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# Senate

The Senate met at 9:30 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 Father, thank You for this time of prayer in which our minds and hearts can be enlarged to receive Your spirit. You are the answer to our deepest need. More than any secondary gift You can give, we long for the primary grace of Yourself offered in profound love and acceptance. We have learned that when we abide in Your presence and are receptive to Your guidance, You inspire our minds with insight and wisdom, our hearts with resiliency and courage, and our bodies with vigor and vitality.

In the quiet of this moment we commit all our worries to You. We entrust to You our concerns over the people of our lives. Our desire is to give ourselves to the work of this day with freedom and joy. Give us strength when we are weary, fresh vision when our wells run dry, indefatigable hope when others become discouraged. In the name of our Lord. Amen.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Iowa is recognized.

## SCHEDULE

Mr. GRASSLEY. Mr. President, on behalf of the leader, I want to announce that the Senate will be in a period for morning business today until the hour of 10:30 a.m. At 10:30, the Senate will begin 2 hours of debate. That time will be equally divided on the motion to proceed to S. 1635, the Defend America Act.

At 2:15 today there will be a cloture vote on the motion to proceed to S. 1635. If cloture is invoked today, it is hoped that we may begin consideration of the defend America legislation and complete action on that legislation.

As a reminder, the Senate will recess today between the hours of 12:30 and 2:15 for the weekly policy conferences to meet.

## MORNING BUSINESS

The PRESIDING OFFICER (Mr. DEWINE). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

## THE IOWA SESQUICENTENNIAL

Mr. GRASSLEY. Mr. President, today, I begin a series of remarks to celebrate the sesquicentennial of my home State of Iowa. It is my intention to say something on the history of Iowa, building up to the opening of the Smithsonian Institution's Festival of American Folklife on June 26. This year the festival celebrates Iowa.

So, I wish to inform my colleagues that they will shortly be receiving an invitation from the Secretary of the Smithsonian and the Iowa congressional delegation to attend a birthday party for Iowa. We will host the birthday party on June 26 from 6:30 until 8:30 at the Centennial Building of the Smithsonian located next to the Smithsonian Castle. I hope to see many of you as we enjoy cake and ice cream along with the other invited guests, including the President, Vice-President, Cabinet members, Supreme Court Justices, and foreign diplomatic corps. Many Iowa-based businesses will also be there. As a matter of fact, even the Maytag repairman, the loneliest man in town, may be there.

James K. Polk was our President when, on December 28, 1846, Iowa was admitted into the Union as the 29th State. But our history began long before that date. Before the coming of settlers from the East, Iowa was home to almost 17 different tribes of Indians over the years. Tribal names included the Ioway, Sauk, Sioux, Potawatomi, Oto, Missouri, and Mesquaki. The Mesquaki still live in Iowa on the Mesquaki Settlement in Tama County, which is some of the tribe's original land. This is a unique situation because this land is a settlement, not a reservation. It is comprised of land, now approximately 3,200 acres, which the tribe bought and owns outright.

Iowa is a very fertile land, with deep black soil and plentiful water. Little did the French explorers Louis Joliet and Father Jacques Marquette know when they came ashore in eastern Iowa from their Mississippi River travels in 1673 that this patch of land would become a modern-day international agricultural giant. Mr. President, 323 years later, Iowans proudly help to feed the world.

It is interesting to note that since 1880, Iowa has remained No. 1 in pork production in the United States. As Don Muhm, former Des Moines Register agriculture writer and very good friend of mine, writes in his book ''Iowa Pork & People,'' the peak in Iowa hog farms came in 1935, when swine was raised on 185,215 farms in the State. This dropped to 33,000 farms in Iowa in 1993. As I have proudly stated on this floor many times before, 1 in 4 pigs in the United States lives in my home State of Iowa. And 78 percent of this country's grain-fed beef is raised in Iowa. In 1991, Iowa ranked first in the Nation in the production of red meat. Last year, in 1995, Iowa had the honor of ranking No. 1 in the Nation in the production of both corn and soybeans.

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The good soil and abundance of good water are key to Iowa's agricultural productivity. There are numerous rivers and streams in the State. While Iowa ranks 30th in the United States by size of population and 23d in terms of size in land area, Iowa ranks 5th in the United States in the number of bridges needed to cross those rivers and streams. There are 24,844 bridges in Iowa.

Getting our products, both agricultural and nonagricultural, to market takes good roads. Iowa has more miles of road than 40 of the other States.

From the time the first official settlement began in Iowa in June 1833 to the present day, Iowans have proven themselves to be an industrious and blessed people. Our history is as rich as our land. We are proud to be Iowans, and we are proud to be Americans. During the upcoming days I will continue my talks on Iowa, hoping to impart to you and to the Nation a small part of something that is almost too big to describe—the Iowa spirit.

The PRESIDING OFFICER. The Senator from Utah, [Mr. HATCH], is now recognized to speak for up to 20 minutes.

