
LSD–41 cargo variant ship program, $1,600,000;
From:
DDG–51 destroyer program, $7,356,000;
AOG combat support ship program, $2,300,000;
From:
MCS(C) program, $5,300,000;
Nuclear submarine main steam condenser industrial base, $900,000;
To:
LHD program, $6,200,000.
SIC. 8080. The Department shall include, in
the operation of TRICARE Regions 7, 8, a re-
region-wide wraparound care package that re-
quires providers of residential treatment services to share financial risk through case rate reimbursement, to include planning and individualized wraparound services to pre-
vent recidivism.
SIC. 8081. None of the funds available to the
Department of Defense shall be available to make progress payments based on costs to large business concerns at rates lower than 85 percent on contract solicitations issued after enactment of this Act.
SIC. 8082. Notwithstanding any other pro-
vision of law, the Department of Defense
shall execute payment in not more than 24
days after receipt of a proper invoice.
SIC. 8083. Funds provided in title II of this Act for real Property Maintenance may be
obligated for expenses for renovation of Department of Defense
refurbishment and modernization of bachelor
enlisted living quarters up to a level of
$1,000,000 per facility projected to be
completed in fiscal year 1995.
SIC. 8084. From:
None of the funds appropriated
by this Act may be used to carry out the ship
depot maintenance solicitation policy issued by the Director of the Navy in a memo-
SIC. 8085. None of the funds appropriated
by this Act may be used for the procurement
of craft, outfitting, post delivery, or other
funds made available under this Act
may be used for the destruction of pentaborane currently stored at Edwards Air
Force Base, California, until the Secretary
of Energy certifies to the congressional de-
fense committees that the Secretary does
not intend to use the pentaborane or the
by-products of such destruction at the Idaho National Engineering Laboratory for
(1) environmental remediation of high
level, liquid radioactive waste; or
(2) as a source of raw materials for boron
drugs for Boron Capture Therapy
SIC. 8086. Funds provided in this Act for
Energy Savings at Federal Facilities.—The head of each agency for which funds are made available under this Act shall
take all actions necessary to achieve during fiscal year 1996 a 5 percent re-
duction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency.
(b) Use of Cost Savings.—An amount
equal to the amount of cost savings realized by an agency under subsection (a) shall re-
main available for obligation through the
end of fiscal year 1997, without further au-
thorization or appropriation, as follows:
(1) CONSERVATION MEASURES.—Fifty
percent of the amount shall remain available for the implementation of additional energy
conservation measures and for water con-
servation measures at such facilities used by the agency as are designated by the head of
the agency.
(2) OTHER PURPOSES.—Fifty percent of
the amount shall be used for use by the agency for such purposes as are designated
by the head of the agency, consistent with
applicable law.
(c) REPORT.
(1) IN GENERAL.—Not later than December 31, 1996, the head of each agency described in subsection (a) shall submit a report to Con-
gress specifying the results of the actions taken under subsection (a) and providing any
recommendations concerning how to further reduce energy costs and energy consumption in the future.
(2) CONTENTS.—Each report shall—
(A) specify the total energy costs of the fac-
cilities used by the agency;
(B) identify the actions achieved; and
(C) specify the actions that resulted in the
reductions.
SIC. 8087. (a)(1) Not later than October 1, 1995, the Secretary of Defense shall require that each disbursement by the Department of Defense in an amount in excess of $1,000,000 be matched to a particular obliga-
tion before the disbursement is made.
(2) Not later than September 30, 1996, the
Secretary of Defense shall require that each disbursement by the Department of Defense
in an amount in excess of $500,000 be matched to a particular obligation before the dis-
bursement is made.
(b) The Secretary shall ensure that a dis-
bursement in excess of the threshold amount applicable under subsection (a) is not divided
into multiple disbursements of less than that
amount for the purpose of avoiding the appli-
cability of subsection to that disburse-
ment.
SIC. 8088. The Secretary of Defense may waive
a requirement for advance matching of a dis-
bursement of the Department of Defense with a particular obligation in the case of
(1) a disbursement involving deployed forces, (2) a disbursement for an operation in a war de-
clared by Congress or a national emergency
by the President or Congress, or (3) a disbursement under any other cir-
cumstances for which the waiver is neces-
sary in the national security interests of the United States, as determined by the Sec-
retary and certified by the Secretary to the congressional defense committees.
(d) This section shall not be construed to
limit the authority of the Secretary of De-
fense to require that a disbursement not in excess of the amount applicable under sub-
section (a) be matched to a particular obliga-
tion before the disbursement is made.
SIC. 8089. (a) Except as provided in sub-
section (b), the total amount obligated or ex-
cluded for procurement of the SSN–21, SSN–
22, and SSN–23 Seawolf class submarines
may not exceed $7,223,695,000.
(b) The amount of the limitation set forth in
subsection (a) is increased after fiscal year 1995 by the following amounts:
(1) The amounts of outfitting costs and
post delivery costs included in the cost of
submarines referred to in such subsection.
(2) The amounts of increases in costs attri-
utable to economic inflation after fiscal year
1995.
(3) The amounts of increases in costs attri-
utable to compliance with changes in Federal, State, or local laws enacted after fiscal year
1995.
SIC. 8090. RESTRICTION ON REIMBURSEMENT
OF COSTS.
None of the funds provided in this Act may
be obligated for payment on new contracts on which allowable costs charged to the gov-
ernment include payments for individual compensation at a rate in excess of $250,000 per
year.
SIC. 8091. None of the funds available to the
Department of Defense during fiscal year
1996 may be obligated or expended to support
the activities of the Defense Policy Advisory Committee on Trade.
SIC. 8092. PROHIBITION OF PAY AND ALLOW-
ANCES FOR PERSONS CONVICTED OF SERIOUS CRIMES.
(a) Notwithstanding any other provision of
law, none of the funds appropriated by this
Act shall be obligated for the pay or allow-
ces of any member of the Armed Forces who has been
sentenced by a court-martial to any sentence that includes confinement for one year or more, death, dishonorable discharge, bad-conduct discharge, or dis-
missal during any period of confinement or parole.
(b) In a case involving an accused who has
dependents, the convening authority or other person acting under title 10, section
860, may waive any or all of the forfeitures of
pay and allowances required by subsection (a) for a period not to exceed six months.
Any amount of pay or allowances that, ex-
cept for a waiver provided by this subsection,
would be forfeited shall be paid, as the con-
vening authority or other person taking ac-
tion directs, to the dependents of the ac-
cused.
(c) If the sentence of a member who for-
feits pay and allowances under subsection (a) is set aside, disapproved or, if finally ap-
proved, does not provide for a punishment re-
flected to in subsection (a), the member shall be paid the pay and allowances which the
member would have received for the forfeiture, for the period during which the forfeiture was in effect.
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SEC. 8093. None of the funds made available in this Act under the heading “Procurement of Ammunition, Army” may be obligated or expended for the procurement of munitions unless such ammunition fully complies with the Competition in Contracting Act.

SEC. 8094. Six months after the date of enactment of this Act the General Accounting Office shall report to the Committees on Appropriations of the Senate and the House of Representatives on any changes in Department of Defense commissary policy, including revising addendums for new privileges, and addressing the financial impact on the commissaries as a result of any policy changes.

SEC. 8095. The Secretary of Defense shall develop and provide to the congressional defense committees an Electronic Combat Master Plan that is consistent with optimum infrastructure for electronic combat assets no later than March 31, 1996.

SEC. 8096. The Secretary of Defense and the Secretary of the Army shall consider the decision not to include the infantry military occupational specialty among the military skills and specialties for which special pay is provided under the Selected Reserve Incentive Program.

SEC. 8097. INTERIM LEASES OF PROPERTY APPROVED FOR CLOSURE OR REALIGNMENT.

Section 2667(f) of title 10, United States Code, is amended by adding at the end the following:

“(4)(A) Notwithstanding the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the scope of any environmental impact analysis necessary to support an interim lease of property under this subsection shall be limited to the environmental consequences of activities authorized under the provisions of this subsection and the cumulative impacts of other past, present, and reasonably foreseeable future actions during the period of the proposed lease.

“(B) Interim leases entered into under this subsection shall be deemed not to prejudice the final property disposal decision, even if final property disposal may be delayed until completion of the interim lease term. An interim lease under this subsection shall not be entered into without prior consultation with the redevelopment authority concerned.

“(C) The provisions of subparagraphs (A) and (B) shall not apply to an interim lease under this subsection if authorized activities under this subsection—

“(i) significantly affect the quality of the human environment; or

“(ii) irreversibly alter the environment in a way that would preclude any reasonable disposal alternative of the property concerned.”

SEC. 8098. (a) If, on February 18, 1996, the Secretary of the Navy has not certified to the Committees on Appropriations of the Senate and the House of Representatives that—

“(1) the Secretary has restructured the new attack submarine program to provide for—

“(A) procurement of the lead vessel under the program from General Dynamics Corporation Electric Boat Division (herein referred to as “Electric Boat Division”) beginning in fiscal year 1996 (subject to the price offered by Electric Boat Division being determined fair and reasonable by the Secretary),

“(B) procurement of the second vessel under the program from Newport News Shipbuilding and Drydock Company beginning in fiscal year 1997 (subject to the price offered by Newport News Shipbuilding and Drydock Company being determined fair and reasonable by the Secretary),

“(C) procurement of other vessels under the program under one or more contracts that are entered into after competition between Electric Boat Division and Newport News Shipbuilding and Drydock Company for which the Secretary shall solicit competitive proposals on only the contract or contracts on the basis of price, and

“(2) the Secretary has directed, as set forth in detail in such certification that—

“(A) no action is to be taken to terminate or to fail to extend either the existing Planning Yard contract for the Trident class submarines or the existing Planning Yard contract for the Los Angeles class submarines except by reason of a breach of contract by the contractor or an insufficiency of appropriations,

“(B) no action is to be taken to terminate any existing Lead Design Yard contract for the SSN–21 Seawolf class submarines or for the SSN–688 Los Angeles class submarines, except by reason of a breach of contract by the contractor or an insufficiency of appropriations,

“(C) both Electric Boat Division and Newport News Shipbuilding and Drydock Company are to have access to sufficient information concerning the design of the new attack submarine to ensure that each is capable of constructing the new attack submarine, and

“(D) no action is to be taken to impair the design, engineering, construction, and maintenance of Electric Boat Division or Newport News Shipbuilding and Drydock Company to construct the new attack submarine,

“then, funds appropriated in title III under the heading “SHIPBUILDING AND CONVERSION, NAVY” may not be obligated for the SSN–21 attack submarine program or for the new attack submarine program (NNSN–1 and NNSN–2).

“(b) Funds referred to in subsection (a) for procurement of the lead and second vessels under the new attack submarine program may not be expended during fiscal year 1996 for the lead vessel under that program (other than for class design) unless funds are obligated or expended during such fiscal year for a contract in support of procurement of the second vessel under the program.

SEC. 8099. LIMITATION ON USE OF FUNDS FOR UNDERGROUND NUCLEAR TESTING.

(a) LIMITATION.—Of the funds available under title II under the heading “FUTURE SOVIET UNION THREAT REDUCTION” for dismantlement of chemical weapons, not more than $52,000,000 may be obligated or expended for that purpose until the President certifies to Congress the following:

“(1) The United States and Russia have completed a joint laboratory study evaluating the proposal of Russia to neutralize its chemical weapons and the United States agrees with the proposal.

“(2) That Russia is in the process of preparing, with the assistance of the United States, a plan to manage the dismantlement and destruction of the Russian chemical weapons stockpile.

“(3) That the United States and Russia are committed to resolving outstanding issues under the 1989 Wyoming Memorandum of Understanding and the 1990 Bilateral Destruction Agreement.

(b) DEFINITIONS.—In this section:


“(2) The term “1990 Bilateral Destruction Agreement” means the Agreement between the United States of America and the Union of Soviet Socialist Republics on destruction and the development of procedures and measures to facilitate the multilateral convention on banning chemical weapons signed on June 1, 1993.

SEC. 8100. SENSE OF SENATE REGARDING UNDERGROUND NUCLEAR TESTING.

(a) FINDINGS.—The Senate makes the following findings:

“(1) The President of France stated on June 13, 1995, that the Republic of France plans to conduct eight nuclear test explosions over the next several months.

“(2) The People's Republic of China continues to conduct underground nuclear weapons tests.

“(3) The United States, France, Russia, and Great Britain have observed a moratorium on nuclear testing since 1992.

“(4) A resumption of testing by the Republic of France could result in the disintegration of the current testing moratorium and a renewal of underground testing by other nuclear weapon states.

“(5) A resumption of nuclear testing by the Republic of France endangers the serious environmental and health concerns.

“(6) The United Nations Conference on Disarmament presently is meeting in Geneva, Switzerland, for the purpose of ratifying a Comprehensive Nuclear Test Ban Treaty (CTBT), which would halt permanently the practice of conducting nuclear test explosions.

“(7) Continued underground weapons testing by the Republic of France and the People's Republic of China undermines the efforts of the international community to conclude a CTBT by 1996, a goal endorsed by 175 nations, at the recently completed NPT Extension and Review Conference (the conference for the review and extension of the Nuclear Non-Proliferation Treaty).

“(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Republic of France and the People's Republic of China should abide by the current international moratorium on nuclear test explosions and refrain from conducting underground nuclear tests in accordance with a Comprehensive Test Ban Treaty.

SEC. 8101. TESTING OF THREATER MISSILE DEFENSE INTERCEPTORS.

(a) APPROVAL OF PRODUCTION INITIAL PRODUCTION.—The Secretary of Defense may not approve a theater missile defense interceptor program and the low-rate initial production acquisition until the Secretary certifies to the congressional defense committees that the program—

“(1) has successfully completed initial operational test and evaluation; and

“(2) involves a suitable and effective system.

(b) CERTIFICATION REQUIREMENTS.—(1) In order to be certified under subsection (a), the initial operational test and evaluation conducted with respect to a program shall include flight tests—

“(A) that were conducted with multiple interceptors and multiple targets in the presence of realistic countermeasures; and

“(B) the results of which demonstrate the achievement of baseline performance thresholds by such interceptors.

“(2) The Director of Operational Test and Evaluation shall specify the number of flight tests required with respect to a program under paragraph (1) in order to make a certification referred to in subsection (a).
Mr. DOLE. Mr. President, I say to the Democratic leader, I thought I would announce what I intend to propose. Maybe it is not doable. I would like to propose that the only amendments remaining in order to S. 1026 be those cleared by the two managers of the bill and the missile defense amendment, and that the vote occur on or in relation to the missile defense amendment begin at 9:30 a.m. Wednesday, immediately to be followed by a vote on passage of the Defense authorization bill, pursuant to consent agreement of August 11.

So what I am suggesting is that there is going to be a period of debate of two, maybe 3 hours, and there will be a number of Members involved in that debate. In the meantime, unless there is some objection, if we could have that vote on that amendment and final passage at 9:30 tomorrow morning, other Members would be free.

Mr. LEVIN. If the majority leader will yield, I had an amendment left on the list which I do not believe has yet been cleared. We are still hoping to clear that amendment.

Mr. DOLE. I will make it subject to the PRESIDING OFFICER. [The PRESIDING OFFICER stated, 'The PRESIDING OFFICER. Without objection, it is so ordered.']

Mr. DOLE. So I announce to my colleagues there will be no more votes this evening but there will be debate. There are a number of Members on each side interested in this issue, so I assume the debate will probably take at least 2 hours, maybe 3 hours.

So, I ask unanimous consent the vote at 9:30 Wednesday be 15 minutes in length, with second and subsequent votes being limited to 10 minutes in length.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1026) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The distinguished Senator from Georgia.

AMENDMENT No. 2425

(Purpose: To amend subtitle C of title II of the National Defense Authorization Act for fiscal year 1996)

Mr. NUNN. Mr. President, I believe there is an amendment, No. 2425, which is an amendment to the Missile Defense Act, pending at the desk. I ask that amendment be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] for himself, Mr. WARNER, Mr. LEVIN, and Mr. COHEN, proposes an amendment numbered 2425.

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

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

The amendment is as follows: On page 49, strike out line 15 and all that follows through line 9 on page 69 and insert the following in lieu thereof:

SUBTITLE C—MISSILE DEFENSE

SEC. 231. SHORT TITLE.

This subtitle may be cited as the "Missile Defense Act of 1995".
States forces, coalition partners of the United States, or allies of the United States with ballistic missiles armed with weapons of mass destruction to offset the operational and strategic advantages of the United States and its coalition partners and allies.

(3) The intelligence community of the United States has estimated that (A) the missile defense threat to the continental United States will more than double in the near future; (B) North Korea may deploy an intercontinental ballistic missile capable of reaching Alaska or Hawaii within 5 years; and (C) although a new independently developed ballistic missile threat to the continental United States is not forecast within the next 10 years, a danger determined countries will acquire intercontinental ballistic missiles in the near future and with little warning by means other than indigenous development.

(4) The deployment by the United States and its allies of effective defenses against ballistic missiles of all ranges, as well as against cruise missiles, can reduce the incentives for countries to acquire such missiles or to augment existing missile capabilities.

(5) The Cold War distinction between strategic and nonstrategic ballistic missiles and, therefore, the ABM Treaty’s distinction between strategic defense and nonstrategic defense, has changed because of technological advancements and should be reviewed.

(6) The concept of mutual assured destruction, which was one of the major philosophical rationales for the ABM Treaty, is now questionable as a basis for stability in a multipolar world in which the United States and the states of the former Soviet Union are seen as equal to, or to intensify, and thereby increase the threat to, the United States and the United States and the former Soviet Union significantly reduce the number of strategic nuclear forces in their respective inventories.

(7) Although technology control regimes and other forms of international arms control can contribute to nonproliferation, such measures are inadequate for coping with missile proliferation, and should not be viewed as alternatives to missile defenses and offensive defensive measures.

(9) Due to limitations in the ABM Treaty which preclude deployment of more than 100 ground-based ABM interceptors at a single site, the United States is currently prohibited from deploying a national missile defense system capable of defending the continental United States, Alaska, and Hawaii against even the most limited ballistic missile attacks.

SEC. 233. MISSILE DEFENSE POLICY.

It is the policy of the United States to—

(1) deploy as soon as possible affordable and effective theater missile defenses capable of countering existing and emerging theater ballistic missiles;

(2) (A) develop for deployment a multiple-site national missile defense system that: (i) is affordable and operationally effective against limited, accidental, and unauthorized ballistic missile attacks on the territory of the United States; and (ii) can be implemented over time as the threat changes to provide a layered defense against limited, accidental, or unauthorized ballistic missile threats.

(B) initiate negotiations with the Russian Federation as necessary to provide for the national missile defense systems specified in section 235; and

(C) consider, if those negotiations fail, the option of withdrawing from the ABM Treaty in accordance with the provisions of Article XV of the Treaty, subject to consultations between the President and the Senate;

(2) ensure congressional review, prior to a decision to deploy the system developed under paragraph (2), of: (A) the affordability and operationally effectiveness of such a system; (B) the threat to be countered by such a system; and (C) ABM Treaty considerations with respect to such a system;

(4) improve missile defenses and deploy as soon as practical defenses that are affordable and operationally effective against advanced cruise missiles;

(5) pursue a focused research and development program to provide follow-on ballistic missile defense options;

(6) employ streamlined acquisition procedures to lower the cost and accelerate the pace of developing and deploying theater missile defenses, cruise missile defenses, and national missile defenses;

(7) seek a cooperative transition to a regime that does not feature mutual assured destruction and an offense-only form of deterrence as the basis for strategic stability; and

(8) carry out the policies, programs, and requirements specified in section 232.

SEC. 234. THEATER MISSILE DEFENSE ARCHITECTURE.

(a) Establishment of Core Program.—To implement the policies and requirements specified in section 232, the Secretary of Defense shall establish a top priority core theater missile defense program consisting of the following systems:

(1) Ground-based interceptors capable of engaging the continental United States, Alaska, and Hawaii against even the most limited ballistic missile attacks.

(2) One or more of the sites that will be designated for the core program.

(3) Battletested threat deliveries against the continental United States.

(4) Space-based sensors.

(b) Interim Operational Capability.—To provide a hedge against the emergence of near-term ballistic missile threats against the United States and to support the development and deployment of the objective system specified in subsection (a), the Secretary of Defense shall develop an interim national missile defense plan that would give the United States the ability to field a limited national missile defense capability in fiscal year 1999 if required by the threat. In developing this plan the Secretary shall make use of:

(1) developmental, or user operational evaluation system (UOES) interceptors, radars, and battle management, command, control, and communications (BM/CS), to the extent that such use directly supports, and does not significantly increase the cost of, the objective system specified in subsection (a);

(2) one or more of the sites that will be used as deployment locations for the objective system specified in subsection (a);

(3) upgraded early warning radars; and

(4) space-based sensors.

(c) Use of Streamlined Acquisition Procedures.—The Secretary of Defense shall prescribe and use streamlined acquisition procedures to—

(1) reduce the cost and increase the efficiency of developing the national missile defense system specified in subsection (a); and

(2) ensure that any interim national missile defense capabilities developed pursuant to section (a) are affordable and on a path to fulfill the technical requirements and schedule of the objective system.

(b) How the new program will relate to, support, and leverage off existing core programs;

(2) the planned acquisition strategy; and

(3) a preliminary estimate of total program cost and budgetary impact.

(e) Report.—(1) Not later than the date on which the President submits the budget for fiscal year 1997 under section 115 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report detailing the Secretary’s plans for implementing the guidance specified in this section.

(2) For each deployment date for each system described in subsection (a), the report required by paragraph (1) of this subsection shall include the plans for research, development, testing, evaluation, and deployment for each fiscal year beginning with fiscal year 1997 through the end of the system cost.
(d) ADDITIONAL COST SAVING MEASURES.—In addition to the procedures prescribed pursuant to subsection (c), the Secretary of Defense shall employ cost saving measures that do not diminish the national operational effectiveness or the strategic benefits of the systems specified in subsections (a) and (b), and which do not pose unacceptable technical risk. The cost saving measures should include the following:

(1) The use of existing facilities and infrastructure.

(2) The use, where appropriate, of existing or upgraded systems and technologies, except that Minuteman boosters may not be used as part of a National Missile Defense architecture.

(3) Development of systems and components that do not rely on a large and permanent infrastructure and are easily transportable and deployed.

(e) REPORT ON PLAN FOR DEPLOYMENT.—Not later than the date on which the President submits the budget for fiscal year 1997 under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report containing the following matters:

(1) The Secretary’s plan for carrying out this section.

(2) For each deployment date in subsections (a) and (b), the report shall include the plan for research, development, testing, evaluation, and deployment for each fiscal year beginning with fiscal year 1997 through the end of the fiscal year in which the deployment is projected under section (a) or (b). The report shall also describe the specific threat to be countered and provide the Secretary’s assessment as to whether deployment is affordable and operationally effective.

(3) An analysis of options for supplementing or modifying the National missile defense architecture specified in subsection (a) before attaining initial operational capability, or evolving such architecture in a building block manner after attaining initial operational capability, to improve the cost-effectiveness or the operational effectiveness of such system by adding one or a combination of the following:

(A) Additional ground-based interceptors at existing or new sites.

(B) Sea-based missile defense systems.

(C) Space-based kinetic energy interceptors.

(D) Space-based directed energy systems.

SEC. 236. CRUISE MISSILE DEFENSE INITIATIVE.

(a) IN GENERAL.—The Secretary of Defense shall undertake an initiative to coordinate and strengthen the cruise missile defense programs, projects, and activities of the military departments, the Advanced Research Projects Agency and the Ballistic Missile Defense Organization to ensure that the United States develops and deploys affordable and operationally effective defenses against existing and future cruise missile threats.

(b) ACTIONS OF THE SECRETARY OF DEFENSE.—In carrying out subsection (a), the Secretary of Defense shall ensure that—

(1) to the extent practicable, the ballistic missile defense and cruise missile defense efforts of the Department of Defense are coordinated and mutually reinforcing;

(2) existing air defense systems are adequately upgraded to provide an affordable and operationally effective defense against existing and near-term cruise missile threats; and

(3) the Department of Defense undertakes a high priority and well coordinated technology development program to support the future deployment of systems that are affordably operationally effective against advanced cruise missiles, including cruise missiles with low observable features.

(c) IMPLEMENTATION PLAN.—Not later than the date on which the President submits the budget for fiscal year 1997 under section 1105 of title 31, United States Code, the Secretary of Defense submits to the congressional defense committees a detailed plan, in unclassified and classified forms, as necessary, for carrying out this section. The plan shall include the following:

(1) the systems that currently have cruise missile defense capabilities, and existing programs to improve these capabilities;

(2) the timing and mode of deployment that would be deployed in the near- to mid-term to provide significant advances over existing cruise missile defense capabilities, and the investments that would be made to ready the technologies for deployment;

(3) the cost and operational tradeoffs, if any, between upgrading existing air and missile defense systems and accelerating follow-on systems with significantly improved capabilities against advanced cruise missiles; and

(4) the organizational and management changes that would strengthen and further coordinate the cruise missile defense efforts of the Department of Defense, including the disadvantages, if any, of implementing such changes.

SEC. 237. POLICY REGARDING THE ABM TREATY.

(a) Congress makes the following findings:

(1) Article XIII of the ABM Treaty envisions “possible changes in the strategic situation which would bear on the provisions of this treaty”.

(2) Articles XIII and XIV of the ABM Treaty establish means for the Parties to amend the Treaty, and the Parties have employed these means to amend the Treaty.

(3) Article XV of the ABM Treaty establishes the means for a party to withdraw from the treaty, “if it is in the vital national security interest of the Party to do so.”

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) unless a missile defense system, system upgrade, or system component that exploits data from space-based or other external sensors, is flight tested against a ballistic missile target that exceeds a range of 3,500 kilometers or a velocity of 5 kilometers per second, such missile defense system, system upgrade, or system component has not been tested in an ABM mode nor demonstrated to have been given capabilities to counter strategic ballistic missiles, and

(2) any international agreement that would limit the research, development, testing, or deployment of cruise missile defense systems, anti-ballistic missile systems and anti-ballistic missile systems for purposes of the ABM Treaty or that would restrict the performance, operation, or deployment of United States theater missile defense systems except—

(1) to the extent provided in an act enacted subsequent to this Act; or (2) to implement any portion of any such agreement that implements the criteria in subsection (b)(1); or (3) to implement any such agreement that is entered into pursuant to the treaty making powers of the President under the Constitution.

(c) PROHIBITION ON FUNDING.—Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1996 may not be obligated or expended to implement an agreement with any of the independent states of the former Soviet Union entered into after January 1, 1996 that would modify or amend the ABM Treaty or that would restrict the performance, operation, or deployment of United States theater missile defense systems or anti-ballistic missile systems for purposes of the ABM Treaty or that would restrict the performance, operation, or deployment of United States theater missile defense systems except—

(1) to the extent provided in an act enacted subsequent to this Act; or (2) to implement any portion of any such agreement that implements the criteria in subsection (b)(1); or (3) to implement any such agreement that is entered into pursuant to the treaty making powers of the President under the Constitution.

SEC. 238. PROHIBITION ON FUNDS TO IMPLEMENT AN INTERNATIONAL AGREEMENT CONCERNING THEATER MISSILE DEFENSE.

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

(1) Section 234 of the National Defense Authorization Act for Fiscal Year 1994 provides that the ABM Treaty does not apply to or limit research, development, testing, or deployment of missile defense systems, upgrades, or system components that are designed to counter modern theater ballistic missiles, regardless of the capabilities of such systems, unless those systems, upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles.

(2) Section 202 of the National Defense Authorization Act for Fiscal Year 1995 provides that the United States shall not be bound by any international agreement that would substantially modify the ABM Treaty unless the agreement is entered into pursuant to the treaty making power of the President under the Constitution.

(3) The demarcation standard described in subsection (b)(1) is based upon current technology.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) unless a missile defense system, system upgrade, or system component, that exploits data from space-based or other external sensors, is flight tested against a ballistic missile target that exceeds a range of 3,500 kilometers or a velocity of 5 kilometers per second, such missile defense system, system upgrade, or system component has not been tested in an ABM mode nor demonstrated to have been given capabilities to counter strategic ballistic missiles, and

(2) any international agreement that would limit the research, development, testing, or deployment of cruise missile defense systems, anti-ballistic missile systems and anti-ballistic missile systems for purposes of the ABM Treaty or that would restrict the performance, operation, or deployment of United States theater missile defense systems except—

(1) to the extent provided in an act enacted subsequent to this Act; or (2) to implement any portion of any such agreement that implements the criteria in subsection (b)(1); or (3) to implement any such agreement that is entered into pursuant to the treaty making powers of the President under the Constitution.

(c) PROHIBITION ON FUNDING.—Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1996 may not be obligated or expended to implement an agreement with any of the independent states of the former Soviet Union entered into after January 1, 1996 that would modify or amend the ABM Treaty, or that would restrict the performance, operation, or deployment of United States theater missile defense systems except—

(1) to the extent provided in an act enacted subsequent to this Act; or (2) to implement any portion of any such agreement that implements the criteria in subsection (b)(1); or (3) to implement any such agreement that is entered into pursuant to the treaty making powers of the President under the Constitution.

SEC. 239. BALLISTIC MISSILE DEFENSE PROGRAM ELEMENTS.

(a) ELEMENTS SPECIFIED.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 1996, the Secretary of Defense shall provide an assessment—

(1) of the Patriot system;

(2) of the Aegis Ashore (Area) system; and

(3) of the Theater High-Altitude Area Defense (THAAD) system.
Mr. NUNN. Mr. President, I yield myself such time as I may need at this point, and I do not intend to make long remarks at this point to give each of my colleagues a chance to lay down their views and to make their remarks on this amendment, which is a very important one. Then I will conclude with other remarks as we proceed through this debate.

Mr. President, at the request of the majority and minority leaders, Senators COHEN, LEVIN, WARNER, and I spent the better part of the weekend, preceding the August recess meeting intensively addressing issues raised by the proposed Missile Defense Act of 1995, as set forth in S. 1026, the pending Defense authorization bill.

The goal of our effort was to develop an amendment establishing a missile defense policy that could be supported by a broad bipartisan group of Senators. On Friday, August 11, we filed a bipartisan substitute amendment reflecting the concerns of the President, the Senate, and the House leadership. As determined on the basis of the primary missile defense programs specified in section 238 of the bill as enacted, shall be available only for activities covered by those designated program elements.

The Senate and the House leadership believe that the SubCommittee on Multinational Facilities and Operations in this substitute, is to provide a useful statement of congressional intent with respect to decisions about future missile defenses. Second, it clarifies the intent of the Congress with respect to the ABM Treaty under the bipartisan substitute a limited funding restriction in the annual Defense authorization bill.

I believe the amendment is a significant improvement to the version in the bill, and I support its adoption.

Mr. President, the revised version of the Missile Defense Act of 1995, if passed in this amendment as set forth in section 238 has three exceptions. The first is that the funding restriction applies only to the fiscal year 1996. Second, this substitute restriction applies only to the implementation of a tentative agreement with the successor states in the former Soviet Union. Finally, let me address the theater missile demarcation provision briefly. Section 238 of the bill as reported would have established in permanent law a specific demarcation between theater and strategic missile defenses. The bipartisan substitute restricts the President from negotiations or other actions concerning the clarification or interpretation of the ABM Treaty and the line between theater and strategic missile defenses. The bipartis substitute amendment as set forth in section 238 and provides in the bipartisan substitute a limited funding restriction with the following provisions concerning the demarcation or the definitional distinction between theater and national missile defenses.

First, the funding restriction applies only to fiscal year 1996. Second, this substitute restriction applies only to the implementation of an agreement with the successor states in the former Soviet Union. Finally, let me address the theater missile demarcation provision briefly. Section 238 of the bill as reported would have established in permanent law a specific demarcation between theater and strategic missile defenses. Finally, let me address the theater missile demarcation provision briefly. Section 238 of the bill as reported would have established in permanent law a specific demarcation between theater and strategic missile defenses.
to allow for more effective defenses against limited missile attacks than either side is permitted today.

I believe the bipartisan substitute amendment is not, and should not be seen by Russia as, a threat by the United States to abandon the ABM Treaty or to reinterpret a treaty unilaterally to our advantage. Both we and Russia face the threat of ballistic missile attacks. It is not simply the United States; it is also Russia. The threat is as serious as it is different, but the need for defenses should be clear to both sides.

What we have to do is arrange for both sides to be able to deploy more effective defenses than in use today against accidental, unauthorized, and limited attacks while maintaining overall strategic stability and while making it plain that neither side seeks offensive striking power with defensive capability thereby giving either side what has for years been feared as a first-strike capability. Some people use that term in connection and synonymously with the term “strategic stability.” Some people use the term “strategic stability” in a broader context.

But, nevertheless, it is my view that, if we are going to proceed to enjoy the benefits of 20 years of work and negotiations to reduce nuclear weapons under the treaties that have been entered into, like the START I Treaty or treaties now pending like the START II Treaty, it is very important that both sides understand that strategic stability is being maintained, that neither side is intending to combine offensive striking power with defensive abilities so that either side would be tempted at any point in the future—whatever developed—to develop anything resembling a first-strike capability.

That is the scenario that the ABM Treaty was originally designed to prevent. It has some relevance today. But it needs changing in some very important respects.

Mr. President, it is important that whatever we do with defenses—and I favor going forward with both the theater missile system and also a national missile defense system against limited and unauthorized attacks and third-country attack—whatever we do we should make sure that we continue to carry out the reductions of the armaments that have been most threatening against the United States for the last 20 years of the cold war. And the missiles are part of both START I and START II reductions.

It is enormously important that we not send signals to the Russian Parliament or leadership to the Russian people that they in any way should fear for their own security and that, therefore, should not go forward with the reductions of the missiles that they have either agreed to or that are pending in the START II agreement.

Mr. President, that is what this is all about. I know there will be some who will agree with the changes. There will be some who may not agree with the changes. But this does represent the best effort that Senator Levin and I on the Democratic side, together with Senator Warner and Senator Cohen on the Republican side, were able to put together in an effort to achieve these goals that I have enumerated.

Mr. WARNER. Mr. President, will the Senate yield for a question?

Mr. NUNN. Yes.

Mr. President, I will later address this pending amendment. But I would like to ask a question of my distinguished colleague. I think we concur, the four of us, Senator Thurmond, Senator Cohen, myself, and Senator Levin and also our distinguished ranking member. It would be my hope that the Senator from Georgia would have an opportunity to make some assessment as to how the administration views this amendment. I wondered if the Senator would share with the Senate what he has.

Mr. NUNN. I say to my friend from Virginia that I talked to Secretary of Defense Perry about this amendment, and I think it is fair to say that he believes it is a dramatic improvement over the original version.

I would not be able to portray to the Senator from Virginia that I conveyed this or that I have discussed it in any kind of detail with the White House. And I cannot give any message about whether we will vote either this authorization bill or the appropriations bill which was passed. There are a number of other areas that do not concern this that have been of concern to the White House and the Secretary of Defense, including, in the bill we just passed, the appropriation bill, the elimination of some very important funding that the Secretary of Defense had undertaken under the Nunn-Lugar program for working to reduce the Russian military establishment.

That is a concern to Secretary Perry; it also is a concern to me, that funding was eliminated both in the appropriations bill in the House and Senate. But as far as this particular provision is concerned, I have no doubt that Secretary Perry feels it is a great improvement, and I would assume, without having directly talked with the President about it, that he would also view it in that way.

Mr. WARNER. Mr. President, I thank our distinguished colleague, but I hope the administration would view this as an effort to reconcile important differences and that it is a work product worthy of support by the Senate and by the administration. Mr. NUNN, it is also my hope that would be their view. I would say to my friend, I know there are other provisions in this bill and the appropriations bill that concern both the White House and the Secretary of Defense. So I can only make the statement here that indicates their feeling on the overall product we now have. I am sure they will be heard from as we move into conference.

Mr. President, I reserve the remainder of my time.

Mr. THURMOND addressed the Chair. The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise to support the bipartisan missile defense amendment which was worked out prior to the August recess.

While I continue to believe that the missile defense provisions in the bill reported to the Senate by the Armed Services Committee are sound and reasonable, I also agree that the compromise is a positive step away from the status quo.

The compromise amendment does not include everything that I wanted, but it does not fundamentally undermine any of the policies or initiatives that I viewed as critical. In my view, it is an adequate position to take to conference. The House defense authorization differs in several ways from the Senate compromise missile defense amendment. Obviously, there will be considerable discussion before a consensus is reached between the two Chambers.

Let me again thank all those who worked so hard prior to the August recess and I especially wish to thank Senator Warner, Senator Cohen, Senator Nunn, and Senator Levin. Also, let me thank the leaders for their cooperation.

Finally, I would like to draw to the attention of the Senate an article by the Republican leader, Senator Dole, in today’s Washington Times which addresses the subject of missile defense. This is an excellent piece for which I commend the Republican leader. I ask unanimous consent that a copy of the article be printed in the Record following my remarks.

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

(See exhibit 1.)

Mr. THURMOND. In closing, Mr. President, let me once again urge my colleagues to support this bipartisan compromise on missile defense. It is a positive step that all Members should be able to endorse.

I yield the floor.

EXHIBIT 1

A TIMELY REMINDER FROM IRAQ

(By Robert Dole)

When Saddam Hussein’s son-in-law and former chief of mass destruction bolted, apparently threatening to tell all, the Iraqi director preempted and sent us the loudest wake-up call we are likely to get on the growing threat of weapons of mass destruction. As we finish up the Department of Defense Authorization Bill, it’s time to heed that call.

According to their related admission, the Iraqis filled nearly 200 bombs and warheads for ballistic missiles with botulinum toxin, anthrax spores and aflatoxin. In addition to the shockingly advanced nuclear weapons program already revealed, Iraq now says it ran a second program to develop a nuclear weapon by April 1991 with material diverted from nuclear power reactors.
The latest revelations from Baghdad underscore four points.

First, arms control treaties and export controls did not prevent Iraq from pursuing its deadly ambitions. And diplomatic efforts increase the cost, time, and technical challenge required to acquire weapons to mass destruction. We should press on with the now defunct Soviet Union. They involved negotiations being conducted in the multipolar world of the 21st century. It is not a matter of partisanship. There is the need to prevent that we need to have that capability.

In June, when the Armed Services Committee marked up the Defense authorization bill, the committee voted to put the United States on the path to deployment of a highly effective system to defend the American people against limited missile attacks.

Because we want to and must defend all Americans, not just those in a particular region of the country, we called for a multiple-site defense. And, because we can expect the threat to evolve into even more sophisticated, we called for a defensive system that would also evolve and a research-development program to provide wide options for the future. Since the National Missile Defense Program approved by the committee goes beyond that being pursued by the administration, we added $300 million above the $371 million requested.

We also called for deployment of highly effective systems to defend our forward deployed forces and key allies and, to ensure this result, reorganized the administration's theater missile defense effort. A related matter involved negotiations being conducted with Moscow to define the line distinguishing TMD from ABM systems.

Over the last year and a half, the Clinton administration has drifted toward accepting Russian proposals to limit TMD systems in unacceptable ways—in effect, to subject TMD systems to the ABM Treaty, which was never intended to cover theater defenses. The committee addressed this tense situation in four steps. First, we voted to write into law the Clinton administration's initial negotiating position on what constitutes an agreement.

How do we quantify it? How great is that threat? I do not think any of us are in a position to make a judgment. But we do not want to be in the position 3 or 4 or 5 years down the road of having some accidental launch, an unauthorized launch, or a limited attack. As the United States, the President of the United States could do would be to tell the people targeted: "Sorry, we will do the best to clean up the thousands if not millions of dead after the missile hits. We have no means of protecting you. And, yes, we understand what we put in Washington, New York, and every major city and the chances are you will not be able to get out of the city on 30 minutes’ notice, and so all we can do is hope to minimize the slaughter that will take place by sending in our rescue teams, assuming they survive the blast."