The Senator from Utah.

## PRESIDENT CLINTON'S CODDLE-A-CONVICTED-CRIMINAL CAMPAIGN

Mr. HATCH. Mr. President, an administration's law enforcement philosophy manifests itself in many ways. I have spoken several times about soft-on-crime Clinton administration judges. President Clinton has been AWOL—absent without leadership—in the war on drugs. After years of declining use the drug problem is on the rise—on President Clinton's watch. Today, I want to speak about the Clinton coddle-a-convicted-criminal program.

The President is responsible for protecting the constitutional rights of convicted criminals incarcerated in State prisons. This is pursuant to the Civil Rights of Institutionalized Persons Act, sometimes called CRIPA, an act that I cast the deciding vote on and was prime cosponsor of, along with Senator Birch Bayh, many years ago, in the 1970's.

Convicted criminals do have some constitutional rights; but, understandably, those rights are very sharply circumscribed. And, to my mind, the Clinton administration, takes a very liberal view of these rights, and reads the rights of the accused and of convicted criminals more favorably than many of the rest of us.

Mr. President, the Clinton administration has asserted a number of instances where the constitutional rights of some of the most vicious criminals at the Maryland Correctional Adjustment Center, known as Supermax, are allegedly being violated. I cite a letter of Assistant Attorney General for Civil Rights Deval L. Patrick, to Gov. Parris N. Glendening, May 1, 1996. I want to focus on some of these alleged constitutional deprivations, or at least what the Clinton administration calls alleged deprivations of prisoners' rights.

I remind colleagues that Supermax was constructed to house inmates who by their own conduct create public safety justification for removal from traditional correctional facilities. Supermax inmates require close custody and a high level of supervision. Among the inmates at Supermax are 105 murderers, 19 rapists, and those who have histories of escape or attempted escape.

Mr. President, I hope my colleagues and others who are listening pause and brace themselves for the unconstitutional deprivations to which Maryland is allegedly subjecting these murderers, rapists, and other hardened criminals.

Now, is the Clinton administration citing the State of Maryland because it beats the convicts at Supermax? No. Is the Clinton administration citing Maryland because it tortures or starves these vicious criminals? No.

Mr. President, the Clinton administration is citing the State of Maryland, in part, because ''food is served lukewarm or cold'' to these murderers and rapists. Doesn't your heart just bleed for these murderers and rapists and other criminals? They are getting their food served lukewarm or cold. The Clinton administration makes a Federal case out of it. President Clinton is forcing Maryland taxpayers to defend against this ridiculous constitutional claim. This is the evolving standard of decency in the hands of liberals wielding the vast power of the all-mighty Federal Government. It is an abuse of Federal power on behalf of murderers and rapists; that is, the administration's position in this matter.

If you do not believe me, Mr. President, let me read you the relevant paragraph from page 5 of the Clinton administration's May 1 letter:

> Food served to the prisoners at Supermax is prepared at the penitentiary across the street and brought to Supermax in bulk. At Supermax, the food is placed into individual compartmentalized thermal trays for distribution to the prisoners in their cells. Food placed in the trays is not promptly covered; trays brought to the housing units are not promptly served. As a result, food is served lukewarm or cold. Food must be served at temperatures that conform to accepted health standards.

CRIPA, or the Civil Rights of Institutionalized Persons Act, requires only enforcing the constitutional minimum. Instead, the Clinton administration makes a Federal case out of it, advancing a constitutional right for hardened, convicted murderers and rapists, so vicious and dangerous as to need special supervision, to have their hot food served hot, not lukewarm or cold.

This is nothing but a Clinton coddle-a-convicted-criminal approach. I might say a convicted-vicious-criminal approach. The Clinton administration is forcing the taxpayers of Maryland to pay the cost of responding to its ridiculous demand.

That is not all. The Clinton administration insists that Maryland provide these killers and rapists 1 hour of out-of-cell time daily. At least five times per week, this out-of-cell activity should occur outdoors, weather permitting. Again, from the letter of Mr. Patrick. That is right Mr. President, the hardened criminals who are the worst of the worst, who require special supervision, have a constitutional right to fresh air, to go outdoors. This does not represent law and order. This is the coddling of vicious criminals.

Here is how the Clinton administration describes general conditions at Supermax:

> Inmates at Supermax are subjected to extreme social isolation. Inmates are confined to single person cells 24 hours a day, except for a brief period (less than an hour) every 2 to 3 days when they are permitted, one at a time, out of their cells to shower and walk around a dayroom area. Inmates are not permitted outdoors due to staff shortages. Inmates eat all of their meals in their cells. Food trays are passed through a narrow food port in a cell door, solid except for a vision window. Inmates are not allowed to participate in any prison job opportunities or any other prison recreational or educational programs. No recreational equipment is provided. Inmates in adjoining cells can hear but not see each other. The sole opportunity for socialization occurs during the out-of-cell time, when the inmate released from his cell may socialize with other inmates on his block, who are locked behind their cell doors.