That is an untenable position, and so we have to have some means of defending against these types of limited, accidental, or unauthorized launches, and there should be no dissent on that. This is a special privilege for me to be able to sit down for hours and hours, well into the night, in fact, on several occasions, working from at least 5 in the afternoon midnight on at least two occasions, but the issues that were involved were serious. They required that kind of attention to detail.

Notwithstanding some of the comments that I made earlier today by some of our colleagues, words do make a difference. Poets are not the only individuals who pinch words until they hurt. Arms controllers do as well.

Words within the field of arms control carry specific meaning, and it was very important that we took great care as we tried to hammer out a compromise between our respective positions, in making sure that we would not do damage to longstanding understandings and interpretations. Notwithstanding the fact there has been some criticism leveled at this bipartisan proposal, we believe the care which we have taken to describe in some detail, with some great sensitivity, I might add, the meaning of the words that were used, carries significant implications for arms control and national security.

We have to remind our colleagues again and again we are not seeking to rekindle the star wars, some sort of astrodome system that is going to hover over the United States and protect this country from an all-out assault from the former Soviet Union or any major power that may emerge in the future. We could not do that. We do not envision that. We agree, in light of the proliferation of missile technology that we are agreed upon, that there is a grave danger of missile technology proliferating at an ever and ever faster rate that poses a threat to the United States, alike to the former Soviet Union. They also should have great concern about the proliferation of this kind of technology.
bill language to prevent the administration from implementing any agreement that would have the effect of applying ABM Treaty restrictions to TMD systems.

Last month, when the Defense authorization act came to the floor, the committee's judgment was challenged. One amendment was offered to delete the additional $300 million provided for national missile defense. And another amendment was offered to eliminate the policy to deploy a multiple-site national defense system, eliminate the statutory demarcation between TMD and ABM systems, and eliminate the ban on applying the ABM Treaty to TMD systems.

As was the case during the committee's mark-up, these efforts failed in relatively close votes.

Mr. President, I have been on the Armed Services Committee since 1979 and have spent some of that time in the majority. It has not been our practice for the majority to use its position to impose its views on the minority. Instead, we have usually sought to develop as broad a consensus as possible on important issues of national security.

In this spirit, Members of the majority also offered amendments on the floor to move beyond close, partisan votes toward a broader consensus.

Senator Kyl offered an amendment expressing the sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballistic missile attack. His amendment setting forth this basic principle, which was the basis for the Armed Services Committee's action, was approved overwhelmingly, 94-5.

And to address the concerns of some Senators that the committee was advocating abrogation of the ABM Treaty, I offered an amendment affirming that the multiple-site defense we endorsed can be deployed in accordance with mechanisms provided for in the ABM Treaty—such as negotiating an amendment—and urging the President to negotiate with Moscow to obtain the necessary treaty amendment. My amendment was also approved by a very large margin, 69-26.

I highlight that vote margin because the bipartisan amendment we have negotiated would change even the language of the Cohen amendment, which was a little less than the majority, and which was approved by the full Senate. I think this is a clear indication of how far the majority has been willing to go in accommodating the minority in order to build a broader consensus.

THE BIPARTISAN AMENDMENT

The result of the negotiations that have occurred is the bipartisan amendment, which is being cosponsored by the four Senators designated by the two leaders to attempt to resolve this issue. In order to reach agreement on this amendment, we had to make many concessions, although it should be noted that many of the agreed upon changes are less concessions than clarifications of the Armed Services Committee's intent.

Senators interested in this matter can read the bipartisan amendment and compare it to current text of the bill. Our negotiations involved debate over very few words in sub-title C. For reasons of time, I will merely try to summarize the most important issues.

MISSILE DEFENSE POLICY

In section 233, which addresses missile defense policy, we made a number of changes to clarify the intent of the committee's language.

The bipartisan text states that "it is the policy of the United States to develop for deployment a multiple-site national missile defense system." The difference with the original text is that it substitutes the words "develop for deployment" for the word "deploy." This change is consistent with the fact that what is in this bill is research and development on national missile defense, not procurement. There will be a number of authorization and appropriations bills to be acted upon before we begin to fund an operational NMD system. I would note that the words "develop for deployment" were in the committee-approved bill, in the NMD architecture section, and so this clarification is consistent with the committee's intent.

Moreover, I would emphasize that the policy section clearly states—as did the committee bill—that the system we are pursuing is a multiple-site system. As the findings make clear, a multiple-site system is necessary if we are to defend all of the United States and not just part of the country. This is also made clear in the NMD architecture section, which states that the system must be optimized to defend all 50 States that what is referred to as an accidental, or unauthorized ballistic attacks.

This is further bolstered by the new language inserted by the compromise at various places that the system must be "affordable and operationally effective, to include a single ground-based site would not be operationally effective, as noted in the ninth finding."

The bipartisan text also states in the policy section that the NMD system will be one that "can be augmented over time as the threat changes to provide a layered defense against limited, accidental, or unauthorized ballistic missile threats." This passage was of great importance to many Members on this side who are concerned about the ability of the system to remain effective in the face of an evolving threat.

The committee-approved language stated that the NMD system "will be augmented over time to provide a layered defense." There were strong feelings on our side about the words "will be augmented." In the end, we agreed to change this to "can be augmented." Again, while the committee's language had much to commend it, furnishing for deployment of other defensive layers will not be appropriated for several years.

The other changes to this passage, such as the inclusion of the words "limited, accidental, or unauthorized" clarify the ballistic missile threat for which a layered defense would be required, reflect the intent of the committee's bill.

At the suggestion of the other side, a new paragraph was added to the policy calling for congressional review, prior to a decision to deploy the NMD system. This is fully consistent with the committee's intent and the realities of the congressional budget process. Funds to begin deployment of the NMD system are not in the bill before the Senate. Thus, when such funds are requested, that request will pass through the regular process of committee hearings and mark-ups, floor consideration, and conference action.

Another change to the policy section was the inclusion of several portions of the amendment that I offered and that was approved by the Senate last month. This states that it is U.S. policy to "carry out the policies, programs and requirements of the Missile Defense Act of 1999, as interpreted by the President and the Secretary responsible for the administration from implementing any agreement which would abrogate the ABM Treaty, which is being cosponsored by the Senate.

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The other changes to this passage, such as the inclusion of the words "limited, accidental, or unauthorized" clarify the ballistic missile threat for which a layered defense would be required, reflect the intent of the committee's bill.

Contrary to the concerns of some, the Armed Services Committee never advocated abrogation of the treaty and the bill reported out by the committee neither required nor supported abrogation. The debate that took place during the committee mark-up made it clear that there was absolutely no intent to abrogate.

These provisions regarding the ABM Treaty and negotiations with Moscow...
taken from the Cohen amendment and incorporated into the bipartisan amendment reaffirm what was always the intent of the committee.

Mr. President, I want to emphasize that these provisions and the other language in section 233 are not to state that these policies are “the policy of the United States.” Not the policy of the Senate or the policy of the Congress. I say this because I have heard that an administration official has said that once this bill becomes law, the administration will declare that these statements of U.S. policy are not its policy but merely the sense of the Congress.

The bill makes a clear distinction between statements of U.S. policy and expressions of the sense of Congress. We have spent a great deal of effort negotiating exactly what statements will fall into the policy section and which will be in the form of sense of the Congress. In fact, these negotiations began with Senator Stevens assuming that the Cohen amendment be strengthened from being the sense of the Congress to a statement of U.S. policy.

Mr. President, I would merely note the obvious fact that once the bill becomes law, the bill statements of policy are U.S. policy.

NMD ARCHITECTURE

The bipartisan amendment also provides changes and clarifications in section 235, regarding the architecture of the national missile defense system.

The committee’s bill stated that the NMD system “will attain initial operational capability by the end of 2003.” The bipartisan amendment states that the NMD system will be “capable of attaining initial operational capability by the end of 2003.” This is a useful clarification because while Congress can mandate many things, we cannot dictate with certainty that engineers will accomplish specific tasks within a specific period of time.

Section 235 also states that the NMD system shall include *ground-based interceptors capable of being deployed at multiple sites, the locations and numbers of which are to be determined so as to optimize the defensive coverage of the continental United States, Alaska, and Hawaii against limited, accidental, or unauthorized ballistic missile attacks.” The committee’s version of this provision was identical except that the bipartisan amendment inserted the words “capable of being deployed at multiple sites.” I found this suggestion from the other side to be acceptable because I do not think it really changes the meaning of the original text. Interceptors are inherently “capable of being deployed at multiple sites.” I cannot conceive of any technical reason that an interceptor would be incapable of being deployed at multiple sites. Accordingly, “capable of being deployed at multiple sites” does not, as far as I can tell, in any way limit the NMD system proposed by the committee. Indeed, one could argue that the only way that ground based interceptors are “capable of being deployed at multiple sites” is if there are multiple sites.

So, I am pleased that this change helped to produce a bipartisan resolution to this matter, even if I cannot find any substantive result of this change.

In subsection (b) of section 235, our side did make a concession. The committee’s bill directed the Secretary of Defense “to develop an interim NMD capability to be operational by the end of 1999.” In order to achieve agreement with the other side, we have modified this to require the Secretary “to develop an interim NMD plan that would give the U.S. the ability to field a limited operational capability by the end of 1999 if required by the threat.” In both versions, the interim capability would have to not interfere with deployment of the full up NMD system by 2003.

Mr. President, I would also note that the bipartisan amendment retains the portion of section 235 that calls for a report by the Secretary of Defense analyzing “options for supplementing or modifying the NMD system by adding one or a combination of sea-based missile defenses, theater ballistic missile energy interceptors, or space-based directed energy systems.” As I discussed earlier, such options for layered defenses are of considerable interest to many Members.

To summarize, Mr. President, the bipartisan amendment both clarifies and changes the committee bill’s provisions on national missile defense. It keeps us on the path toward a ground-based, multiple-site NMD system with options for layered defenses as the threat changes. But it recognizes that requests for NMD procurement funds will not be made for several years.

TMD DEMARcation

The other issue that required much discussion and that is commonly referred to as the theater missile defense demarcation question. I would like to summarize the resolution that was achieved in section 238, which was completely rewritten with the assistance of many Senators.

The section has findings noting that the ABM Treaty “does not apply to or limit” theater missile defense systems. The findings also note that “the U.S. shall not be bound by any inter-nationally binding arrangement that would substantially modify the ABM Treaty unless the agreement is entered into pursuant to the treaty making powers of the President under the Constitution.” What this means is that any agreement that would have the effect of applying limits on TMD systems under the ABM Treaty must be approved as a treaty by the Senate.

Section 238 then states the sense of Congress that a defensive system has been declared by the President, and therefore is subject to the ABM Treaty, only if it has been tested against a ballistic missile target that has a range in excess of 3,500 kilometers or a velocity in excess of 5 kilometers per second. This threshold is the one defined by the administration and proposed in its talks with Moscow on this subject.

Finally, section 238 has a binding provision that prohibits implementation during fiscal year 1996 of any agreement with the countries of the former Soviet Union that would restrict theater missile defenses. This prohibition would not apply to the portion of an agreement that implements the 3,500 kilometer or 5-kilometer-per-second criteria, nor to any portion of this agreement as approved as a treaty by the Senate.

But it would apply to all portions of an agreement that sought to impose any restrictions other than the 3,500 kilometer or 5-kilometer-per-second criteria. Various other potential restrictions have been discussed, such as limits on the number of TMD systems or system components, geographical restrictions on where TMD systems can be deployed, restrictions on the velocity, and numbers of which are to be deployed at multiple sites, the locations and numbers of which are to be determined so as to optimize the defensive coverage of the continental United States, Alaska, and Hawaii against limited, accidental, or unauthorized ballistic missile attacks.” The committee’s version of this provision was identical except that the bipartisan amendment inserted the words "capable of being deployed at multiple sites." I found this suggestion from the other side to be acceptable because I do not think it really changes the meaning of the original text. Interceptors are inherently "capable of being deployed at multiple sites." I cannot conceive of any technical reason that an interceptor would be incapable of being deployed at multiple sites. Accordingly, "capable of being deployed at multiple sites" does not, as far as I can tell, in any way limit the NMD system proposed by the committee. Indeed, one could argue that the only way that ground based interceptors are "capable of being deployed at multiple sites" is if there are multiple sites.

So, I am pleased that this change helped to produce a bipartisan resolution to this matter, even if I cannot find any substantive result of this change.

In subsection (b) of section 235, our side did make a concession. The committee’s bill directed the Secretary of Defense “to develop an interim NMD capability to be operational by the end of 1999.” In order to achieve agreement with the other side, we have modified this to require the Secretary “to develop an interim NMD plan that would give the U.S. the ability to field a limited operational capability by the end of 1999 if required by the threat.” In both versions, the interim capability would have to not interfere with deployment of the full up NMD system by 2003.

Mr. President, I would also note that the bipartisan amendment retains the portion of section 235 that calls for a report by the Secretary of Defense analyzing “options for supplementing or modifying the NMD system by adding one or a combination of sea-based missile defenses, theater ballistic missile energy interceptors, or space-based directed energy systems.” As I discussed earlier, such options for layered defenses are of considerable interest to many Members.

To summarize, Mr. President, the bipartisan amendment both clarifies and changes the committee bill’s provisions on national missile defense. It keeps us on the path toward a ground-based, multiple-site NMD system with options for layered defenses as the threat changes. But it recognizes that requests for NMD procurement funds will not be made for several years.

TMD DEMARCATION

The other issue that required much discussion and that is commonly referred to as the theater missile defense demarcation question. I would like to summarize the resolution that was achieved in section 238, which was completely rewritten with the assistance of many Senators.

The section has findings noting that the ABM Treaty “does not apply to or limit” theater missile defense systems. The findings also note that “the U.S. shall not be bound by any internationally binding arrangement that would substantially modify the ABM Treaty unless the agreement is entered into pursuant to the treaty making powers of the President under the Constitution.” What this means is that any agreement that would have the effect of applying limits on TMD systems under the ABM Treaty must be approved as a treaty by the Senate.

Section 238 then states the sense of Congress that a defensive system has been declared by the President, and therefore is subject to the ABM Treaty, only if it has been tested against a ballistic missile target that has a range in excess of 3,500 kilometers or a velocity in excess of 5 kilometers per second. This threshold is the one defined by the administration and proposed in its talks with Moscow on this subject.

Finally, section 238 has a binding provision that prohibits implementation during fiscal year 1996 of any agreement with the countries of the former Soviet Union that would restrict theater missile defenses. This prohibition would not apply to the portion of an agreement that implements the 3,500 kilometer or 5-kilometer-per-second criteria, nor to any portion of this agreement as approved as a treaty by the Senate. But it would apply to all portions of an agreement that sought to impose any restrictions other than the 3,500 kilometer or 5-kilometer-per-second criteria. Various other potential restrictions have been discussed, such as limits on the number of TMD systems or system components, geographical restrictions on where TMD systems can be deployed, restrictions on the velocity, and restrictions on the volume of TMD interceptors missiles. Under section 238 of the bipartisan amendment, during fiscal year 1996, the administration is barred from implementing any of these potential restrictions on any other restrictions on the performance, operation, or deployment of TMD systems, system components, or system upgrades.

At the same time, Mr. President, there is no commitment on the ability of the President to engage in negotiations on the demarcation issue, which I know was an issue of concern to some. What section 238 controls is the implementation of any restrictions on TMD systems.

Mr. President, I want to acknowledge the efforts of the many Senators who contributed to the drafting of this amendment. Every member of the Armed Services Committee played a role, as did the two leaders, and key Senators off the committee. Senator Kyl played a very constructive role, offering language that formed the basis for the resolution on section 238 and providing useful suggestions on the NMD portions of the bill. The chairman of the Armed Services Committee was not on the committee to be especially commended for providing strong guidance to the negotiators and the committee, as a whole, and facilitating the talks along the way.

I want to commend Senator Nunn, Senator Glenn, and Senator Leavenworth and Senator Warner for the many, many hours that were spent negotiating over specific words. As I mentioned before, words matter a great deal when we are talking about arms control.

I yield the floor.

Mr. WARNER addressed the Chair.

Mr. WARNER. Mr. President, if I could take a minute.

Mr. THURMOND. Mr. President, I yield the floor to the able Senator from Wisconsin.

Mr. WARNER. Mr. President, at this time I just want to take 30 seconds to thank my distinguished colleague from...
Mr. President, first let me echo the words of those who have already spoken about the process just for a minute. If we have worked together now many, many years in this Senate, particularly on the Armed Services Committee, but on other matters as well. We know each other, like each other a great deal, respect each other as individuals and also for the depth of our beliefs and our feelings. It was a true pleasure to work with Senators Nunn, Warner and Cohen as we crafted this substitute. There is a lot in here representing each of us. Most important, I believe this substitute reflects a wise course relative to national missile defense.

I agree fully with what Senator Warner just said about Senator Cohen. No one is a greater crafter of words around this place than Senator Cohen. He is not just a poet, he is a writer of fiction as well, and some darned good nonfiction, too.

Mr. President, first, I want to start with what the law currently is. There is a lot of misconception, I think, in this body about what the current law is relative to national missile defense. We are not starting with a clean slate here called a bill and then adding a substitute for consideration by the Senate. We are starting with an existing law on national defense, then there is a bill, then there is a substitute.

The existing law already provides that it is a goal of the United States to develop the option to deploy an antiballistic missile system that is capable of providing a highly effective defense of the United States against limited attacks from ballistic missiles.

So that is the ground on which we are starting, that we already have in law a goal of the United States to develop the option to deploy this national defense system that we are talking about. The bill that is before us, to which many of us had strong objections, goes beyond saying that we should develop an option to deploy and then at some future time decide whether to exercise the option. The bill that we have before us says that we “shall deploy” and that is what gets us into great difficulty. It gets us into great difficulty in that it prohibits the deployment of certain systems, antiballistic missile systems, at multiple sites.

“The section of the bill before us, section 223, says that it is ‘the policy of the United States to deploy a multiple-site national missile defense system.’ No ifs, no ands, no buts. That is the policy of the United States in the bill. The trouble with that is we have a number of impediments to that policy being a wise one. We have the question of what the threat is, what the cost effectiveness is, what the military effectiveness of such a system is, and we have an agreement with the Russians called the Anti-Ballistic Missile Treaty which President Nixon entered into which means some sort of a dividing line in the relationship between the two countries when there was a cold war. And now that the cold war is over, we must figure out how to deal with a new Russia who is a partner, a friend, an ally hopefully, not an adversary of the United States.

When the bill says that we will deploy a system which the ABM Treaty says we cannot, what the bill does is set us on a course of action which is not only unwise, but it gets us into great difficulty.

We received letters from both General Shalikashvili, who is our Chairman of the Joint Chiefs of Staff, and the Secretary of Defense, Secretary Perry, in strong opposition to the bill because of what it does to the ABM Treaty but, most important, because of the jeopardy in which it places the START II Treaty that we are hoping to ratify.

That treaty will reduce significantly the number of nuclear warheads on both sides, and that is really the issue.

The issue here is the impact of the action of the Senate on the reduction of offensive nuclear weapons which threaten us. Surely it is not in our national interest to be trashing an agreement that we have already ratified in which it places the START II Treaty that we are hoping to ratify. That treaty will reduce significantly the number of nuclear warheads on both sides, and that is really the issue.

The issue here is the impact of the action of the Senate on the reduction of offensive nuclear weapons which threaten us. Surely it is not in our national interest to be trashing an agreement relative to antiballistic missile systems if, by undermining that agreement, we are then going to end up facing thousands more warheads on ballistic missiles which Russia would insist on keeping if we unilaterally pull out of the ABM Treaty. That is why General Shalikashvili said:

‘‘While we believe that START II is in both countries’ interest, regardless of other events, that we must assume that unilateral U.S. legislation could harm prospects for START II ratification by the Duma and probably impact our broader security relationship with Russia as well.‘‘

That letter was dated June 28, 1995. And in a letter dated July 28, 1995, Secretary Perry said:

‘‘Certain provisions related to the ABM Treaty would be very damaging to U.S. security interests. By mandating actions that would lead us to violate or disregard U.S. treaty obligations, such as establishing a deployment date of a multiple-site NMD system, the bill would jeopardize Russian implementation of the START I and START II treaties which involve the elimination of many thousands of strategic nuclear weapons.‘‘

We tried to modify the language in the bill pursuant to the amendment process prior to the recess. We tried to strike language which committed us to a course of action which would, by violating the ABM Treaty, jeopardize the reductions in the numbers of offensive nuclear weapons on the side of the Russians. We failed to do that by a couple votes.

Let me put some numbers on this. If the Russians see us violating a treaty which has allowed us to negotiate reductions in offensive nuclear weapons, the likelihood is that we are going to face 8,000 Russian nuclear weapons instead of about 3,000. To put this in very specific numbers, that is what we are talking about. That is what the stakes are here.

Mr. President, first let me echo the words of those who have already spoken about the process just for a minute. If this thing ever has to go to court, it is your fault.

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Russians and come up with any dividing line between strategic and theater missile defense systems other than the one we are unilaterally declaring in this bill. That makes the Senate the negotiator, not the President of the United States.

While we can advise and consent to ratification, we are not the party that negotiates the treaty. It was a mistake in this bill to attempt to put that dividing line between strategic missile defense systems covered by the ABM Treaty, and the theater missile defense systems not covered, into law. We have corrected that. We have indicated what we believe the correct dividing line is. We have now told the President, in effect, that you are free to negotiate, but if you negotiate a different demarcation, do not use the funds that we provide in the appropriation bill to implement that without giving Congress the opportunity to approve or to disapprove. That is very different. That is strikingly different from what was in the bill itself.

Following these efforts to amend the language in the bill prior to the recess, we entered into lengthy discussions at the request of the majority leader and Senator DASCHLE, the Democratic leader. The four of us spent many days, as has been outlined, in devising the substitute which is before us. This substitute corrects the major defects and many of the smaller defects in the originating bill, and it basically returns us to the approach in current law. The approach in current law is that we want an option to deploy. We are not committed to deploy, but we want an option.

The approach in the substitute is that we want to develop for deployment a national missile defense system, but what we say in the substitute is that we are not deciding to deploy that here and now. That is very explicitly the decision. We are saying that decision should follow consideration of a number of things: Cost effectiveness, military effectiveness, the threat, and the impact on the ABM Treaty. That is the vital difference between the bill’s language and the substitute.

In section 233 of the substitute, we explicitly state that the policy of the United States is to develop for deployment a multiple-site national missile defense system. Then we go on to the ifs, ands, and the buts. The bill said “deploy”—no ifs, ands, or buts. The substitute says “develop for deployment”, but with these ifs, these ands, and these buts. The critical ones, again, are to be cost effective, militarily effective, consistent with the threat, and not adversely affect the ABM Treaty, or at least, if we are going to decide to deploy, do so in a way which is through processes that are specified within or consistent with the ABM Treaty.

The critical language here is that it is the policy of the United States to “ensure congressional review prior to a decision to deploy the system developed for deployment under paragraph 2 of (a) the affordability and operational effectiveness of such a system, (b) the threat to be countered by such a system, and (c) the ABM Treaty commitments with respect to such a system.”

Mr. President, again, I want to thank our colleagues for their long and very arduous discussions. It has produced a substitute which is well grounded in science, support, because we have removed the objectionable language in the bill which committed us to deploy a system which, by violating the ABM Treaty, would have almost certainly led to our facing thousands of more offensive nuclear warheads than we otherwise would be facing. We have attempted to carry out the thoughts of General Shalikashvili and his caution to us about the importance of our relationship with Russia and trying to maintain it in a stable way and not to be unilaterally declaring that we are going to abrogate agreements we have entered into with their predecessor. We have done so in a bipartisan way. I hope that we go in a constructive and a thoughtful way which will command the broad support of Members of this body.

I ask unanimous consent to have printed in the RECORD at this point a number of documents, including the letters referred to from General Shalikashvili, Secretary Perry, a side-by-side comparison of the bill and the substitute language relative to the ABM Treaty, a further amplification of my statement.

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


Hon. SAM NUNN, Ranking Member, Committee on Armed Services, U.S. Senate, Washington, DC.

Dear Mr. Secretary, I believe it is clear that the bill which we are discussing today would authorize congressional micromanagement of the Administration’s missile defense program and put us on a pathway to abrogate the ABM Treaty. The Administration is committed to respond to ballistic missile threats to our forces, allies, and territory. We will not permit the capability of the defenses we field to meet those threats to be compromised.

The bill’s provisions would add nothing to DoD’s ability to pursue our missile defense programs, and would needlessly cause us to incur excessive security risks. The bill would require the US to make a decision now on developing a specific national missile defense for deployment by 2003, with interim operational capability in 1999, despite the fact that a valid strategic missile threat has not emerged. Our NMD program is designed to be competitive with the threat, not to design our strategy on the basis of deployment decisions. We believe that deployment in 2003 is premature. The bill’s provisions would add nothing to DoD’s ability to pursue our missile defense programs, and would needlessly cause us to incur excessive security risks.

The bill would also authorize congressional micromanagement of the Administration’s missile defense program and put us on a pathway to abrogate the ABM Treaty. The Administration is committed to respond to ballistic missile threats to our forces, allies, and territory. We will not permit the capability of the defenses we field to meet those threats to be compromised.

In addition, certain provisions related to the ABM Treaty would be very damaging to US security reasons. By mandating actions that would lead us to violate or disregard US Treaties and obligations, the bill would jeopardize Russian implementation of the START I and START II treaties, which involve the reduction of thousands of strategic nuclear weapons. The bill’s unwarranted imposition, through funding restrictions, of a unilateral NMD demarcation interpretation would similarly jeopardize these reductions, and would raise significant international legal issues as well as fundamental constitutional issues regarding the President’s authority over the conduct of foreign affairs. These serious consequences argue for conducting the proposed Senate review of the ABM Treaty before considering such drastic and far-reaching measures.

Unless these provisions are eliminated or significantly modified, they threaten to undermine fundamental national security interests of the United States. I will continue to fight anything that would allow the Senate to see that these priorities are not compromised.

Sincerely,

WILLIAM J. PEYTON.


Hon. CARL LEVIN, U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN, Thank you for your letter and the opportunity to express my views concerning the impact of Senator Warner’s proposed language for the FY 1996 Defense Authorization Bill on current theater missile defense (TMD) systems. Because the Russians have repeatedly linked the ABM Treaty with other arms control issues—particularly ratification of START II now before the Senate—we cannot assume they would deal in isolation with unilateral US legislation detailing technical parameters for ABM Treaty interpretation. While we believe that START II is in both countries’ interests regardless of other events, we must assume such unilateral US legislation could harm prospects for START II ratification by the Duma and probably impact our broader security relationship with Russia as well.

We are continuing to work on TMD systems. The ongoing testing of THAAD through the demonstration/validation program has been certified ABM Treaty compliant as has the Navy Upper Tier program. Thus, progress on these programs is not restricted by the lack of a demarcation agreement. We have no plans and do not desire to test THAAD or other TMD systems in an ABM mode.

Even though testing and deployment of TMD systems is underway now, we believe it is useful to continue discussions with the Russians to seek resolution of the ABM/TMD issue in a way that preserves our security equities. Were such dialogue to be prohibited, we might eventually find ourselves forced to choose between giving up elements of our TMD development programs or proceeding unilaterally in a manner which could undermine the ABM Treaty and our broader security relationship with Russia. Either alternative would impose security costs and risks which we are seeking to avoid.

Sincerely,

JOHN M. SHALIKASHVILI.

Chairman of the Joint Chiefs of Staff.
The substitute amendment requires the Pentagon to develop a national missile defense system that is capable of being first operational in 2003. It requires the system to include ground-based interceptors "deployed at multiple sites".

The substitute amendment requires the Pentagon to develop a national missile defense system that is capable of being first operational in 2003. It states that the system shall include ground-based interceptors capable of being deployed at multiple sites.

Interim capability: The bill required the Pentagon to develop an interim capability to be operational by 1999.

The substitute amendment requires the Pentagon to develop a national missile defense system that is capable of being first operational in 2003. It states that the system shall include ground-based interceptors capable of being deployed at multiple sites.

SEC. 24. NATIONAL MISSILE DEFENSE ARCHITECTURE

The Bill requires the Pentagon to develop a national missile defense system which will be operational first in 2003. It requires the system to include ground-based interceptors "deployed at multiple sites".

The substitute amendment requires the Pentagon to develop a national missile defense system that is capable of being first operational in 2003. It states that the system shall include ground-based interceptors capable of being deployed at multiple sites.

Interim capability: The bill required the Pentagon to develop an interim capability to be operational by 1999.

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SEC. 25. POLICY REGARDING THE ABM TREATY

The Bill has sense of Congress language that:

The Senate should conduct a review of the ABM Treaty. The Senate should consider establishing a Select Committee to conduct the review, and the Select Committee would cease all efforts to "modify, clarify, or otherwise alter" its obligations under the ABM Treaty.

The substitute amendment requires the Senate to conduct a review of the ABM Treaty. The substitute amendment adds findings related to the ABM Treaty, including that the policies, programs and requirements of the Missile Defense Act can be accomplished in accordance or consistent with the ABM Treaty.

The substitute amendment strikes Sec. 238 and replaces it with:

"Two findings that restate items from previous Acts."

Sense of the Congress language defining the TMD demarcation (3,500 km / 5,000 km or a velocity greater than 5 km per second), and stating that unless a TMD system is tested against a target missile with a range greater than 3,500 km or a velocity greater than 5 km per second, it has not been tested in an ABM mode, nor deemed to have been given capabilities to counter strategic ballistic missiles or counter strategic ballistic missiles."

Sense of Congress language saying that any agreement with Russia that would be more restrictive than the requirements stated in a subsequent act (majority vote), or if the agreement goes through the ratification process.

Mr. LEVIN. Again, I thank my good friends from Georgia, Virginia, and Maine for their hard work. I thank the chairman for his support of this effort, and I thank, also, Senator DASCHLE, who has spent so much time on this effort to make sure that we come up with a solution which satisfies the basic principles that we set out to achieve.

I yield the floor.

Mr. THURMOND. Mr. President, I yield 15 minutes to the able Senator from Virginia. I yield.

Mr. COHEN. Will the Senator yield?

Mr. WARNER. Yes.

Mr. COHEN. Would the Senator from Virginia be willing to delete from the RECORD the depositing of any legal responsibility which for the bill? Mr. NUNN. I will object to any such deletion, Mr. President. I think the responsibility is clearly established.

Mr. WARNER. Mr. President, I think that brief exchange underlines what has been said by all of my colleagues preceding me regarding the four of us having been associated now more than 17 years together on this committee, under the tutelage of Senators like Senator THURMOND, Senator STENNIS, Senator Tower, and Senator Jackson. These were great teachers. We had the opportunity to learn from them. I hope that today in our service to the Senate as members of this committee, we can achieve some of the goals that those great Senators contributed to legislation for the national security of the United States.

Mr. President, as I listened to these remarks, it occurs to me that if we were walking down Main Street America today and we were to be stopped and questioned by any of our constituents, candidly, I say to the Senate, they would think this system is in place today.

It is inconceivable after the billions and billions and billions of dollars we have spent on our national defense over the last, really, two decades, that a series of Presidents and a series of Committees have not put in place for the basic protection of the American citizen something to interdict the accidental or unintended firing of an intercontinental missile.

This is not star wars. I will ask unanimous consent, Mr. President, to have printed in the RECORD an article that appeared today in the Washington Post, in which I and other Members were interviewed to talk about this particular piece of legislation.

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

I want to say that Senator COHEN and Senator WARNER. It took me some time to try to get home to the reporter, and indeed I think he grasped it rather than the fact that the biggest burden we had is to overcome the lingering apprehension that what we are doing in this amendment is laying the foundation for another star wars program. That is not the case. It is a very limited defense. It is precisely as described by those who have spoken previously, a system for limited purposes.

It is in the interest of the former Soviet Union, and particularly Russia, that this be put in place because should a potential first strike occur, perhaps the first focus of attention would be turned to Russia. I am hopeful that this technology that will be developed could be used by Russia to install their own system. We do not fear in this country Russia putting in a system comparable to this. We are walking down Main Street America today and we were to be stopped and questioned by any of our constituents, candidly, is as if we had some of the goals that those great Senators contributed to legislation for the national security of the United States.

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

(See exhibit 1.)

Mr. WARNER. I am happy to have joined with my colleagues. Someone mentioned it is like the old four horsemen getting together once again to resolve a situation which for some of the goals that those great Senators contributed to legislation for the national security of the United States.

Mr. WARNER. Yes.

Mr. COHEN. Would the Senator from Virginia be willing to delete from the RECORD the depositing of any legal responsibility which for the bill? Mr. NUNN. I will object to any such deletion, Mr. President. I think the responsibility is clearly established.

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counsel we received from the distinguished chairman of the committee, Senator THURMOND, Senator LOTT, Senator SMITH, and Senator KYL. Each of these Senators have spent a number of years studying this question. Particularly in its final stage, Senator THURMOND convened the full Armed Services Committee. Every single member was present. They looked it over very carefully. Then we sat down and finalized it with our distinguished colleagues and friends of long standing, the Senator from Georgia and the Senator from Michigan.

It is a significant step forward. I was extremely heartened tonight when Senator NUNN said he had an opportunity to speak with the Secretary of Defense. I think it is fortunate to have such a fine man as Secretary Perry to take on that heavy and, indeed in many respects, thankless responsibility. This is an area in which he has worked for many, many years. All four of us have worked on this and this has worked with the Aspen Institute when he was one of the leaders of that discussion forum, and we covered many times—many times—issues relating to the intercontinental missile systems, the deterrent value in the current climate. Given his background, I hope that he can be persuasive to the President and other members of the administration so that this amendment can be accepted. Indeed, not only accepted, but perhaps supported.

Neither side gained everything they want. That is the essence of a negotiation. The result of this effort is a Missile Defense Act of 1995, a substitute for the original one in the bill which sets a clear path for deployment. That is the way I would like to state it—a clear path to deployment.

We in the United States cannot—particularly the legislative branch of Government—dictate that a certain system will be deployed. Frankly, we do not even know that it will work. We say with considerable candor. The technology is unfolding so rapidly, we do not know exactly whether it can work. There is also a very serious element of things that have to be worked out in the future. But we have set, in this amendment, the United States of America on a clear path of deployment. Let there be no mistake about that, no wavering—I can certainly speak for this side of the aisle and no wavering of the intents of the present composition of the U.S. Senate on this side of the aisle as to the ultimate goal of deploying such a system.

Why? Because it is in the mutual interest of ourselves and Russia and other nations of the world; and secondly, the American public not only demands it, they think it is its place right now. They would expect no less of a President or series of Presidents and a series of Congresses.

In the course of our deliberations, there were many concerned with the issue of why now? Why must we press on with a system, develop this system, on deploying this system, it might well be to the year 2003 or later—7, 8, 9, 10 years—before the system can be developed; that is, research and development completed and in place to protect the American citizen—perhaps a decade.

In the course of our negotiations, there are estimates that those nations apart from Russia and our allies who particularly want to develop for themselves the missile system, they will have in all likelihood systems of their own in place. Many of the nations that we fear most today have this as a top agenda item, to build this type of system.

My point is, there is a coincidence in time of the defensive system that we want to put in place and the offensive systems of other nations, call them rogue nations, who very much desire to threaten the United States some day with a missile. The revised Missile Defense Act of 1995 establishes a policy of development. It sets a clear path for deployment. That is the way I would like to state it—a clear path to deployment.

The principle focus of my remarks today is on the changes made to section 238 of the Missile Defense Act of 1995. That is a section that I worked on with the Armed Services Committee and an amendment which I put forth in that committee which was eventually incorporated into the bill as now written. And that amendment of mine is being revised by this amendment, which is the subject of the discussion tonight.

As it originally appeared in my amendment, section 238 used the Senate's power of the purse to impose a broad and absolute prohibition on the administration's ability to spend any money on any action which did not have ABM Treaty restrictions on the development and deployment of theater missile defense systems. These systems are urgently needed to protect the lives of the men and women of the armed services and our allies in their forward-deployed situations.

How well we know that Senator NUNN recounted, in the course of our negotiations, how Senator INOUYE, Senator STEVENS, and I were in Tel Aviv when the last Scud missile fell and we saw firsthand the use of that system, not for military purposes but for purposes of sheer terrorism. Saddam Hussein leveled that system against the Federal Republic of Germany, more than once.

The Patriot, as best it could—the best defense we had at that period of time—I think in a credible manner interdicted a number of those missiles. That is why we are here tonight to lay the foundation to move ahead in the technology so that we can employ all of the brains, all the technology without any restriction imposed by the ABM Treaty on developing the future systems to protect the United States against the short-range ballistic missiles that were encountered during the gulf war.

The bipartisan amendment, which we urge the Senate to adopt, achieves our goal, namely to prohibit the administration from implementing any agreement with Russia which would impose limitations including performance, operation or deployment limitations on theater missile systems unless the Senate exercised, pursuant to a Presidential submission of such agreement, its constitutional right of advice and consent.

The 1972 ABM Treaty never intended, never envisioned the theater systems. I was in the Department of the Navy at that time. I was in Moscow in 1972, when ABM was signed, as a part of President Nixon's delegation. My duties then were related primarily to naval matters, but all of us in the Department of Defense watched with great interest how this treaty, the ABM Treaty, was deployed. Dr. John Foster, who was then the Director of Research and Development in the Pentagon, was one of the key individuals. I recently consulted him about his recollection with respect to the ABM Treaty, and he confirmed what I believed was true then, as I do today, that the negotiators never had in mind the theater systems which we must employ now in our defense.

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

Mr. WARNER. Mr. President, I ask if I may have a few more minutes.

Mr. THURMOND. Mr. President, I yield such time as the Senator may require for further debate on this amendment.

Mr. WARNER. Mr. President, I thank the distinguished chairman.

As I said before the Senate went on recess, during the original debate on this amendment, I have long believed that we must accelerate the development and deployment of operationally effective theater missile systems for our troops, defenses that are not improperly constrained by the
ABM Treaty. This amendment does that. Likewise, we must, in the interests of the American people, make a clear statement of our national determination to proceed to a national defense system to protect against the threats enunciated in this bipartisan amendment.

The threat that theater missiles pose to our forces is clear. Thirty nations have short-range theater ballistic missile systems, and more and more each day are acquiring the same capability.

The gulf war should have caused all Americans to unite behind the missile defense effort. What can be more terrifying than the thought of U.S. citizens, both at home and deployed overseas, defenseless against this type of weapon of terror, once used by Saddam Hussein, and which could be used in the future by others. Yet, here we are, 5 years after that conflict in the gulf, and our troops are still not adequately, in my protected theater ballistic missile attacks. And there are those who still resist efforts to move forward in this area.

Fortunately, I think, as a result of this compromise, we now have gained sufficient in the U.S. Senate to move this amendment tomorrow in a positive way.

Mr. President, it became evident to me, earlier this year, that our crucial effort to develop and deploy the most capable theater missile defense systems was in danger of being unacceptably hampered by the administration’s desire to achieve a demarcation agreement with the Russians. They were actively negotiating toward that goal. Several of the negotiating positions either proposed or accepted by the administration would have severely limited the technological development of U.S. theater missile defense systems, and would have resulted in an international agreement imposing major new limitations on the United States. Consequently, I have taken actions in 1994 and now in 1995 to prohibit such actions by the administration.

Mr. President, previously I have tried other avenues to have the Senate’s voice heard on the issue of ABM/TMD demarcation. My preferred option—and the one which I tried last year—was simply to require the President to present to the Senate for advice and consent any international agreement imposing major new limitations on the ABM Treaty. The Congress adopted my views and made them part of the fiscal year 1995 Defense Authorization Act.

However, despite that legal requirement, the administration has made it abundantly clear that it does not intend to submit any such demarcation agreement, pursuant to the Constitution, to the Senate for advice and consent. Although the administration was negotiating an agreement that would, in effect, terminate the ABM Treaty or a TMD system, administration officials believed that there was no need for the Senate to exercise its constitutional right to provide advice and consent to that agreement.