They go on to say:

> Supermax' failure to provide sufficient out-of-cell time on a daily basis as well as its failure to provide any opportunity to go outdoors is unconstitutional, especially given the highly restrictive regimen of daily life at Maryland Supermax.

Is it any wonder Supermax inmates are isolated? These prisoners have been removed from traditional maximum security prisons as a result of their own conduct.

But the Clinton administration's heart just bleeds for these hardened, convicted criminals. Pity the inmates at Supermax. Joe the murderer does not have enough time to socialize, schmooz, and compare notes with Harry the murderer and rapists Ben and John. Does your heart not just bleed for these criminals, Mr. President? These model citizens do not get to jump on an exercise bike. So let us sue Maryland. Let us establish a constitutional right for convicted murderers and rapists to socialize with one another. Again, I stress, these are not merely maximum security prisoners. These prisoners at Supermax are the worst people in the Maryland prison system.

It is true that some courts, including the fourth circuit decision the Clinton administration relies upon, have ruled that ''generally a prisoner must be provided some opportunity to exercise'' under the eighth amendment, but that is in general. *Mitchell* v. *Rice,* 954 F.2d 187, 192]. Even the total deprivation of

all exercise does not always violate the cruel and unusual punishment clause. According to the cited fourth circuit precedent, there is no per se rule requiring a minimum of exercise time in all cases. The issue turns on the particular circumstances.

Moreover, the Clinton administration's misleading reading of fourth circuit precedent favorable to the murderers and rapists of Supermax notwithstanding, the Mitchell versus Rice case does not suggest that there is a constitutional right for these prisoners to go out of doors.

Under the circumstances at Supermax; namely, the nature of the dangerous criminals locked up there, and their need for close supervision, the Clinton administration should let Supermax afford these inmates the brief time out of their cells every second or third day that the administration finds constitutionally objectionable. If Maryland correctional authorities want to provide more out of cell time, that should be in their discretion.

And I certainly believe the Clinton administration ought to drop its position that these particular murderers, rapists, and other closely supervised criminals, have a constitutional right to fresh air. Many, if not all, of the murderers in this group are lucky to be breathing indoor air at all, which is more than their victims are doing right now, I might add.

With respect to hot food, out-of-cell exercise time, and access to fresh air, the Clinton administration is seeking extraconstitutional conveniences and comforts for convicted criminals who do not deserve them.

The lesson is this: an administration's crime policies are a web of many factors. They include, for example, the kind of judges a President will appoint. They include the prosecutorial policies of an administration, its outlook on the drug problem and how to combat it. And they include the manner in which the constitutional rights of the accused and of convicted criminals are assessed.

A more liberal administration such as the incumbent administration will wind up, on balance, softer on crime. A conservative administration will be tougher on crime. And a conservative administration will not abuse its power by trying to coerce States into coddling convicted murderers and rapists.

Mr. President, the criminal justice system in this country has not been run very well. We should do everything in our power—the first time people are convicted—for people we really can rehabilitate, whose lives we can change. Rehabilitation is a very important part of this.

But, by gosh, we have no room for coddling these convicted murderers and rapists. We have no room for that. And to have this administration start to demand that they coddle these criminals and file lawsuits against States and have the taxpayers pay for the coddling of criminals—I am not just talking about criminals, but the most hardened criminals in America—I think is not only highly unusual with regard to the way I look at things, and I think most people in this country look at things, but it is typical for some of these more liberal thinkers who basically never blame the criminals for what they do, always blame society for not having helped them enough in these formative years.

The fact of the matter is, there is a word called ''responsibility.'' We have to start requiring people to be responsible in our society even though they may have come from the wrong side of the tracks. Many people grew up on the other side of the tracks, in extremely difficult circumstances, and overcame those circumstances without turning to crime.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair, in its capacity as a Senator from the State of Ohio, suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## HEALTH INSURANCE REFORM LEGISLATION

Mr. KENNEDY. Mr. President, the Senate and House of Representatives have an excellent chance to complete action this week on the Health Insurance Reform Act—if Senators and Representatives are willing to put aside partisanship and Presidential politics and act in the public interest.

This legislation is what the American people need and deserve. If it were sent to the President today it would be signed into law tomorrow. But it has been languishing in Congress for several weeks, primarily because some Republicans insist that the bill must also include a highly controversial provision on medical savings accounts.

Senator DOLE has said on several occasions that he would like to achieve final action on this legislation before he leaves the Senate. If Senator DOLE is serious about such action, it is difficult to believe he cannot make it happen. We can break the logjam this week and pass a bill that both Republicans and Democrats can be proud of.