It was clear that a new approach was needed. Therefore, I focused on the Congress’ power of the purse to ensure that the views of the Senate were considered in the demarcation negotiations.

The bipartisan missile defense amendment preserves this approach. Section 238 prohibits the expenditure of funds for fiscal year 1996 to implement an agreement that would establish a demarcation between theater missile defense systems and ABM systems or that would restrict the performance, operation or deployment of U.S. theater missile defense systems, unless that agreement is entered into pursuant to the treaty-making powers of the President, or to the extent provided in an act subsequently enacted by the Congress. In other words, for the coming fiscal year the prohibition stands unless the Senate takes an affirmative act to change or remove that prohibition.

In addition, this provision establishes as a sense of the Congress the generally accepted demarcation standard between ABM and TMD systems. Section 238(b)(1) states that “unless a missile defense system, system upgrade, or system component, including one that exploits data from space-based or other external sensors, if flight tested again, would make a missile target that exceeds a range of 3,500 kilometers or a velocity of 5 kilometers per second, such missile defense system, system upgrade, or system component has not been tested in an ABM mode nor deemed to have been given capabilities to counter strategic ballistic missiles.” This was the standard used by the Clinton administration at the beginning of the demarcation negotiations in November 1993. The administration would be well-advised to return to that standard.

Mr. President, I would have preferred a prohibition that would have remained in effect for more than 1 fiscal year. I would have preferred a demarcation standard adopted in a binding form, rather than as a sense of the Congress. But I believe that the essence of my original amendment was preserved in this compromise package.

This legislation represents a significant step forward in the effort to provide the men and women of the Armed Forces with the most effective theater missile defense systems that our great nation is capable of producing. I urge my colleagues to support the amendment.

Finally Mr. President, I wish to acknowledge my special appreciation and respect for Senator COHEN’S very valuable contribution to the negotiations leading up to the bipartisan amendment. We have worked together for 17 years on the Armed Services Committee, and I value his advice and counsel.
draw the line between a national defense system, which is covered by the treaty, and increasingly powerful ‘‘tactical’’ systems for guarding against shorter-range missile attack, which do not come under the treaty’s purview.

The 23-year-old ABM pact was meant to block Washington and Moscow from building national missile defenses against ballistic missile attack, on the premise that as long as each country is vulnerable to the other’s nuclear arsenal, neither will attack the other. The accord allows each side to establish a single-site system with no more than 100 interceptors.

Administration officials say the treaty remains a cornerstone of international arms control efforts and abrogating it would jeopardize plans to cut U.S. and Russian nuclear arsenals to 3,000 warheads and possibly fewer under strategic arms reduction treaties. Such arms control agreements, not antimissile weapons systems, offer the more reliable protection for U.S. interests, say missile defense skeptics.

‘No one will reduce their strategic forces if there’s a buildup in strategic defense,’’ said Spurgeon M. Keeny Jr., director of the Arms Control Association. ‘‘If we lose all of this for a system that might kill only a handful of missiles, it’s madness.’’ We’ll soon find more than enough Department of Defense procurement budget going into this Fortress America.’’

But some key Republican planners have questioned the relevance of the ABM Treaty in today’s security environment, arguing that Cold War logic does not hold in a world no longer dominated by U.S.-Soviet tensions and now menaced by less familiar adversaries.

Frankly, we think the ABM Treaty has to be renegotiated, and I’m not too concerned about what we do with it,’’ said Sen. John Kyl (R-Ariz.). ‘‘We’ve pretty much established the need to revise it, so we might as well face up to that.’’

A month ago, Senate Republicans were backing language in the 1996 defense authorization bill that required deployment of a multisite missile defense system by 2003. Arguing that such a move would violate the ABM Treaty, Democrats prepared to filibuster and the Clinton administration threatened to kill the bill if it passed. But South Korea’s Taepo-Dong-2 missile, capable of reaching Alaska or parts of Hawaii, and the potential sale to Third World countries of Russia’s SS-25 as a space launch vehicle.

In fact, the U.S. intelligence community has been slow to provide a current estimate of the emerging missile threat to the United States, Lt. Gen. Malcolm O’Neill, who heads the Pentagon’s Ballistic Missile Defense Organization, said in an interview that he has been waiting more than eight months for an update measuring the degree of uncertainty in the U.S. prediction.

Advocates of a national system, mindful of past failures to achieve their dream, contend the technologies are now sufficiently mature. ‘‘This is not Star Wars, this is not an umbrella system,’’ asserted Warner, the Virginia senator. This is a ‘‘revised effort’’ to build a system to intercept missiles launched accidentally in limited number.’’

Some of the more hawkish proponents still argue for more immediate action by criticizing the Pentagon’s current focus on ground-based interceptors. A study earlier this year by the Heritage Foundation, a conservative think tank, recommends concentrating instead on a Navy plan to deploy ship-based interceptors within three or four years, and then move to a space-based system by early in the next century.

One area in which Republicans and Democrats generally agree is on the need for effective theater missile defense systems, with the GOP eager to add even more money to development efforts there as well. But the growing sophistication of theater systems, is pushing ABM Treaty officials to reconsider.

Some of the theater systems under development by the Pentagon may prove powerful enough to thwart ballistic missiles, meaning that the nations may vie for regional defense systems and thus a circumvention of the ABM Treaty.

Administration efforts to negotiate with Moscow a distinction between defenses against long-range strategic missiles and short-range theater missiles have drawn Republican concern that the agreement may be willing to accept too many limits on development of theater defenses, particularly on the speed of interceptors.

One area that is already trying to apply the ABM Treaty to theater systems, Senate Republicans originally moved to include in the 1996 defense bill a unilateral declaration of the dividing line between strategic and theater weapons and a ban on the president negotiating any other demarcation.

Administration officials protested that a unilateral interpretation of the demarcation line was unwarranted because the ABM Treaty is not constraining theater programs, and Senate Republicans threatened ratification of the second Strategic Arms Reduction Treaty and set a dangerous precedent.

The Senate compromise includes a non-binding ‘‘sense of Congress’’ provision reassuring what has been the demarcation standard, which would exempt the Pentagon’s fastest, longest-range theater anti-missile systems from ABM coverage as long as they were not tested against a missile with a range greater than 500 kilometers (or about 2,174 miles) or a velocity greater than 5 kilometers (about 3 miles) per second. But the measure also would permit the president to negotiate an alternative demarcation line between strategic and theater missiles, provided he sought congressional ratification of any new agreement with Moscow—a condition the administration has been reluctant to accept.

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

Mr. NUNN. Mr. President, the bill as reauthorized now sets forth a national policy for future missile defense as outlined here on the floor this evening. It also proposed the demarcation between theater and anti-ballistic-missile defenses, and I am talking about the underlying bill, not the substitute. In my judgment, however, and that of many other Senators, the proposal addressed these vital issues in a manner that unnecessarily presented major difficulties in terms of arms control and constitutional considerations.

As Senator LEVIN pointed out so well, what we want to do is move forward with a missile defense against limited, unauthorized, third-country-type attacks, but what we do not want to do is in the process of trying to accomplish that goal, that important goal, we do not want to end up inadvertently and unintentionally ending the reduction of missiles pointing at us that have already been agreed to. It would be the supreme irony if, in dealing with a future threat, we were suddenly negating 20 years of efforts to reduce the current threat, which is, of course, the continuation of very large numbers of
multirowhead missiles pointing at the United States by Russia, which we have agreed to dramatically reduce both in START I, which has been entered into, and START II, which is now pending and which we hope at some point the Russian Duma, or legislative body, will vote to ratify.

So, in my floor statement on August 3, I outlined five major problems with the version of the bill that this substitute is intended to correct and I believe does correct. This is the underlining.

First, I said on August 3, it abandons U.S. adherence to the ABM Treaty. What I meant by that, and what I would mean by that now, is it is an anticipatory breach, the way the original underlying bill is worded.

Second, abandoning adherence to that ABM Treaty now is unnecessary. We can conduct an effective missile defense program, developing for deployment, as the substitute called for in the manner that continues our adherence to the ABM Treaty. We do not have to make that choice now. So why risk the very large reductions of the threat now aimed toward us that are underway in order to accomplish a goal where we do not have to make that move at this point in time?

Third, abandoning adherence now to the ABM Treaty is likely to impose huge costs on us if Russia declines to carry out some of its legal obligations and in response to our anticipatory breach.

Fourth, the Senate Armed Services Committee bill abandons adherence by stealth rather than directing the administration to use the legal withdrawal procedures contained in the treaty.

Mr. President, if we decide that the ABM Treaty is no longer in our interest—we may get to that point at some point in the future because we may find it necessary to negotiate the modest amendments required to provide for this national defense. I hope that we can because I think it is in the mutual interest of the United States and Russia. But if we get to that point, then we ought to do what the ABM Treaty calls for, and that is to use legal withdrawal proceedings in our national interest, supreme national interest. Of course, we can do that. I believe the timeframe is 6 months.

We are the right under that treaty to state that in our supreme national interest, it is no longer in our supreme national interest to be a part of that treaty, and then we withdraw from the treaty in accordance with the terms of treaty. That is the way to do it if we ever have to move in that direction or feel that it is in our interest to move in that direction.

Fifth, by failing to use the legal option under the treaty, the Senate would be compelling the executive branch to abandon adherence to the ABM Treaty by usurping certain powers of the executive branch over the conduct of foreign policy, a move that certainly would raise serious constitutional issues.

So, Mr. President, this is the underlying bill and the problem with the underlying bill. That is what we are basically correcting with this substitute amendment.

Mr. President, again, I thank my colleague from Michigan, who did a superb job on this. I thank my colleague from Virginia and my colleague from Maine, Senator WARNER and Senator COHEN, who are both very knowledgeable but they are skilful in their negotiating ability and in their discerning ability to understand the fundamental issues as opposed to some of the rhetorical issues. I think that is the reason we were able to work this out.

I thank the Senator from South Carolina, because he was the one who came up with the idea of getting the four of us to work on this proposal and to try to find a way to reach a consensus. He also not only instigated this to me but he also does major leadership and the minority leader. He also constantly gave us both the encouragement and support, and indeed some very timely prodding to get this agreement worked out.

So I thank the Senator from South Carolina and his leadership.

Mr. President, I believe that there are no other remarks after the Senator from Michigan, who may want to conclude. I believe we are about to wrap up the debate. I believe the Senator from Texas wants to take some remarks.

Mr. WARNER. Mr. President, I wonder if the Senator will yield for a brief question on this matter.

During the course of my remarks, I opined that I thought this amendment as currently drawn would be in the mutual interest of the United States and Russia. Should an accidental firing occur, I think all attention would instantly focus on Russia as being the originator. I believe to me, whether it was from Russia or wherever the missile was fired from, I think the initial reaction of the American public would be, well, they are the ones that have it, because many do not understand in the years immediately preceding other nations have come forward now and have made fundamental investment in the system.

So I just ask if my distinguished colleague concurs with my view that it is in the mutual interest of both Russia and the United States.

Mr. NUNN. I do. I say to my friend from Virginia that I think it is in the interest of the United States and Russia to both move forward with modest adjustments to the ABM Treaty so both countries can protect their own countries against accidental unauthorized launch or third-country launch.

As the Senator from Virginia well knows, I first posed this question to the Secretary of Defense, Strategic Air Command, Gen. Dick Ellis, a wonderful and effective fighter pilot in World War II. He was head of the Strategic Air Command. And, as my colleague will recall, he was appointed to the standing consultative commission, which, Mr. President, very well. He was a highly decorated fighter pilot in World War II. He was head of the Strategic Air Command. And, as my colleague will recall, he was appointed to the standing consultative commission, which, Mr. President, very well.

So, Mr. President, this is the underlying question, but I think it is a very important question. And the answer is, yes, I do believe Russia has a similar interest. I think we have many mutual interests. In fact, our interest in terms of nuclear arms, in terms of destruction, the safety, the handling, the prevention of leakage of this kind of material, both nuclear, chemical, biological, as well as technology and the scientists, we have a tremendous mutual type of security interest now with Russia more than perhaps any other nation because we are the two that have these nuclear weapons and the awesome responsibility to use them responsibly so that we never, God forbid, have nuclear disaster, not only in this country but in Russia or in the world.

Mr. WARNER. Mr. President, I thank my distinguished colleague. I conclude with the conclusion which, through them, we have agreed to dramatically reduce both in START I, which has been entered into, and START II, which is now pending and which we hope at some point the Russian Duma, or legislative body, will vote to ratify.

As the Senator from Virginia well knows, I first posed this question to the then head of the Strategic Air Command, Gen. Dick Ellis, a wonderful and fine Air Force general, now deceased. But that was in the early 1980's. I asked him the question, I said, ‘‘General Ellis, what basically is our ability to detect the origin of some limited attack against the United States? Could we know for sure where that attack originated? We would not have the ability to defend against it, and would we know for sure the origin of that attack? He said clearly that his answer was yes. He said it study of his new team.
And he discharged that responsibility with great distinction.

Mr. THURMOND. Mr. President, I wish to thank the able Senator from Georgia for his kind remarks. I now yield to the able Senator from Texas, Senator Hutchinson, such time as she may require.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. HUTCHISON. Thank you, Mr. President. I thank the distinguished chairman of the Armed Services Committee. I, too, want to commend the chairman of the committee, the ranking member from Georgia, and the group that got together and worked long and hard and well before the summer recess in an attempt to reach an accommodation that would allow everyone to feel comfortable about how we are treating theater missile defense.

Mr. President, I want to speak because I believe that we have only settled this issue in a very temporary way this year. But I want to say that it is very important for us to look at this for the future because this is going to be our major policy decision that we are going to have to make, not only today but for the future. I think the Senator from Georgia was correct when he said that we may have to make some adjustments in the ABM Treaty. It may well be not only in our best interest to do so, but it may be in the best interest of Russia as well.

We are continuing to make adjustments in the post-cold war era. We do not live in a bipolar world anymore. We now live in a multipolar world, but we have treaties that were based on the bipolar world. We have many other concerns that were addressed in a bipolar context. We know now that technology exists for ballistic missiles in more than 10 countries around the world.

No longer is the threat just from the missiles that we know are in Russia and some of the former republics of the Soviet Union that are now independent countries. We now recognize that there are capabilities in many other nations around the world and that in the future the technology will likely proliferate to such an extent that many countries may soon have the capability of launching ballistic missiles that could threaten our Nation.

So it is incumbent on us as leaders of our country to prepare, and we must have the time to do that and we must start looking at some of these policy issues that are addressed in this new multipolar world.

As many of us who have traveled into some of the central European countries and into the republics of the former Soviet Union know, this is an unstable world.

We are seeing ethnic conflicts. We are seeing border disputes. We are seeing turf wars. I think the United States is going to have to step back and deliberate, what is our role should be in this new world? What do our armed forces going to be needed? When do we have a U.S. interest and when is that interest a vital U.S. security interest?

I think it is clear just from what has happened in the last 2 weeks that the world is looking to America for leadership. If there is one thing America is— and it is probably the consensus in the world—we are the beacon for a democracy that is something that has created the strongest Nation in the history of the world. Because of that, many countries are looking to us for leadership, and we must determine how much leadership we can give, how much is something that is in the common interest and the vision all of the things that could happen in the world today. So I commend my colleagues for coming to this conclusion. But it is merely the beginning of a very important policy debate that I think is going to be more important as we learn more of the technologies and the intelligence about what is happening around the world, not just in the area of defense and security.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I reserve the remainder of my time. After the debate is concluded on this matter, then we will have a wrap-up tonight. I have asked Senator WARNER if he would conduct the wrap-up on this side. He has agreed to do so.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, I believe the Senator from Michigan has some concluding remarks and I would yield him my time as he has the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank my good friend from Georgia.

Mr. President, I will be very brief, indeed.

Section 232 of Title X, which is the current law, reads as follows: that the goal of the United States is “to develop and maintain the option to deploy an antiballistic missile system that is capable of developing a highly effective defense of the United States against limited attacks of ballistic missiles.”

So the current law is to develop the option to deploy, but to decide at a future time whether or not to deploy, depending on the circumstances at that time, including the threats at the time, and the cost and military effectiveness of such a system. The bill says deploy.

The current law says develop with an option to deploy. The bill says deploy. The substitute amendment goes back to the fundamental approach of the existing law, which is to develop so that we can deploy, but then makes it very clear that we will make the decision on whether to deploy at a future date and specifies what the criteria are for consideration at the time of that decision.

Section 232 of our bill says that it is the policy of the United States, in subsection 3, to “ensure congressional review prior to a decision to deploy the system developed through development, under paragraph 2”, of four things: the affordability and operational effectiveness of such a system, the threat to be countered by such a system, and fourth, ABM Treaty considerations with respect to such systems.

In doing this, this substitute recognizes the importance of the ABM Treaty to our security. The ABM Treaty has been one of the reasons we have been able to reduce the number of offensive nuclear weapons that face us.
we have adhered to the Anti-Ballistic
Missile Treaty. That has allowed them
to agree to these very drastic reduc-
tions in the numbers of their offensive
weapons. And so we are on the thresh-
old of seeing continuing significant re-
duction in offensive weapons that we
face, no longer from an adversary but
now from someone with whom we are
having a growing and a deepening part-
nership.

It is not just the current law that we
should develop technology for a na-
tional missile defense—that is the law
I read—it also is the policy of this ad-
ministration to develop that tech-
nology in a way that we could deploy it
in time to counter any ballistic missile
threat that emerges to the United
States. So we have a law that says de-
velop and we have a current policy that
says develop. But both by current law
and current policy the decision wheth-
er to deploy is left for a future time.

The weakness in this argument, how-
ever, is revealed in the undisputed tes-
timony of Lt. Gen. James Clapper be-
fore the Armed Services Committee
last January. General Clapper at that
time was the head of the Defense Intel-
ligence Agency. He stated that:

We see no interest in or capability of any
new country reaching the continental United
States with a long range missile for at least
the next decade.

The missile threat from a new nu-
clear power is neither real nor immi-
ent, and it is the approach which this sub-
stitute restores; develop, but leave the
decision to deploy for a future time
based on criteria which will be consid-
ered at that time to help us make a de-
cision which makes sense for the secu-
rity of this Nation.

So the road to reductions is depend-
ent in part on the existence of an ABM
Treaty. That treaty still continues to
serve our national interest. This sub-
stitute in a number of ways explicitly
and otherwise recognizes the impor-
tance of that treaty to this relation-
ship and to the continuing reductions in
the number of offensive weapons.

So I do hope that our colleagues will
find favor with this substitute and will
support this substitute. Again, I want
to thank all the colleagues who partici-
pated in the formulation of it.

The PRESIDING OFFICER. Who
yields time?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Sen-
ator from Virginia.

Mr. WARNER. If I could ask for a
minute.

Mr. THURMOND. I yield such time as
the able Senator from Virginia shall
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Mr. WARNER. President, the conclud-
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gan, I think, set the tone when heasure the Senate that
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hopeful that we will gain the support of
other Senators, because no single Sen-
ator fought harder for certain changes
in this amendment than did the Sen-
ator from Michigan. And I think we
conclude debate on a very positive note.

With that statement, I yield the
floor.

Mr. KENNEDY. Mr. President, I sup-
port the amendment offered by the
Senator from Georgia, but I continue
to have strong reservations about the
remaining aspects of the Missile De-
fense Act. The amendment makes an
unwise provision better, and I com-
ment Senators NUNN, LEVIN, WARNER,
and COHEN for their effective work in
achieving this compromise. It fails,
however, to do what is necessary to
serve the best interests of our national
security.

The remaining shortcomings in the
Missile Defense Act become clear when
we consider the principal threats that
the United States faces from nuclear
missile attack, and the more effective
way these threats are addressed by cur-
rent administration policy, which is
also longstanding bipartisan policy un-
der both Republican and Democratic
administrations.

One of the threats we face is clearly
from nations which now lack ballistic
missiles and weapons of mass destruc-
tion, but which may develop them in
the near future. Proponents of building
a national missile defense argue that
this approach which is sufficiently
clear power is neither real nor immi-
ent, and it is the approach which this sub-
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to have strong reservations about the
remaining aspects of the Missile De-
of catastrophic damage to the United States from accidental or unauthorized attack will clearly rise.

The proponents of the Missile Defense Act ignore all of these considerations. They are proposing a more dangerous course for our national security which Congress should not follow.

The Nunn/Levin/Warner/Cohen amendment will improve the bill compared to its present terms, and I urge adoption of the amendment. But I also urge my colleagues to support the administration's more sensible course on the development of missile defenses. President Clinton's policy is designed to explore the new avenues of nuclear deterrence established and supported by Democratic and Republican administrations alike over the past four decades.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN addressed the Chair.

Mr. THURMOND. Mr. President, I do not know if anyone is going to want to speak on this one on either side. I do not have any more requests on the Democratic side.

Mr. President, does the Senator from Georgia know of anyone else who would like to speak on this?

Mr. LEVIN. No.

Mr. NUNN. As I understand the time agreement, we will have the vote on this at 9:30 tomorrow morning.

Does the Senator from South Carolina know when we will be coming in on the bill? Should we reserve any time in case anyone wants to speak in the morning?

Mr. THURMOND. We will be coming in at 9:25 in the morning, and we will get on the bill by 9:30.

Mr. NUNN. Then we will vote at 9:30.

Mr. THURMOND. We are supposed to vote at 9:30.

I am prepared to yield back my time.

Mr. NUNN. I think, just in case there is a minute or two someone wants to speak in the morning, we ought to probably reserve 2 minutes on each side and give back the remainder of the time. That would give us a chance if somebody else wants a minute to be heard.

Mr. THURMOND. Mr. President, we are agreeable to that.

Mr. NUNN. Mr. President, I would yield back all of my time except 2 minutes.

Mr. THURMOND. The same here.

The PRESIDING OFFICER. Without objection, the time is yielded back with the exception of 2 minutes on each side.

Mr. NUNN. Mr. President, I know the Senator from South Carolina would like us to handle several amendments that have been agreed to before we conclude the debate on this Missile Defense Act of 1995 substitute. And, again, I want to thank my friend from Michigan, who did a superb job, and my friend from Virginia and my friend from Maine, who did, I think, a very good job in terms of negotiating what is a consensus, I think a positive step forward, as the Senator from Virginia said, for our Nation.

Mr. President, I join my colleagues with respect to all the efforts that were made. Indeed, it was a monumental task. I think the result will be accepted strongly by the Senate tomorrow.

Mr. President, I wonder, if I can have the attention of the distinguished chairman and the ranking member of the committee, if I could bring up another point. That is, Mr. Chairman, I think it is imperative that the Senate receive a briefing from the administration on the situation as it exists in Bosnia today.

Mr. THURMOND. Mr. President, we have already made the request.

Mr. WARNER. Mr. President, I thank the distinguished chairman, because I have written a memorandum to the chairman. It would not be on his desk until tomorrow morning.

Mr. THURMOND. Mr. President, I ask unanimous consent that we have 5 minutes of voting time before we have a closing statement I would like to make in the morning just before we vote on this bill.

The PRESIDING OFFICER. Without objection, all time will be yielded back with the exception of 5 minutes on each side.

Mr. THURMOND. I ask unanimous consent that—I understand that I probably would make that after the bill passes, and so just as to say 2 minutes to each side before that.

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

Mr. NUNN. Mr. President, could I inquire of the Chair as to the time agreement now?

I understand that we have the Missile Defense Act to be voted on at 9:30.

The PRESIDING OFFICER. That is correct.

Mr. NUNN. Could the Chair inform the Senate of what takes place after that amendment has been voted on and disposed of? It is my understanding we have several other possible amendments, including an amendment by the Senator from South Carolina that is relevant and an amendment by the Senator from Colorado, that is, that is relevant, as well as a Levin amendment which may or may not be required to be voted on. We will have time for remarks before final passage of the bill. I believe that is what the Senator from South Carolina has made reference to. I do not believe the Senator is going to need more time for speaking on this amendment which we vote on at 9:30. I think we will have other time on the bill before that is concluded.

Mr. LEVIN. That is correct.

Mr. THURMOND. That is correct.

Mr. LEVIN. If the Senator would yield for a comment. I believe we worked out the Levin amendment which you referred to, and that it will not require a rollcall vote. We have not agreed yet on the final language, but we have agreed on the principle of an amendment. So we do not expect a rollcall vote to be necessary on the Levin amendment.

Mr. NUNN. We will have other amendments that have to be accepted tomorrow morning. We have not worked them out. We will not be able to conclude all of those. We are going to have to have some time—I hope it will not be a lot of time—after the passage of this Missile Defense Act, assuming it passes, before we vote on final passage.

Mr. THURMOND. Mr. President, we have no objection to that.

I hope we can wrap everything up tonight as much as possible and have as few things to do tomorrow before we vote.

Mr. NUNN. I believe we are prepared to have some of the amendments that have been agreed to now propounded to the Senate.

The BROWN AMENDMENT CONCERNING THE REUSE OF FITZSIMONS ARMY MEDICAL CENTER

Mr. LEVIN. I would like to ask unanimous consent that we have the amendment by the Senator from Colorado which states congressional support for the timely reuse of military installations approved for closure or realignment. The Senator from Colorado is particularly interested in expediting the reuse of Fitzsimons Army Medical Center in Colorado. While I understand the Senator for the support for the reuse of Fitzsimons, I believe expedited reuse should hold true for all military installations impacted by base realignment and closure.

Over the last few years, Congress has enacted legislation to improve base disposal procedures by expediting the overall process and giving greater power to Local Redevelopment Authorities [LRAs] in making disposal and reuse decisions.

Current law prescribes time-lines for screening and disposal of military installations. From the time an installation is approved for closure or realignment, the following must occur:

0–6 months—Military department identifies DOD and Federal property needs, makes excess and surplus determinations, and commences environmental impact analysis process.

6–18 months—LRA solicits and considers notices of interests, conducts outreach, considers homeless assistance needs, and consults with military departments regarding surplus property uses.

18–33 months—LRA prepares redevelopoment plan and homeless submission and submits to DOD and HUD; military departments report property to Federal sponsoring agencies for public benefit conveyances, completes environmental impact analysis, and makes disposal decisions.

33–57 months—Military department conveys property and LRA implements redevelopment plan.

It should be noted that turning property over to LRAs could occur much
sooner than 33 months—in fact, transfer could occur as soon as 20 months if reuse plans are developed and approved early in disposal process. LRAs that act expeditiously in developing and adopting reuse plans should be commended and not run easy. Accordingly, the military services should do all in their power within the letter of the law to convey appropriate property to LRAs that have fulfilled all necessary requirements and are ready and able to accept these properties for reuse.

Mr. President, my point is that expeditious reuse is the goal for all installations impacted by base closure and realignment decisions.

HYDRONUCLEAR TESTS

Mr. KENNEDY. Mr. President, I support the Exon amendment to clarify the meaning of this bill regarding nuclear weapons testing. This amendment will bring the bill into closer agreement with the President's policy of seeking prompt achievement of a Comprehensive Test Ban Treaty.

On August 11, President Clinton took a pathbreaking step by announcing his intention to seek a true comprehensive test ban. The new U.S. policy is to ban all nuclear tests of any size, including the hydronuclear tests addressed in this bill.

President Clinton's action supports our Nation's commitment, made in May at the conference on the permanent extension of the Nuclear Non- Proliferation Treaty, that the United States will seek prompt negotiation of a Comprehensive Test Ban Treaty. Many of the 178 nations who are parties to the Nuclear Non-Proliferation Treaty conditioned their support for the treaty's permanent extension on the prompt achievement of a comprehensive test ban. The test ban is an essential part of the Administration's nuclear non-proliferation regime, which is one of the highest security priorities of the United States.

A ban on nuclear tests will serve our non-pacts, without jeopardizing the maintenance of a safe and reliable nuclear stockpile. The Secretary of Defense, the Secretary of Energy, and the Chairman of the Joint Chiefs of Staff all support the President's new policy. They agree that it provides for effective maintenance of our nuclear arsenal.

The amendment would ensure that this bill takes no action to violate the President's policy, or the testing moratorium enacted into law in 1992. It will clear the way for us to sign a comprehensive test ban, and begin a new era of nuclear security and non-proliferation for the entire world. I urge the adoption of this amendment.

Mrs. BOXER. Mr. President, I inquire of the Senator from Georgia [Senator NUNN], if I may ask him a question about a provision of the fiscal year 1995 Department of Defense Authorization Act.

Mr. NUNN. I would be pleased to answer the questions of the Senator from California.

Mrs. BOXER. Section 816 of the fiscal year 1995 Defense Authorization Act authorized a demonstration project in Monterey County, CA, which would permit the Department of Defense to purchase fire-fighting, police, public works, utility, and other municipal services from agencies located in Monterey when such services are needed for operating Department of Defense assets in the county.

Mr. NUNN. I am familiar with this section, which allowed such municipal services to be purchased notwithstanding section 2465 of title 10, United States Code.

Mrs. BOXER. I would ask the Senator, was it the committee's intent to require an OMB Circular A-76 study before the demonstration program could begin?

Mr. NUNN. The purpose of the provision was to expedite the demonstration project, and it is therefore my view that to proceed without conducting an A-76 study would be consistent with section 816 of the fiscal year 1995 Defense Authorization Act.

Mrs. BOXER. I thank the Senator. Mr. THURMOND. Mr. President, I suggest the adoption of the amendment.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2452

(Purpose: Relating to testing of theater missile defense interceptors)

Mr. NUNN. Mr. President, on behalf of Senator PYOR, I offer an amendment which will establish testing requirements so that to proceed without conducting an A-76 study would be consistent with section 816 of the fiscal year 1995 Defense Authorization Act.

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

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

The amendment is as follows:

SEC. 224. TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.

(a) The Secretary of Defense may not approve a theater missile defense interceptor program proceeding beyond the low-rate initial production acquisition stage until the Secretary certifies to the congressional defense committees that such program has successfully completed initial operational test and evaluation, and is found to be a suitable and effective system.

(b) In order to be certified under subsection (a) as having been successfully completed, the initial operational test and evaluation conducted with respect to an interceptor program must have included flight tests—

(1) that were conducted with multiple interceptors and multiple targets in the presence of realistic countermeasures; and

(2) the results of which demonstrate the achievement by the interceptors of the baseline performance thresholds.

(c) For purposes of this section, the baseline performance thresholds with respect to a program are the weapons systems performance thresholds specified in the baseline description for the system established pursuant to section 2456 (a)(1)(i) of title 10, United States Code) before the program entered the engineering and manufacturing development stage.

(d) The number of flight tests described in subsection (b) that are required in order to make the certification under subsection (a) shall be a number determined by the Director of the Ballistic Missile Defense Organization to be sufficient for the purposes of this section.

(e) The Secretary may augment flight testing to demonstrate weapons system performance through the certification requirements for purposes of a baseline test under subsection (a) through the use of modeling and simulation that is validated by ground and flight testing.

(f) The Director of Operational Test and Evaluation and Ballistic and Ballistic Missile Defense Organization shall include in their annual reports to Congress plans to adequately test theater missile defense interceptor programs throughout the acquisition process. As these theater missile defense systems progress through the acquisition process, the Director of Operational Test and Evaluation and Ballistic Missile Defense Organization shall include in their annual reports to Congress an assessment of how these programs satisfy planned test objectives.

Mr. PYOR. Mr. President, I rise to offer an amendment on behalf of Senators NUNN, SENATOR BINGAMAN, and my-self to require the certification to the Missile Defense Act of 1995.

As my colleagues know, the Missile Defense Act of 1995 contains an aggressive program to develop and deploy theater missile defenses in the form of sophisticated missile interceptors.

I say to my colleagues—if we want to protect ourselves from the threat of theater missile attacks, let's make sure the interceptors are capable of destroying incoming missiles!

I was disappointed that this bill deleted a provision passed by Congress 2 years ago that would help us monitor these programs through a series of live-fire tests.

I believe it would be dangerous for the Senate to show a lack of interest in monitoring the progress of our theater missile defense interceptors. Our primary concern should be in making sure they are maturing properly.

Mr. President, I am pleased that the Director of the Ballistic Missile Defense Organization (BMD) and the Pentagon's Director of Operational Test and Evaluation agreed to work together in an effort to help us properly emphasize the importance of testing our TMD interceptor programs.
I applaud the Director of the BMDO, Gen. Malcolm O’Neill, and the Director of Operational Testing, Phil Coyle, for working cooperatively in this effort.

Mr. President, this is a responsible amendment that asks the Pentagon to periodically review the maturity of each interceptor program, and to advise Congress on the progress we’re making. It also asks the Secretary of Defense to certify to Congress that these programs work properly before they enter into full-rate production. Finally, this amendment will help prevent the wasteful practice of building weapon systems that do not work as expected.

This concept, Mr. President, is commonly referred to as fly before you buy. Fly before you buy means that new weapons must demonstrate their progress and maturity in operational testing so that we do not waste money buying systems that do not work.

I am proud to say, Mr. President, that with this amendment, the weapon developers in the BMDO office and the Pentagon’s testers have worked together to reach agreement on the proposed language.

This is a remarkable accomplishment that the entire U.S. Senate should applaud.

This is exactly the type of productive cooperation that Senator Grassley, Senator Roth and I envisioned when we wrote the legislation creating the independent testing office back in 1983. Developers and testers working together for a common goal. Unfortunately, for many years, the developers have refused to allow operational testers to monitor their progress. Too often in the Pentagon, the word “test” is considered a four-letter word.

This is exactly the scenario we should avoid with our interceptor programs.

We have already spent over $5 billion on theater missile defense interceptors. In this bill, an additional $2 billion is authorized for these programs. And the total costs are projected to exceed $22 billion.

As we continue spending more and more on ballistic missile defenses, let us not forget the most basic and most important element of these programs—making sure they work.

I wish to once again thank Gen. Malcolm O’Neill for his cooperation. Also, special thanks to Mr. Phil Coyle for his outstanding leadership as the Pentagon’s testing czar. Thanks also to Larry Miller of Mr. Coyle’s staff for his tremendous efforts in helping to prepare this amendment.

Mr. President, I thank the managers of this bill for accepting this amendment.

I yield the floor.

Mr. WARNER. Mr. President, the amendment is acceptable. The Senator is correct, we support the amendment and urge its adoption.

Mr. NUNN. Mr. President, I urge the adoption of this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.
currently producing rocket motors, sensor fused weapons, a variety of state-of-the-art missiles, warheads for the Maverick and more. Additionally, the Allegheny Ballistics Lab is developing motors and warheads for the next generation of smart precision guided weapons.

Of great concern to me are the many significant safety violations, due to the age of the facility. Originally acquired by the Army in 1941, the Navy was given title of the site in 1945. In fiscal year 1994, the Naval Sea Systems Command (NAVSEA) requested restoration of the 50-year-old plant over a 5-year period. Now, in what would be its third year of restoration, the plant lacks nearly all of the ongoing restoration plan. This year’s programmed restoration costs would be $38.25 million, of which the Senate Appropriations Committee has provided $30 million. Due to an unfortunate oversight during the Armed Services Committee preparation of this bill, the authorization bill does not include language supporting the safety upgrades at this facility.

Because of the potentially hazardous circumstances that might develop due to neglected safety precautions at this antiquated weapons-producing facility, my amendment would ensure the authorization for a minimal $2 million to provide for the essential safety measures required for the continuing operations of this plant.

The laboratory provides and services munitions for all the military services. Its programs include Naval propulsion technologies, Sidewinder, and the Sparrow missiles; for the Army, solid propulsion technologies, special munitions technologies, jointly produced rocket engines; rocket and laser systems for the Air Force; and a variety of motors and warheads for technologies for ballistic, cruise, and tactical missiles.

A facility of this magnitude and importance to national security requires, at a minimum, the funding for essential safety measures to avert a potential disaster. If these needs are not met, we risk not only plant security and safety, but we risk the loss of our Defense Department’s ability to provide adequate munitions to our fighting forces.

Mr. President, safe operations of the plant and safe function of the weapons and defense conversion products depend on competent structural and hazards testing capability. Facilities currently being used are over 40 years old. Needed are safe, efficient control rooms for Insensitive Munitions, hazards and warhead testing to replace the obsolete facilities. I encourage my colleagues to support this amendment, that will help keep a portion of our defense industry free from the occurrence or risk of injury or loss.

The PRESIDING OFFICER. The amendment (No. 2454) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to. Mr. WARNER. I move to lay that motion on the table. The motion to lay on the table was agreed to.

AMENDMENT NO. 2455  
(Purpose: To revise for fiscal and technical purposes the provisions relating to military construction projects’ authorizations) Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the chairman of the Armed Services Committee, Mr. THURMOND, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows: The Senator from Virginia (Mr. WARNER), for Mr. THURMOND, proposes an amendment numbered 2455.

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

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

The amendment is as follows:

On page 69, line 20, strike out "$18,066,206,000” and insert in lieu thereof "$18,073,206,000.”

On page 69, line 21, strike out "$21,356,960,000” and insert in lieu thereof "$21,345,960,000.”

On page 69, line 23, strike out "$18,237,893,000” and insert in lieu thereof "$18,224,893,000.”

On page 69, line 25, strike out "$10,060,162,000” and insert in lieu thereof "$10,046,162,000.”

On page 407, between lines 19 and 20, insert the following:

SEC. 2105. REDUCTION IN AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR FISCAL YEAR 1992 MILITARY CONSTRUCTION PROJECTS.


Mr. THURMOND. Mr. President, on August 27, the Senate adopted an amendment authorizing $228.0 million for military construction projects that were appropriated in the military construction appropriations bill for fiscal year 1996. The amendment I am offering today identifies offsets that will be used to pay for these additional projects. Specific amounts are as follows:

$30.0 million from a reduction to the foreign currency fluctuation account previously made by the Senate.

$86.4 million from offsetting formal construction projects that are no longer required due to the recommended closures by the Base Closure and Realignment Commission. These reductions were taken from a list compiled by the Department of Defense.

$49.0 million from prior year funds for projects that resulted in contract savings or were previously approved and now are no longer needed. This action mirrors the action taken by the Senate MILCON Appropriations Subcommittee.

$53.0 million from the $161.0 million request for the Pentagon renovation. The fiscal year 1996 request included $53.0 million for construction of wedge 1 of the project, which was delayed for 1 year pending a comprehensive review of the $1.2 billion renovation project.

Mr. President, the reductions to the various programs will not impair the progress of these programs. On the contrary, the military construction projects funded by these offsets will enhance the readiness of our Armed Forces and provide for the
welfare of the men and women who serve in the uniform of this Nation. Mr. President, I urge the adoption of the amendment.

Mr. WARNER. Mr. President, this amendment provides offsets for the military construction projects authorized by the Senate earlier in its deliberations on this bill.

Mr. NUNN. Mr. President, I urge the adoption of the amendment, and this side has cleared the amendment.

Mr. POPPINS. The question is on agreeing to the amendment.

The amendment (No. 2455) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table. The motion to lay on the table was agreed to.

AMENDMENT NO. 2456

(Purpose: To authorize a land conveyance.

Naval Communications Station, Stockton, California)

Mr. NUNN. Mr. President, on behalf of Senator FEINSTEIN, the Senator from California, I offer an amendment which authorizes the Secretary of the Navy, upon concurrence of both the General Services Administration and HUD, to convey 1,450 acres of property at the Naval Communications Station, Stockton, CA, to the Port of Stockton.

This amendment also allows for all existing leases involving Federal agencies located on the site to remain under existing terms and conditions.

Mr. President, I believe this amendment has been cleared by the other side.

Mr. WARNER. That is correct. The PRESIDING OFFICER. The clerk will report the amendment.

The amendment as follows:

The Senator from Georgia [Mr. NUNN], for Mrs. FEINSTEIN, proposes an amendment numbered 2456.

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

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

The amendment (No. 2456) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. I move to lay that motion on the table. The motion to lay on the table was agreed to.

AMENDMENT NO. 2456

(Purpose: To authorize a land conveyance.

Naval Communications Station, Stockton, California)

Mr. NUNN. Mr. President, on behalf of Senator FEINSTEIN, the Senator from California, I offer an amendment which authorizes the Secretary of the Navy, upon concurrence of both the General Services Administration and HUD, to convey 1,450 acres of property at the Naval Communications Station, Stockton, CA, to the Port of Stockton.

This amendment also allows for all existing leases involving Federal agencies located on the site to remain under existing terms and conditions.

Mr. President, I believe this amendment has been cleared by the other side.

Mr. WARNER. That is correct. The PRESIDING OFFICER. The clerk will report the amendment.

The amendment as follows:

On page 487, below line 24, add the following:

SEC. 2303. LAND CONVEYANCE, NAVAL COMMUNICATIONS STATION, STOCKTON, CALIFORNIA.

(a) AUTHORITY TO CONVEY.—The Secretary of the Navy may, upon the concurrence of the Administrator of General Services and the Secretary of Housing and Urban Development, convey to the Port of Stockton (in this section referred to as the “Port”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 1,450 acres at the Naval Communications Station, Stockton, California.

(b) INTERIM LEASE.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the Port under terms and conditions acceptable to the Secretary.

(c) CONSIDERATION.—The conveyance may be as a public benefit conveyance for port development as defined in Section 203 of the Federal Property and Administrative Services Act of 1949, (40 U.S.C. 441), as amended, provided the Port satisfies the criteria in section 203 and as the Administrator of General Services may prescribe to implement that section. Should the Port fail to qualify for a public benefit conveyance, the Secretary may require that the Port be conveyed under subparagraph (a), then the Port shall, as consideration for the conveyance, pay to the United States an amount equal to the fair market value of the property to be conveyed, as determined by the Secretary.

(d) FEDERAL LEASE OF CONVEYED PROPERTY.—Notwithstanding any other provision of law, a transfer of the property under subparagraph (a), the Secretary may require that the Port agree to lease all or a part of the property currently under federal use at the time of conveyance to the United States for use by the Department of Defense or any other federal agency under the terms and conditions then presently in force. Such terms and conditions will continue to include payment (to the Port) for maintenance of facilities leased to the Federal Government. Such maintenance shall be to the reasonable satisfaction of the United States, or as required by all applicable Federal, State and local laws and ordinances.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by Port.

(f) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or the lease under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

(g) ENVIRONMENTAL QUALITY OF PROPERTY.—Any contract for sale, deed, or other transfer of real property under this section shall be carried out in compliance with section 120(h) of the CERCLA (42 USC 9620(h)) and other environmental laws.

Mrs. FEINSTEIN. Mr. President, I rise in support of an amendment that conveys the right, title and interest of the Naval Communications Station at Rough and Ready Island in Stockton, California, from the Navy to the Port of Stockton.

This conveyance is a win-win for California and the Navy. The transfer of this property will result in the creation of thousands of jobs in my state and further solidify the Stockton Ship Deepwater Channel as one of the premier international shipping hubs in California. In addition, the Navy will be able to reduce infrastructure that it no longer needs nor is able to maintain. But the Navy and the Port of Stockton support this amendment.

The Port of Stockton’s Rough and Ready Island is located 75 nautical miles east of the Golden Gate Bridge in San Francisco Bay and consists of approximately 1,450 acres, of which roughly half is dedicated to general use. Since 1944, Rough and Ready Island has been home to the Navy and played a prominent role in our nation’s defense during both wars. Currently Rough and Ready is the site of a U.S. Naval Communication Station (NAVCOMSTA). While the NAVCOMSTA will continue to maintain its presence on the island indefinitely, the Navy has made it clear that continued ownership of such a facility, with its considerable infrastructure, is not consistent with ongoing military realignment objectives.

However, while part of Rough and Ready Island houses a number of Federal tenants, a significant percentage of the island has fallen into disrepair. If it is to be used to its fullest capacity, a number of improvements such as ameliorating and expanding the docks, deepening the waterways, and upgrading the railroad tracks are essential. The only private entity able and willing to adequately execute such an enormous effort is the Port of Stockton.

The Port of Stockton, which operates a 600 acre complex contiguous to Rough and Ready Island, is ready to assume the host position and make the needed improvements. The Stockton Port District, which was formed in 1927, functions as a nonprofit municipal corporation and is empowered by the California Harbors and Navigation Code to acquire real property by grant in order to protect Maritime and Commercial Interests.

The Port of Stockton is the local sponsor for the Stockton Ship Channel which is one of the busiest interior industrial waterways in the United States. Because it is the only deepwater cargo Port that handles bulk, between 3.5 million and 4 million tons of cargo travel through the Channel every year.

The Port of Stockton will receive the property through a public benefit conveyance. Further, the Port of Stockton has repeatedly offered to honor any long-term leases that are currently operative on Rough and Ready Island with the Navy. Federal agencies, and other tenants.

In addition to the benefits to the Navy, this land conveyance could also create thousands of new jobs in an area that has traditionally suffered from double digit unemployment.

Cost City, a major retailer, occupies 400,000 square foot of warehouse space at the Port of Stockton. Although the Port has received inquiries from other large businesses eager to establish distribution centers of similar size, it is unable to accommodate these requests because it simply does not have the space. The consolidation of Rough and Ready Island with the Port of Stockton will provide more opportunity to fulfill these requests for more space and in turn provide more jobs for the residents of the area.

The Port of Stockton estimates that in the long term, the potential for
large and small businesses utilizing the expanded warehouse, a proposed 92,000 square foot boat storage complex and new dock facilities will result in as many as 2,000 new jobs in the area.

Mr. President, allowing the transfer of Rough and Ready Island is a good deal for California and a good deal for the Navy. Not only does this transfer give the Navy an opportunity to relinquish itself of land that is in considerable need of improvement, but it will create economic opportunities for many Californians.

I thank my colleagues for supporting this amendment.

Mr. NUNN. I urge the adoption of the amendment.

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

The amendment (No. 2456) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2457

Mr. NUNN. Mr. President, on behalf of the Senator from Iowa, Senator HARKIN, and the Senator from California, Senator BOXER, I send an amendment to the desk that provides that cost-type contract DOD reimbursement of contract executive compensation may be capped at $200,000.

This is similar to the amendment the Senate adopted on the DOD appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The amendment (No. 2457) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. 2457. EXPEDITE THE DEPARTMENT OF ENERGY ORGANIZATION ACT.

(a) The Energy Policy and Conservation Act is amended by striking out the matter relating to section 601, as so amended.


(c) The Energy Policy and Conservation Act (42 U.S.C. 6332) is repealed.


SEC. 2458. CERTAIN ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT PROVISIONS.

It is the sense of Congress that—

(1) No individual acting within the scope of that individual’s employment with a Federal agency or department shall be personally subject to civil or criminal sanctions, for any failure to comply with an environmental cleanup requirement under the Solid Waste Disposal Act, the Comprehensive Environmental Response, Compensation, and Liability Act or an analogous requirement under comparable Federal, State, or local law, where the failure to comply is due to lack of funds requested or appropriated to carry out such requirement.

Federal and State enforcement authorities shall refrain from enforcement action in such circumstances.

(2) If appropriations by the Congress for fiscal years 1996 or any subsequent fiscal year are insufficient to fund any such environmental cleanup requirements, the Committees of Congress with jurisdiction shall explore options for increasing funding of the enforcement actions of Federal agencies, affected States, and the public, and consider appropriate statutory amendments to address personal criminal liability, and any related issues pertaining to potential liability of any Federal agency or department or its contractors.

Mr. JOHNSTON, Mr. President, the amendment that I have offered addresses two crucial management issues for the defense-related environmental restoration and waste management programs authorized in this bill. The first issue is the continued existence of obsolete conflict-of-interest and financial reporting requirements at the Department of Energy that conflict with government-wide standards. These requirements result in unnecessary duplication of effort and have deterred outstanding individuals from accepting managerial positions within the Department. The second issue is the implementation of criminal liability for Federal managers of environmental cleanup activities in the case of a funding shortfall that prevents full compliance with the law. Action on these management issues is essential, if defense environmental restoration and waste management programs are to succeed.

My amendment will remove the first of these two obstacles and express the sense of the Congress on the second.

The first part of my amendment repeals three sections of the Department of Energy Organization Act, Public Law 95-91, that were enacted in 1977 and that deal with conflict-of-interest requirements for Federal employees. It also repeals two other free-standing financial reporting requirements enacted as parts of other legislation in 1977. All of these requirements were enacted prior to passage of government-wide ethics requirements in the Department of Energy Organization Act of 1978, and in some sense served as a prototype for these requirements. Since the passage of the Ethics in Government Act and the Ethics Reform Act of 1989, though, the need for specific ethics and financial reporting requirements at DOE that are different from government-wide requirements has disappeared.

Adoption of this provision would not affect the applicability of government-wide conflict-of-interest and financial reporting requirements to DOE employees. These restrictions, codified in 18 U.S.C. 207 and 208, 41 U.S.C. 423, and 5 CFR 2634 are not affected by the amendment and would remain fully in force for DOE employees.

The Senate has had four different occasions during the last two Congresses, approved language to repeal these requirements—in the Energy Policy and
My amendment provides the sense of Congress that—

1. Individuals acting within the scope of their employment shall not be personally subject to civil or criminal sanction for any failure to meet environmental cleanup requirements under the Solid Waste Disposal Act or the Comprehensive Environmental Response, Compensation, and Liability Act, or an amendment of comparable Federal, State, or local laws, where the noncompliance is due to lack of funds; and

2. Appropriations are insufficient to fund environmental cleanup requirements, the Congress shall consider appropriate statutory amendments to address potential liability under the Act and contractors, after an examination by the appropriate Committees, and after affected Federal agencies, States, and the public have had an opportunity to express their views.

This amendment has been cleared on both sides by the Committee on Environmental and Public Works and the Committee on Governmental Affairs. I urge its adoption.

EXHIBIT I

THE SECRETARY OF ENERGY


Toady, Speaker of the House of Representatives,

DEAR Mr. Speaker: Enclosed is proposed legislation that would place employees of the Department of Energy on the same basis as many other government employees with respect to restrictions on holding financial interests that have the potential to conflict with official responsibilities, and with respect to financial requirements.

The legislation would repeal the divestiture provision of the Department of Energy Organization Act (DOE Act) and related disclosure statutes that were enacted in the mid-seventies. The criminal conflict of interest statutes, the standardized financial disclosure rules under the Ethics in Government Act, and the executive branch standards of conduct which are now in place make these provisions no longer necessary.

More specifically, the enclosed proposal would remove the divestiture requirement in part A of title VI of the DOE Act and also would repeal disclosure provisions in other laws that were superseded but not repeated in the DOE Act. The partial divestiture provision was the only conflict-of-interest provision of the DOE Act not repealed by section 381i of the National Defense Authorizing Act for Fiscal Year 1994 (Pub. L. No. 103-160). That Act repealed several obsolete conflict-of-interest requirements concerning financial disclosure, post-employment restrictions, and so forth.

In addition to repealing most of the Department’s obsolete conflict-of-interest provisions, the Act required the issuance of a report on the divestiture provision. The Department submitted this report to Congress on April 8, 1994, after its review by the Office of Government Ethics which has no objection to repeal of the divestiture provision. The report affirms our earlier conclusion that the divestiture requirement is obsolete, overly broad, and unnecessary. I urge Congress to repeal the provision.

The Department of Energy has been and continues to be strongly committed to the highest ethical standards of employment. However, the Congress is expected to follow not only the letter of the conflict-of-interest laws and regulations, but also their spirit. Elimination of the Department of Energy divestiture provision that, more often than not, requires divestiture when there is no actual conflict-of-interest means employee perception that the conflict-of-interest rules are arbitrary and unfair. Approval of this proposal would be a significant step in enhancing the consistency in the application of conflict-of-interest requirements throughout the executive branch, and we request its prompt consideration.

If these provisions are eliminated, the conflict-of-interest concerns underlying the divestiture provision will continue to be addressed by a statute and regulations applicable to all executive branch employees. These regulations were promulgated by the Office of Government Ethics (Standards of Ethical Conduct for Employees of the Executive Branch, 5 CFR 2635) and provide a mechanism for the Department to issue supplemental regulations that would prohibit or restrict the acquisition or holding of a financial interest or a class of financial interests by agency employees, or any category of agency employees, based on the agency’s determination that the acquisition or holding of such financial interest would create a reasonable person to question the impartiality and objectivity with which agency programs are administered. If needed, regulations to this effect will be pursued.

Hazel R. O’Leary

Mr. THURMOND, Mr. President, as stated by Senator JOHNSTON, the proposed amendment was cleared by both sides. I would like to briefly comment on the amendment. First, I feel that the conflict of interest provisions are consistent with past Senate efforts to eliminate agency-specific requirements that are no longer necessary. Second, the Senate of the Senate related to environmental restoration addresses concerns related to civil and criminal liability of individual or institutional employees acting within the scope of their employment. The Senate of the Senate specifically provides that Federal employees shall not be held personally liable for a failure to fulfill an environmental cleanup requirement that is the result of insufficient congressional appropriations. I support the amendment, as offered by Senator JOHNSTON.

Mr. NUNN, Mr. President, this amendment would repeal conflict of interest laws applicable only to DOE and not other agencies. It sets forth a sense of the Senate that conflict-of-interest officials should not be held criminally liable for failure to implement an environmental cleanup requirement where the failure is attributable to insufficient funding.

I believe this has been cleared by the majority.

Mr. WARNER, The Senator is correct.

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

The amendment (No. 2458) was agreed to.
Mr. NUNN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2409
(Purpose: To authorize the conveyance of the William Langer Jewel Bearing Plant to the Job Development Authority of the City of Rolla, North Dakota.)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senators DORGAN and CONRAD and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk reads as follows: The Senator from Georgia (Mr. Nunn), for Mr. Dorgan, for himself, and Mr. Conrad, proposes an amendment numbered 2409.

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

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

The amendment is as follows: On page 467, after line 24, add the following:

SEC. 2838. LAND CONVEYANCE, WILLIAM LANGER JEWEL BEARING PLANT, ROLLA, NORTH DAKOTA.

(a) AUTHORITY TO CONVEY.—The Administrator of General Services may convey, without cost, to the Job Development Authority of the City of Rolla, North Dakota, a parcel of real property (in this section referred to as the parcel) for economic development purposes. The intent of the conveyance authorized under this section is to enable the General Services Administration to transfer the plant to the authority that will ensure that the plant succeeds in its transition from a Government-owned military supplier to a more commercially oriented firm that also remains a viable part of the defense industrial base. This amendment will help complete the plant’s transition to commercial operation.

Those of my colleagues who are dealing with base closure and defense downsizing know that Rolla faces a crisis and an opportunity with regard to this plant. The future of this factory depends on its ability to become a commercial manufacturer. While the plant already has a successful base closure and related items in the commercial market, it is redoubling its efforts. Its chief commercial products are ferrules, which connect fiber optic cables. Japanese firms dominate volume production of ferrules, but the plant is establishing itself as a supplier of specialty ferrules in niche markets.

I would also note that while the Federal Government no longer needs jewel bearings, it does require the kind of unique micromanufacturing capability that the William Langer Plant provides.

The plant also manufactures dosimeters, which measure doses of nuclear radiation. Dosimeters are vital to the military, to commercial utilities that operate nuclear reactors, and to FEMA’s emergency preparedness programs. FEMA has indicated that it will work with new ownership and management of the plant to maintain the plant’s capability to manufacture dosimeters. So the plant’s employees have several reasons to hope that the plant will survive in the long run.

However, the plant badly needs legislative help in the short run. The normal excess property procedure would require the GSA to sell the plant for fair market value. The problem is that no local entity can afford the plant, which has an original cost of $4.2 million. The plant itself is not now healthy enough in a business sense to finance its own acquisition by a new management team. My amendment’s provision that the GSA may convey the plant without consideration is therefore vital to the plant’s ability to make a successful transition from Government contracts to commercial operations.

I would like to stress to my colleagues that the Rolla community, the State of North Dakota, the Turtle Mountain Band of Chippewa, and the local business community have been working hard to ensure that the plant makes a successful transition to the private sector. The local community is united behind the plan to transfer the plant to the Job Development Authority of the city of Rolla. Under my amendment, the authority will be able to lease the plant for economic development purposes. The intent of the amendment is to provide both flexibility for commercializing the plant and...
accountability to the Federal Government for the plant's future.

Mr. President, to sum up, I would simply say to my colleagues that this amendment tries to give a helping hand to the Langer plant and the city of Rolla, while relieving the Federal Government of a facility that it no longer needs.

I understand that the amendment will be accepted unanimously, and I thank the managers on both sides, Senators THURMOND and NUNN, and the senior Senator from Ohio, Senator GLENN, for their support of this amendment, as well as their staffs for their assistance with this amendment.

Mr. President, I yield the floor.

Mr. NUNN. Mr. President, this amendment authorizes the administrator of the General Services Administration to convey the William Langer Jewel Bearing Plant, 9.77 acres of real property, to the city of Rolla, ND. DOD declared the property in excess to its needs and conducted an appraising of the property and found there are no other Federal interests in the facility. I believe this has been cleared on the other side.

Mr. WARNER. Mr. President, this particular amendment has the support of this side.

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

The amendment (No. 2459) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2460
(Purpose: To authorize a land exchange, U.S. Army Reserve Center, Gainesville, GA)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] proposes an amendment numbered 2460.

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

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

The amendment is as follows:

On page 497, below line 24, add the following:

SEC. 2838 LAND EXCHANGE, UNITED STATES ARMY RESERVE CENTER, GAINESVILLE, GEORGIA

(a) IN GENERAL.—The Secretary of the Army may convey to the City of Gainesville, Georgia (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property (together with any improvements thereon) consisting of approximately 4.2 acres located on Shallowford Road, in the City of Gainesville, Georgia.

(b) CONSIDERATION.—As consideration for the conveyance authorized by subsection (a), the City shall—

(1) convey to the United States all right, title, and interest in and to a parcel of real property consisting of approximately 8 acres of land, acceptable to the Secretary, in the Atlas Industrial Park, Gainesville, Georgia;

(2) design and construct on such real property suitable replacement facilities in accordance with the requirements of the Secretary, for the training activities of the United States Army Reserve;

(3) fund and permit environmental and cultural resource studies, analysis, documentation that may be required in connection with the land exchange and construction considered in this section;

(4) reimburse the Secretary for the costs of relocating the United States Army Reserve personnel and other activities quizzes the City under subsection (a) to the replacement facilities to be constructed by the City under subsection (b)(2). The Secretary shall deposit such funds in the same account used to pay for the relocation;

(5) pay to the United States an amount as may be necessary to ensure that the fair market value of the consideration provided by the City under this subsection is not less than fair market value of the parcel of real property conveyed under subsection (a); and

(6) assume all environmental liability under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et al.) for the real property to be conveyed under subsection (b).

(c) DETERMINATION OF FAIR MARKET VALUE.—(1) The determination of the Secretary regarding the fair market value of the real property provided in accordance with subsection (a) and of any other consideration provided by the City under subsection (b) shall be final.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyances under this section that the Secretary considers appropriate to protect the interest of the United States.

Mr. NUNN. Mr. President, this amendment authorizes the Secretary of the Army to convey 4.2 acres of real property at an Army Reserve facility in Gainesville, GA, in exchange for an parcel of land, acceptable to the Secretary, in the Atlas Industrial Park, Gainesville, GA. The exchange is for fair market value.

I believe this has been cleared. It is an important amendment to the people in Gainesville, GA, as well as to the Army Reserve, which is going to get a larger piece of land and also a new reserve facility in exchange for an existing piece of land at fair market value. I urge its adoption.

Mr. WARNER. Mr. President, the amendment has the support of this side.

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

The amendment (No. 2460) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, my understanding is that we will not conclude the list of amendments which have been agreed to. We will finish that in the morning. Among those will be one by the Senator from Virginia that relates to the spent nuclear fuel issue. I will, beforehand— I repeat, beforehand—have contacted Senators KEMP, and Senator PHELPS. Today, I received a series of telephone calls, and it was explained that negotiations are still going on with the Governor of Idaho.

Also, I must say to my colleagues that this is an issue of very serious concern to the U.S. Navy, because it is impacting on the future refueling of our naval ships and consequently impacts on their deployment. It also impacts on the rotation of work among the several shipyards in handling the refueling and other naval work.

Therefore, I am hopeful that this can be worked out satisfactorily between the administration and the State of Idaho and the U.S. Department of Defense. But I am concerned that the progress thus far leaves this Senator—and I just speak for myself—somewhat disheartened. Therefore, I will continue to monitor and address this issue. I may have further remarks on it tomorrow after consultation with my colleagues and the Senators from that State. But I wish to alert Senators of the concern of this Senator on this matter.

Mr. NUNN. Mr. President, I believe that amendment is being worked on by staff. I think it is either worked out or very close to being worked out. So I anticipate that we will be in a position to deal with it tomorrow.

Mr. WARNER. Mr. President, I think we will turn to the conclusion of the Senate’s business, unless the Senator has further comments. He is beating a hasty retreat. It is my lifetime opportunity to do what I want in the U.S. Senate.

MORNING BUSINESS

Mr. WARNER. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

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

SENATOR CLAIBORNE PELL

Mr. MCCAIN. Mr. President, I want to add a few words to the chorus of praise for our distinguished colleague from Rhode Island, Senator PELL. As has been noted in the remarks of my colleagues, Senator PELL’s service in Congress includes so many accomplishments of such great consequences for our country that it would distinguish the careers of 10 public servants. That one man rendered so many important services to the American people is truly astonishing, and reflects great credit on Senator PELL.

Senator PELL now informs us that his service in the Senate will conclude at 36 years. Thirty six years is a long
time to be sure, and Senator PELL has more than earned his comfortable re-
tirement. But the sentiments held by his colleagues that this place will be
improvised by his departure are genuine. For Senator PELL’s career was
marked by more than extraordinary achievements, it marked a charac-
teristic graciousness, and generosity, and an indefatigable decency
toward others. I think we would all agree that when it comes to these vir-
tues, CLAIBORNE PELL is a gentleman with integrity.

In his announcement of his retire-
ment, Senator PELL expressed some
very gracious sentiments about this in-
stitution and the men and women who
work here. Coming from him, they
were most appreciated. For if the Sen-
ate is indeed a finer place than it is
popularly perceived to be that quality
is due in part to CLAIBORNE PELL’s
presence here. He will be greatly
missed.

RECENT DEVELOPMENTS IN EAST

Mr. THOMAS. Mr. President, while
we were out of session over the last
three weeks there were a number of im-
portant developments in Asia—specif-
ically Vietnam, Cambodia and China
—to which I, as the Chairman of the Subcom-
mittee on East Asian and Pacific
Affairs, would like to draw my colleagues’
attention.

First, the human rights situation in
Vietnam continues to be of great con-
cern. The weekend of August 12, barely
a week after Secretary of State Chris-
topher opened the newly-established
U.S. embassy in Hanoi, a Vietnamese
court convicted two Vietnamese-born
U.S. citizens and seven Vietnamese na-
tionals accused of being counter-revo-
 lutionaries and acting to “overthrow
the people’s administration.” The
group, allied with the banned political
party Tan Dai Viet, was apparently
trying to organize a conference in Ho
Chi Minh City (the former Saigon) to
discuss human rights and democracy in
Vietnam. After their first attempt
failed, they tried to set up another
meeting but were arrested 10 days be-
fore it was held. Radio Hanoi Voice of
Vietnam, in somewhat characteristic
rhetoric, described their “crimes” as
follows:

Taking advantage of our party’s renova-
tion policy, they used the pretext of demo-
cracy and human rights to distort the truth of
history, smear the Vietnamese communist
party and state, incite rural unrest, and
contact hostile forces abroad to
everishly oppose our state in an attempt to
set up a people-betraying and nation-harm-
ing regime. A check of their personal back-
grounds indicated that they spent almost all
their lives serving the enemy of our people
and giving a helping hand to the aggressors’
attacks on our country.

The administration warned them and used
educational measures on them after it dis-
covered their sabotage scheme. Nonetheless,
their activities posed a par-
ticular danger to society and was detri-
tional to national security.

Americans Nguyen Tan Tri and Tran
Quang Liem received a 7-year and 4-
year prison sentence, respectively.

In addition, the Vietnamese govern-
ment’s persecution of Buddhist leaders
continues unabated. On August 15, a
Vietnamese court sentenced a leader of a
banned Buddhist church to five years in
prison for criticizing Communist rule and
maintaining an independent (i.e., oppositional, con-
trol) Buddhist church. The court con-
vinced Thich Quang Do, secretary gen-
eral of the Unified Buddhist Church of
Vietnam (UBCV), and five other activ-
ists in a 1-day trial. Thich Quang was
accused of publishing a criticism of the
Communist Party and sending two
faxes to overseas Buddhists accusing the
Vietnamese Government of ob-
structing a church-sponsored flood-re-
lied mission in 1994. The other five were
arrested for participating in that mis-
sion.

Vietnamese authorities also recently
announced that the government would
soon try the acting head of the UBCV
Thich Huyen Quang, who is under
house arrest at the Vien Giac Pagoda in
Ho An, Quang Nam. The an-
nouncement is especially ironic given
that the government has systematically
denied that Thich Huyen had ever been placed
under arrest. On December 29, the Vietnamese
Foreign Ministry announced that re-
ports of Thich Huyen’s arrest were fab-
rictions and that he had simply been
“moved to another pagoda at the re-
quests of other monks.”

Mr. President, these are not isolated
incidents, but part of a systematic de-
nial of even the most basic human
rights on the part of the Vietnamese
government. Let me list just a few oth-
ers:

Thich Tri Tuu, the senior monk of
the Linh Mu pagoda in Hue and a close disciple
of the late Supreme Patriarch of the
UBCV, is serving a four-year sentence on
charges of “public disorder” at the Ba Sao prison
camp, Nam Ha, Phu Ly province, in con-
junction with the May 1990 protest in Hue. At
the time of the demonstration, Thich Tri was
being held in police custody, and police re-
 fused to let Buddhist monks who began the
protest secure his custody for him. The crowd
later saw him slumped in the back of a police
vehicle, stopped the vehicle and extracted
him from it—he had apparently fainted. He
was moved to the adjoining cyclo-pousse
which carried him back to his temple as the
protest continued and certain persons in the
crowd set the police vehicle on fire. Also still
imprisoned at the Ba Sao camp on public dis-
order charges stemming from this protest
are Thich Hai Tang and Thich Hai Thinh.
Thich Hai Chanh was released, but not al-
lowed to return to his residence at the Linh
Mu pagoda in Hue and has been obliged to
move to a pagoda in Quang Tri province.
Thich Huan Duc, appointed by the state-
sponsored church to be abbot of the Son Linh
Pagoda of Ba Ria-Vung Tau in 1982, was ar-
rested in July 1993 when police attempted to
enter the pagoda and a violent confrontation
ensued. The Fatherland Front and the pro-
vincial people’s committee issued an evic-
tion order against Thich Hanh and other
monks after the senior monk publicly read
an oration of Thich Huyen Quang and ex-
pressed support for the restoration of the
Unified Buddhist Church. In February 1993,
the provincial committee of the state-spon-
sored church expelled him from the church for
“violating the principles of Vietnamese
Buddhism.” Thich Huan Duc was ultimately
sentenced to three years of imprisonment for
“crimes against on-duty officials” and
“handing out documents hostile to the so-
 thom” (government). His conviction was last
known to be detained at the Phuoc Co prison
in Ba Ria-Vung Tau.

Do Trung Hue, formerly a Communist Party cadre in charge of religious
affairs in Ho Chi Minh City and now a private busi-
nessman, was detained by police in Ho Chi
Minh City on June 14, 1995. Hieu had written
and circulated an autobiographical essay de-
scribing the Party’s efforts to dismantle the
Unified Buddhist Church after the war out of
fear that its influence and following would
spread throughout Vietnam. Hieu has report-
edly been transferred to Hanoi for ques-
tioning, but his whereabouts have not been
confirmed.

Hoang Minh Chinh, a well-known com-
munist intellectual, was also detained in
Hanoi on June 14 this year. This was his third
detention for criticizing Party policy; he has
previously been charged with advo-
The cause of the latest detention appears to be
petitions he sent to the highest levels of the
Party demanding that his name be cleared for his previous jailing, and his
questioning the propriety of the constitu-
tional provision that enshrines the leading
role of the Vietnamese Communist Party.

Doan Thanh Liem, a law professor who
was educated in the United States, is serving a
twelve-year sentence for “counter
revolutionary propaganda”—that is, notes he
had prepared on constitutional reform. He
was arrested in April 1990 for his association
with Michael Morrow, Dick Hughes and Don
Luce. He knew all three Americans from his
participation in a well-known Saigon char-
ity, the Shoeshine Boys. Liem, held in the
Ba Sao camp, has developed pul-
monary condition in prison that is often asso-
ciated with tuberculosis. Senator HARKIN’s
request to meet with Liem was denied during
his July 1995 visit.

Nguyen Tri, also known as Truong Hung
Thai, was sentenced to eight years at the
trial of Doan Thanh Liem for having helped
Liem purchase a typewriter and having re-
ceived from Liem two documents the official
press described as “anti-communist.”

Doan Viet Hoat, one of Vietnam’s most
prominent political prisoners, was trans-
ferred abruptly among different pris-
ons last year, ending up in the Thanh Cam
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to the Cam Thuy camp Number 5, not far from the Thanh Cam camp in a remote part of Thanh Hoa province.

Le Duc Vuong, tried for the Freedom Forum affair, is sentenced to a five-year term. He was last known to be performing hard labor at the A Cam prison in Xuan Phuc. Dr. Nguyen Dan Que, an endocrinologist who was sentenced in 1991 to twenty years of imprisonment on charges of “attempting to overthrow the government for publicly signing and calling for political reform and respect for human rights,” is reported to be in fair health, having received some medication for a kidney stone. He has been transferred to Xuan Loc prison camp for nearly two years, following the Vietnamese government’s unwillingness to allow our colleague Senator Rorh to meet him.

Do Van Thac was tried with five other members of the opposition Dai Viet Duy Dan (People’s Party) on July 9, 1991. In January 1992, a court in Hanoi sentenced Do Van Thac to fourteen years’ imprisonment—later commuted to twelve years—on charges of “attempts to overthrow the government,” apparently for circulating writings describing the People’s Party and calling for political and economic reform.

Vu Thanh Dat, Paul Nguyen Chau Dat, and five other members of the Congregation of the Mother Co-Redemptrix remain in prison. On May 15, 1987, these persons, along with Father Dominic Cao Dinh Thu and sixty other Catholic clergy and laypersons were arrested when authorities raided the compound of the order founded by Father Dominic. During the raid, authorities seized rice stocks from the community and religious literature, causing people from the surrounding area to defend the community and religious freedom, as an example of the freedoms we have embodied in our First Amendment. These issues have become alarming; journalists critical of the government have been arrested and prosecuted and newspapers have been shut down.

Just last month, the government charged the Phnom Penh Post and Michael Hayes, its American publisher, with violations of Article LXII of the Cambodian Criminal Code and is seeking to fine the publisher and close down the paper. The provisions call for a fine and up to 3 years imprisonment for publishing false or falsely attributed information in bad faith and with malicious intent when the publication has disturbed or is likely to disturb the public peace. In order to convict, the government must prove all three elements—falsity, malicious intent, and public disturbance. The story in question is an article by Nate Thayer in the March 24-April 6 edition entitled “Security Jitters While PM’s Away.” This article alleged security threats and measures taken by the government while the two Prime Ministers attended the April 1995 meeting of the country’s principal aid donors. In reporting about the threats, Mr. Thayer clearly notes that many of the reported assertions were “rumor” or opinions or statements attributed to unnamed third parties. The article went on to cite “human rights officials” as saying that recent government moves present a threat to the U.N. Center for Human Rights, and M.P. Sam Rainsy are the beginning of an official effort to put an end to criticism of the government that leaders say undermines its image at home and abroad as a member of the community.

Despite the fact that these individuals were innocent, the Vietnamese government is a textbook Communist dictatorship to which the idea of basic human rights is simply a nuisance. No amount of talk about their modernizing their economy or welcoming American investment will change that fact. I am already seriously disinclined to support the establishment of a United States presence in the region if it means an increased threat to the freedoms we have enjoyed for so long.

Second, the government seeks to use the law to discover the identities of Mr. Thayer’s sources. To prevent the government from proving the first element of an Art. LXII offense in court—false attribution—Thayer would be forced to disclose his sources. Any forced compromise of journalistic sources severely curtails the ability of a free press to report on the people’s right to be informed about, matters of public interest. This is especially true in instances involving such issues as government corruption, where the power of the wrongdoers makes those knowledgeable about the wrongdoing hesitant to come forward.

This is far from being the only time that the Cambodian Government has initiated an Art. LXII prosecution on flimsy grounds. Two Cambodian journalists have already been convicted under that provision for articles that, in my view, plainly reported opinions—which are by definition subjective rather than objective—rather than facts. On May 19, the editor of Oddom K’tek Khmer, Thun Buny, was sentenced to a fine of R5,000,000 ($2,000) or one year in jail for printing a letter to the editor entitled “Stop Barking Samdech Prime Ministers.” Two days later, Dr. Nguyen Dan Que, an endocrinologist and his principal aid do-

One of them, Samleng Yu Vachuon Prime Ministers. Most recently, Thun Bunly was tried again, this time for expressing opinions highly critical of the government; he described certain government officials as greedy dictators. His paper was shut down and he was sentenced to a fine of R10,000,000 or two years in jail for a cartoon and satire of the three branches of government. Most recently, Thun Bunly was tried again, this time for expressing opinions highly critical of the government; he described certain government officials as greedy dictators. His paper was shut down and he was sentenced to a fine of R10,000,000 or two years in jail.

Unfortunately, this blatant intimidation shows no signs of abating. Last week the Ministry of Information announced that the government is seeking prosecution on unspecified charges of between two and five newspapers. One of them, Samleng Yu Vachuon Prime Ministers. Most recently, Thun Bunly was tried again, this time for expressing opinions highly critical of the government; he described certain government officials as greedy dictators. His paper was shut down and he was sentenced to a fine of R10,000,000 or two years in jail.

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approval or oversight of an independent court. Although the measure has yet to be signed into law by King Sihanouk and therefore is not legally in effect, it is being used to bring charges against the media.

The hallmark of these prosecutions, as well as the fact that all of the alleged offenders have all stepped on the government's toes, leads me and groups like Human Rights Watch/Asia to conclude that the government has embarked on a campaign of intimidation aimed at quelling its detractors. That perception is not helped by statements such as those by Prime Minister Prince Ranariddh last month that foreign newspapers are distorting the current situation in Cambodia and that the Western brand of democracy and freedom of the press is not applicable to Cambodia. The Prince needs to be reminded, however, that the freedoms embodied in the Paris Accords are not Western, but universal, and as such were supported by each of Cambodia's political parties. In addition, they are embodied in the International Covenant on Civil and Political Rights to which Cambodia is a signatory.

The government may believe that no one is watching, or that no one outside Cambodia cares, or that their actions are somehow excused by the nascent nature of their democracy; they could not be more wrong. Mr. President, the PRC should be mindful of the fact that the PRC had fingered blame at someone, three fingers are pointing back at you. If the Chinese were to indulge in one of their favorite political pastimes—self-criticism—then perhaps they would realize that it is they that are at fault; their insistence that President Lee's visit, technology transfers to Pakistan and Iran, failure to enforce its obligations in regards to intellectual property and arbitral conventions—the list goes on. The Chinese need to get over the illusion that they can go on to constructive dialog and constructive actions.

Despite my generally optimistic feeling about the general trend in our relationship, however, there have been a number of developments there which are troubling to me. First, on August 17 China conducted its second underground nuclear test this year at its facility at Lop Nor—its fourth in the past 14 months. This test concerns me, and I believe it has been a principal voice of support for democracy in Hong Kong and its environs. The LawAsia Conference and other conferences discussing its abysmal human rights record. The LawAsia Conference and other conferences discussing its abysmal human rights record.

Before I hear it from the Chinese Foreign Ministry, I will state at the outset that I fully recognize that who the PRC does or does not admit within its borders is purely an internal matter in which third countries have no right to interfere. Certainly, Lee’s statements in support of democracy are not music to the senior cadres’ ears and if they choose to exclude him on that basis so be it. However, I believe that it is our responsibility to interject when we have evidence of abuses.

The PRC has a habit of seeking to host these conferences in an effort to boost its international image, only to then heap a host of conditions on the attendees to ensure that nothing comes up at the conference which might embarrass China by, say, openly discussing its abysmal human rights record. The LawAsia Conference and Martin Lee are one example; another is the present U.N. women’s conference in Beijing. When it became clear to the Chinese authorities that the participating conference in Beijing which the United States is solely responsible for the current problems in Sino-U.S. relations; Washington should take all the blame for the problems. Mr. President, the PRC should be mindful of the fact that the PRC had fingered blame at someone, three fingers are pointing back at you. If the Chinese were to indulge in one of their favorite political pastimes—self-criticism—then perhaps they would realize that it is they that are at fault; their insistence that President Lee’s visit, technology transfers to Pakistan and Iran, failure to enforce its obligations in regards to intellectual property and arbitral conventions—the list goes on. The Chinese need to get over the illusion that they can go on to constructive dialog and constructive actions.
variety of causes the regime finds threatening—democracy, opposition to coerced abortion, the role of women in society—the forum suddenly found itself moved a substantial distance outside Beijing to the small village of Huairou. The official reason was that the Beijing authorities wanted to hold the forum was structurally un

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'The AGENCY FOR HEALTH CARE POLICY AND RESEARCH: A BEACON FOR POLICYMAKERS

Mr. DASCHLE. Mr. President, as the Congress considers its appropriations bills and strives to reduce the rate of growth of Federal programs, I would like to call attention to one very small, but important agency that policymakers and industry representatives alike have praised as responsible and cost-effective— the Agency for Health Care Policy and Research (AHCPR).

AHCPR, which is part of the Department of Health and Human Services, was established in 1989 with strong bipartisan support. Broadly stated, the agency’s mission is to conduct impartial health services research and disseminate information that will complement public and private sector efforts to improve health care quality and contain costs.

AHCPR’s charge is to find out what works and what does not work in the health care system, and the results of its research are being used voluntarily by the private sector to contain health care costs. The agency funds outcomes research projects to assess the efficacy of medical interventions in terms of how they affect patients. It also funds studies on the medical effectiveness of particular procedures and conducts assessments of health technologies utilized by HCFA and CHAMPUS to make coverage decisions. These projects have identified millions of dollars in potential savings to Medicare. Finally, the agency convenes multidisciplinary panels of experts to develop clinical practice guidelines on such topics as low back pain, cataracts, sickle cell anemia, mammography, unstable angina, and cancer pain. These guidelines are disseminated to consumers, private and public sector health care policymakers, providers, and administrators for use as they see fit.

AHCPR is a true public/private partnership designed to improve the quality of health services and contain their cost. And it is working. Supporters of the agency include conservatives and liberals in both political parties and in both the health care spectrum, from the insurance industry to providers to academia and other highly regarded public policy institutions. AHCPR has been called an “honest broker” because of the way it compiles and distributes health care cost and quality information among competing public and private sector interests.

It is very important to the health care system that AHCPR continue producing the kind of significant research that has developed these tools. To slash AHCPR’s funding now would truly be penny-wise and pound-foolish: The current funding level for the agency amounts to a little more than a dollar per American. Yet potential savings from the use of its guidelines and research could save hundreds of millions, and by some estimate billions, of dollars.
AHCPR should continue to play a critical role as we struggle to control national health care costs, particularly in the Medicare and Medicaid programs. AHCPR-funded research has provided strong evidence that health care costs can be contained while improving the quality of care. It would be irresponsible to devastate funding to the only Government agency devoted to finding ways for us to improve quality and lower costs.