The consensus reforms in this legislation are essential and long overdue. Twenty-five million Americans a year will benefit from its provisions. The legislation eliminates the worst abuses of the current health insurance system. Under the current system, millions of Americans are forced to pass up jobs that would improve their standard of living or offer them greater opportunities, because they are afraid they will lose their health insurance. Many other Americans abandon the goal of starting their own business, because health insurance would be unavailable to them or members of their families. Still other Americans lose their health insurance because they become sick or lose their job or change their job, even when they have paid their insurance premiums for many years.

With each passing year, the pitfalls in private health insurance become more serious. More than half of all insurance policies impose exclusions for preexisting conditions. As a result, insurance is often denied for the very illnesses most likely to require medical care. No matter how faithfully people pay their premiums, they often have to start over again with a new exclusion period if they change jobs or lose their coverage. Some 81 million Americans have illnesses that could subject them to exclusions for preexisting conditions if they lose their current coverage. Sometimes, the exclusions make them completely uninsurable.

The reforms that passed the Senate 100 to 0 last April deal with each of these problems. Insurance companies are limited in their power to impose exclusions for preexisting conditions. No exclusion can last for more than 12 months. Once persons have been covered for 12 months, no new exclusion can be imposed as long as there is no gap in coverage, even if they change their job, lose their job, or change insurance companies.

The bill requires insurers to sell and renew group health policies for all employers who want coverage for their employees. It guarantees renewal of individual policies. It prohibits insurers from denying insurance to those who move from group to individual coverage. It prohibits group health plans for excluding any employee based on health status. Individuals with coverage under a group plan will not be locked into their job for fear they will be denied coverage or face a new exclusion for a preexisting condition.

The bill will also help small businesses provide better and less expensive coverage for their employees. Purchasing cooperatives will enable small groups and individuals to join together to negotiate lower rates. As a result, they can obtain the kind of clout in the marketplace currently available only to large employers.

There is nothing radical or extreme about these provisions. They were included in every proposal, Republican or Democratic, introduced in the last Congress, including Senator DOLE'S, When it became clear in 1994 that President Clinton's comprehensive health reform bill could not be enacted into law, Senator DOLE said that we should simply pass the things we all agree on. As he stated in August 1994 on the floor of the Senate.

> We will be back . . . And you can bet that health care will be near the top of our agenda. There are a lot of plans and some have similarities. Many of us think we ought to take all the common parts of these plans, put then together and pass that bill.

A week later, Senator DOLE described those common parts—provisions to help Americans who cannot afford insurance, who cannot get insurance because of preexisting conditions, or who cannot keep insurance due to a job change.

The bill that Senator KASSEBAUM and I introduced in 1995 followed that suggestion. It included only those reforms that had broad bipartisan support in the last Congress. We agreed to oppose all controversial provisions—even provisions we would support under other circumstances.

With Senator KASSEBAUM'S leadership, the legislation was approved by the Senate Labor and Human Resources Committee by a unanimous vote. By the time it was debated on the Senate floor, it had 66 cosponsors—28 Republicans and 38 Democrats—ranging from the most conservative Members of the Senate to the most liberal.

When the bill was taken up by the full Senate, Senator DOLE and Senator ROTH offered an amendment that had many constructive, noncontroversial provisions which strengthened the bill—fairer tax treatment for small businesses, deductibility for long term care expenses, tax relief for the terminally ill, and provisions to crack down on fraud in Medicare and Medicaid. Senator KASSEBAUM and I welcomed these provisions and accepted them.

But their amendment also included medical savings accounts, a proposal that would kill the bill. Fortunately, the Senate decisively rejected that proposal, and the amended bill, without medical savings accounts, passed the Senate unanimously.

Since then, unfortunately, a major impasse has developed over this issue. If the impasse can be resolved, the bill will pass. If not, the bill will die. Our best chance to resolve the impasse is now—this week. Senator DOLE wants the bill to pass before he leaves the Senate, and other Republicans are unlikely to reject a genuine request for action from their party's leader. Once Senator DOLE is gone, the prospects of ending the impasse are much more bleak.

Reasonable compromises are easily within our grasp on medical savings accounts. It is irresponsible for Republicans to hold the other bipartisan reforms in this bill hostage, if they can't get their way on medical savings accounts.

What happens to this bill is not going to make a difference in the outcome of the 1996 Presidential election. But it will make a difference, a very large difference, to the 25 million Americans who will benefit immensely from these needed health reforms. If we keep our eyes on them—if we keep those deserving families in communities across America uppermost in our minds, this bill will pass.

It is also clear who will get the blame if this bill dies. To kill this entire bill because they can't get all they want on medical savings accounts would be a flagrant and despicable abuse of power by the Republican Party—and the American people should vote accordingly in the elections in November.

## SEBASTIAN J. ''BUSTER'' RUGGERI

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to a remarkable man, a brilliant trial attorney, and a dear friend, Sebastian J. ''Buster'' Ruggeri.

Buster is a legend in Greenfield, MA. He was born in 1914, 4 years after his parents arrived in Greenfield from Sicily, and grew up delivering groceries for his family's business. He went on to graduate from Rensselaer Polytechnic Institute in 1936, and Boston University Law School in 1939.