Recently three of our esteemed former colleagues who were intimately involved in the creation of the Agency for Health Care Policy and Research—Senator George Mitchell, Senator David Durenberger and Representative Willis Gradison—jointly authored an article entitled, "The Agency for Health Care Policy and Research: A Beacon for Policy Makers." This article gives a historical perspective and summarizes the current situation while making a persuasive argument for the AHCPR's continued funding. I ask unanimous consent that this article be printed in the RECORD, and I urge my colleagues to carefully consider these noted health care experts' comments and weigh their advice when the Senate considers the fiscal year 1996 Labor-HHS appropriations bill.

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

THE AGENCY FOR HEALTH CARE POLICY AND RESEARCH: A BEACON FOR POLICYMAKERS

Joan Fitzgerald, former Senator George Mitchell, M.D., Ph.D., Georgetown University, B.A. in history, Bowdoin College, currently special counsel to the Washington, D.C.-based law firm of Verner, Liipfert, Bernhard, McPherson and Hand; former Senator Dave Durenberger, J.D., University of Minnesota, B.A. cum laude political science and history, St. Johns University, New York; senior counsel for the Washington, D.C.-based public affairs consulting firm of APCO Associates Inc.; and former Representative Willis Gradison, MBA, Ph.D in economics, both from Harvard, currently president of the Health Insurance Association of America, in Washington, D.C.

Reassuring people—including the three of us—may disagree about how to address problems in the nation's health care system and the role government should play in ensuring access to care. But we agree that the quality of care and cost are important to all Americans. There are major areas of bipartisan agreement as well. We agree that the quality of health care should not be compromised and that we must get the best value for the trillion dollars we spend each year on medical care.

One clear way to maximize the value of health care is to improve the quality of care. Government has a role in this, with its creation of the Objective Health Care Records (ORCH) system, a science-based information on the interrelationship of the cost and quality of health care. In the late 1980s, we agreed that a federal investment was needed in health services research. Our thoughts were influenced by the early findings from research funded by the National Center for Health Services Research. For example, the "small-area analysis" conducted by John Wennberg and others, and the work of the Maine Medical Foundation, showed widespread variations in the types of medical care provided in different parts of the country. Were people in some areas getting too much care? Were others being under treated? To a large extent, we simply lacked the research tools needed to explain these variations. Early research by AHCPR scientists suggested that by providing physicians with credible, high-quality information, they might improve their behavior, improve quality and reduce costs by providing a more rational framework for decision making. Eliminating unnecessary or ineffective procedures.

While many public and private groups have initiated their own health services research, their efforts were not coordinated and there were no scientifically-based protocols for research and guideline development. We concluded that the best way to combat the rise in health care costs would be to focus on the development of evidence-based protocols for the treatment of common health problems. With bipartisan efforts in both chambers, legislation was enacted to create the federal Agency for Health Care Policy and Research (AHCPR). This legislation ultimately became an important part of the Omnibus Budget Reconciliation Act of 1989 (P.L. 101-239).

As noted in a recent historical account of AHCPR, a primary goal of OBRA 1989 was to improve quality and contain costs in the Medicare program—as we would not have to cut back on needed care. Since that time, AHCPR has continued to publish and widely disseminate high-quality research to practitioners, researchers, and decision-makers to improve the quality and efficiency of health care services. AHCPR's mandate was two-fold: to find out which treatment methods actually work and which ones are not and therefore are not cost-effective. Second, we asked the agency to work closely with the private sector—particularly consumers and health care providers.

Among health care providers, physicians are the key. They are an important group to reach, because they are responsible for making the decisions about which treatments work. It is significant to note that many provider groups supported the creation of AHCPR, including the American Medical Association, the American College of Physicians, and the American Society of Internal Medicine. It also should be noted that outcomes research was an important companion to the Medicare physician payment reforms enacted the same year.

Since the federal government is the largest single payer of health services in the U.S., we initially asked AHCPR to focus its research on making sure those guidelines reach the public. So far, the Agency has distributed 26 million copies of its guidelines to clinicians and policy makers, and it has sponsored the development of evidence-based decision guidelines ranging from the diagnosis and treatment of cervical cancer to the treatment of otitis media in children. AHCPR-supported research has demonstrated that about half of the 600,000 patients who receive diagnostic cardiac catheterization as inpatients each year could have the procedure on an outpatient basis. AHCPR research also shows that reduction in computer decreased hospital costs by nearly $600 per admission, and reduced average length of stay by almost a day. If this procedure was applied to Medicare beneficiaries, the hospital projected over $3 million in savings per year.

The Agency's resection of the prostate—an operation for benign prostatic hyperplasia (BPH)—has fallen nearly 33 percent, due in part to AHCPR research on prostate disease and its guideline on BPH. This saves Medicare an estimated 860 million annually.

AHCPR and its predecessor, NCHSR, have also been instrumental in the development of major improvements to reimbursement systems. They funded the early design of diagnosis related groups (DRGs), which were adopted for Medicare payment reforms in 1983.

They also have helped to fine-tune the DRG system over time. This series of payment reforms, in combination with initiatives (such as the creation of Medicare's Peer Review Organizations (PROs)) has been widely credited with limiting cost increases for Medicare. In addition, many of these reimbursement reforms have been adopted by private sector payers.

2. IMPROVING CLINICAL PRACTICE

A second type of research conducted and sponsored by the Agency helps physicians and other care-givers take advantage of clinical and cost-effectiveness information. They enable care-givers to use guidelines and other resources to quickly ascertain treatment options and make more informed decisions. For example:

Low back pain—In 1990, the U.S. spent more than $20 billion for direct medical costs associated with low back pain. Lower back pain accounted for one-tenth of total Medicare charges in 1987. Billions could be saved each year by using the guidelines on low back pain. Intermountain Health Care, a Salt Lake City-based health care system, saved over $200 million in savings per year.

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entire community, has planned several significant events to commemorate this propitious milestone.

Throughout its history, Frederick has served not only as a monument to Marylanders, but it has also carved its place in America as well. Established in 1745, Frederick Town was the home of many great colonial Americans including Francis Scott Key, author of "The Star Spangled Banner"; Roger Taney, second Chief Justice of the Supreme Court; and John Hanson, President of the Continental Congress.

The English and German settlers of Frederick Town were ferociously proud of the independence and the liberty they found in the New World. When the British passed the Stamp Act in 1765 requiring colonists to purchase stamps for all legal and commercial documents, 12 Frederick County judges resolved to reject the Stamp Act and approved the usage of un stamped documents. This bold maneuver is believed to be the first recorded act of rebellion in the colonies.

According to several historians, it was in Frederick Town, not St. Louis, where Lewis and Clark began their famed expedition across the unexplored Mississippi River. They set forth from the Hessian Barracks in Frederick Town across the unchartered west and into the unknown territory.

Frederick Town was incorporated as a city in 1817, and to officially change the name was still in the 1800's, construction of the B&O Railroad and the C&O Canal began. The establishment of these two major avenues of transportation opened a window to the world for the citizens of Frederick. These corridors to Washington and Baltimore would provide access to jobs, to industry, and to trade.

But in 1864, Frederick was faced with grave despair. Under the threat of General Jubal Early's torch, city officials had to borrow loans from local banks to save Frederick. Three of the five original banks that contributed to that ransom are still open for business.

Over the course of the next century, Frederick would mature into a thriving and continuously expanding community. It is the home of a wide spectrum of facilities that include Fort Detrick, high-tech firms that are instrumental in AIDS research, the Frederick Keys baseball team; Hood College and Frederick Community College. And although Frederick is the third largest city in Maryland, it still maintains its small town charm and charisma.

Frederick is a model of community spirit and cooperation. The activities that have been sponsored to commemorate this auspicious occasion exemplify the deep devotion of Frederick's residents to their community. The spirit and enthusiasm of Frederick's citizens have been the foundation of its success. Today, Frederick offers the opportunity to renew the dedication that has supported Frederick throughout its history and helped it to develop into one of Maryland's most attractive communities.

We in Maryland are fortunate to have an area as community-oriented as Frederick. I join the citizens of Frederick in sharing their pride in Frederick's past and optimism for continued success in the years to come.
the existing Washington Convention Center and for preconstruction activities relating to a new convention center in the District of Columbia, to permit a designated authority of the District of Columbia to borrow funds for the preconstruction activities relating to a sports arena in the District of Columbia and to permit certain revenues to be pledged as security for borrowing of such funds, and for other purposes.

Under the authority of the order of the Senate of January 4, 1995, the enrolled bills were signed on August 18, 1995, during the adjournment of the Senate by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1279. A communication from the Chair-
man of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the monetary policy report for the pe-
riod ending June 30, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC-1280. A communication from the Chair-
man of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report relative to financial institu-
tions for calendar year 1994; to the Com-
mittee on Banking, Housing, and Urban Af-
fairs.

EC-1281. A communication from the Direc-
tor of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-1282. A communication from the Direc-
tor of the Office of Technology Assessment, transmitting, pursuant to law, the report enti-
tled “Electronic Surveillance in a Digital Age”; to the Committee on Commerce, Science, and Transportation.

EC-1283. A communication from the Sec-
retary of Transportation, transmitting, pursuant to law, the report on the future of the Interstate Commerce Commission; to the Committee on Commerce, Science, and Transportation.

EC-1284. A communication from the Sec-
retary of Transportation, transmitting, a draft of the complete report of the evaluation of retro-reflective beads in traffic facilities, including a cost/benefit analysis of radar installa-
tions, and to permit certain revenues to be pledged to the existing Washington Convention Center, to permit a designated authority of the District of Columbia to borrow funds for the preconstruction activities relating to a sports arena in the District of Columbia and to permit certain revenues to be pledged as security for borrowing of such funds, and for other purposes.

The following communications were transmitted, pursuant to law, the report of an informational copy of a lease to the Committee on Energy and Natural Resources.

EC-1285. A communication from the Ad-
ministrator of the Federal Aviation Admin-
istration, Department of Transportation, transmitting, pursuant to law, the report on the Aircraft Cabin Air Quality Research Pro-
gram; to the Committee on Commerce, Science, and Transportation.

EC-1286. A communication from the Ad-
ministrator of the Federal Aviation Admin-
istration, Department of Transportation, transmitting, pursuant to law, the report on the Aviation Safety Inspector Staffing Re-
quirements for fiscal years 1995 through 1997; to the Committee on Commerce, Science, and Transportation.

EC-1287. A communication from the Ad-
ministrator of the Federal Aviation Admin-
istration, Department of Transportation, transmitting, pursuant to law, the report of the cost/benefit analysis of radar installa-
tions at joint-use civil military airports; to the Committee on Commerce, Science, and Transportation.

EC-1288. A communication from the Ad-
ministrator of the Federal Aviation Admin-
istration, Department of Transportation, transmitting, pursuant to law, the report of the evaluation of retro-reflective beads in airport pavement markings; to the Com-
mittee on Commerce, Science, and Transpor-
tation.

EC-1289. A communication from the Ad-
ministrator of the Federal Aviation Admin-
istration, Department of Transportation, transmitting, pursuant to law, the report of the updated Aviation System Capital Invest-
ment Plan; to the Committee on Commerce, Science, and Transportation.

EC-1290. A communication from the Ad-
ministrator of the Federal Aviation Admin-
istration, Department of Transportation, transmitting, pursuant to law, the report of the final environmental impact statement for the Expanded East Coast Plan; to the Committee on Commerce, Science, and Transportation.

EC-1291. A communication from the Chair-
man of the Pennsylvania Avenue Develop-
ment Corporation, transmitting, pursuant to law, the annual report for calendar year 1994; to the Committee on Energy and Natural Re-
sources.

EC-1292. A communication from the Com-
missioner of the Bureau of Reclamation, Depart-
ment of the Interior, transmitting, pursuant to law, the report of the Safety of Dams Program (Twin Buttes Dam); to the Committee on Energy and Natural Re-
sources.

EC-1293. A communication from the Assist-
ant Secretary (Fish and Wildlife and Parks), Department of the Interior, transmitting, a draft of proposed legislation to amend the Act establishing Lowell National Historical Park; to the Committee on Energy and Natural Re-
sources.

EC-1294. A communication from the Ad-
ministrator of the Energy Information Ad-
mistration, Department of Energy, trans-
mitting, pursuant to law, the report of ura-
nium purchases for calendar year 1994; to the Committee on Energy and Natural Re-
sources.

EC-1295. A communication from the Sec-
retary of the Interior, transmitting, pursuant to law, the report on wildfire disaster rehabilitation for calendar year 1994; to the Committee on Energy and Natural Re-
sources.

EC-1296. A communication from the Sec-
retary of Energy, transmitting, pursuant to law, the report entitled “Expressions of In-
terest in Commercial Clean Technology Projects in Foreign Countries”; to the Com-
mittee on Energy and Natural Resources.

EC-1297. A communication from the Sec-
retary of Energy, transmitting, pursuant to law, the annual report on metals initiative for fiscal year 1994; to the Committee on En-
ergy and Natural Resources.

EC-1298. A communication from the Deputy Associate Director for Compliance, Min-
imum Management and Infrastructure Manage-
ment Program, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is ap-
propriate; to the Committee on Energy and Natural Resources.

EC-1299. A communication from the Sec-
retary of Defense, transmitting, pursuant to law, the report of the plan for the further de-
velopment and deployment of existing de-
fense technologies in support of the dre-
ading requirements of dual-use technologies; to the Committee on Environment and Public Works.

EC-1300. A communication from the Chair-
man of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report on abnormal occurrences for events at licensed nuclear facilities for the period January 1 to March 31, 1995; to the Committee on Environ-
ment and Public Works.

EC-1301. A communication from the Ad-
m inistrator of the General Services Adminis-
 tration, transmitting, pursuant to law, the re-
port of an information request for the lease prospectus; to the Committee on Environ-
ment and Public Works.

EC-1302. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a re-
port relative to a flood damage reduction project; to the Committee on Environment and Public Works.

EC-1303. A communication from the Fiscal Assistant Secretary of the Treasury, trans-
mitting, pursuant to law, the report of the Treasury Bulletin for June 1995; to the Com-
mittee on Finance.

EC-1304. A communication from the Sec-
retary of Health and Human Services, trans-
mitting, pursuant to law, a draft of proposed legislation entitled “The Vaccine Excise Tax Amendments of 1995”; to the Committee on Finance.
EC-1305. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled ‘The Medicare Contractor Reform Act of 1995’; to the Committee on Finance.

EC-1306. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, the report of the operation of the United States trade agreements program for calendar year 1994; to the Committee on Finance.

EC-1307. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, the report of the operation of the United States trade agreements program for calendar year 1994; to the Committee on Finance.

EC-1308. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notice relative to renewing a lease; to the Committee on Foreign Relations.

EC-1309. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, the report of deliveries to Bangladesh; to the Committee on Foreign Relations.

EC-1310. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the intention to obligate additional funds in fiscal years 1996 and 1997; to the Committee on Foreign Relations.

EC-1311. A communication from the Administrator of the U.S. Agency for International Development, transmitting, pursuant to law, the report of Development Assistance Program allocations for the period January 1 through March 31, 1995; to the Committee on Foreign Relations.

EC-1312. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Consultative Commission; to the Committee on Foreign Relations.

EC-1313. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the Memorandum of Justification relative to the Presidential Determination on the United Nations Rapid Reaction Force; to the Committee on Foreign Relations.

EC-1314. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to the United Nations Rapid Reaction Force; to the Committee on Foreign Relations.

EC-1315. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, the text of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-1316. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC-1317. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of statistics of the operation of the Premerger Notification Program for fiscal year 1993; to the Committee on the Judiciary.

EC-1318. A communication from the Secretary of Education and the Secretary of the Treasury, transmitting jointly, a draft of proposed legislation entitled ‘The Empowered Direct Loan Implementation and Student Loan Marketing Association Transition Act of 1995’; to the Committee on Labor and Human Resources.

EC-1319. A communication from the Director of the Office of Medical Applications of Research, Department of Health and Human Services, transmitting, pursuant to law, the report entitled ‘Bioelectrical Impedance Analysis in Body Composition Measurement’; to the Committee on Labor and Human Resources.

EC-1320. A communication from the Director of the Treasury, transmitting, pursuant to law, the report from the Committee on Equal Opportunities in Science and Engineering; to the Committee on Labor and Human Resources.

EC-1321. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual report of the Student Loan Ombudsman; to the Committee on Labor and Human Resources.

EC-1322. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the Housing Primary Care Program for calendar years 1992 and 1993; to the Committee on Labor and Human Services.

EC-1323. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the National Health Service Corps for the calendar years 1990 through 1994; to the Committee on Labor and Human Services.

EC-1324. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Advisory Committee on Disability Insurance; to the Committee on Labor and Human Services.

EC-1325. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on health personnel in the United States; to the Committee on Labor and Human Services.

EC-1326. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of proposed regulations; to the Committee on Rules and Administration.

EC-1327. A communication from the Secretary of Defense, transmitting, pursuant to law, the semi-annual report on program activities to facilitate weapons destruction and nonproliferation; to the Committee on Rules and Administration.

EC-1328. A communication from the Director of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, the report on the activities and expenditures of the Office of Civilian Radioactive Waste Management; to the Committee on Rules and Administration.

EC-1329. A communication from the Director of the Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, the report on the activities and expenditures of the Office of Civilian Radioactive Waste Management; referred jointly, pursuant to Public Law 97-245, to the Committee on Energy and Natural Resources, and to the Committee on Environment and Public Works.

EC-1330. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of the Mid-Session Review of the 1996 Budget; referred jointly, pursuant to the order of January 30, 1978 as modified by the order of April 11, 1996, to the Committee on Appropriations, and to the Committee on Budget.

EC-1331. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-95, enacted by the Council on July 11, 1995; to the Committee on Governmental Affairs.

EC-1332. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-107, enacted by the Council on July 11, 1995; to the Committee on Governmental Affairs.

EC-1333. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-111, enacted by the Council on July 11, 1995; to the Committee on Governmental Affairs.

EC-1334. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-109, enacted by the Council on July 11, 1995; to the Committee on Governmental Affairs.

EC-1335. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-112, enacted by the Council on July 11, 1995; to the Committee on Governmental Affairs.

EC-1336. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-115, enacted by the Council on July 11, 1995; to the Committee on Governmental Affairs.

EC-1337. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-114, enacted by the Council on July 11, 1995; to the Committee on Governmental Affairs.

EC-1338. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-110, enacted by the Council on July 11, 1995; to the Committee on Governmental Affairs.

EC-1339. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-113, enacted by the Council on July 11, 1995; to the Committee on Governmental Affairs.

EC-1340. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-114, enacted by the Council on July 25, 1995; to the Committee on Governmental Affairs.

EC-1341. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-119, enacted by the Council on July 11, 1995; to the Committee on Governmental Affairs.

EC-1342. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-120, enacted by the Council on July 11, 1995; to the Committee on Governmental Affairs.

EC-1343. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-127, enacted by the Council on July 29, 1995; to the Committee on Governmental Affairs.

EC-1344. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-120, enacted by the Council on July 11, 1995; to the Committee on Governmental Affairs.

EC-1345. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ‘Fiscal Year 1995 Preliminary Report; “Neighborhood Commissions”’; to the Committee on Governmental Affairs.
EC-1347. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report of employees detailed to congressional committees; to the Committee on Government Affairs.

EC-1348. A communication from the Vice President and Treasurer of the Farm Credit Financial Partners, transmitting, pursuant to law, a report of the Financial Support Plan for the First Farm Credit District for calendar year 1994; to the Committee on Governmental Affairs.

EC-1349. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the examination of IRS financial statements for fiscal year 1994; to the Committee on Government Affairs.

EC-1350. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the annual report for calendar year 1994; to the Committee on Government Affairs.

EC-1351. A communication from the Employee Benefits Manager of the AgFirst Farm Credit Bank, transmitting, pursuant to law, the report of the retirement plan for employees of the Federal Home Loan Bank System for calendar year 1994; to the Committee on Governmental Affairs.

EC-1352. A communication from the Federal Reserve Employee Benefits System, transmitting, pursuant to law, the report of the list of General Accounting Office reports and testimony for June 1995; to the Committee on Governmental Affairs.

EC-1355. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report entitled ‘Leadership for Change: Human Resource Development in the Federal Government’; to the Committee on Governmental Affairs.

EC-1356. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, actuarial reports for fiscal year 1994; to the Committee on Governmental Affairs.

EC-1357. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation entitled ‘The Packers and Stockyards Licensing Fee Act of 1995’; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1358. A communication from the Under Secretary of Defense, transmitting, pursuant to law, a report of a violation of the Antideficiency Act, case number 93-46; to the Committee on Appropriations.

EC-1359. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, the selected Acquisition Reports for the period April 1 through June 30, 1995; to the Committee on Armed Services.

EC-1360. A communication from the Assistant Secretary of Defense, transmitting, pursuant to law, a report relative to the Defense Enterprise Fund; to the Committee on Armed Services.

EC-1362. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the United States’ Cooperative Threat Reduction Assistance Program; to the Committee on Armed Services.

EC-1363. A communication from the Principal Deputy General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to amend Title 10, United States Code, to provide for the use of loans of special feed and feed additives for food security in the European Community, to the Committee on Armed Services.

EC-1364. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement with respect to a transaction involving the export of U.S. exports to the Philippines; to the Committee on Banking, Housing and Urban Affairs.

EC-1365. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement with respect to a transaction involving the export of U.S. exports to Mexico; to the Committee on Banking, Housing and Urban Affairs.

EC-1366. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, a report on government securities brokers and dealers; to the Committee on Banking, Housing, and Urban Affairs.

EC-1367. A communication from the Chairmen of the House Committee on Banking, Housing and Urban Affairs, transmitting, pursuant to law, the annual report for calendar year 1994; to the Committee on Banking, Housing and Urban Affairs.

EC-1368. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation entitled ‘the Gold Bullion Coin Amendments of 1995’; to the Committee on Banking, Housing, and Urban Affairs.

EC-1369. A communication from the Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report on enforcement actions taken in the fiscal year 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC-1370. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to the system of export regulations; to the Committee on Banking, Housing, and Urban Affairs.

EC-1371. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-1372. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled ‘Living Within Constraints: An Emerging Vision for High Performance Public Works’; to the Committee on Environment and Public Works.

EC-1373. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, a draft of proposed legislation to authorize appropriations to NASA for human space flight, science, aeronautics, and technology, mission support, and Inspector General, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-1374. A communication from the Administrator of the Federal Aviation Administration, transmitting, pursuant to law, the report on the ‘Traffic Alert and Collision Avoidance System for the period April 1 through June 30, 1995; to the Committee on Commerce, Science, and Transportation.

EC-1375. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the Ninoy Aquino International Airport, Manila, Philippines; to the Committee on Commerce, Science, and Transportation.

EC-1376. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the transition to harmonization to the Committee on Commerce, Science, and Transportation.

EC-1377. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report of the National Technical Information Service for fiscal year 1994; to the Committee on Commerce, Science, and Transportation.

EC-1378. A communication from the Secretary of Energy, transmitting, pursuant to law, the report of a study of a representative sample of light-duty alternative fuel vehicles in Federal fleets; to the Committee on Energy and Natural Resources.

EC-1379. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the Low Emission Boiler System Program; to the Committee on Energy and Natural Resources.

EC-1380. A communication from the Deputy Associate Director for Compliance, Minerals Management Service, to the Committee on Appropriations.

EC-1381. A communication from the Acting Deputy Associate Director for Compliance, Minerals Management Service, to the Committee on Appropriations.

EC-1382. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the nondisclosure of Safeguards Information for the period April 1 through June 30, 1995; to the Committee on Environment and Public Works.

EC-1383. A communication from the Commissioner of Public Buildings Service, General Services Administration, transmitting, pursuant to law, a report on the Federal Triangle Complex; to the Committee on Environment and Public Works.

EC-1385. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report of information copies of lease proposals; to the Committee on Environment and Public Works.

EC-1386. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report entitled ‘Living Within Constraints: An Emerging Vision for High Performance Public Works’; to the Committee on Environment and Public Works.

EC-1387. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report of a Presidential Determination relative to the United Nations Rapid Reaction Force in Bosnia; to the Committee on Foreign Relations.

EC-1388. A communication from the Assistant Secretary of State (Treaty Affairs), transmitting, pursuant to law, a report of the United Nations Treaty Activities, to the Committee on Foreign Relations.
EC-1389. A communication from the Assistant Attorney General (Office of Legislative Affairs), transmitting, pursuant to law, the report entitled “Searching for Answers Annual Report on Drugs and Crime: 1993-1994”; to the Committee on the Judiciary.

EC-1390. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the Refugee Resettlement Program for fiscal year 1994; to the Committee on the Judiciary.

EC-1391. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the Youth Tobacco Prevention Program for fiscal year 1994; to the Committee on Labor and Human Resources.

EC-1392. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the Sequoia Update Report for fiscal year 1996; referred jointly, pursuant to the order of August 4, 1997, to the Committee on the Budget, and to the Committee on Governmental Affairs.

EC-1393. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, notice relative to military contracts: referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, and to the Committee on Armed Services.

EC-1394. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled “The Review of the Water and Sewer Utility Administration’s Participation in the District’s Cash Management Pool”; to the Committee on Governmental Affairs.

EC-1395. A communication from the Chairmain of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-128, enacted by the Council on July 29, 1995; to the Committee on Governmental Affairs.

EC-1396. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-129, enacted by the Council on July 29, 1995; to the Committee on Governmental Affairs.

EC-1397. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-130, enacted by the Council on July 29, 1995; to the Committee on Governmental Affairs.

EC-1398. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-131, enacted by the Council on July 29, 1995; to the Committee on Governmental Affairs.

EC-1399. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-132, enacted by the Council on July 29, 1995; to the Committee on Governmental Affairs.

EC-1400. A communication from the Employee Benefits Manager of the AgFirst Farm Credit Bank, transmitting, pursuant to law, the report disclosing the financial condition of the Retirement Plan for the employees of the Seventh Farm Credit District for calendar year 1994; to the Committee on Governmental Affairs.

EC-1401. A communication from the Human Resource Management of the Farm Credit Bank of Texas, transmitting, pursuant to law, the report for the Pension Plan for calendar year 1994; to the Committee on Governmental Affairs.

EC-1402. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report under the Federal Employees Group Life Insurance Act of 1954; to the Committee on Governmental Affairs.

EC-1403. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report on the financial audit of the financial statements of the Congressional Award for fiscal year 1994; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of August 11, 1995, the following reports of committees were submitted on August 30, 1995:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 856: A bill to amend the National Foundation on the Arts and Humanities Act of 1965, the Museum Services Act, and the Arts and Arts and Artists Indemnity Act to improve and extend the Acts, and for other purposes (Rept. No. 104-135).

By Mr. CHAFEE, from the Committee on Environment and Public Works, with amendments:

S. 619: A bill to phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling of proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries, and for other purposes (Rept. No. 104-136).

ADDITIONAL COSPONSORS

At the request of Mrs. KASSEBAUM, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 141, a bill to delay the Davis-Bacon Act of 1931 to provide new job opportunities, effect significant cost savings on Federal construction contracts, promote small business participation in Federal contracting, reduce unnecessary paperwork and reporting requirements, and for other purposes.

S. 295: At the request of Mrs. KASSEBAUM, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 295, a bill to permit labor management cooperative efforts that improve America’s economic competitiveness to continue to thrive, and for other purposes.

S. 304: At the request of Mr. SANTORUM, the names of the Senator from Arizona [Mr. MCCAIN] and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 459: At the request of Mr. BOND, the name of the Senator from Illinois [Ms. MUSELEY-BRAUN] was added as a cosponsor of S. 459, a bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

S. 773: At the request of Mr. ROTH, his name was added as a cosponsor of S. 773, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes.

S. 833: At the request of Mr. HATCH, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 833, a bill to amend the Internal Revenue Code of 1986 to accurately codify the dependable life of semiconductor manufacturing equipment.

S. 896: At the request of Mr. CHAFEE, the name of the Senator from Illinois [Ms. MUSELEY-BRAUN] was added as a cosponsor of S. 896, a bill to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians’ services, and for other purposes.

S. 907: At the request of Mr. MURKOWSKI, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 907, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands and to withdraw lands within ski area permit boundaries from the operation of the mining and mineral leasing laws.

S. 949: At the request of Mr. GRAHAM, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 949, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington.

S. 959: At the request of Mr. HATCH, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 959, a bill to amend the Internal Revenue Code to encourage capital formation through reductions in taxes on capital gains, and for other purposes.

S. 969: At the request of Mr. BRADLEY, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 972: At the request of Mr. DASCHLE, the name of the Senator from Illinois [Ms. MUSELEY-BRAUN] was added as a cosponsor of S. 972, a bill to amend title XIX of the Social Security Act to provide for medicaid coverage of all certified nurse practitioners and clinical nurse specialists services.

S. 986: At the request of Mr. D’AMATO, the name of the Senator from Vermont...
[Mr. LEAHY] was added as a cosponsor of S. 986, a bill to amend the Internal Revenue Code of 1986 to provide that the Federal income tax shall not apply to United States citizens who are killed in terrorist actions directed at the United States or to parents of children who are killed in those terrorist actions.

S. 1002

At the request of Mr. CHAFFEE, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1002, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 1028

At the request of Mrs. KASSEBAUM, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

SENATE CONCURRENT RESOLUTION 11

At the request of Ms. SNOWE, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of Senate Concurrent Resolution 11, a concurrent resolution supporting a resolution to the long-standing dispute regarding Cyprus.

SENATE RESOLUTION 147

At the request of Mr. THURMOND, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of Senate Resolution 147, a resolution designating the weeks beginning November 21, 1995, and September 22, 1996, as “National Historically Black Colleges and Universities Week,” and for other purposes.

AMENDMENT NO. 215B

At the request of Mr. LEVIN, the name of the Senator from New Jersey [Mr. LUTENBERG] was added as a co-sponsor of amendment No. 221B proposed to S. 1026, an original bill to authorize appropriations for fiscal year 1996 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.

AMENDMENTS SUBMITTED

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

BINGAMAN (AND DOMENICI) AMENDMENT NO. 2427

Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to the bill (S. 1026) to authorize appropriations for fiscal year 1996 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; as follows:

SEC. 3108. APPLICABILITY OF ATOMIC ENERGY COMMUNITY ACT OF 1955 TO LOS ALAMOS, NEW MEXICO

(a) Date of Transfer of Utilities.—Section 72 of the Atomic Energy Act of 1954 (42 U.S.C. 2232) is amended by striking out “not later than five years after the date it is included within this Act” and inserting in lieu thereof “not later than June 30, 1998”.

(b) Date of Transfer of Municipal Installations.—Section 83 of such Act (42 U.S.C. 2238) is amended by striking out “not later than five years after the date it is included within this Act” and inserting in lieu thereof “not later than June 30, 1993”.

(c) Reimbursement for Assistance Payments.—Section 91 of such Act (42 U.S.C. 2239) is amended—

(1) by striking out “the Los Alamos School Board;” and all that follows through “county of Los Alamos, New Mexico”; and inserting in lieu thereof “the Los Alamos School Board;” and all that follows through “county of Los Alamos, New Mexico”;

(2) by adding at the end the following new sentence: “The Los Alamos School Board or the county of Los Alamos, New Mexico, indicates a need for further assistance for the Los Alamos School Board or the county of Los Alamos, New Mexico;” and

(3) by adding after the preceding sentence the following new sentence: “If the recommendation under the preceding sentence regarding the Los Alamos School Board or the county of Los Alamos, New Mexico, indicates a need for further assistance for the Los Alamos School Board or the county of Los Alamos, New Mexico, then the recommendation shall include a report and plan describing the actions required to eliminate the need for further assistance for the school board or the county, including a proposal for legislative action to carry out the plan.”

(d) Contract to Make Payments.—Section 94 of such Act (42 U.S.C. 2240) is amended—

(1) by striking out “June 30, 1996” each place it appears in the proviso in the first sentence and inserting in lieu thereof “July 1, 1996”;

(2) by striking out “July 1, 1996” in the second sentence and inserting in lieu thereof “July 1, 1997”;

BROWN AMENDMENT NO. 2428

Mr. BROWN proposed an amendment to the bill S. 1026, supra, as follows:

At the appropriate place in the bill, add the following new section—

SEC. 3.SENSE OF THE CONGRESS REGARDING FITZSIMMONS ARMY MEDICAL CENTER BASIS FOR LEASE.

(a) FINDINGS.—The Congress finds that—

(1) Fitzsimons Army Medical Center in Aurora, Colorado has been recommended for closure in 1996 under the Defense Base Closure and Realignment Act of 1990;

(2) The University of Colorado Health Sciences Center and the University of Colorado Hospital Authority are in urgent need of space to maintain their ability to deliver health care to meet the growing demand for their services;

(3) Reuse of the Fitzsimons facility at the earliest opportunity would provide significant benefit to the cities of Aurora and Denver; and

(4) Reuse of the Fitzsimons facility by the local community ensures that the property is fully utilized by providing a benefit to the community.

(b) SENSE OF CONGRESS.—Therefore, it is the sense of Congress that upon acceptance of the Base Closure list—

(1) The federal screening process for Fitzsimmons Army Medical Center should be accomplished at the earliest opportunity;

(2) The Secretary of the Army should consider on an expedited basis transferring Fitzsimmons Army Medical Center to the Local Redevelopment Authority while still operational to ensure continuity of use to all parties concerned;

(3) The Secretary should not enter into a lease with the Local Redevelopment Authority that he has determined that the lease falls within the categorical exclusions established by the Department of the Army pursuant to the National Environmental Policy Act of 42 U.S.C. 4321 et seq.; and

(4) This section is in no way intended to circumvent the decisions of the 1995 BRAC.

(c) REPORT.—180 days after the enactment of this Act the Secretary of the Army shall provide a report to the appropriate committees of the Congress on the Fitzsimmons Army Medical Center that covers—

(1) The results of the federal screening process for Fitzsimmons and any actions that have been taken to expedite the review;

(2) Any actions taken by the Secretary of the Army to lease the Fitzsimmons Army Medical Center to the local redevelopment authority;

(3) The results of any environmental reviews under the National Environmental Policy Act in which such a lease would fall into the categorical exclusions established by the Secretary of the Army; and

(4) The results of the environmental baseline survey and a finding of suitability or nonsuitability.

EXON (AND OTHERS) AMENDMENT NO. 2429

Mr. EXON (for himself, Mr. BINGAMAN, and Mr. LIEBERMAN) proposed an amendment to the bill S. 1026, supra, as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of the Act, the provision dealing with hydronuclear experiments is qualified in the following respect:

(c) LIMITATIONS.—Nothing in this Act shall be construed as an authorization to conduct hydronuclear tests. Furthermore, nothing in this Act shall be construed as amending or repealing the requirements of Section 507 of Public Law 102-377.

HARKIN (AND OTHERS) AMENDMENT NO. 2430

Mr. HARKIN (for Mr. HARKIN for himself, Mr. SHELBY, Mr. CAMPBELL, Mr. ROBB, Mr. HEFLIN, and Mr. BINGAMAN) proposed an amendment to the bill S. 1026, supra, as follows:

On page 72, between lines 18 and 19, insert the following:

SEC. 305. INCREASE IN FUNDING FOR THE CIVIL AIR PATROL.

(a) INCREASE.—(1) The amount of funds authorized to be appropriated by this Act for operation and maintenance of the Air Force for the Civil Air Patrol Corporation is hereby increased by $5,000,000.

(2) The amount authorized to be appropriated for operation and maintenance for
the Civil Air Patrol Corporation under paragraph (1) is in addition to any other funds authorized to be appropriated under this Act for that purpose.

(b) ORMixed Reduuction.—The amount authorized to be appropriated under this Act for Air Force support of the Civil Air Patrol is hereby reduced by $2,900,000. The amount of the reduction shall be allocated among funds authorized to be appropriated for Air Force personnel supporting the Civil Air Patrol and for Air Force operation and maintenance support for the Civil Air Patrol.

THURMOND AMENDMENT NO. 2431

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill S. 1026, supra; as follows:

On page 69, line 25, decrease the amount by $10,000,000.

On page 70, line 5, strike out "$1,472,947,000" and insert in lieu thereof "$1,482,947,000".

GLENN (AND OTHERS) AMENDMENT NO. 2432

Mr. EXON (for Mr. GLENN, for himself, Mrs. FEINSTEIN, Mr. PELL, and Mr. MOYNIHAN) proposed an amendment to the bill S. 1026, supra; as follows:

On page 69, line 25, decrease the amount by $10,000,000.

On page 70, line 5, strike out "$1,472,947,000" and insert in lieu thereof "$1,482,947,000".

SEC. 224. DEPRESSED ALTITUDE GUIDED GUN ROUND SYSTEM.

The amount authorized to be appropriated under section 201(1), $5,000,000 is authorized to be appropriated for continued development of the depressed altitude guided gun round system.

KENNEDY AMENDMENT NO. 2436

Mr. EXON (for Mr. KENNEDY) proposed an amendment to the bill S. 1026, supra; as follows:

On page 21, following line 21, insert the following:

SEC. 2. REPORT ON AH-64D ENGINE UPGRADES.

(a) Report.—Not later than February 1, 1996, the Secretary of the Army shall submit to Congress a report on plans to procure T700-710C engine upgrade kits for Army AH-64D helicopters. The report shall include:

(1) a plan to provide for the upgrade of all Army AH-64D helicopters with T700-710C engine kits commencing in FY 1996.

(b) Content of Report.—The report shall include a discussion of the following:

(1) Contracting for the performance of the functions referred to in subsection (a).

(2) Converting to private ownership and operation the Department of Defense VIP air fleet, personnel and cargo aircraft, and in-flight refueling aircraft, and other Department of Defense aircraft.

(3) The wartime requirements for the various VIP and transport fleets.

(4) The assumptions used in the cost-benefit analysis.

(5) The effect on military personnel and facilities of using private sources, as described in paragraphs (1) and (2), for the purposes described in subsection (a).

DOLE (AND THURMOND) AMENDMENT NO. 2437

Mr. WARNER (for Mr. DOLE, for himself and Mr. THURMOND) proposed an amendment to the bill S. 1026, supra; as follows:

On page 31, after line 22, insert the following:

SEC. 133. JOINT PRIMARY AIRCRAFT TRAINING SYSTEM PROGRAM.

The amount authorized to be appropriated under section 631(1), $54,908,000 shall be available for the Joint Primary Aircraft Training System program for procurement of up to eight aircraft.

HEFLIN (AND SHELBY) AMENDMENT NO. 2438

Mr. EXON (for Mr. HEFLIN and Mr. SHELBY) proposed an amendment to the bill S. 1026, supra; as follows:

On page 16, line 20, strike out "$1,552,964,000" and insert in lieu thereof "$1,547,964,000".

On page 69, line 25, strike out "$10,060,162,000" and insert in lieu thereof "$10,045,162,000".

DOMENICI AMENDMENT NO. 2439

Mr. WARNER (for Mr. DOMENICI) proposed an amendment to the bill S. 1026, supra; as follows:

On page 277, after line 25, insert the following:

(b) EFFECTIVE DATE FOR PROGRAM AUTHORITY.—Section 554(b)(1) of the National Defense Authorization Act for Fiscal Year 1994 (107 Stat. 1066; 10 U.S.C. 1059 note) is amended by striking "the date of the enactment of this Act" and inserting in lieu thereof "April 1, 1994."

ROBB AMENDMENT NO. 2440

Mr. EXON (for Mr. ROBB) proposed an amendment to the bill S. 1026, supra; as follows:

On page 137, after line 24, insert the following:

SEC. 389. REPORT ON PRIVATE PERFORMANCE OF CERTAIN FUNCTIONS PERFORMED BY MILITARY AIRCRAFT.