In 1942, after practicing law for several years, Buster joined the Air Force. He spent 3 years as a lawyer in the service, working his way up from private to lieutenant colonel and retiring as head judge advocate for a base of 40,000 service members in India.

After the war, Buster joined the Air Force Reserve squadron based in Greenfield. He became commander of 85 men, retiring as lieutenant colonel after 22 years.

After this outstanding service to the Nation, Buster focused his attentions once again on the private practice of law. He quickly became known as the dean of the county's legal community. He is one of the brightest, most dedicated, and effective trial lawyers in western Massachusetts. His passion and knowledge of the law and his commitment to justice led to a remarkably successful legal career.

Buster's interests extend to many other areas. He is a leading member of the Greenfield and Franklin County Democratic Committees. No Kennedy has ever gone to Franklin County without Buster's advice, assistance, and friendship. He used to hold strategy sessions for my brother during his campaign for President in 1960, and he's been a valuable friend and adviser to me throughout my years in the Senate.

In addition to these commitments, Buster always made time for community service. He is a longtime member of the Lions Club and the Elks Club, and served as deputy director for the Elks. Buster is also a distinguished member of the Veterans of Foreign Wars and the American Legion. His professional achievements also include serving as president of the Massachusetts Trial Lawyers Association and the Franklin County Bar Association.

I congratulate Buster on his remarkable career, and I wish him well as he continues his unique leadership for his profession, his community, and his country. I ask unanimous consent that a recent article on Buster's extraordinary life be printed in the RECORD.

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

A ''COLORFUL PISAN'' IN THE COURTHOUSE

(By Russell G. Haddad)

GREENFIELD.—By all accounts over the past half century observers could usually tell when attorney Sebastian J. ''Buster'' Ruggeri didn't have a strong case.

The demonstrative and gregarious Ruggeri never flinched from a weak hand. He would create a diversion from the facts of a case by waving his hands about and performing some theatrics.

''If he didn't have a strong case he would about at the jury,'' recalled former District Court Judge Allan McGuane could hear him from two floors away,

John A. Barrett, Franklin County's register of probate, recalls a time when Ruggeri had a 2 p.m. appointment in probate court, but called to say he would be late. He showed up 15 minutes late but has spent the previous hours appearing in courts in Boston, Worcester and Springfield before arriving in Franklin County,

It's just this kind of drive that over the years has earned Ruggeri, still practicing full time at 82, a reputation as an energetic trial lawyer who would take cases nobody else wanted.

Ruggeri—considered the dean of the country's legal community—still seems tireless. The self-described ''colorful pisan'' began practicing law in 1939, and seemed to thrive on crisis and providing that he could win despite the odds, his long-time associates say.

''In the courtroom you could feel his presence,'' Barrett said. ''He commanded the attention of everybody.''

Ruggeri, meanwhile, looks back on his legal career and takes pride in never doing anything halfway. He was a general practitioner, researching while, handling divorces, doing worker compensation cases, but also handled criminal cases, as serious as murder, and civil actions

''I was always intense in my practice and tried to treat everyone fairly,'' said Ruggeri.

He said his family nickname—first was used by his parents when they called him for dinner—was always ''Busty'' but became ''Buster'' when Sen. Edward Kennedy call him that years ago.

In his heyday, Ruggeri was known as one of the most imaginative and hardworking trial lawyers in western Massachusetts,

''I could always express myself,'' he said smiling. ''I'm at home being up front.''

His style worked in what Ruggeri describes as his most memorable trial—a 1975 murder case in which he defended Ernest W. Morran. Ruggeri in his closing statement hammered away at the prosecution's case slamming his fist on the jury box.

He ended his remarks reciting a Robert Frost poem to reinforce his argument that police had ignored Morann's version of what happened and arrested the wrong man in Ashfield woods on a snowy night in November 1974.

''Two roads diverged in a yellow wood And
sorry I could not travel both
And be one traveler, long I stood
And looked down one as far as I could
Two where it bent in the undergrowth.''

As if he were there today, Ruggeri finished:

''Two roads diverged into a wood and I . . .''
''. . . took the one less traveled by,
And that has made all the difference.''

Ruggeri explained that he learned early on in his career that he could sway juries by performing an impassioned plea. He had to convince the jurors that he believed in his client.

''You have become a part of it,'' Ruggeri said. ''I just about live it.''

Attorney John Callahan, who was a Northwest District Attorney from 1970 to 1978 and

faced off against Ruggeri on many occasions, said he was impressed with Ruggeri many, many times.

''He was bright. He was tenacious. He was very effective,'' Callahan said.

He recalled the Morran case, for which he was the prosecuting attorney. He said it stands out as a prime example of Ruggeri's skills and tenacity. Callahan said Ruggeri did an ''unbelievable job'' in cross-examining a pathologist testifying for the prosecutors.

The key to Ruggeri's success was preparation by hiring a pathologist of his own to inspect the evidence and guide him, according to Callahan.

''As far as I'm concerned it was one of the best jobs that Sebastian ever did,'' he said. ''Sebastian could try a case off the top of his head but seldom did when it was a serious matter. As he always did, he gave his heart and soul to the trial as he did with many others.''

Ruggeri was born in 1914, about four years after his parents, Anthony and Rose, moved here from Sicily. His mother and father, who worked for the Boston & Maine railroad in the East Deerfield yards never had any formal education but went on to build a successful grocery business, A. Ruggeri & Sons.

The oldest of four cones—he also has an older sister—Ruggeri later helped in this business delivering groceries. He has fond memories of those times when his mother would give cookies to neighborhood children and the market was a meeting place to talk about politics and the various happenings in town.

''People used to come in and chew the fat for an hour,'' Ruggeri said with a sparkle in his eye.

But above all else, his greatest impression of those days was his father, who opened the store in the 1920's in the basement of their house Deerfield Street house. Ruggeri said his father would work practically all day, yet, have time to instill morals and values in his children.

''I think the world of my Daddy,'' Ruggeri said affectionately. ''Me parents were next to God.''

However, he didn't always move in the direction his father and mother wanted. On graduating from Greenfield High School, Ruggeri attended Rensselaer Polytechnic Institute in 1936, earning a civil engineering degree. While his parents wanted him to become an engineer, he has designs on a legal career and eventually went to Boston University Law School and graduated in 1939.

''I thought engineering would be too quiet,'' the fragile-looking, but strong-willed Ruggeri recalled.

After three years of practicing law, Ruggeri joined the Air Corp in 1942. He spent the subsequent three years in the service, quickly working his way up from private to lieutenant colonel, retiring as head judge advocate for a base of 10,000 men in India.

After the war, he joined the 9286th Air Force Reserve Squadron, based in Greenfield. He later became commander of 85 men, retiring as a lieutenant colonel after 22 years.

A conversation about Ruggeri's military experience tends to get a bit dangerous. He becomes animated, excitedly pacing back and forth and swinging his arms as he tells stories of being in officer cadet school and his travels in India in the shadow of the Himalayan Mountains on the Chinese border.

Reared on local political gossip at the family store, Ruggeri eventually became a leader in the local and state Democratic Party, befriending the Kennedys and on numerous occasions hosting them at this 13-room James Street home.

In his Bank Row offices, photographs of John F. Kennedy and Robert F. Kennedy hang on the walls. A commemorative poster from the 25th anniversary of JFK's assassination is prominently placed in the waiting area just outside Ruggeri's office.

U.S. Sen. Edward M. Kennedy personally signed the poster with a message.

''To Buster—who started with Jack and has stood shoulder to shoulder with all the Kennedy brothers—Ted,'' the proclamation reads.

Kennedy, in a prepared statement, recently called Ruggeri ''great friend and key supporter'' for more than 40 years going back to JFK's first campaign for the U.S. Senate in 1952.

''Ever since, no Kennedy has gone into Franklin County without Buster's advice, assistance and friendship,'' Kennedy said. ''He's made an enormous difference, and I know that Jack and Bob felt the same way.''

Ruggeri, who was one of the guests invited to Rose Kennedy's funeral last year, boasts that JFK's run for the presidency began in his office as strategy sessions to take control of the state Democratic Committee were held there. He said he only asked for one job through his ties with Sen. Kennedy—U.S. ambassador to Italy.

''I speak Italian fluently and everything,'' said Ruggeri, who in recent years has been invited to join the Republican Senatorial Inner Circle. ''I could have fun in Italy.''

Over the years, Ruggeri acquired much downtown property in Greenfield, becoming the largest single landlord in town. His 37 properties include a sizable chunk of Bank Row, part of which is the former First National Bank building. He also owns an empty Federal Street office building as well as several residential properties, the Silver Arrow liquor store on French King Highway and the Ruggeri Shopping Center on Federal Street. He also owns 52 acres on Shelburne Road, which he hopes to sell for possible use as a shopping center.

Ruggeri, who started buying real estate soon after he began practicing law, said at one time the properties were considered a badge of honor. Now many of them are vacant and falling into disrepair and he owes more than $130,000 in back taxes.

At one time the commercial properties downtown, ''had a certain amount of honor to them,'' he said. ''I've got some temporary burden. I'm hoping 1996 will be better for me.''

The life of Franklin County's oldest lawyer has been full of community service. He is a longtime member of the Lions Club and Elks Club, having served as past district deputy for the Elks. He also is a member of the Veterans of Foreign Wars and American Legion organizations. His professional affiliations included being a past president of the Massachusetts Trial Lawyers Association and Franklin County Bar Association. Politically, he is a member of the Greenfield and Franklin County Democratic Committees.