(a) Report Required.—Not later than May 1, 1996, the Secretary of Defense shall submit to Congress a report on the feasibility, including the costs and benefits, of using private sources for satisfying, in whole or in part, the requirements of the Department of Defense for VIP transportation, air fleet, for other personnel and for cargo, in-flight refueling of aircraft, and performance of such other military aircraft functions as the Secretary considers appropriate to discuss in the report.

(b) CONTENT OF REPORT.—The report shall include a discussion of the following:

(1) Contracting for the performance of the functions referred to in paragraph (a).

(2) Converting to private ownership and operation the Department of Defense VIP air fleet, personnel and cargo aircraft, and in-flight refueling aircraft, and other Department of Defense aircraft.

(3) The wartime requirements for the various VIP and transport fleets.

(4) The assumptions used in the cost-benefit analysis.

(5) The effect on military personnel and facilities of using private sources, as described in paragraphs (1) and (2), for the purposes described in subsection (a).
Mr. EXON (for Ms. MIKULSKI, for herself and Mr. SARBAVES) proposed an amendment to the bill, S. 1026, supra; as follows:

On page 468, below line 24, add the following:

SEC. 2925. CONSOLIDATION OF DISPOSAL OF PROPERTY AND FACILITIES AT FORT HOLABIRD, MARYLAND.
(a) CONSOLIDATION.—Notwithstanding any other provision of law, the Secretary of Defense shall dispose of the property and facilities at Fort Holabird, Maryland, described in subsection (b) in accordance with subparagraph (2)(e) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (P.L. 103-103) (as determined by the owner of the improvements referred to in subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

WARNER AMENDMENT NO. 2443
Mr. WARNER proposed an amendment to the bill S. 1026, supra; as follows:

On page 403, between lines 16 and 17, insert the following:

SEC. 1085. DESIGNATION OF NATIONAL MARITIME CENTER.
(a) DESIGNATION OF NATIONAL MARITIME CENTER.—The NAUTICUS building, located at One绅士圆形路, Norfolk, Virginia, shall be known and designated as the ‘‘National Maritime Center’’.

(b) REFERENCE TO NATIONAL MARITIME CENTER.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the ‘‘National Maritime Center’’.

BOXER AMENDMENT NO. 2444
Mr. EXON (for Mrs. BOXER) proposed an amendment to the bill, S. 1026, supra; as follows:

On page 487, after line 24, add the following:

SEC. 2838. REPORT ON DISPOSAL OF PROPERTY, FORT ORDI MILITARY COMPLEX, CALIFORNIA.
Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the plants of the Secretary for the disposal of a parcel of real property consisting of approximately 477 acres at the former Fort Ord Military Complex, California, including the Black Horse Golf Course, the Bayonet Golf Corse, and a portion of the Hayes Housing Facility.

STEVEN (AND BREAUX) AMENDMENT NO. 2445
Mr. WARNER (for Mr. STEVEN, for himself and Mr. BREAUX) proposed an amendment to the bill, S. 1026, supra; as follows:

On page 305, beginning on line 1, strike all through line 10 and insert in lieu thereof the following:

SEC. 802. PROCUREMENT NOTICE POSTING THRESHOLDS AND SUBCONTRACTS FOR OCEAN TRANSPORTATION SERVICE.
(a) PROCUREMENT NOTICE POSTING THRESHOLDS.—Section 18(a)(1)(B) of the Office of Federal Procurement Policy Act (41 U.S.C. 418(a)(1)(B)) is amended—

(b) SUBCONTRACTS FOR OCEAN TRANSPORTATION SERVICES.—Notwithstanding any other provision of law, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the scope of any environmental impact analysis necessary to support an interim lease of property under this subsection shall be limited to the environmental consequences of activities authorized under the proposed lease and the cumulative impacts of other past, present, and reasonably foreseeable future actions during the period of the proposed lease.

GRASSLEY AMENDMENT NO. 2448
Mr. WARNER (for Mr. GRASSLEY) proposed an amendment to the bill S. 1026, supra; as follows:

On page 463, between lines 16 and 17, insert the following:

SEC. 1095. OPERATIONAL SUPPORT AIRLIFT AIRCRAFT FLEET.
(a) SUBMITTAL OF JCS REPORT ON AIRCRAFT.—Not later than February 1, 1996, the Secretary of Defense shall submit to Congress the report on aircraft designated as Operational Support Airlift Aircraft that is currently in preparation by the Joint Chiefs of Staff.

(b) CONTENT OF REPORT.—(1) The report shall contain findings and recommendations regarding the following:

(C) The need for helicopter support in the National Capital Region.

(D) The acceptable uses of helicopter support in the National Capital Region.

In preparing the report, the Joint Chiefs of Staff shall take into account the recommendation of the Commission on Roles and
and Missions of the Armed Forces to reduce the size of the Operational Support Airlift Aircraft fleet.

(c) REGULATIONS.—Upon completion of the report practicable, provide for, and encourage the use of commercial airlines in lieu of the use of aircraft designated as Operational Support Airlift Aircraft.

(2) The regulations shall, to the maximum extent practicable, provide for, and encourage the use of, commercial airlines in lieu of the use of aircraft designated as Operational Support Airlift Aircraft.

(3) The regulations shall apply uniformly throughout the Department of Defense.

(4) The regulations should not require exclusive use of the aircraft designated as Operational Support Airlift Aircraft for any particular class of government personnel.

(d) REDUCTIONS IN FLYING HOURS.—(1) The Secretary shall ensure that the number of hours flown in fiscal year 1996 by aircraft designated as Operational Support Airlift Aircraft does not exceed the number equal to 85 percent of the number of hours flown in fiscal year 1995 by such aircraft.

(2) The Secretary should ensure that the number of hours flown in fiscal year 1996 for helicopter support in the National Capital Region does not exceed the number equal to 85 percent of the number of hours flown in fiscal year 1995 for such helicopter support.

RESTRICTION ON AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated under title III for the operation and use of aircraft designated as Operational Support Airlift Aircraft, not more than 50 percent of such funds shall be available for that purpose until the submittal of the report referred to in subsection (a).

SEC. 2838. LAND CONVEYANCE, NAVY PROPERTY, FORT SHERIDAN, ILLINOIS.

(a) AUTHORITY TO CONVEY.—Subject to subsections (b) and (l), the Secretary of the Navy may convey to any transferee selected under subsection (a) all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) at Fort Sheridan, Illinois, consisting of approximately 182 acres and comprising the Navy housing areas at Fort Sheridan.

(b) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(c) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the Secretary may consider property owned by the Federal Government and the United States.

(2) In determining the fair market value of the real property interest to be conveyed under subsection (a) and the consideration to be provided under subsection (c)(1), the Secretary shall take into account any property owned by the Federal Government and the United States.

(i) SELECTION OF TRANSFEREE.—(1) The Secretary shall select a transferee under subsection (a) by a competitive process.

(ii) CONSIDERATION.—(A) The Secretary shall determine the fair market value of the real property interest to be conveyed under subsection (a) and the consideration to be provided under subsection (c)(1). Such determination shall be final.

(b) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property interest to be conveyed under subsection (a) and the consideration to be provided under subsection (c)(1). Such determination shall be final.

(2) Transfer of property to the United States.—The Secretary shall transfer to the United States all right, title, and interest of the United States in and to any real property conveyed pursuant to this section as the Secretary considers appropriate.

(j) DESCRIPTIONS OF PROPERTY.—The exact acreage and legal descriptions of the real property to be conveyed by the Secretary under subsection (a) shall include the real property to be conveyed under subsection (c)(1)(A) shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the transferee selected under subsection (l).

(k) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2839. LAND CONVEYANCE, ARMY RESERVE PROPERTY, FORT SHERIDAN, ILLINOIS.

(a) AUTHORITY TO CONVEY.—Subject to subsection (b), the Secretary of the Army may convey to any transferee selected under subsection (g) all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) at Fort Sheridan, Illinois, consisting of approximately 114 acres and comprising an Army Reserve area.

(b) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not convey the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(i) SELECTION OF TRANSFEREE.—(1) The Secretary shall select a transferee under subsection (a) by a competitive process.

(ii) CONSIDERATION.—(A) The Secretary shall determine the fair market value of the real property interest to be conveyed under subsection (a) and the consideration to be provided under subsection (c)(1). Such determination shall be final.

(b) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property interest to be conveyed under subsection (a) and the consideration to be provided under subsection (c)(1). Such determination shall be final.

(2) Transfer of property to the United States.—The Secretary shall transfer to the United States all right, title, and interest of the United States in and to any real property conveyed pursuant to this section as the Secretary considers appropriate.

(j) DESCRIPTIONS OF PROPERTY.—The exact acreage and legal descriptions of the real property to be conveyed by the Secretary under subsection (a) shall include the real property to be conveyed under subsection (c)(1)(A) shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the transferee selected under subsection (l).

(k) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.
(1) be located not more than 25 miles from Fort Sheridan;
(2) be located in a neighborhood or area having social and economic conditions similar to the economic conditions of the area in which Fort Sheridan is located; and
(3) be acceptable to the Secretary.

(e) In making the decision under subsection (a), the Secretary shall use competitive procedures for the selection of a transferee under subsection (a).

(f) In evaluating the offers of prospective transferees, the Secretary shall—
(A) consider the technical sufficiency of the offers and the adequacy of the offers in meeting the requirements for consideration set forth in subsection (c)(1); and
(B) consult with the communities and jurisdictions in the vicinity of Fort Sheridan (including the City of Lake Forest, the City of Highland Park, the County of Highland Park and the County of Lake) in order to determine the most appropriate use of the property to be conveyed.

(g) The Secretary may require such additional surveys for the fair market value of the property to be conveyed under subsection (a) and of the property to be conveyed under subsection (c)(1). Such determination shall be final.

(h) DESCRIPTIONS OF PROPERTY.—The Secretary shall determine the fair market value of the property to be conveyed under subsection (a) and of the property to be conveyed under subsection (c)(1). The cost of such surveys shall be borne by the transferee selected under subsection (g).

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

LEVIN AMENDMENT NO. 2451

Mr. LEVIN proposed an amendment to the bill S. 1026, supra; as follows:

At the appropriate place in the bill, add the following section:

SEC. 224. TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.

(a) The Secretary of Defense may not approve a theater missile defense interceptor program proceeding beyond the low-rate initial production acquisition stage until the Secretary certifies to the congressional defense committees that such a program has successfully completed initial operational test and evaluation, and if found to be a suitable and effective system.

(b) In order to be certified under subsection (a) as having been successfully completed, the initial operational test and evaluation conducted with respect to an interceptor program must have included flight tests—
(1) that were conducted with multiple interceptors and multiple targets in the presence of realistic countermeasures; and
(2) the results of which demonstrate the achievement by the interceptors of the baseline performance thresholds.

(c) For purposes of this section, the baseline performance thresholds with respect to a program are the programs performance thresholds specified in the baseline description for the system established (pursuant to section 2330(a)(1) of title 10, United States Code) before the program entered the engineering and manufacturing development stage.

(d) The number of flight tests described in subsection (b) that are required in order to make the certification under subsection (a) shall be a number determined by the Director of Operational Test and Evaluation to be sufficient for the purposes of this section.

(e) The Secretary may augment flight testing to demonstrate weapons system performance goals for purposes of the certification under subsection (a) through the use of modeling and simulation that is validated by ground and flight testing.

(f) The Director of Operational Test and Evaluation and Ballistic Missile Defense Organization shall include in their annual reports to Congress plans to adequately test theater missile defense programs throughout the acquisition process. As these theater missile defense systems progress through the acquisition process, the Director of Operational Test and Evaluation and Ballistic Missile Defense Organization shall include in their annual reports to Congress an assessment to how these programs satisfy planned test objectives.

BYRD AMENDMENT NO. 2454

Mr. BYRD proposed an amendment to the bill S. 1026, supra; as follows:

At the appropriate place in the bill, add the following section:

SEC. 398. ALLEGANY BALLISTICS LABORATORY.

Of the amount authorized to be appropriated under section 301(2), $2,000,000 shall be available for the Allegany Ballistics Laboratory for essential safety functions.

THURMOND AMENDMENT NO. 2455

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill S. 1026, supra; as follows:

On page 69, line 20, strike out "$18,066,206,000" and insert in lieu thereof "$18,073,206,000".

On page 69, line 21, strike out "$21,356,960,000" and insert in lieu thereof "$21,343,960,000".

On page 69, line 23, strike out "$18,237,893,000" and insert in lieu thereof "$18,224,985,000".

On page 133, line 25, strike out "such Act" and insert in lieu thereof "the Elementary and Secondary Education Act of 1965".

On page 195, line 15, insert "(4)" after "(3)".

On page 195, line 15, strike out "it is a" and insert in lieu thereof "it is an affirmative".

On page 195, line 17, strike out "(1)" and insert in lieu thereof "(2)".

On page 195, line 21, strike out "(2)" and insert in lieu thereof "(1)".

On page 195, line 23, strike out the end quotation marks and second period.

On page 195, after line 23, insert the following:

"The accused has the burden of proving a defense under paragraph (1) by a preponderance of the evidence.".

On page 250, beginning on line 20, strike out "not later than December 15, 1996, the" and insert in lieu thereof "The".

On page 375, strike out lines 11 through 15.

On page 375, line 16, strike out "(p)" and insert in lieu thereof "(o)".

On page 375, line 20, strike out "(q)" and insert in lieu thereof "(p)".

On page 376, line 1, strike out "(r)" and insert in lieu thereof "(o)".

On page 376, line 7, strike out "(s)" and insert in lieu thereof "(r)".

On page 376, line 13, strike out "(t)" and insert in lieu thereof "(u)".

On page 376, line 22, strike out "(u)" and insert in lieu thereof "(t)".

On page 378, line 3, strike out "(v)" and insert in lieu thereof "(w)".

On page 378, beginning on line 23 and 24, insert the following:

"It is the sense of the Senate—

(1) that the United States should promptly consider giving its advice and consent to their ratification.

(2) that the United States should not later than December 15, 1996, the" and insert in lieu thereof "The".

(3) "".


(5) On page 378, line 24, strike out "(c)" and insert in lieu thereof "(d)".

(6) On page 378, line 5, strike out "(d) and insert in lieu thereof "(e)".

(7) On page 379, line 14, strike out "(e) and insert in lieu thereof "(f)".

(8) On page 379, line 20, strike out "(f) and insert in lieu thereof "(g)".

(9) On page 379, line 24, strike out "106 Stat. 2370;" and all that follows through page 380, line 2, and insert in lieu thereof "106 Stat. 2368; 10 U.S.C. 301 note" is amended by striking out paragraphs (4) and (5).

(10) On page 380, line 3, strike out "(ig)" and insert in lieu thereof "(ih)".

(11) On page 380, line 24, strike out "301 Stat. 2316;" and all that follows through page 381, line 2, and insert in lieu thereof "301 Stat. 2314;" is amended by striking out paragraphs (u) and (v).

(12) Beginning on page 381, line 3, strike out "106 Stat. 2368;" and all that follows through page 383, line 2, and insert in lieu thereof "106 Stat. 2370;" is amended by striking out paragraphs (u) and (v).

(13) On page 383, line 24, strike out "2001;" and all that follows through page 384, line 2, and insert in lieu thereof "2002;" is amended by striking out paragraphs (u) and (v).

(14) On page 384, line 24, strike out "2003;" and all that follows through page 385, line 2, and insert in lieu thereof "2004;" is amended by striking out paragraphs (u) and (v).

(15) On page 385, line 24, strike out "2005;" and all that follows through page 386, line 2, and insert in lieu thereof "2006;" is amended by striking out paragraphs (u) and (v).
SEC. 2015. REDUCTION IN AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR FISCAL YEAR 1992 MILITARY CONSTRUCTION PROJECTS.


On page 417, in the table preceding line 1, in the amount column of the item relating to the amount to be provided for the United States, strike out $3,830,000 and insert in lieu thereof $3,830,000.

On page 419, line 24, strike out $49,450,000 and insert in lieu thereof $49,300,000.

On page 420, after line 21, add the following:

SEC. 2050. REDUCTION IN AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR FISCAL YEAR 1991 MILITARY CONSTRUCTION PROJECTS.


On page 425, line 9, strike out $47,950,000 and insert in lieu thereof $47,900,000.

On page 425, line 13, strike out $5,807,929,000 and insert in lieu thereof $5,799,192,000.

On page 427, line 25, add the following:

SEC. 2407. REDUCTION IN AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR FISCAL YEAR 1992 MILITARY CONSTRUCTION PROJECTS.

(a) Fiscal Year 1992 Authorizations.—Section 2407(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1779), as amended by section 2407(b)(1) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–168; 107 Stat. 1859), is further amended in the matter preceding paragraph (1) by striking $1,644,478,000 and inserting in lieu thereof $1,641,244,000.


(c) Fiscal Year 1993 Authorizations.—Section 2407(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2500), is amended in the matter preceding paragraph (1) by striking $2,567,146,000 and inserting in lieu thereof $2,558,556,000.
On page 487, after line 24, add the following:

SEC. 2838. LAND CONVEYANCE, WILLIAM LANGER JEWEL BEARING PLANT, ROLLA, NORTH DAKOTA.

(a) AUTHORITY TO CONVEY.—The Administrator of General Services may convey, without consideration, to the Job Development Authority of Rolla, North Dakota (in this section referred to as the “Authority”), all right, title, and interest of the United States in and to a parcel of real property, consisting of approximately 9.77 acres and comprising the William Langer Jewel Bearing Plant in Rolla, North Dakota.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the Authority—

(1) use the real and personal property and improvements conveyed under that subsection for economic development relating to the jewel bearing plant;

(2) enter into an agreement with an appropriate public or private entity or person to lease such property and improvements to that entity or person for such economic development; or

(3) enter into an agreement with an appropriate public or private entity or person to sell such property and improvements to that entity or person for such economic development.

(c) PREFERENCE FOR DOMESTIC DISPOSAL OF JEWEL BEARINGS.—(1) In offering to enter into agreements pursuant to any provision of law for the disposal of jewel bearings from the National Defense Stockpile, the President shall reject any first refusal on any such offers to the Authority or to the appropriate public or private entity or person with which the Authority enters into an agreement under subsection (b).

(2) For the purposes of this section, the term “National Defense Stockpile” means the stockpile provided for in section 4 of the Strategic and Critical Materials Stockpile Act (50 U.S.C. 966k(c)).

(d) AVAILABILITY OF FUNDS FOR MAINTENANCE AND CONVEYANCE OF PLANT.—Notwithstanding any other provision of law, funds available in fiscal year 1995 for the maintenance of the William Langer Jewel Bearing Plant in Rolla, North Dakota, and all available for the maintenance of that plant in fiscal year 1996, pending conveyance, and for the conveyance of that plant under this section.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Administrator. The cost of such survey shall be borne by the Administrator.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under this section as the Administrator determines appropriate to protect the interests of the United States.

NUNN AMENDMENT NO. 2460

Mr. NUNN proposed an amendment to the bill S. 1026, supra; as follows:

On page 487, below line 24, add the following:

SEC. 2518. LAND EXCHANGE, UNITED STATES ARMY RESERVE CENTER, GAINEVILLE, GEORGIA.

(a) IN GENERAL.—The Secretary of the Army may convey to the City of Gainesville, Georgia (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property (together with any improvements thereon) consisting of approximately 4.2 acres located on Sawellow Road, in the City of Gainesville, Georgia.

(b) CONSIDERATION.—As consideration for the conveyance authorized by subsection (a), the City shall—

(1) convey to the United States all right, title, and interest in and to a parcel of real property consisting of approximately 8 acres of land, acceptable to the Secretary, in the Atlas Industrial Park, Gainesville, Georgia;

(2) design and construct on such real property suitable replacement facilities in accordance with the requirements of the Secretary, for the training activities of the United States Army;

(3) fund and perform any environmental and cultural resource studies, analysis, documentation that may be required in connection with the land exchange and construction considered by this section;

(4) reimburse the Secretary for the costs of relocating the United States Army Reserve units from the real property to be conveyed under subsection (a) to the replacement facilities to be constructed by the City under subsection (b); and

(5) pay to the United States an amount as determined that for the relocation of the United States Army Reserve units from the real property to be conveyed under subsection (a) and (b) shall be fair market value of the consideration provided by the City under this subsection is not less than fair market value of the parcel of real property conveyed under subsection (a); and

(6) assume all environmental liability under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9620h) for all real property to be conveyed under subsection (b).

(c) DETERMINATION OF FAIR MARKET VALUE.—(1) The determination of the Secretary regarding the fair market value of the property conveyed under subsection (a) and (b) shall be fair and shall be final.

(2) If the fair market value of such property determined by the Secretary is not agreed upon, then the Secretary may require any additional documentation that may be required in connection with the conveyance considered by this section;

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such surveys shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyances under this section that the Secretary considers necessary to protect the interest of the United States.

ADDITIONAL STATEMENTS

BULLYING TAIWAN

Mr. SIMON. Mr. President, recently, the New York Times had an editorial titled, “Bullying Taiwan,” which appeared while Congress was not in session.

It comments on what is taking place in China and that country’s irresponsible conduct toward Taiwan.

For years before the United States recognized the People’s Republic of China, I had favored dual recognition, as we did with East Germany and West Germany.

But for reasons I understand, in part to keep China on an anti-Soviet course, the United States continued to follow a one-China policy. It was wrong before, and it is wrong now.

As the editorial points out, Taiwan has been under Beijing’s rule only 4 years in the last century.

I ask that the New York Times editorial be printed in the RECORD at this point, and I urge my colleagues to read it, if they have not already.

The editorial begins:

China has embarked on an escalating campaign of military maneuvers meant to intimidate Taiwan and undermine its President Lee Teng-hui’s attempts to declare Taiwan’s independence. Such moves, as well as what it wants to call troubled relations with Beijing, must firmly signal its opposition to this campaign. Ties with China cannot be broken on tolerance for provocative displays of military force and efforts to destabilize Taiwan.

Last week China began its second missile exercise this summer in the waters surrounding Taiwan. More are planned in the weeks ahead, timed to coincide with the campaign to choose Taiwan’s first democratically elected President next March.

Mr. Lee, who led Taiwan from dictatorship to democracy after power as the handpicked successor of Chiang Kai-shek and now faces his first election, must fear that Beijing hopes its military muscle can frighten Taiwan into choosing someone more malleable.

Mr. Lee has drawn China’s ire by a series of personal visits abroad, most prominently a May trip to attend his college reunion in the United States. Beijing is upset because these actions challenge its contention that Taiwan is an integral part of China and that any separate political identity for Taiwan diminishes China’s sovereignty.

Taiwan’s “one-China policy,” as its origins in 1949, when Chiang moved the seat of his defeated Government to Taiwan. From then on, Chiang in Taipei and Mao Zedong in Beijing each insisted his own regime was the legitimate government of China, with authority over both the mainland and Taiwan.

When it recognized Chiang, the United States found the one-China formula convenient. When America switched recognition to the Communists in 1979, Beijing insisted that Washington continue to honor the point. The United States therefore has no formal diplomatic ties with Taiwan.

For Beijing, the one-China concept has been the cornerstone of normalized relations with Washington. This week’s military provocations would throw the entire relationship into turmoil.

Yet continued Chinese military provocations could force the United States to re-evaluate its position.

While diplomatically convenient, the formula has never corresponded very closely to reality. While most of Taiwan’s people are descended from Chinese who migrated there several centuries ago, the island, 100 miles off the Chinese coast, has been under Beijing’s direct rule for only four years in the last century.

Today Taiwan, with 21 million people, is a prosperous democracy and America’s seventh-largest trading partner. Though its businessmen have strong economic ties with the mainland, few of its citizens want to come under the rule of the harsh Communist regime in Beijing. But most Taiwanese also believe it would be a fatal mistake for Taiwan to provoke China by pushing too hard for the diplomatic recognition that independent China is trying to intimidate Taiwan into reining in its diplomacy. It is also trying to warn outside powers against
granting visas to Taiwanese political leaders. That China should be pressing these positions is not surprising. That it should do so by military means, and in the process undermine political stability in Taiwan, is disturbing and cannot be ignored.

**THE ACCURACY OF AFDC NUMBERS**

- **Mr. MOYNIHAN.** Mr. President, during the welfare debate on August 8, I displayed a chart on the floor of this Chamber entitled “AFDC Caseload of 10 Largest Cities in the U.S. (1992).” It showed 62 percent of all children in Los Angeles as welfare recipients at some point in 1992, 79 percent in Detroit, on and on. These figures were supplied by the Department of Health and Human Services (HHS).

My office provided the chart to the Washington Times at the request of its editorial writer. The chart appeared in a Times editorial that ran last Friday entitled, “Welfare Shock.” The numbers, according to the editorial, “represent a small fraction of the statistical indictment against the failed welfare polices of the liberal welfare state.”

Regrettably, the numbers from the Department were wrong. On August 23, Deputy Assistant Secretary for Human Services Policy Wendell E. Primus wrote me to inform me of the error, and provided me with new data. It happens that the numerator used was the number of public assistance recipients in the surrounding metropolitan statistical areas [MSA’s], rather than the number of recipients in the cities proper. The denominator, correctly, was the population of each city. I am informed by the Department that data on the number of program beneficiaries is difficult to obtain at the city level. The AFDC Program is operated at either a State or county level. It was a perfectly honest mistake, honorably acknowledged and corrected.

I forwarded the revised numbers to the Washington Times, which graciously ran a follow-up editorial and an explanatory letter from me in this morning’s edition. The numbers, as the editorial points out, went down for Los Angeles and Detroit, but inched up for New York and jumped up for Philadelphia. Given the mistake in methodology and why it occurred, I went down for some cities. But I am perplexed why they climbed for others, including New York. Apparently, we have more work to do. We’ll get them right.

Today’s editorial in the Washington Times, “Charting the Welfare State,” states that even the lower ratios offer compelling evidence of the complete failure of the current system. I don’t disagree. But it would be a huge mistake for the Federal Government to back off on the commitment and we seemed poised to do. If the numbers reveal anything that we can understand, it’s this: The problem simply has become too great for the cities to handle on their own. Mr. Hugh Price of the Nationals Urban League has recently argued that the welfare reform legislation upon which the Senate will take up tomorrow or Thursday could be a first step in the institutionalization of mental patients in the 1960’s and 1970’s which led so directly to the problem of the homeless.

Mr. President, I ask unanimous consent that the letter I received from Deputy Assistant Secretary Primus, the two Washington Times editorials, and my letter to the Times appear in the RECORD following my remarks.

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

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**


DEAR SENATOR MOYNIHAN: I very much regret and am deeply embarrassed by the incorrect numbers my office provided to you in response to your request for data on the number and percentage of children receiving public assistance in major cities in the United States. I share your passion for data and have published many statistics on welfare during my career. Therefore, I will accept my apologies for this mistake.

Unfortunately, there is no good explanation for the error. As you are well aware, we depend upon the states for administrative data concerning AFDC receipt. In most states these statistics are gathered on a county level and are not routinely compiled for public disclosure. Estimates on public assistance data can be made from Census data, but in many cases these data do not correspond to administrative data. In response to your request, we did not appropriately map administrative data to population counts obtained from the Census Bureau. Revised estimates are enclosed, including a methodological explanation.

Again, I am very sorry for providing incorrect data and for any embarrassment it has caused to you and your colleagues. I hope you quoted those numbers. Please accept my personal and professional apologies.

Sincerely,

Wendell E. Primus, Deputy Assistant Secretary for Human Services Policy.

NOTES TO TABLES ON RATES OF PUBLIC ASSISTANCE RECEIPT IN MAJOR CITIES

The tables also contain estimates of the number and percentage of persons in major cities who receive Aid to Families with Dependent Children (AFDC) and Supplemental Security Income (SSI). The AFDC program is operated at either a State or county level. Accordingly, the U.S. Department of Health and Human Services (USDHHS) does not collect data on the number of AFDC recipients by city. In addition, the Social Security Administration keeps data on SSI recipients by State and county, but not by city.

Table 1 displays, for the 10 largest cities, the number and percentage of child and SSI (adult and child) recipients of either the city itself (data permitting) or for the county most closely corresponding to the city. The data are drawn from “Quarterly Public Assistance Statistics: Fiscal Years 1992 and 1993” (a USDHHS publication) and SSI Recipients by State and County (a Social Security Administration publication) and represent the numbers of AFDC and SSI recipients at a point in time.

<table>
<thead>
<tr>
<th>City</th>
<th>AFDC in a year</th>
<th>AFDC in Point in time</th>
<th>SSI in a year</th>
<th>SSI in Point in time</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York</td>
<td>34</td>
<td>39</td>
<td>32</td>
<td>40</td>
</tr>
<tr>
<td>Los Angeles</td>
<td>29</td>
<td>31</td>
<td>30</td>
<td>38</td>
</tr>
<tr>
<td>Chicago</td>
<td>29</td>
<td>31</td>
<td>30</td>
<td>38</td>
</tr>
<tr>
<td>Detroit</td>
<td>50</td>
<td>67</td>
<td>54</td>
<td>67</td>
</tr>
<tr>
<td>Philadelphia</td>
<td>59</td>
<td>65</td>
<td>59</td>
<td>65</td>
</tr>
<tr>
<td>San Diego</td>
<td>23</td>
<td>30</td>
<td>23</td>
<td>30</td>
</tr>
<tr>
<td>Houston</td>
<td>18</td>
<td>22</td>
<td>18</td>
<td>22</td>
</tr>
<tr>
<td>Phoenix</td>
<td>14</td>
<td>18</td>
<td>14</td>
<td>18</td>
</tr>
<tr>
<td>San Antonio</td>
<td>14</td>
<td>18</td>
<td>14</td>
<td>18</td>
</tr>
</tbody>
</table>

SUMMARY TABLE

(Compiled rates of public assistance recipients in three major cities)

Data on the number of recipients by program is, as noted above, difficult to obtain at the city level. The decennial Census does contain data by county and city on the number of public assistance recipients. While undercounting is a problem for the Census as a whole, it is of particular concern with respect to lower-income persons. The degree of undercounting tends to be especially large in the case of poorer residents. The Bureau of the Census employs weighting techniques in order to correct for undercounting; it is not clear if these techniques are completely successful.

The Census data can be employed, in conjunction with the information available for the counties corresponding to the major cities, to arrive at estimates for the number of recipients in each program. These estimates, found in Table 2, are calculated by assuming that for each program (at a point in time) the ratio of recipients in the city to recipients in the county is equal to the ratio of households in the city that received income from any of the three programs to households in the county receiving such income (from the Census).

For example, while there is no data by city for the City of Los Angeles, there is data for Los Angeles County. According to the “Quarterly Public Assistance Statistics,” there were 784,000 AFDC recipients in Los Angeles County as of February 1993 (see Table 1, column 5, line 2). The 1990 Census found that there were 130,000 households in Los Angeles County (Table 1, column 3, line 2), for a ratio of .44 (Table 2, column 5, line 2). By applying this ratio to the number of AFDC recipients in Los Angeles County, we arrive at an estimate of 350,000 AFDC recipients in Los Angeles County (city) as of February 1993 (Table 2, column 6, line 2).

The tables also contain estimates of the number and percentage of children who receive AFDC and ADAP or SSI over the course of a year, as opposed to at a point in time. These estimates are calculated by assuming that the ratio of child recipients over the course of a year (for each city) is equal to the nationwide ratio (for all AFDC and GA recipients) from the Survey of Income and Program Participation (Dynamics of Economic Well-Being) and Program Participation by the Bureau of the Census.)
AFDC CASeload of 10 Largest Cities in the United States (1992) Continued

<table>
<thead>
<tr>
<th>City</th>
<th>Number of AFDC children</th>
<th>As a proportion of all children (percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York, NY</td>
<td>478,895</td>
<td>28.4</td>
</tr>
<tr>
<td>Los Angeles, CA</td>
<td>334,028</td>
<td>61.8</td>
</tr>
<tr>
<td>Chicago, IL</td>
<td>314,706</td>
<td>43.7</td>
</tr>
<tr>
<td>Houston, TX</td>
<td>130,860</td>
<td>24.6</td>
</tr>
<tr>
<td>Philadelphia, PA</td>
<td>150,960</td>
<td>34.1</td>
</tr>
<tr>
<td>San Diego, CA</td>
<td>177,167</td>
<td>44.2</td>
</tr>
<tr>
<td>Dallas, TX</td>
<td>53,240</td>
<td>18.6</td>
</tr>
</tbody>
</table>

Source: Department of Health and Human Services.

AFDC Caseload of 10 Largest Cities in the United States (1992)

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</tr>
</tbody>
</table>

Source: Department of Health and Human Services.

**AFDC CASELOAD OF 10 LARGEST CITIES IN THE UNITED STATES (1992)**

WELFARE SHOCK

Having spent the better part of the past four decades analyzing the statistical fallout of the welfare and illegitimacy crises enveloping our great cities, Sen. Daniel Patrick Moynihan never has needed hyperbole to describe the dreadful consequences of failed social policies. Perhaps that is because the New York Democrat possesses the uncanny ability to develop or cite pathetically statistics that shock even the most jaded welfare analyst, case-worker, senatorial colleague or reporter.

Several weeks ago, Sen. Moynihan, appearing on one of the ubiquitous Sunday morning interview shows, shocked his listeners and (undeniably, his targets probably) by revealing that nearly two-thirds of the children residing in Los Angeles, the nation’s second largest city, lived in families relying on public assistance for the support of one or more children. Families with Dependent Children (AFDC).

To illustrate that Los Angeles was not unique, he observed that nearly four of every five (80%) Detroit children received AFDC benefits.

The accompanying chart details the extent to which residents in the 10 largest U.S. cities have become dependent on AFDC and the government. After about three decades of fighting the War on Poverty, during which the government interfered in nearly as many social problems that accompany dependency as between school resources and school achievement. The resources that matter are those the student brings to the school, including community traditions that value education. Or don’t.

Sen. Moynihan has offered his own welfare reform plan, which, unlike any Republican plan in the House and Senate, would retain AFDC’s entitlement status without placing any time restrictions on recipients. Despite the undermining success of federal job-training and employment programs, his plan places great emphasis on more of the resources that matter are those the student brings to the school, including community traditions that value education. Or don’t.

In a more serious tone, Mr. Moynihan approvingly cited the 1966 report on the Equality of Educational Opportunity (the Coleman Report), which “determined that after a point there is precious little association between school resources and school achievement.”

Moynihan never has needed hyperbole to describe the dreadfulness that accompanies welfare dependency in other cities: 85 out of 100 children residing in Los Angeles, the nation’s second largest city, lived in families with AFDC. A more expansive statistic is one that children whose families relied on AFDC during any portion of an entire year. Clearly, neither classification places Los Angeles or Detroit in nearly as dreadful a position as strongly recommended by HHS’s initial, incorrect tally. It should also be noted, however, that the earlier chart underestimated the problem of pernicious welfare dependency in our great cities, such as New York and Philadelphia, for example. The revised chart offers no solace to anybody interested in the future of our great cities and the children who live in them.

**ESTIMATED RATES OF AFDC CASELOADS**

<table>
<thead>
<tr>
<th>State</th>
<th>Percentage of children on AFDC at a point in time</th>
<th>Percentage of children on AFDC within a year</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York</td>
<td>10</td>
<td>39</td>
</tr>
<tr>
<td>Los Angeles</td>
<td>29</td>
<td>38</td>
</tr>
<tr>
<td>Chicago</td>
<td>36</td>
<td>46</td>
</tr>
<tr>
<td>Detroit</td>
<td>50</td>
<td>67</td>
</tr>
<tr>
<td>Philadelphia</td>
<td>44</td>
<td>57</td>
</tr>
<tr>
<td>San Diego</td>
<td>75</td>
<td>70</td>
</tr>
<tr>
<td>Houston</td>
<td>13</td>
<td>22</td>
</tr>
<tr>
<td>San Antonio</td>
<td>14</td>
<td>21</td>
</tr>
<tr>
<td>Dallas</td>
<td>16</td>
<td>20</td>
</tr>
</tbody>
</table>

Source: Department of Health and Human Services.

It’s been 30 years since the federal government initiated its so-called War on Poverty. During that time more than $3 trillion was expended fighting it. What has been accomplished? As the Senate reconsiders the various welfare-reform proposals during the next few weeks, let us keep in mind that an accomplishment less than rewarding and completely likely to have long-term impact on these depressing statistics and the numerous pathologies and deviancies that derive from them.

[From the Washington Times, Sept. 5, 1995]

The AFDC NUMBERS: BAD ENOUGH, BUT NOT THAT BAD

Regarding the Sept. 1 editorial “Welfare shock,” The Washington Times is entirely correct in stating that the information of AFDC caseloads presented in the August 23 editorial was mistakenly published. We received the data from the Department of Health and Human Services on Aug. 4. I found the numbers hard to believe—that hard. No doubt, the senior assistant secretary responsible to ask if he would check. He did and called back to confirm.

On Aug. 23, however, with the Senate in recess, Mr. Wendell E. Primus, the deputy assistant secretary, provided the data, wrote to say that there had indeed been a miscalculation. It was a perfectly honest error, he honorably acknowledged and corrected. I will place his letter in the Congressional Record today.

The new numbers are sufficiently horrendous. The proportion of the child population on AFDC or Supplemental Security income in the course of a year in Los Angeles is 38 percent. In New York, 40 percent. In Chicago, 49 percent. In Philadelphia, 59 percent. In Detroit, 67 percent. My contention is that things have gotten so out of hand that cities and states cannot possibly handle the problems that are our own. I believe it. That is certain. No longer. Mr. Hugh Price of the National Urban League suggests that we will see a reenactment of deinstitutionalization of the mentally ill, and that God help us directly to the problem of the homeless. I was in the Oval Office on Oct. 23, 1963 when President
ON FAMILIES AND VALUES

Mr. SIMON. Mr. President, one of the economic leaders in this Nation, with whom I sometimes agree and sometimes disagree, but for whom I have always had great respect is Herbert Stein.

Herb Stein is now a senior fellow at the American Enterprise Institute, and recently had an article in the Brookings Institution publication titled, "On Families and Values."

His comments puncture some of our balloons and bring us back to reality in a very practical, wholesome way. I ask that his comments be printed in the RECORD.

The material follows:

ON FAMILIES AND VALUES
(By Herbert Stein)

0. Family Values, what wonders are performed in your name! In your name some political leaders propose to give a tax credit of $500 per child to every income-tax-paying unit except the very richest. I use the expression "income-tax-paying unit" because no particular family relationship is required. There may be a couple, married or unmarried, or there may be a single tax-payer, male or female, and the children may have no particular family relationship to both adults, to one, or to neither. At the same time, also in the name of family values, it is proposed to reduce federal benefits to mother-children units if the mother is young and poor.

We do not have a family problem in America, or, at least, that is not one of our major problems. We have a children problem. Too many of our children are growing up uncivilized. The family deserves attention today mainly because it is the best institution for civilizing children. The children of poor child-mothers will help to civilize our children, although it may reduce somewhat the number of them born in the future. More care, nurturing, counselling, and education will be needed, in the home, in a foster-home, in a school, perhaps even in an orphanage. The drive to cut costs in the name of family values provides none of that.

In the field of government, Larry DeNardis has had the rare and notable distinction of serving both as a Federal and State legislator. After serving five terms in the State Senate from 1971–79, where I was proud to serve with him, Larry was elected to the U.S. House of Representatives from Connecticut’s Third District in 1986. I note here that Larry’s elevation to Federal office came at my expense—I was on the losing end of that Congressional campaign. But in retrospect, I am grateful for his victory, since it opened the door for me to serve as Connecticut attorney general and in this Chamber.

Larry served ably and honorably in Congress and then went on to serve as Assistant Secretary for Legislation at the U.S. Department of Health and Human Services during 1985–86.

Neither is it reasonable to think that reducing government cash and food benefits to poor children who are themselves the children of poor child-mothers will help to civilize our children, although it may reduce somewhat the number of them born in the future. More care, nurturing, counselling, and education will be needed, in the home, in a foster-home, in a school, perhaps even in an orphanage. The drive to cut costs in the name of family values provides none of that.