Ruggeri and his wife, Margaret, were married 33 years before she died in 1974. They had five children together—Avis, Margaret, Phyllis, Christine and Paul, who died in a 1982 car crash.

Paul's death still appears to affect Ruggeri as he fondly remembers what his son, and paw partner, meant to him and the firm.

''He was bringing in young clients,'' Ruggeri said. ''My whole plans to turn the office over to him were shot to hell. He had a great future.''

Ruggeri's plans to retire and hand the firm to his son had been dashed, and made him push his career forward.

McGuane, a former state representative, thinks of Ruggeri as a ''remarkable man.'' He said Ruggeri belongs to the old school of being polite and courteous.

''He's honest. A man of his word,'' McGuane said. ''He always gave his client a full day's work for his pay whether win, or lose or draw.''

Over his legal career, Ruggeri said he has had no regrets despite having chances to become a federal judge on several occasions through his association with the Kennedys.

''I always wanted to be a small town lawyer,'' Ruggeri said, ''I had the freedom here.''

Hard work has become his trademark.

And Ruggeri is still going strong. He received a degree in patent law last summer from Franklin Pierce Law Center in Concord, N.H.

## EXCELLENCE: A BOYD FAMILY TRADITION

Mr. HOLLINGS. Mr. President, I consider myself to be extremely fortunate to have a staff made up of people who are not only excellent at what they do, but are bright, interesting, and a pleasure to be around. Among them is a young man by the name of Moses Boyd, whose intelligence, determination and inimitable style have been a longtime asset to my office. Apparently, being hardworking and capable are traits that run in his family. I ask unanimous consent to have printed in the RECORD a column that Moses wrote as a tribute to a role model of his. She sounds like an incredible woman.

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

[From the State, Columbia, SC, Mar. 29, 1996]

MIDLANDS VOTING RIGHTS ADVOCATE SALUTED

(By Moses Boyd)

As part of last month's Black History celebrations, we would like to honor a living inspiration who made a significant contribution to the voting rights of many Richland County citizens.

She is Elease Boyd, my mother.

She was born in 1924 in Fairfield County, where she attended public schools. Married at 15, she gave birth to 14 children and enjoyed a loving marriage of more than 55 years until the passing of her husband last year.

While young, she became a Sunday school teacher at Zion Pilgrim Baptist Church. In that position, she instructed church members in reading and writing as well as Bible lessons.

Her interest in voting rights began in the 1950s. She regularly encouraged church members and community residents to register to vote, holding sessions on how to do it.

She persistently communicated her interest to organizations such as the National Association for the Advancement of Colored People. She once accompanied a group to one of Martin Luther King Jr.'s seminars on voting rights.

As a result of her interest, she was appointed in 1967 to the Richland County Board of Voter Registration.

She became the first African-American woman to serve as a registrar in South Carolina. In that role, she worked tirelessly to increase voter registration, particularly among low-income and African-American citizens.

Her service led to appointment as chairman of the board in 1980, making her the first African-American woman to serve in this capacity in South Carolina. She retired as board chairman in 1988.

Colleagues, associates, friends and observers have noted the vital role she played in ensuring voting rights.

She made an enormous contribution to residents of Richland County and South Carolina.

Congratulations, Mama.

## FOSTER CHILDREN

Mr. DEWINE. Mr. President, I rise today to talk about an American tragedy. First, Mr. President, too many children in this country are spending the most important formative years in a legal limbo, a legal limbo that denies them their chance to be adopted, that denies them what all children should have: the chance to be loved and cared for by parents.

Second, we are sending many children in this country back to dangerous and abusive homes. We send them back to live with parents who are parents in name only, and to homes that are homes in name only. We send these children back to the custody of people who have already abused and tortured them. We send these children back to be abused, beaten, and, many times, killed.

Mr. President, we are all too familiar with the statistics that demonstrate the tragedy that befalls these children. Every day in America—every day—three children actually die because of abuse and negligent at the hands of their parents or caregivers, over 1,200 children per year.

Mr. President, almost half of these children, almost half of them, are killed after their tragic circumstances have already come to the attention of the local authorities. Tonight, Mr. President, almost 421,000 children will sleep in foster homes. Over a year's time, 659,000 will be in a foster home for at least part of the year.

Shockingly, roughly 43 percent of the children in the foster care system at any one time will languish in foster care longer than 2 years. Mr. President, 10 percent will be in foster care longer than 5 years.

Mr. President, the number of these foster children is rising. From 1986 to 1990, it rose almost 50 percent.

In summary, Mr. President, too many of our children are not finding permanent homes. Too many of them are being hurt, and too many of them are dying.

Mr. President, most Americans have probably heard of the tragedy that befell Elisa Izquierdo in New York City. Her mother used crack when she was pregnant with Elisa. A month before she was born, her half brother, Ruben, and her half sister, Cassie, had been removed from her mother's custody and placed into foster care. They had been neglected, unsupervised, and unfed for long periods of time. In other words, Mr. President, this woman left her children alone and simply did not feed them.