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Larry DeNardis

Mr. LIEBERMAN. Mr. President, I rise today to honor Larry DeNardis who on September 22, 1995, will be the recipient of the Distinguished Service Award of the Italian-American Society of Greater New Haven, Inc. The Italian-American Society was founded to commemorate the many contributions made by Italian-Americans.
than light, needs to see this issue more widely understood. I ask that the article be printed in the RECORD, and I urge my colleagues to read it.

The article follows:

[From Black Issues in Higher Education, May 4, 1995]

TRANSRACIAL ADOPTIONS—IN THE CHILDREN'S BEST INTERESTS
(By Dr. Rita J. Simon)

The case for transracial adoption rests primarily on the results of empirical research. The data show that transracial adoptions clearly satisfy the “best interest of the child” standard. They show that transracial adoptees emotionally and behaviorally adjusted, aware of and comfortable with their racial identity. They perceive themselves as integral parts of their adopted families, and they expect to retain strong ties to their parents and siblings in the future.

The findings in our study are neither unique to participating families—those carried out by researchers who were initially skeptical—arrived at the same general conclusions.

Indeed, when given the opportunity to express their views on transracial adoption, most people—Black and white—support it. For example, in January 1991, “CBS This Morning” reported the results of a poll it conducted that asked 975 adults, “Should race be a factor in adoption?” Seventy percent of White Americans said no, and 71 percent of African Americans said no. These percentages are the same as those reported by Gallup in 1971 when it asked a national sample the same question.

THE SIMON AND PATERSON STUDY

In 1971, Dr. Rita J. Simon contacted 206 families living in five cities in the Midwest who were members of the Open Door Society and the Council on Adoptable Children (COAC) and asked whether she could interview them about their decision to adopt nonwhite children. All of the families two which (declined for reasons unrelated to adoption) agreed to participate. Of the study’s participants, the parents allowed a two-person team composed of one male and one female graduate student to interview them in their homes for 60 to 90 minutes at the same time that each of their birth children, who were between four and eight years old, was being interviewed for about 30 minutes. In total, 204 parents and 366 children were interviewed.

The number of children per family in our surveys ranged from one to seven; this included birth as well as adopted children. Nineteen percent of the parents did not have any birth children. All of these families reported that they were unable to bear children.

The most important finding that emerged from our first encounter with the families in 1971–72 was the absence of a white racial preference or bias on the part of the white birth parents toward their nonwhite adopted children. All of the children (adopted and birth) had been given a series of projective tests including the Kenneth Clark doll tests, puzzles, pictures etc., that sought to assess racial awareness, attitudes and identity.

Unlike all other previous doll studies, our respondents did not favor the white doll. It was not considered smarter, prettier, nicer, etc., than the Black doll either by white or Black children. Neither did the other tests conducted at the same time show period reveals preference for white or negative reactions to Black. Yet the Black and white children in our study accurately identified themselves correctly on the basis of skin color.

Thus, contrary to other findings reported up to that time, the children reared in these homes appeared indifferent to the advantages of being white, but aware of and comfortable with the racial identity imposed by their outward appearance. By late and large, the parents themselves were not sure that they would have done the same thing in the absence of race. They were completely sure that the children were being exposed would enable successful personal adjustment and a remarkable racial identity.

We heard about dinner-time conversations involving racial issues, watching the TV series “Roots,” joining Black on the inside, by some members of the National Association of Black Social Workers. The Black adoptees stress their comfort with their identity and their awareness that although they may speak, dress, and have different tastes in music than some other Blacks, the African American is wonderfully diverse.

MRS. CLINTON’S SPEECH TO THE UNITED NATIONS FOURTH WORLD CONFERENCE ON WOMEN

Ms. MIKULSKI. Mr. President, earlier today, First Lady Hillary Rodham Clinton spoke at the United Nations Fourth World Conference on Women. I urge my colleagues to read this important and thoughtful speech. The First Lady spoke eloquently about the main themes of the Conference—women’s education, health care, economic empowerment and human rights. These are issues that matter to every family in America and around the world. We don’t address these issues, all our talk about family values is meaningless.

In addition, Mrs. Clinton did not shy away from addressing China’s serious human rights violations—or their meddng in the content and management of the Conference.

I commend the First Lady for participating in this important Conference and ask that her speech be printed in the RECORD.

The speech follows:

FIRST LADY HILLARY RODHAM CLINTON’S REMARKS FOR THE UNITED NATIONS FOURTH WORLD CONFERENCE ON WOMEN

BEIJING, CHINA, SEPTEMBER 5, 1995

Mrs. Mongella, distinguished delegates and guests:

I would like to thank the Secretary General of the United Nations for inviting me to be part of the United Nations Fourth World Conference on Women. This is truly a celebration—a celebration of the contributions women make in every aspect of life: in the home, in village markets and supermarkets. It is also a coming together, much the way we women come together every day in every country.

We come together in fields and in factories. In village markets and supermarkets. In living rooms and board rooms. Whether it is while playing with our children in the park, or washing clothes in a river, or taking a break at the office water cooler, we come together and talk about our aspirations and concerns. And time and again, our talk turns to our children and our families.

However different we may be, there is far more that unites us than divides us. We
share a common future. And we are here to find common ground so that we may help bring new dignity and respect to women and girls all over the world—and in so doing, bring new strength and stability to families as well.

By gathering in Beijing, we are focusing world attention on issues that matter most in the lives of the women and girls of our planet and the chance to access to education, health care, jobs, and credit, the chance to enjoy basic legal and human rights and participate fully in the politics of their countries.

There are some who question the reason for this conference. Let them listen to the voices of women in their homes, neighborhood, and workplaces.

There are some who wonder whether the lives of women and girls matter to economic and political life around the globe. Let them look at the women gathered here and at Hairou... the homemakers, nurses, teachers, lawyers, policymakers, and women who run their own businesses.

It is conferences like this that compel governments and peoples everywhere to listen, look and face the world’s most pressing problems.

Wasn’t it after the women’s conference in Nairobi ten years ago that the world focused for the first time on the crisis of domestic violence?

Earlier today, I participated in a World Health Organization forum, where government officials, NGOs, and individuals are working to address the health problems of women and girls.

Tomorrow, I will attend a gathering of the United Nations Development Fund for Women. The new discussion will focus on local—and highly successful—programs that give hard-working women access to credit so they can improve their own lives and the lives of their families.

What we are learning around the world is that, if women are healthy and educated, their families will flourish. If women are free from violence, their families will flourish. If women have a chance to work and earn as full and equal partners in society, their families will flourish.

And when families flourish, communities and nations will flourish.

That is why every woman, man, every family, and every nation on our planet has a stake in the discussion that takes place here.

Over the past 25 years, I have worked persistently on behalf of women and their families, and their children and families. Over the past two and a half years, I have had the opportunity to learn more about the challenges facing women in my own country and around the world.

I have met new mothers in Jojakarta, Indonesia, who come together regularly in their villages to discuss nutrition, family planning, and baby care.

I have met working parents in Denmark who talk about the comfort they feel in knowing their children can be cared for in creative, safe, and nurturing after-school centers.

I have met women in South Africa who helped lead the struggle to end apartheid and are now helping build a new democracy.

I have met with the leading women of the Western Hemisphere who are working every day to promote literacy and better health care for the children of their countries.

I have met women in India and Bangladesh who are taking out small loans to buy milk cows, rickshaws, thread and other materials to create a livelihood for themselves and their families.

I have met doctors and nurses in Belarus and Ukraine who are trying to keep children alive in the aftermath of Chernobyl.

The great challenge of this conference is to give voice to women everywhere whose experiences go unnoticed, whose words go unheard.

Women comprise more than half the world’s population. Women are 70% of the world’s poor, and two-thirds of those who are not taught to read and write.

Women are the primary caretakers for most of the world’s children and elderly. Yet much of the work we do is not valued—not by economists, not by historians, not by popular culture, not by government leaders.

At this very moment, as we sit here, women around the world are giving birth, raising children, cooking, washing clothes, cleaning houses, planting crops, working on assembly lines, running companies, and running world.

Women also are dying from diseases that should have been prevented or treated; they are watching their children succumb to malnutrition caused by poverty and economic deprivation; they are being denied the right to go to school by their own fathers and brothers, they are being forced into prostitution, and they are denied the right of personal security to protect their families.

Those of us who have the opportunity to be here have the responsibility to speak for those who cannot speak for themselves.

As an American, I want to speak up for women in my own country—women who are raising children, women who can’t afford health care or child care, women whose lives are threatened by violence, including violence in their own homes.

I want to speak up for mothers who are fighting for good schools, safe neighborhoods, clean air and clean airwaves.... for older women who have raised their families and now find that their skills and life experiences are not valued in the workplace.... for women who are working all night as desk hotel clerks, and fast food chiefs so that they can be at home during the day with their kids.... and for women everywhere who simply don’t have time to do everything they are called upon to do each day.

Speaking to you today, I speak for them, just as every woman makes for herself and her family. Every woman deserves the chance to realize her God-given potential.

We also must recognize that women will never gain full dignity until this human rights are respected and protected.

Our goals for this conference, to strengthen families and societies by empowering women and girls to decide their own destiny, cannot be fully achieved unless all governments—here and around the world—accept their responsibility to protect and promote internationally recognized human rights.

The international community has long acknowledged—and recently affirmed at Vienna—the right of all women to be entitled to a range of protections and personal freedoms, from the right of personal security to the right to determine freely the number and spacing of the children they have.

No one should be forced to remain silent for fear of religious or political persecution, arrest, abuse, or death.

Tragically, women are most often the ones whose human rights are violated. Even in the late 20th century, the rape of women continues to be used as an instrument of armed conflict. Women and children make up a large majority of the world’s refugees. When women are expelled from the political process, they become even more vulnerable to abuse.

I believe that, on the eve of a new millennium, it is time to break that silence. It is time for us to say here in Beijing, and the world to hear, that it is no longer acceptable to discuss women’s rights as separate from human rights.

These abuses have continued because, for too long, the history of women has been a history of silence. Here are those who are trying to silence our words.

The voices of this conference and of the women at Hairou must be heard loud and clearly.

It is a violation of human rights when babies are denied food, or drowned, or suffocated, or their spines broken, simply because they are not born.

It is a violation of human rights when women and girls are sold into the slavery of prostitution.

It is a violation of human rights when women are doused with gasoline, set on fire and burned to death because their marriage dowries are deemed too small.

It is a violation of human rights when individual women are raped in their own communities and when thousands of women are subject to rape as a tactic or prize of war.

It is a violation of human rights when women are denied the right to plan their own families, and that includes being forced to have abortions or being sterilized against their will.

If there is one message that echoes forth from this conference, it is that human rights are women’s rights.... And women’s rights are human rights.

Let us not forget that among those rights are the right to speak freely. And the right to be heard.

Women must enjoy the right to participate fully in the social and political lives of their countries if we are to thrive and endure.

It is indefensible that many women in non-governmental organizations who wished to participate in this conference have not been able to attend—or have been prohibited from fully taking part.

Let me be clear. Freedom means the right of people to assemble, organize, and debate openly. It means respecting the views of those who may disagree with the views of others. It means freedom of people to assemble, organize, and debate openly.

In my country, we recently celebrated the 75th anniversary of women’s suffrage. It took 150 years after the signing of our Declaration of Independence for women to win the right to vote. It took 72 years of organized struggle on the part of many courageous women and men to achieve that goal.

It was one of America’s most divisive philosophical wars. But it was also a bloodless war. Suffrage was achieved without a shot fired.

We have been reminded, in V-J Day observances last weekend, of the good that women and men work together to combat the forces of tyranny and build a better world.
IT’S NOT FOR WHITE MEN TO DECIDE

Mr. SIMON. Mr. President, we have heard a lot of talk about affirmative action, much of it designed to attract votes rather than to contribute any light or rational discussion.

Recently, I was on a radio discussion program with our former college, Pete Wilson, now the Governor of California. His position is one that I am sure is supported by a majority of Republicans and may be temporarily politically wise. But I do not believe it serves the Nation well.

In a telephone interview on the David Brinkley program, he quoted Arthur Schlesinger, Jr. It was of interest to me then to pick up the Los Angeles Times and read Arthur Schlesinger’s response.

Like most things Arthur Schlesinger writes, it is loaded with good sense, and I ask that his response be printed in the RECORD.

The response follows:

(From the Los Angeles Times, Aug. 3, 1995)
IT’S NOT FOR WHITE MEN TO DECIDE

(By Arthur Schlesinger, Jr.)

On Sunday, July 23, while I was befogged in Dark Harbor, Me., Gov. Pete Wilson of California seemed even more befogged on “This Week With David Brinkley.” On this program, he cited me and my small book “The Disuniting of America” in support of his crusade against affirmative action. (“Schlesinger uses a phrase,” Wilson said, “that various policies are, in fact, tribalizing America, and in fact, that is unhappily the case, and we need to end it.”)

Wilson is quite correct in noting my concern about the campaign by “multicultural ideology” and perpetuating separate ethnic and racial communities. But he is quite wrong in suggesting that I am, for that reason, opposed to affirmative action. On the contrary, affirmative action has been, in my view, a valuable and potent means of moving the republic away from ethnic and racial separatism and toward a more integrated and unified society.

Before affirmative action, the labor market and the educational system were encrusted with self-conscious and conditioned reflexes that systematically excluded women and non-white minorities. Affirmative action has played an indispensable role in breaking these terribly well-worn patterns in employment, college admission and other arenas of recruitment and upward mobility. The goal of affirmative action is precisely to destroy and perpetuate separate ethnic and racial communities.

As long as girls and women are valued less, fed less, fed last, overworked, underpaid, not schooled and subjected to violence in and out of their homes—the potential of the human family to create a peaceful, prosperous world will not be realized.

Let this conference be our—and the world’s—call to action.

And let us heed the call so that we can create a world in which every woman is treated with respect and dignity, every boy and girl is loved and cared for equally, and every family has the hope of a strong and stable future.

Thank you very much.

God’s blessings on you, your work and all who will benefit from it.

IN HONOR OF KITE SOCIETY OF WISCONSIN WEEK

Mr. KOHL. Mr. President, it gives me great pleasure to announce that this year the 17th annual Frank Mots Memorial Kite Festival will be held on September 16 in Milwaukee, WI. Kite flying is a relaxing and relaxing hobby around. Many of us can still remember when we were children, building our first kite and watch-
The first of those lessons is that recovery was not rapid and—for reasons both of our own making and beyond our control—it was not permanent. It took New York City almost a decade before the time we lost access to the financial markets in 1975 until we regained it in 1981, having balanced three consecutive budgets in the meantime. Now, 14 years later, New York City is again in the throes of a serious budgetary crisis which shows no signs of early resolution.

To some succeeded, much is owed to a few factors: putting able and responsive people into top city management positions; enlisting the cooperative efforts of all public and private city officials, business—who contributed to the problem in the first place; getting financial controls into place; building public support for the tough, hard decisions to get New York City out of the city deficit by 1980, as well as a major increase in the city sales tax. MAC financed the phase-out of the city’s 615 seasonally loan guarantees which were totally paid off in the city’s new bond offering. A bond issue in early 1973 which was underwritten by the New York State Urban Development Corporation was the largest ever in December 1975 when we had total cooperation from city officials and the public in this effort.

By May 1975, when the banks refused to provide additional loans to the city, short-term borrowings increased from previously nothing six years earlier to almost $6 billion. (In each of those years the city’s budget was reported to miraculously, “in balance.”) The city work force had ballooned to 300,000 people while private employment (and tax revenues) plummeted during the recession of the early 1970s. When newly elected Gov. Hugh Carey, formerly a Liberal Democratic congresswoman from Brooklyn, appointed four private citizens (including me) to recommend a course of action, we were 18 days away from a default and bankruptcy.

During the next six months, we put in place practically every new structure and agreement that served as the ultimate cornerstone of the city’s finances. Some survive to this day. These were the main components:

Getting control. In this and many other instances, strong bipartisan leadership at the state level was crucial, support that the District must look to the federal level to supply. Under great pressure from the governor, practically the entire top management of the city was replaced, including the first deputy mayor, budget director, and deputy mayors for finance and operations. All but one of the nominees came from private citizens of the private sector. They, together with the executive director of the Emergency Financial Control Board (EFCB), constituted as capable a management team as the city ever had.

The EFCB, analogous to D.C.’s new financial control board, consisted of the governor, mayor, city and state comptrollers and three private citizens appointed by the governor. It had the power to set the level of city revenue and to reject any budget submitted by the mayor not in compliance with the long-term plan. All major city contracts, including labor contracts, were subject to its approval. Once these control structures were in place after the usual political struggles, we had total control of both city official resources, including Mayor Abraham Beame, despite the high cost to his political career.

The EFCB’s veto power and the shared commitment of top city management meant that it was possible to translate the requirements of the approved budget plan into actual results and put an end to the rumor of city workers to accept buyouts or on privatization to cut costs and payrolls.

Getting the facts. We knew the numbers we were working with were meaningless and that we needed a factual basis for any long-term plan. It took many months, but ultimately the city, with the help of outside experts, put it in place the fiscal controls and accounting second to none.

Just as the true dimensions of the District’s financial crisis had only lasted over a period of months, New York City’s 1975 deficit turned out to be almost triple the initial estimate—close to $1.5 billion on a total budget of about $12 billion (including about $600 million of expenses buried in the capital budget).

Negotiating a social contract between business and labor was one of the major tasks in enlisting the help of those who had created the problem. The city’s labor and business leaderships (including the banks), as well as the state’s, brought to the table a relatively small number of people who could make commitments on behalf of their constituents and deliver them. Having that confidence was important; carrying it out was agonizingly difficult. The “social contract” provided labor support for deferring all wage increases, at no interest cost, and a 7.5% attrition rate. Ultimately 60,000 workers, 20 percent of the work force, went off the payroll through layoffs or attrition. Pension benefits were reduced for noncallable bonds purchased in 1975 by the city, with an additional $2.5 billion of city bonds (which proved a good investment for retirees). Just as the District is beginning to do, we looked hard at city functions to see which were essential and which we could live without. Tuition was imposed, for the first time, at City University. Transit fares were doubled. Services were sharply cut, with the worst impact borne by the school system. Rigid cost controls were imposed. Taxes were temporarily doubled. The banks, in turn, supported creation of the Municipal Assistance Corp., a state agency directed by a board of nine private citizens, including me, to provide $30 billion of long-term bonds, backed by a portion of the city sales tax. MAC financed the phase-out of the city deficit by 1985, as well as a dramatic increase in the city’s infrastructure investment by 1985.

All of these actions resulted from difficult and often acrimonious negotiations. For example, in the fall of 1979 layoff notices, striking sanitation workers disrupted the city and greeted arriving passengers at Kennedy Airport with signs saying, “Welcome to Stink City.” This scared the mayor into rehiring a number of workers—which, in turn, caused financing for MAC’s first private market bond offering to collapse. Still, we were able to stop the bleeding.

Getting outside help. For all the pain, the city’s redemption depended importantly on help from the state which assumed certain of the city’s costs for courts, correction and higher education. At a critical time, the state also purchased $250 million of MAC bonds and provided MAC with its “moral authority” to maintain our credit.

Federal help, while psychologically critical, was not the only help that came from the feds. It was a major boost to the city’s bond market and to the financial markets to know that New York had a sound credit rating once again. It paved the way for the Ford administration to provide the needed $1.5 billion in seasonal loans which was replaced by the Carter administration by long-term loan guarantees which were totally paid off in the early 1980s.

Building public support. Being open with the public and consistently explaining actions and goals helped the city’s emergency leaders gain the confidence of the public spirit (an effort made easier by the natural pride and civic spirit of New Yorkers). The fact that New York has a number of powerful newspapers also helped to create the public support our political leaders needed to carry out extremely painful actions every day—the details of which were almost impossible to explain to the public. None of our actions were deemed to be political suicide when first considered, but it is worth noting that Gov. Carey’s approval rating was the highest ever in December 1975 when we had carried out the most painful parts of the restructuring.

Important as these stern measures were, the city could not have moved its budget balancing machine into position without the help of the national economic recovery and the revitalization of the city’s own private sector. And a sharply accelerating public investment program by the strong local economy. Budget cuts alone will not create recovery.

But it is also true that temporary budget cuts can solve much of the problem. Where I believe we made our greatest mistake was in overstating the strengths of the private sector. But for a city to retain its advantages and to have the full benefits of the private and public sectors, it must retain its financial strength, and the city must have the ability to borrow at low interest rates and use that to help finance improvements in its quality of life and quality of public service far superior to what most people would consider reasonable.

The economic recovery of the 1980s seduced the city back into some of its prior spending habits. Prosperity is the enemy of reform. It is not for nothing that labor cost increases were not offset by productivity increases; full pension benefits were restored. No serious thought was given to the gradual elimination of certain services or to the possible privatization of functions like the municipal hospital system or to restructuring the school system. No real improvements were made either in the quality or efficiency of service delivery. Similarly, temporary measures were always taken to deal with long-term reductions in the city’s revenue base. By the mid-1980s, (in 1993) and in 1989. Federal grants in the billions of dollars helped to balance the budget. As in every city, will depend on the private sector. But for a city to retain its advantages as a cultural, communications and financial center, it must have a strong, viable public sector. A healthy level of public service far superior to what most provide today. It must have an educated workforce and first-class public schools; safe and clean streets; attractive, affordable public transportation; a business-friendly tax environment; a thriving entertainment district; airports and toll roads; and a quality-educated workforce.

In this regard, the District may have some advantages as New York City did not enjoy.
The biggest one, so far, seems to be the willingness of the Republican leadership in Congress to encourage fundamental change to improve the District’s long-term prospects. Tax loopholes, 19th-century regulations, privatization, increased infrastructure investment and more should be tried not only in Washington, D.C., but in every metropolitan area. Without a plan to defend urban America, a real urban agenda in America is way overdue. Without such an agenda, no city plan anywhere in this country is realistic in the long run.

Some of the problems we face in New York as well as those of the District were self-inflicted and due to irresponsible policies. Many of them are not of our doing. Only national policies can deal with national problems such as poverty, health care, crime, education and immigration. The idea that sending welfare and Medicaid back to the states will be viable is total fantasy—simply an excuse for massive cutbacks with unfathomable results.

America is the only advanced Western democracy that does not consider its cities as both its cultural and economic crown jewels. In Europe, cities existed long before countries did. The notion that Paris, Rome, London, Berlin or Amsterdam could face the kind of economic pressures and physical neglect that is faced by America’s major cities is unthinkable. Without a change in the appreciation of what cities mean to the U.S. economy, we will ultimately be doomed to fail here in New York, and the rest of America will be an endangered ward of the federal government. If the cities fail, ultimately we will be doomed to fail as a society and as a nation.

TRIBUTE TO MIKE CURRAN

Mr. Pryor. Mr. President, I rise today to salute a valued and trusted public servant, Mr. Mike Curran, who is retiring this month following 30 distinguished years as an employee of the U.S. Forest Service. Since 1966, Mike has been the forest supervisor for the Ouachita National Forest in Arkansas, and that is where I came to know him and his capabilities.

Mike has been an outstanding leader of people and manager of assets throughout his career in public forestry, and his exceptional ability to forge through new concepts to meet changing public demands certainly caught my eye. His creative style and national flair for addressing competing interest groups and issues has been key to his success.

In 1990 I became involved in one of the most divisive forest issues ever to face the national forests in Arkansas. Public demand to eliminate the practice of clear-cutting had reached a peak. Mike was instrumental in bringing the Chief of the U.S. Forest Service to Arkansas to meet with me to determine whether or not a new way of looking at forest management could be developed that would allow us to eliminate this disagreeable practice and continue to produce quality timber in quantity.

This event led to the implementation of the new perspectives concept of sustainable forestry and placed the Ouachita National Forest, under Mike’s leadership, in the lead position in a national movement toward the ecosystem management philosophy. Mike weathered much criticism from many corners as this system began to be developed. At times I know he felt he was under siege personally. Today the Ouachita National Forest has never been more vibrant and its future is bright.

Mike has made a significant contribution to our Nation, and all of our forests have followed his lead. Thank you, Mike. We wish you Godspeed in your future endeavors.

AFFIRMATIVE ACTION, ON THE MERIT SYSTEM

Mr. Simon. Mr. President, the University of California has been the focus of above-average attention on the issue of affirmative action because of the presence of two national political figures, Governor Pete Wilson and the Reverend Jesse Jackson.

I wish we lived in a time in which affirmative action were unnecessary but that is not the case. We have improved as a society—even though many people may not recognize that—since the days of my youth, but we still have a long way to go.

Of particular interest to me was a New York Times op-ed piece by Professor Orlando Patterson about the California situation.

I ask that the op-ed piece be printed in the Record, and I urge my colleagues to read it, if they did not read them in the New York Times.

The material follows:

[From the New York Times, Aug. 7, 1995]

AFFIRMATIVE ACTION, ON THE MERIT SYSTEM

(By Orlando Patterson)

CAMBRIDGE, MA.—For years Americans have complained about government programs for the disadvantaged that do not work. Now, however, we are on the verge of dismantling affirmative action, the one policy that, for all its imperfections, has made the most difference for women and minority groups and has helped us achieve the constitutional commitment to the ideal of equality and fairness.

In utilitarian terms, it is hard to find a program that has brought so much gain to so many at so little cost. It has been the single most important factor in the rise of a significant, still economically fragile, black middle class.

So it is hard to understand why it has become the most advantaged issue of our nation. One would have thought that a policy that so many politicians denounced would have adversely touched the lives of at least a substantial proportion of those opposing it. The facts argue otherwise. A National Opinion Research Center survey in 1990, still applicable today, found that while more than 70 percent of white Americans asserted that whites were being hurt by affirmative action for blacks, only 7 percent claimed to have experienced any form of reverse discrimination. Only 16 percent knew of someone close who had even heard of affirmative action for blacks.

The claim that our economic efficiency is being threatened is simply laughable. Oddly enough, the problem right now is not a shortage of highly trained manpower but an abundance, demonstrated by a saturated market for scientists and engineers. An alarming number of them are becoming law-yers and the overdependence on which perhaps our biggest waste of manpower resources.

White men still control more than 99.9 percent of the important top positions in private and public institutions, as well as the vast majority of middle-level and high-paying jobs. They will continue to do so until they resolve this issue.

There is also the argument that affirmative action has done nothing for the poor and powerless already in the middle class. Although rhetorically it is extremely effective, it is delib- erately misleading. This point figured prominently in the recent broadsides against the University of California’s affirmative action policies from Governor Wilson and an influential university regent, Ward Connerly.

But affirmative action was never intended to help the poorest and least able. It is, by nature, a top-down strategy, meant to level the field for those who are capable of taking advantage of opportunities denied them because of their sex or race.

For the underclass and the working poor, an entirely different set of bottom-up strategies are needed.

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For the underclass and the working poor, an entirely different set of bottom-up strategies are needed.

The University of California’s experience with affirmative action has been beyond doubt the shallowest of the politicians’ criticisms. Over the past 12 years, it has achieved its goal of incorporating students from disadvantaged middle-class backgrounds, but has increased its eligibility requirements five times during this period. It is now a far more selective institution than before the introduction of affirmative action, with improved graduation rates for both black and non-black students.
Nothing could be more hypocritical and contradictory than the spectacle of a Republic
governor demanding that his state’s uni-
versity system rely solely on the crude in-
strument of a numerical cap to select 70 percent of its incoming students.

Republicans never tire of saying that what made America great are the virtues of hon-
esty, enterprise and imagination, in-
tegrity, loyalty and fair play, all best dem-
strated by a person’s track record and es-
pecially his or her perseverance in the face of adversity. Why then are conservatives
conservatively valuing universities for taking these values seriously in selecting the next generation of leaders?

But, as we are told, should have nothing to do
with the assessment of these virtues. Race, however, refers to several aspects of a
person. It refers to physical appearance, and this, every African-American would agree with Senator Dole and Governor Wilson, should be a matter of no importance.

But for African-Americans, race also means surviving an environment in which racism is still pervasive. It has to be taken
into account in assessing the content of any
minority culture as part of its educational
mission.

This is a noble goal, but it is fraught with
A POLICY THAT WORKS ONLY IN AN ECUMENICAL
AMERICA
dangers. What brought me around to support
affirmative action after some strong initial reser-
vations was not only its effectiveness as a strategy for reducing inequality, but also its possibilities for cross-pollinating our multi-ethnic communities. In the process, it promoted a true understanding of an ecumenical national culture.

But the promotion of diversity has done nothing of the sort, as Governor Wilson and Mr. Connerly were able to argue with dev-
astating impact. To the contrary, both on an off our campuses affirmative action seems to have been distorted by its beneficiaries into the goal of balkanizing America both intel-
lectually and culturally. One has only to look at the campuses of the University of Michigan by two psychologists, Claude Steele and Rich-
old Nisbett, a group of disadvantaged minor-
ity students who were encouraged to be part
of the campus mainstream, and made to un-
derstand that the highest standards were ex-
pected of them, consistently performed
above the average for white students and the
campus mainstream. Members of a con-
trol group who took the familiar route of
the subcultural heritage of African-
Americans:

HONORING RICHARD A. GRASSO,
COOLEY’S ANEMIA FOUNDATION’S HUMANITARIAN OF THE YEAR

Mr. D’AMATO. Mr. President, I rise
today to congratulate Mr. Richard A.
Grasso, and chief executive
officer of the New York Stock Ex-
change on his selection as the recipi-
cent of the first annual Humanitarian of the
Year Award presented by the Cooley’s
Anemia Foundation. The Cooley’s
Anemia Foundation is honoring Mr. Grasso for his support, friendship, and
numerous contributions to the fight against his inherited genetic blood disease in the
Cooley’s Anemia Foundation. Mr. Grasso is a trust-
Mr. Grasso

change staff to be elected to the posi-
tion of chairman and chief executive officer in the exchange’s 200-year his-
tory. He has exhibited what is best
about the American spirit—he has
been given back to his community by work-
ing tirelessly on behalf of many good causes.
Just consider the following. He is currently Chairman of the board of
trustees of Junior Achievement of New York and he serves on the board of di-
rectors of the National Italian-American
Foundation. Mr. Grasso is a trust-
necasity of affirmative action since it takes
all these factors in assessing a white
student’s character.

There is a third important meaning of race, and it is here that we enter tricky
ground.

Blackness also connotes something posi-
ble: the subcultural heritage of African-

As the father of young children him-
self, Mr. Grasso, I believe, has a keen
understanding of the importance of
by treating this disease past the age of 10; today many are liv-
ing on behalf of the patients and
families who are impacted by this dev-
stastating impact.

To the contrary, both on an off our campuses affirmative action seems to have been

The President should remain firm in his
principled resolve to defend a corrected
version of affirmative action. And if we give
it a time limit of 10 years, it might still be
possible to save this troubled but effective
and badly needed policy.

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VICTIMS OF VENGEANCE

Mr. SIMON. Mr. President, recently, I read in a denominational magazine, the Lutheran Enterprise, an article by Judge Richard L. Nygaard on capital punishment. It was of interest to me that the South African Supreme Court unanimously ruled against capital punishment, making South Africa join the large majority of modern, civilized nations that outlaw capital punishment. The article has practical wisdom for all of us, coming from a Judge who has no political agenda.

I ask that the article be printed in the RECORD at this point.

The article follows:

VICTIMS OF VENGEANCE

(Par Richard L. Nygaard)

Perry Carris was dead. Yet that many mourned him. Even among those who did not want him to die, most would readily admit that the world is a better place without him. He was a brutal killer. He and a friend entered the home of the friend's elderly uncle and aunt, then killed and robbed them. The uncle was stabbed 79 times and the aunt, who weighed only 70 pounds, 66 times.

But, you see, Carris didn't just die—we killed him. One night last year officers of the prison where he spent his final hours in prison searched his room. We simply do not know much about this aspect of deterrence. Death, of course, is permanent deterrence. But the question is whether it is necessary.

Containment, the third justification for punishment, also poses a philosophical problem because it punishes a person for something as yet not done. We use the crime already committed to project, sometimes further, information, that he or she will do it again. Then we contain the person to prevent that.

Although killing the offender does, in a grim and final sense, contain and so protect society we must ask again: Is it necessary? Is it not? Penologists recognize that an offender can be effectively and economically contained in prison and also reject confinement to justify the capital punishment.

The ULTIMATE PAYBACK

This leaves only retribution. Revenge—the ultimate payback. As a tool of retribution, death works wonderfully.

The desire for revenge is the dark secret in us all. It is human nature to resent a hurt, and each of us has a desire to hurt back. Before the time of law, the fear of personal retribution may have been all that kept some from physical attacks upon others or property crimes against them. But with law, cultural norms are sought to limit personal revenge by punishment controlled and meted out in a detached fashion by the sovereign.

Revenge between citizens is antithetical to civilized society. It invites a greater retaliation . . . which in turn invites counter retribution . . . which invites more revenge. A spiraling escalation of violence between society and the criminal was the case of Perry Carris. By exacting revenge upon criminals, society plays on their terms and by their rules. We cannot win.

'ACCEPTABLE' REVENGE

Leaders know, and have for centuries, that civilization requires restraint. They know that open personal revenge is socially destructive and cannot be permitted. That, indeed, it must be renounced. Official revenge is not better, and the results are no less odious. By catering to the passions of society, government tells its citizens that vengeance is acceptable—it is just that you cannot do it.

Leaders today respond politically to the base passions of society rather than as statesmen upholding necessities of civilization. Vengeance requires a victim. In putting a criminal to death, our government gives us one. "Paying back," although destructive to culture and family alike, is politically popular. And so it is the law.

Christians also must confront what institutionalized killing is doing to our attitudes toward ourselves. As a judge, I have seen the defiant and unrepentant murderer. I know that it is easy to identify only with the innocent and to deny guilt. But we are not Christians, strive to exemplify the grace and mercy of Jesus? Should we not desire this quality also in our society?

On the evening last year, crowds gathered outside the prison to await a condemned man's death. And at the fateful hour, they cheered. The Sunday before another execution, the newspaper printed a photograph of the stretcher upon which the offender was to die.

Again, I congratulate Richard Grasso on his receipt of the Cooley's Anemia Foundation first annual Humanitarian of the Year Award. With his continued support and assistance, I am confident that we will indeed live to see a cure. He is an example for us all.

First, one can easily reject rehabilitation as the goal. The death penalty surely does not rehabilitate the person upon whom it is imposed. It simply takes his life.

The second, prevailing view that vengeance, is more problematic. Statistics uniformly show that condemned criminals on death row did not consider the possibility that they might die for their crimes. But may have thought of the consequences—and did not kill. But this possibility has been little-researched. We simply do not know much about this aspect of deterrence. Death, of course, is permanent deterrence. But the question is whether it is necessary. Life imprisonment will protect society from further criminal acts by the offender—and at less expense than execution.

We are a government of the people. We citizens are obliged to scrutinize the reason our society, and thus our government, kills. Who are Christians also must be satisfied that the reason is reconcilable with the tenets of our faith. Is it, when the reason is revenge?—

UKRAINIAN INDEPENDENCE DAY

Mr. LEVIN. Mr. President, Ukrainian Independence Day, August 24, is a time to remember Ukraine's past and to look to its bright future. A free and independent Ukraine in 1991, much has been accomplished in all areas of the country.

The recent legislative and Presidential elections give cause for hope. The open and fair manner in which they were carried out is evidence that democracy has taken root in Ukraine. Ukraine exhibits signs of a healthy democracy, including the existence of multiple interests represented within the government.

In the economic arena, Ukraine has exhibited much potential. Its significant natural resource endowment, focus on heavy industry, and its most important resource, the innovative and hardworking people, can combine to transform the country into a successful economic player in the world. Ukraine has taken significant steps to alleviate the natural strains that a country experiences when changing from a centralized to a free-market economy. These economic problems are similar to those now being experienced by many of the other countries of the Commonwealth of Independent States.

Under the guidance of the International Monetary Fund, Ukraine is working to halt hyperinflation and to achieve other beneficial goals, such as securing an efficient and cost-effective source of energy for the country. President Kuchma's plan of tight fiscal and monetary policies, price liberalization, foreign trade liberalization, and accelerated privatization appears to be the right economic track for Ukraine. The recent partnership signed with the European Union is another step in the right direction. It will give Ukraine more upward-nation economic, trade advantages, and opens the possibility of a free trade agreement after 1998.
Ukraine’s actions in the area of national and regional security are also encouraging. The government is to be congratulated for its efforts to rid Ukrainian soil of nuclear weapons. Ukraine has faithfully followed guidelines for the elimination of nuclear weapons from its borders under the START I treaty and other similar agreements. It is also heartening to know that Ukraine has ratified the Non-Proliferation Treaty. And, in joining the Partnership for Peace program for NATO membership, Ukraine has positioned itself to become a member of the strongest military alliance the world has ever known.

Ukraine’s transition to a democratically governed free-market economy has not been without its problems. But these strains are natural in such a progression. In the face of such turmoil, Ukraine has shown strong leadership by pledges itself to adhere to the principles of the Helsinki Final Act. This will allow whatever problems Ukraine may encounter in the future, they will continue to be an example of respect for civil and human rights in the region.

The people of Ukraine deserve our admiration and support for the fine work they have done, that whatever problems they may encounter in the future, they will continue to be an example of respect for civil and human rights in the region.

Almost all of these 120,000 people were Japanese-Americans. A few were taken to camps.

A generation removed from the war, I have a personal connection to the experience of Japanese-Americans when it was not popular to do so.

The material follows:

**LOST YEARS, LOST PEACE**

(by Gary Matsumoto)

For millions of Americans, this week’s anniversary of V-J Day conjured up memories, celebrations and somberness. My parents were reminded of barbed wire and dust.

They shared the fate of 110,000 Japanese-Americans living in California, Oregon and Washington after the bombing of Pearl Harbor. Amid anti-Japanese hysteria and irrational fears of treason, all were expelled from their homes and exiled to concentration camps. They were told it was for their own safety. The Constitution was forgotten.

My father, Kimitsu Matsumoto, was 15 years old at the time. He and his family were interned at the Amache camp for the duration of World War II. He was proud of him than standing up for Japanese-Americans when it was not popular to do so.

I ask that the Gary Matsumoto op-ed piece be printed in the RECORD, and I urge my colleagues to read it.

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I ask that the Gary Matsumoto op-ed piece be printed in the RECORD, and I urge my colleagues to read it.
with Philippines on Legal Assistance in Criminal Matters, Treaty Document 104-18. I further ask unanimous consent that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

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

The President's messages are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extra- dition Treaty Between the Government of the United States of America and the Government of the Republic of the Philippines, signed at Manila on November 13, 1994.

In addition, I transmit for the information of the Senate, the report of the Department of State with respect to the Treaty. As the report explains, the Treaty will not require implementing legislation.

Together with the Treaty Between the Government of the United States of America and the Government of the Republic of the Philippines on Mutual Legal Assistance in Criminal Matters, also signed November 13, 1994, this Treaty will, upon entry into force, enhance cooperation between the law enforcement agencies of both countries. It will thereby make a significant contribution to international law enforcement efforts.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States. I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

The WHITE HOUSE, September 5, 1995.

To the Senate of the United States:

I transmit herewith the report to accompany S. 1147 to reflect the changes that I send to the desk.

WILLIAM J. CLINTON.

The WHITE HOUSE, September 5, 1995.

RELATIVE TO EXPO '98 IN LISBON, PORTUGAL

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 178, Senate Concurrent Resolution 22.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution be considered and agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear upon the table, and that any state-ments relating to the resolution appear upon the table, and that any state-

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

ORDERS FOR SEPTEMBER 6, 1995

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:15 a.m. on Wednesday, September 6, 1995; that following the recess, the Journal of the proceedings be deemed approved to date, that the time for the two leaders be reserved for their use later in the day, and the Senate then immediately resume consideration of the defense authorization bill, S. 1026.

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate immediately resume consideration of the defense authorization bill, S. 1026.

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

PROGRAM

Mr. WARNER. Mr. President, for the information of all Senators, the Senate will resume consideration of the defense authorization bill tomorrow.
morning. Under a previous order, there will be at least two consecutive rollcall votes beginning at 9:30 a.m. Wednesday morning. The first vote in the sequence will be 15 minutes in length. All other votes in sequence will be 10 minutes in length.

All Senators should be aware that following passage of the defense authorization bill, the Senate will resume consideration of the welfare reform legislation. Therefore, further rollcall votes can be expected throughout Wednesday’s session of the Senate.

RECESS UNTIL 9:15 A.M. TOMORROW

Mr. WARNER. Mr. President, if there is no other business before the Senate, and I see no Senators seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:19 p.m., recessed until Wednesday, September 6, 1995, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate September 5, 1995:

IN THE COAST GUARD

The following regular officers of the U.S. coast guard for promotion to the grade of captain:

JOHN D. COOK
MICHAEL J. FIERCE
ROBERT R. YOUNG
RONALD R. WILSON
JAMES L. HOURS
PETRUS E. BELL
THOMAS W. SCHLOER
LAWRENCE L. O’KELLEY
RICHARD A. KOEHLER
MARK A. FISHER
DAVID M. LOBEL
DANIEL F. RYAN II
MARCUS E. JORGENSEN
MICHAEL R. SAYLOR
GARY KRYKANOVICH
STEVEN G. VENCKUS
SCOTT W. ALLISON
JAMES M. GARRETT
JOSEPH A. CONROY
JOSHUA R. MAU
JAMES C. VANCE
ALBERT F. SUDY IV
DANA A. GOWARD
JOHN T. O’CONNOR
RICHARD S. HARTMAN, JR.
ROBERT L. HUNDET
GARY W. PALMER
WALTER E. HASSON, JR.
ARTHUR R. BROOKS
CHARLES L. MILLER
JOSEPH C. BRIDGER III
MYLES S. BOOTH
THOMAS J. JOHNS
BARNEY R. JOHNSON, JR.
DALL G. BLACK
ROBERT A. HUGHES
MICHAEL J. CHAPLAN
DOMINICK A. HUANG

IN THE AIR FORCE

The following air national guard of the United States officers for promotion in the reserve of the Air Force, under the provisions of sections 1280 and 876, title 10 of the United States code, promotions made under section 876 and confirmed by the Senate under section 1280 shall bear an effective date established in accordance with section 874, title 10 of the United States code:

To be lieutenant colonel

The following air national guard of the United States officers for promotion in the reserve of the Air Force, under the provisions of sections 1280 and 876, title 10 of the United States code, promotions made under section 876 and confirmed by the Senate under section 1280 shall bear an effective date established in accordance with section 874, title 10 of the United States code:

To be colonel
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<td>JOSEPH L. GARCIA, JR.</td>
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THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF THE REGULAR AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 664 OF TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 609, UNITED STATES CODE, TO PERFORM DUTIES INDICATED PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

**MEDICAL SERVICE CORPS**

To be major

KATHERINE A. ADAMSON, 000–00–0000
ALAS HARTREJOJOR, 000–00–0000
DAVID M. BENNETT, JR., 000–00–0000
MATTHEW W. BURGE, 000–00–0000
DENISE R. BLACK, 000–00–0000
BRIAN A. BLASCO, 000–00–0000
SHARON S. BONN, 000–00–0000
LYNN L. BORLAND, 000–00–0000
JOHN T. BRADSHAW, 000–00–0000
CYNTHIA C. BROWN, 000–00–0000
LINDA F. BURKETT, 000–00–0000
BRINDADETTI S. BYLINA, 000–00–0000
TREGGINE D. CAVANAH, 000–00–0000
JUANITA M. CLELLE, 000–00–0000
JACKIE R. CLARK, 000–00–0000
JAY S. CLOUTIER, 000–00–0000
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MARIAM G. DUCASTER, 000–00–0000
MICHAEL R. DUGGAN, 000–00–0000
ROBERT D. DURHAM, 000–00–0000
STEPHEN M. ELAM, 000–00–0000
WILLIAM R. EMERY, 000–00–0000
ERIC C. EWERS, 000–00–0000
PAUL M. Y. FAYE, 000–00–0000
TERRY L. FAYNER, 000–00–0000
CHRISTOPHER M. FELDERSON, 000–00–0000
DONALD C. HICKEY, 000–00–0000
JOHN R. RICKMAN, 000–00–0000
JACK M. RICKS, 000–00–0000
RICHARD E. ROGERS, 000–00–0000
DAMON R. ROSS, 000–00–0000
DIANA L. RUDOLPH, 000–00–0000
JOSEPH H. RUSK, 000–00–0000
JULIA T. SAMUELSEN, 000–00–0000
NORMA T. L. SAWYER, 000–00–0000
RICHARD J. SHINNICK, 000–00–0000
ARNOLD JACKSON CRODDY, JR., OF MARYLAND
JOAN VERONICA SMITH, OF THE DISTRICT OF COLUMBIA
CHARLES S. SHAPIRO, OF GEORGIA
THOMAS A. LYNCH, JR., OF VIRGINIA
SUSAN S. JACOBS, OF MICHIGAN
RICHARD J. SHINNICK, OF NEW YORK
RUDOLF VILEM PERINA, OF CALIFORNIA
WILLIAM D. CLARKE, OF MARYLAND
GAIL CLEMENTS MCDONALD, OF MARYLAND, TO BE AD-
In the House of Representatives, September 5, 1995.

The following-named persons of the agencies indicated for appointment as Foreign Service officers of the United States of America, and also for the other appointments indicated herein, have been nominated:

**DEPARTMENT OF COMMERCE**

Caryn R. McClelland, of California

Caroline Bradley Mangelsdorff, of California

Margaret Frances Judy, of Oregon

Oliver Brainard John, of Virginia

Ann Lang Irvine, of Maryland

Andrew Griswold Hyde, of California

Audrey Bonita Huon-Dumentat, of Illinois

Evan T. Hough, of Florida

Tracy Alan Hall, of North Carolina

Forrest J. Gould, of New Hampshire

Rebecca Eliza Gonzales, of Texas

Bonne Glick, of Illinois

Eleanore M. Fox, of California

William D. Douglass, of Nevada

Matthew Bedford Dever, of the District of Columbia

Christian R. De Angelis, of New Jersey

Andrew David Craft, of Iowa

David C. Connell, of the District of Columbia

Patrick Liang Chow, of New York

Angie Bryan, of Texas

Natalie Eugenia Brown, of Virginia

Sandra Hamilton Brito, of Arizona

Mark W. Bocchetti, of Missouri

Pamela Marie Bates, of Ohio

Antonia Joy Barry, of Pennsylvania

George William Aldridge, of Texas

Michelle L. O’Neill, of California

Janice C. McHenry, of Virginia

Michael L. McGee, of Alabama

Katharine McCallie Cochran Hart, of Virginia

Henry Grady Gatlin III, of Florida

Clement R. Gagne III, of Maryland

Peter T. Eckstrom, of Minnesota

Ian P. Campbell, of California

Beryl C. Blecher, of Maryland

Amber M. Baskette, of Florida

Taries in the Diplomatic Service of the United States of America

**CLASS THREE, CONSULAR OFFICERS AND SECRETARIES**

For appointment as Foreign Service officers of class three, consular officers and secretaries in the Diplomatic Service of the United States of America:

Ola Criss, of Virginia

Paul Petre Formento, of the District of Columbia

Bosa Maria Whittaker, of the District of Columbia

Pamela Marie G. of Ohio

Virginia Lynn Bennett, of Georgia

Mark W. Rocchetti, of Missouri

Steven C. Brown, of Florida

David W. Boyle, of Virginia

Sandra Rappaport, of Arizona

Natalie Eugenia Brown, of Virginia

Angie Bryan, of Texas

Jenni Lee Cathcart, of Ohio

Patrick L. Antinore, of New York

Mark Daniel Clark, of Arizona

David C. Connell, of the District of Columbia

Kathryn Schienkel, of Missouri

Bonnie Glick, of Illinois

Bertha Eliza Gonzales, of Texas

Forrest J. Gould, of New Hampshire

Tracy Alan Hall, of Florida

Jeremiah K. Howard, of New Jersey

Stephanie K. Mikan, of the District of Columbia

Michelle Marie Espe, of Pennsylvania

Janice Ruth Fair, of Texas

Molly Faye, of Arizona

Paul Steer, of California

Eilene Mox, of California

Mark D. Horka, of Michigan

Gregory D. S. Futuom, of California

Megaw Marie Gail, of California

Richard R. Gaffin, of Arizona

Kathryn Schienkel, of Missouri

Bonnie Glick, of Illinois

Bertha Eliza Gonzales, of Texas

Forrest J. Gould, of New Hampshire

Tracy Alan Hall, of North Carolina

David R. Hanson, of Illinois

Peter F. Harding, of Massachusetts

John P. Cullen, of Maryland

Mark T. Hill, of South Dakota

David T. Ingersoll, of Missouri

Michael W. Hoff, of California

Evan T. Rough, of Florida

Michael R. Holland, of New Jersey

Stephen A. Holder, of Pennsylvania

Audrey Bonita Huon-Dumentat, of Illinois

Andrew Griswold Hyde, of California

Collins E. Johnson, of New Hampshire

Ann Lang Ivins, of Maryland

Oliver Bradshaw John, of Virginia

Edward Johnson, of Minnesota

Jill Johnson, of California

Margaret L. Johnson, of Oregon

John Linus Jenkins, of Florida

Christopher J. Johnson, of Illinois

Eric Randall Kettner, of California

Marc Daniel Kettner, of California

Gregory F. Lawless, of California

CJ. Richard Lundy, of Georgia

Paul Prindle, of California

Caroline Bradley Mangelsdorff, of California

Carolyn Bradly Mangelsdorf, of California

MaryAnn J. Marvin, of California

Gary C. Milburn, of California

Paul R. Miller, of California

Pamela Marie Bates, of Ohio

Antonia Joy Barry, of Pennsylvania

George William Aldridge, of Texas

Mary P. Anderson, of Oregon

David J. Anderson, of Nebraska

Ann Marie Anderson, of Pennsylvania

John King Whittleshey, of Florida

The following-named individuals of the foreign service of the United States of America, as indicated, are consular officers and secretaries in the Diplomatic Service of the United States of America:

Jorga K. Andrews, of Colorado

Robert D. Barger, of California

Eric Barirowski, of Wisconsin

Amanda M. Dampierre, of Florida

Kedra Shadar Rigle, of California

Karen M. Black, of New York

Breyli C. Bonge, of Florida

Ian P. Campbell, of California

Tawfek B. El-Dandy, of Pennsylvania

Petra T. Engstrom, of Minnesota

Matthew A. Finston, of Illinois

Callie Fuller, of Maryland

Clement R. Gagne III, of Maryland

Gohy A. Gensardi, of Virginia

Henry Grady Geyzner, of Texas

Reni D. Hardesty, of Virginia

J. Marinda Reynolds, of North Carolina

John Livens, of New York

Ervin J. Mossinghoff, of Massachusetts

John Joseph Moser, of South Carolina

Michael L. McGee, of Alabama

James M. McPherson, of California

Sharon F. Musselini, of Virginia

Robert Louis Morgan, of California

David Timothy Nobles, of California

Michelle L. O’Neill, of the District of Columbia

Carla Ponce de Leon, of Florida

David William Pitts, of Virginia

Brett G. Stine, of Colorado

Brian B. Silver, of Virginia

Steven C. Rice, of Wyoming

Robert J. Riley, of Washington

Peter Town, of Washington

Harrly L. Thyne, of Virginia

Robert A. Weir, of Florida

Alan Cooperman, of California

Robert Eugene Wong, of New York

Linda M. Wilkins, of Texas

For appointment as foreign service officers of class four, consular officers and secretaries in the Diplomatic Service of the United States of America:

John M. Grassman, of Missouri

Before the Committee on Foreign Affairs, September 5, 1995.

The following-named individuals of the foreign service of the United States of America, as indicated, are consular officers and secretaries in the Diplomatic Service of the United States of America:

Richard Marshall McInerney, of Virginia

Jahn B. Wilson Meneeser, of Virginia

David Stuttle, of Virginia

Kim Vig Noy, of Minnesota

Ann G. O’Barry, of Georgia

Julie Anne O’Regan, of Texas

Leslie Marie Paul, of Mexico

James M. Perel, of Florida

Miha Pipi, of Virginia

Sara Ellen Potter, of Vermont

David J. Rane, of New York

John Thomas Stuttle, of Virginia

Christopher E. Rich, of Maryland

Scott Lajed Bobst, of Florida

J. Brinton Bowes, of Ohio

Susan Laura Sutherland, of Texas

Juliette Rogers, of Texas

Michael D. Scannell, of Pennsylvania

John Paul Schutte, of Nebraska

David L. Scott, of Texas

Stephen M. Schwartz, of New York

Janet Dawn Shannon, of Washington

Cecile Shea, of Nevada

Grace Whittaker Shilton, of Georgia

Keith C. Shoffner, of Washington

Robert Silverstein, of Virginia

Martin Henry Steiner, of California

Margaret L. Tam, of Colorado

Lisa L. Tapper, of Colorado

Brent Michael Waller, of Missouri

Robert W. Ward, of New Jersey

Jan Lam Wasley, of New Jersey

Lyle A. Jensen, of Nebraska

David J. Whidston, of Georgia

Eric Paul Whittaker, of California

Lynn W. Whittleshey, of Florida

The following-named members of the foreign service of the United States of America, as indicated, are consular officers and/or secretaries in the Diplomatic Service of the United States of America:

Jorge K. Andrews, of Colorado

Robert D. Barger, of California

Benjamin S. Bivins, of Florida

Kedra Shadar Rigle, of California

Karen M. Black, of New York

Breyli C. Bonge, of Florida

Ian P. Campbell, of California

Tawfek B. El-Dandy, of Pennsylvania

Petra T. Engstrom, of Minnesota

Matthew A. Finston, of Illinois

Callie Fuller, of Maryland

Clement R. Gagne III, of Maryland

Gohy A. Gensardi, of Virginia

Henry Grady Geyzner, of Texas

Reni D. Hardesty, of Virginia

J. Marinda Reynolds, of North Carolina

John Livens, of New York

Ervin J. Mossinghoff, of Massachusetts

John Joseph Moser, of South Carolina

Michael L. McGee, of Alabama

James M. McPherson, of California

Sharon F. Musselini, of Virginia

Robert Louis Morgan, of California

David Timothy Nobles, of California

Michelle L. O’Neill, of the District of Columbia

Carla Ponce de Leon, of Florida

David William Pitts, of Virginia

Brett G. Stine, of Colorado

Brian B. Silver, of Virginia

Steven C. Rice, of Wyoming

Robert J. Riley, of Washington

Peter Town, of Washington

Harrly L. Thyne, of Virginia

Robert A. Weir, of Florida

Alan Cooperman, of California

Robert Eugene Wong, of New York

Linda M. Wilkins, of Texas

The following-named distinguished Naval officer to be promoted to the grades indicated:

The following-named U.S. Air Force Reserve officer to be promoted to the grades indicated:

The following-named U.S. Navy officer to be designated permanent commander in the regular army.

The following new appointees to be assigned to the United States Air Force Reserve, pursuant to Title 10, United States Code: section 609.

The following-named U.S. Navy officer to be designated permanent commander in the regular army.

The following-named U.S. Navy officer to be designated permanent commander in the regular army.

The following-named U.S. Navy officer to be designated permanent commander in the regular army.

The following-named U.S. Air Force Reserve officer to be designated permanent commander in the regular army.

The following-named U.S. Senate Armed Services Committee, pursuant to Title 10, United States Code: section 6203.

The following-named U.S. Senate Armed Services Committee, pursuant to Title 10, United States Code: section 6203.

The following-named U.S. Senate Armed Services Committee, pursuant to Title 10, United States Code: section 6203.

The following-named U.S. Senate Armed Services Committee, pursuant to Title 10, United States Code: section 6203.

The following-named U.S. Senate Armed Services Committee, pursuant to Title 10, United States Code: section 6203.
IN THE LINE OF THE NAVY

THE FOLLOWING NAMED LIENSTEAdS IN THE LINE OF
THE NAVY FOR PROMOTION TO THE PERMANENT GRADE
OF COOK, LITHOMASTER, AND MASTER COMMANDER, PERSuant to Title 10
UNITED STATES CODE, SECTION 642, SUBJECT TO QUALI-
FICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

B32463
WITNESSATIONS

Executive messages transmitted by the President to the Senate on September 5, 1995, withdrawing from further Senate consideration the following nominations:

THE JUDICIARY


LELAND M. SHURIN, OF MISSOURI, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI, VICE SCOTT O. WRIGHT, RETIRED, WHICH WAS SENT TO THE SENATE ON APRIL 4, 1995.
Tuesday, September 5, 1995

Daily Digest

HIGHLIGHTS

See Résumé of Congressional Activity.

Senate passed Department of Defense Appropriations.

Senate

Chamber Action

Routine Proceedings, pages S12527–S12647

Measures Reported: Reports were made as follows:

- Reported on Wednesday, August 30, during the adjournment:
  - S. 856, to amend the National Foundation on the Arts and the Humanities Act of 1965, the Museum Services Act, and the Arts and Artifacts Indemnity Act to improve and extend the Acts, with an amendment in the nature of a substitute. (S. Rept. No. 104–135)
  - S. 619, to phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries, with amendments. (S. Rept. No. 104–136)

Measures Passed:

Department of Defense Appropriations, 1996:
By 62 yeas to 35 nays (Vote No. 397), Senate passed S. 1087, making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, as amended.

Expo ’98: Senate agreed to S. Con. Res. 22, expressing the sense of the Congress that the United States should participate in Expo ’98 in Lisbon, Portugal.

Department of Defense Authorizations, 1996:
Senate resumed consideration of S. 1026, to authorize appropriations for military activities of the Department of Defense, for military construction, for defense activities of the Department of Energy, and to prescribe personnel strengths for such fiscal year for the Armed Forces, taking action on amendments proposed thereto, as follows:

Adopted:


2. Bingaman Amendment No. 2157, to require the Secretary of Defense to take such actions as are necessary to reduce the cost of renovation of the Pentagon Reservation to not more than $1,118,000,000.

3. Brown Modified Amendment No. 2428, to urge the Secretary of the Army to move expeditiously to lease the Fitzsimons Army Medical Center, Aurora, Colorado, recommended for closure under the Defense Base Closure and Realignment Act.

4. Exon/Bingaman Amendment No. 2429, to establish that nothing in this Act shall be construed as an authorization to conduct hydronuclear tests.

5. Exon (for Harkin) Amendment No. 2430, to increase the amount provided for the Civil Air Patrol by $5,000,000.

6. Warner (for Thurmond) Amendment No. 2431, to increase the authorization of appropriations for operation and maintenance for the Air Force Reserve by $10,000,000, and to offset that increase by reducing the authorization of appropriations for operation and maintenance for Defense-wide activities by $10,000,000.

7. Exon (for Glenn) Amendment No. 2432, to provide $9,500,000 for the seismic monitoring to detect nuclear explosions.

8. Warner (for Helms) Amendment No. 2433, to make a technical correction.

9. Exon (for Simon) Amendment No. 2434, to state a rule of construction to clarify the supremacy of the Secretary of State’s authority to coordinate...
policy on international military education and training. 

(10) Warner (for Smith) Amendment No. 2435, to provide $5,000,000 for continued development of the depressed altitude guided gun round (DAGGR) system. Pages S12536–37

(11) Exon (for Kennedy) Amendment No. 2436, to require the Army to provide a report to the Congress on plans to provide T700-701C engine upgrades for Army AH-64D helicopters. Page S12537

(12) Warner (for Dole/Thurmond) Amendment No. 2437, to clarify that the $54,968,000 authorized to be appropriated for the Joint Primary Aircraft Training System (JPATS) is for procurement of eight JPATS aircraft. Page S12537

(13) Exon (for Heflin/Shelby) Amendment No. 2438, to provide $15,000,000 for procurement of direct support electronic system test sets (DSESTS) test program sets for the M1 Abrams series tanks and the Bradley infantry fighting vehicle. Page S12537–38

(14) Warner (for Domenici) Amendment No. 2439, to amend the effective date for the authority to pay transitional compensation for dependents of members of the Armed Forces separated for dependent abuse. Pages S12538–39

(15) Exon (for Robb) Amendment No. 2440, to require the Secretary of Defense to submit a report on the feasibility of using private sources for performance of certain functions currently performed by military aircraft. Pages S12539, S12554–55

(16) Warner (for Brown) Amendment No. 2441, to require the Department of Defense to conduct a study to assess the risks associated with transportation of the unitary stockpile within the continental United States and of the assistance available to communities in the vicinity of chemical weapons stockpile installations that are affected by base closures and realignments. Pages S12539–40

(17) Exon (for Mikulski) Amendment No. 2442, to provide for the disposal of property and facilities at Fort Holabird, Maryland, as a result of the closure of the installation under the 1995 round of the base closure process. Page S12540

(18) Warner Amendment No. 2443, to designate the NAUTICUS building in Norfolk, Virginia, as the “National Maritime Center”. Pages S12540–41

(19) Exon (for Boxer) Amendment No. 2444, to require a report on the disposal of certain property at the former Fort Ord Military Complex, California. Page S12541

(20) Warner (for Stevens) Amendment No. 2445, to continue until May 1, 1996, the application of certain laws with respect to the ocean transportation of commercial items by the federal government. Pages S12541–42

(21) Exon (for Robb) Amendment No. 2446, to require that the fiscal year 1997 report on budget submissions regarding reserve components include a listing of specific amounts for specific purposes on the basis of an assumption of funding of the reserve components in the same total amount as the funding provide for fiscal year 1996. Page S12542

(22) Exon (for Pryor/Feinstein/Boxer) Amendment No. 2447, to provide the military services greater flexibility to negotiate longer interim leases for the reuse of property at a closing of a military installation. Pages S12542–43

(23) Warner (for Grassley) Amendment No. 2448, to direct the Department of Defense to devise a plan for disposing of executive aircraft and VIP helicopters operated by the Department of Defense (Operation Support Aircraft—OSA), and to prescribe regulations to require the use of commercial airlines for routine official travel. Pages S12543–44

(24) Warner (for Domenici/Inouye) Amendment No. 2449, to transfer funds for procurement of communications equipment for Army echelons above corps. Pages S12544–45

(25) Exon (for Simon) Amendment No. 2450, to authorize the conveyance of certain parcels of real property at Fort Sheridan, Illinois. Pages S12545–46

(26) Levin Modified Amendment No. 2451, to express the sense of the Senate that the Senate should promptly consider giving its advice and consent to ratification of the START II Treaty and the Chemical Weapons Convention. Pages S12552–54

(27) Levin Amendment No. 2216, to require reports to Congress on the results of residual value negotiations between the United States and Germany. Pages S12555–56

(28) Nunn (for Pryor) Amendment No. 2452, relating to the testing of theater missile defense interceptors. Pages S12597–98

(29) Warner (for Thurmond) Amendment No. 2453, of a technical nature. Page S12598

(30) Nunn (for Byrd) Amendment No. 2454, to make funds available for the Allegany Ballistics Laboratory for essential safety functions. Pages S12598–99

(31) Warner (for Thurmond) Amendment No. 2455, to revise for fiscal and technical purposes the provisions relating to military construction projects authorizations. Pages S12599–S12600

(32) Nunn (for Feinstein) Amendment No. 2456, to authorize a land conveyance at the Naval Communication Station, Stockton, California. Pages S12600–01

(33) Nunn (for Harkin/Boxer) Amendment No. 2457, to establish a restriction on reimbursement of certain costs. Page S12601
(34) Nunn (for Johnston) Amendment No. 2458, to improve the management of environmental restoration and waste management activities authorized under this Act. Pages S12601–02

(35) Nunn (for Dorgan/Conrad) Amendment No. 2459, to authorize the conveyance of the William Langer Jewel Bearing Plant to the Job Development Authority of Rolla, North Dakota. Pages S12603–04

(36) Nunn Amendment No. 2460, to authorize a land conveyance to Gainesville, Georgia. Page S12604

Withdrawn:
Brown Amendment No. 2125, to clarify restrictions on assistance to Pakistan. Pages S12527–28, S12532

Pending:
Nunn Amendment No. 2425, to establish a missile defense policy. Pages S12579–97

A unanimous-consent agreement was reached providing for further consideration of the bill, the pending amendment, and further amendments to be proposed thereto, on Wednesday, September 6, 1995, with a vote on final passage to occur thereon.

Removal of Injunction of Secrecy:
The injunction of secrecy was removed from the following treaties:
Convention for Protection of Plants (Treaty Doc. No. 104–17); and

The treaties were transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. Pages S12632–33

Nominations Received:
Senate received the following nominations:
Patricia J. Beneke, of Iowa, to be an Assistant Secretary of the Interior.
Merrick B. Garland, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit.
Gail Clements McDonald, of Maryland, to be Administrator of the Saint Lawrence Seaway Development Corporation for the remainder of the term expiring March 20, 1998.
Routine lists in the Air Force, Army, Coast Guard, Foreign Service, Navy. Pages S12634–47

Nominations Withdrawn:
Senate received notification of the withdrawal of the following nominations:
Leland M. Shurin, of Missouri, to be United States District Judge for the Western District of Missouri, which was sent to the Senate on April 4, 1995.
John D. Snodgrass, of Alabama, to be United States District Judge for the Northern District of Alabama, which was sent to the Senate on January 11, 1995.

Communication:
Pages S12610–14

Additional Cosponsors:
Pages S12614–15

Amendments Submitted:
Pages S12615–21

Additional Statements Submitted:
Pages S12621–33

Record Votes:
One record vote was taken today. (Total—397)

Recess:
Senate convened at 10 a.m., and recessed at 8:19 p.m., until 9:15 a.m., on Wednesday, September 6, 1995. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on pages S12633–34.)

Committee Meetings
No committee meetings were held.

House of Representatives

Chamber Action
The House was not in session today. It will meet next at noon on Wednesday, September 6.

Committee Meetings
No Committee meetings were held.

NEW PUBLIC LAWS
(For last listing of Public Laws, see Daily Digest p. D1005)
CONGRESSIONAL PROGRAM AHEAD

Week of September 6 through 9, 1995

Senate Chamber

On Wednesday, Senate will resume consideration of S. 1026, Defense Authorizations, 1996, with a vote on final passage to occur thereon, following which Senate will resume consideration of H.R. 4, Work Opportunity Act.

During the balance of the week, Senate will continue consideration of H.R. 4, Work Opportunity Act, and possibly consider the following: Further appropriations bills; conference reports, when available; and any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: September 7, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine childhood immunization, 9:30 a.m., SD-192.


Committee on Foreign Relations: September 7, Subcommittee on East Asian and Pacific Affairs, to hold hearings on the situation in Tibet, 2 p.m., SD-419.

Committee on Governmental Affairs: September 7, business meeting, to mark up S. 929, to abolish the Department of Commerce, and S. 177, to repeal the Ramspeck Act, 10 a.m., SD-342.

Committee on the Judiciary: September 6, 7, and 8, Subcommittee on Terrorism, Technology, and Government Information, to hold hearings on matters relating to the incident in Ruby Ridge, Idaho, Wednesday at 10 a.m. in SH-216, Thursday at 2 p.m. in SH-21602 and Friday at 10 a.m. in SH-216.

September 7, Subcommittee on Constitution, Federalism, and Property Rights, to hold hearings to examine affirmative action programs and policies, 10 a.m., SD-226.

Committee on Labor and Human Resources: September 7, to hold hearings on the nomination of Harris Wofford of Pennsylvania, to be Chief Executive Officer of the Corporation for National and Community Service, 9:30 a.m., SD-430.

House Chamber

Wednesday and the balance of the week: Consideration of the conference report on H.R. 1854, Legislative Branch Appropriations for fiscal year 1996;

Motion to go to conference on S. 4, Legislative Line Item Veto Act;

Complete consideration of H.R. 2126, Defense Appropriations for fiscal year 1996;

H.J. Res. 102, Defense Base Closure Approval;

Motions to go to conference on the following three bills:
2. H.R. 1817, Military Construction Appropriations for fiscal year 1996; and

NOTE.—Conference reports may be brought up at any time. Any further program will be announced later.

House Committees

Committee on Banking and Financial Services, September 7, Subcommittee on Domestic and International Monetary Policy, hearing and markup of the following: H.R. 2203, to reauthorize the tied aid credit program of the Export-Import Bank of the United States, and to allow the Export-Import Bank to conduct a demonstration project; and H.R. 2204, Defense Production Act Amendments of 1995, 10 a.m., 2128 Rayburn.

Committee on Commerce, September 7, Subcommittee on Telecommunications and Finance, hearing on Federal Management of the Radio Spectrum, 10 a.m., 2123 Rayburn.

September 8, Subcommittee on Energy and Power, hearing on legislation to privatize the Naval Petroleum Reserve, 10 a.m., 2123 Rayburn.

Committee on Government Reform and Oversight, September 6, Subcommittee on Government Management, Information, and Technology, hearing on H.R. 1756, Department of Commerce Dismantling Act, 9 a.m., 2154 Rayburn.

September 8, Subcommittee on Government Management, Information, and Technology, hearing on the Debt Collection Improvement Act, 9:30 a.m., 2154 Rayburn.

Committee on International Relations, September 6, Subcommittee on International Economic Policy and Trade, hearing on proposals to reorganize the Trade-Related Functions of the U.S. Government, 10 a.m., 2172 Rayburn.

September 7, Subcommittee on Asia and the Pacific, hearing on Recent Developments in Burma, 9:30 a.m., 2172 Rayburn.

September 8, Subcommittee on International Operations and Human Rights, to continue hearings on the Chinese Prison System, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, September 7, Subcommittee on Commercial and Administrative Law, to mark up the Reauthorization of Legal Services Corporation, 10 a.m., 2237 Rayburn.

September 7, Subcommittee on the Constitution, hearing regarding lobbying disclosure reform proposals, 10 a.m., 2226 Rayburn.

September 7, Subcommittee on Crime, to mark up legislation to prevent the U.S. Sentencing Commission’s proposed amendments to the sentencing guidelines regarding penalties for crack cocaine and money laundering from taking effect, 9:30 a.m., B-352 Rayburn.
Committee on National Security, September 7, Subcommittee on Military Procurement, hearing on the New Attack Submarine, 10 a.m., 2118 Rayburn.

Committee on Resources, September 7, Subcommittee on National Parks, Forests and Lands, hearing on the following bills: H.R. 1188, National Coal Heritage Area Act of 1995; H.R. 1447, to revise the boundaries of the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island; H.R. 1542, to amend the Illinois and Michigan Canal Heritage Corridor Act of 1984 to modify the boundaries of the corridor; H.R. 1553, South Carolina National Heritage Corridor Act of 1995; H.R. 1561, to designate the Tennessee Civil War Heritage Area; H.R. 1999, to establish the Augusta Canal National Heritage Area in the State of Georgia; H.R. 2057, Cache La Poudre River National Water Heritage Area Act; H.R. 2172, Vancouver National Historic Reserve Act of 1995; H.R. 2186, to establish the Ohio and Erie Canal Corridor National Heritage Corridor in the State of Ohio; and H.R. 2188, to establish in the Department of the Interior the Essex National Heritage Area Commission, 10 a.m., 1334 Longworth.

Committee on Rules, September 8, to consider the following: H.R. 1594, Economically Targeted Investments; and H.R. 1655, Intelligence Authorization Act for fiscal year 1996, 10 a.m., H-313 Capitol.

Committee on Science, September 7, Subcommittee on Basic Research and the Subcommittee on Energy and Environment, joint hearing on Restructuring the Federal Scientific Establishment: Future Missions and Governance for the Department of Energy National Laboratories, 9:30 a.m., 2318 Rayburn.

Committee on Small Business, September 8, hearing on pension reform, 10 a.m., 2361 Rayburn.

Committee on Standards of Official Conduct, September 7 and 8, executive, to continue to take testimony regarding the ethics investigation of Speaker Gingrich, 3 p.m. on September 7 and 9 a.m. on September 8, H-2M Capitol.

Committee on Transportation and Infrastructure, September 7, Subcommittee on Surface Transportation, to mark up the National Highway System Designation Act of 1995, 10 a.m., 2167 Rayburn.

September 8, full Committee, to mark up the National Highway System Designation Act of 1995, 9 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, September 7, Subcommittee on Education, Training, Employment and Housing, to mark up a comprehensive measure including provisions of the Uniformed Services Employment and Reemployment Rights Act, VA Home Loan Programs, and the Department of Labor's VETS program, 9 a.m., 334 Cannon.

September 7, Subcommittee on Hospitals and Health Care, to mark up H.R. 2219, to amend title 38, United States Code, to extend certain expiring authorities of the Department of Veterans Affairs, 10:30 a.m., 334 Cannon.
Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED FOURTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

### DATA ON LEGISLATIVE ACTIVITY

<table>
<thead>
<tr>
<th></th>
<th>Senate</th>
<th>House</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Days in session</td>
<td>134</td>
<td>109</td>
<td>243</td>
</tr>
<tr>
<td>Time in session</td>
<td>1228 hrs.</td>
<td>41 hrs.</td>
<td>1269 hrs.</td>
</tr>
<tr>
<td>Congressional Record:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pages of proceedings</td>
<td>12,524</td>
<td>8,537</td>
<td>21,061</td>
</tr>
<tr>
<td>Extensions of Remarks</td>
<td>—</td>
<td>1,701</td>
<td>1,701</td>
</tr>
<tr>
<td>Public bills enacted into law</td>
<td>11</td>
<td>11</td>
<td>22</td>
</tr>
<tr>
<td>Private bills enacted into law</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Bills in conference</td>
<td>8</td>
<td>6</td>
<td>14</td>
</tr>
<tr>
<td>Measures passed, total</td>
<td>196</td>
<td>232</td>
<td>428</td>
</tr>
<tr>
<td>Senate bills</td>
<td>39</td>
<td>15</td>
<td>54</td>
</tr>
<tr>
<td>House bills</td>
<td>31</td>
<td>90</td>
<td>121</td>
</tr>
<tr>
<td>Senate joint resolutions</td>
<td>2</td>
<td>—</td>
<td>2</td>
</tr>
<tr>
<td>House joint resolutions</td>
<td>—</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Senate concurrent resolutions</td>
<td>5</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>House concurrent resolutions</td>
<td>14</td>
<td>17</td>
<td>31</td>
</tr>
<tr>
<td>Simple resolutions</td>
<td>105</td>
<td>105</td>
<td>210</td>
</tr>
<tr>
<td>Measures reported, total</td>
<td>*159</td>
<td>*225</td>
<td>384</td>
</tr>
<tr>
<td>Senate bills</td>
<td>109</td>
<td>4</td>
<td>113</td>
</tr>
<tr>
<td>House bills</td>
<td>19</td>
<td>135</td>
<td>154</td>
</tr>
<tr>
<td>Senate joint resolutions</td>
<td>3</td>
<td>—</td>
<td>3</td>
</tr>
<tr>
<td>House joint resolutions</td>
<td>2</td>
<td>6</td>
<td>8</td>
</tr>
<tr>
<td>Senate concurrent resolutions</td>
<td>4</td>
<td>—</td>
<td>4</td>
</tr>
<tr>
<td>House concurrent resolutions</td>
<td>—</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Simple resolutions</td>
<td>22</td>
<td>77</td>
<td>99</td>
</tr>
<tr>
<td>Special reports</td>
<td>13</td>
<td>4</td>
<td>17</td>
</tr>
<tr>
<td>Conference reports</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Measures pending on calendar</td>
<td>111</td>
<td>47</td>
<td>158</td>
</tr>
<tr>
<td>Bills introduced, total</td>
<td>1,428</td>
<td>2,674</td>
<td>4,102</td>
</tr>
<tr>
<td>Joint resolutions</td>
<td>1,200</td>
<td>25,258</td>
<td>26,458</td>
</tr>
<tr>
<td>Concurrent resolutions</td>
<td>37</td>
<td>106</td>
<td>143</td>
</tr>
<tr>
<td>Simple resolutions</td>
<td>25</td>
<td>98</td>
<td>123</td>
</tr>
<tr>
<td>Quorum calls</td>
<td>166</td>
<td>212</td>
<td>378</td>
</tr>
<tr>
<td>Yeas-and-nays votes</td>
<td>3</td>
<td>14</td>
<td>17</td>
</tr>
<tr>
<td>Recorded votes</td>
<td>396</td>
<td>149</td>
<td>545</td>
</tr>
<tr>
<td>Bills vetoed</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Vetoes overridden</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
</tbody>
</table>

* These figures include all measures reported, even if there was no accompanying report. A total of 136 reports has been filed in the Senate, a total of 137 reports has been filed in the House.

### DISPOSITION OF EXECUTIVE NOMINATIONS

<table>
<thead>
<tr>
<th></th>
<th>Senate</th>
<th>House</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Confirmed</td>
<td>209</td>
<td>141</td>
<td>350</td>
</tr>
<tr>
<td>Unconfirmed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Withdrawn</td>
<td>2</td>
<td></td>
<td>2</td>
</tr>
</tbody>
</table>

Civilian nominations (FS, PHS, CG, NOAA), totaling 1006, disposed of as follows:

<table>
<thead>
<tr>
<th>Confirmed</th>
<th>Unconfirmed</th>
<th>Withdrawn</th>
</tr>
</thead>
<tbody>
<tr>
<td>805</td>
<td>201</td>
<td></td>
</tr>
</tbody>
</table>

Air Force nominations, totaling 10,235, disposed of as follows:

<table>
<thead>
<tr>
<th>Confirmed</th>
<th>Unconfirmed</th>
<th>Withdrawn</th>
</tr>
</thead>
<tbody>
<tr>
<td>10,203</td>
<td>32</td>
<td></td>
</tr>
</tbody>
</table>

Army nominations, totaling 8,657, disposed of as follows:

<table>
<thead>
<tr>
<th>Confirmed</th>
<th>Unconfirmed</th>
<th>Withdrawn</th>
</tr>
</thead>
<tbody>
<tr>
<td>8,077</td>
<td>580</td>
<td></td>
</tr>
</tbody>
</table>

Navy nominations, totaling 8,012, disposed of as follows:

<table>
<thead>
<tr>
<th>Confirmed</th>
<th>Unconfirmed</th>
<th>Withdrawn</th>
</tr>
</thead>
<tbody>
<tr>
<td>6,265</td>
<td>1,747</td>
<td></td>
</tr>
</tbody>
</table>

Marine Corps nominations, totaling 2,767, disposed of as follows:

<table>
<thead>
<tr>
<th>Confirmed</th>
<th>Unconfirmed</th>
<th>Withdrawn</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,557</td>
<td>209</td>
<td>1</td>
</tr>
</tbody>
</table>

Summary

- Total nominations received this session: 31,029
- Total confirmed: 28,116
- Total unconfirmed: 2,910
- Total withdrawn: 3
Next Meeting of the SENATE
9:15 a.m., Wednesday, September 6

Senate Chamber

Program for Wednesday: Senate will resume consideration of S. 1026, Defense Authorizations, 1996, with a vote on final passage to occur thereon, following which Senate will resume consideration of H.R. 4, Work Opportunity Act.

Next Meeting of the HOUSE OF REPRESENTATIVES
12 noon, Wednesday, September 6

House Chamber

Program for Wednesday and the balance of the week: Consideration of the conference report on H.R. 1854, Legislative Branch Appropriations for Fiscal Year 1996;
   Motion to go to conference on S. 4, Legislative Line Item Veto Act;
   Complete consideration of H.R. 2126, Defense Appropriations for Fiscal Year 1996;
   H.J. Res. 102, Defense Base Closure Approval;
   Motions to go to conference on the following three bills:
   2. H.R. 1817, Military Construction Appropriations for Fiscal Year 1996; and