But then, Mr. President, amazingly, the children were sent back to the same woman, and then Elisa was born. When Elisa was born, she tested positive for crack. She was taken from her mother and transferred to her father's custody. Tragically, in 1994, Elisa's father died. Elisa was then 5 years old. The director of Elisa's preschool warned officials about the mother's history of child abuse and drug abuse. Without any further investigation and without ordering any further monitoring of Elisa's home situation, a family court judge transferred Elisa back to her mother.

In March 1995, when Elisa was 6 years old, she was admitted to the hospital with a shoulder fracture—a shoulder fracture, Mr. President. This is a little girl from a household with a history of child abuse, and she shows up at the hospital with a shoulder fracture. What did the hospital do? The hospital sent her back to her mother.

Eight months later, in November 1995, she was battered to death by that same mother. You see, Elisa's mother was convinced that Elisa was possessed by the devil. She wanted to drive out the evil, so she forced Elisa to eat her own feces, mopped the floor with her head, and finally bashed her head against a concrete wall. On November 2, 1995, Elisa was found dead.

Mr. President, this story then was on the front page of the New York Times, and for days after that the story was covered. Millions of Americans were, understandably, shocked. But you know, Mr. President, what shocked me when I read the story, when I heard about it, was that anyone would be shocked at all, because the horrible truth is that while this horrible tragedy captured the attention of the country, the sad fact is that atrocities such as this are happening against children every single day in this country. Children are being reunited with brutal abusers. They are abused again and again, and, yes, sometimes they are killed.

Here is another story. A Chicago woman had a lengthy history of mental illness. She ate batteries, she ate coat hangers, and she drank Drano. She stuck pop cans and light bulbs into herself. Twice she had to have surgery to have foreign objects removed from her body. Then when she was pregnant, she denied that the baby was hers. While pregnant, she set herself on fire. That is her idea of what being a parent is all about. On three occasions, her children were taken away from her by the department of children and family services, known as DCFS.

One of her children was named Joseph. Joseph's second foster mother—keep in mind that this was a child that was being pushed back and forth between foster homes, back and forth with his mother. Joseph's second foster mother reported to the DCFS officials that every time Joseph came back from visiting his mother, he had bruises. Yet, in 1993, all the children were returned to this mother—one last time.

A month later, in April 1993, this mother hanged Joseph; she hanged her little boy. She hanged her 3-year-old son. Her comment to the police was, ''I just killed my child. I hung him.'' She stood him up on a chair and said, ''bye.'' He said, ''bye.'' Then he waved. And she pushed the chair away. She hanged this little boy.

Mr. President, what kind of a person does something like that to a child? She told a policeman, ''DCFS was'' blankety-blank ''with me.''

Mr. President, why on Earth would anyone think we should keep trying to reunite that family?

Another example. Last year in Brooklyn, NY, there were allegations that baby Cecia Williams and her three older siblings had been abandoned by their mother. As a result, they were temporarily removed from their mother's custody. It turned out they had not been abandoned by the mother. She had actually placed them in the care of an uncle, and he had abandoned the children.

Later, Cecia and the other children were sent back home. Last month, after they were sent back home in New York, Cecia Williams died after being battered, bruised, and, possibly, sexually abused. Her mother and her boyfriend have been charged with the crime.

Cecia was 9 months old. Cecia is dead today—a victim of blunt blows to her torso, and lacerations to her liver and small intestinal area.

Another example. A young boy in New Jersey named Quintin McKenzie was admitted to a Newark hospital after a severe beating, for which his father was arrested. Quintin was placed in foster care. But when the charges were dropped, he was sent back to that family. In 1988, Quintin was 3½ years old when his mother killed him. She plunged him into scalding water because he had soiled his diapers.

In Franklin County, OH, the local children services agency, in another case, was trying to help Kim Chandler deal with her children—7-year-old Quiana, 4-year-old Quincy, and 1-month-old Erica. In July 1992, they closed the case on her. On September 24, 1992, all three children were shot dead, and Kim Chandler was charged with the crime.

In Rushville, OH, in March 1989, 4-year-old Christopher Engle died when his father dumped scalding water on him.

Mr. President, we could go on and on and on. Tragically, there is not a Member of the Senate who could not cite examples from his or her own State of these tragedies. I could multiply example after example of households like these—households that look like families but are not, Mr. President; people who look like parents, but who are not; people who never, never should be allowed to be alone with any child. I do intend, in the months ahead, to discuss many of these stories on this floor, Mr. President.

Why are atrocities like this happening? There are many factors contributing to this problem. In many cases, the abuse is caused by parents who were themselves abused as children. In other cases, the parent is deeply disturbed or

mentally ill. Often, the parent is a teenager, who is emotionally unprepared for the responsibility of raising a child.

All of these factors were present in earlier generations. What is different today is that too many of the young parents have no role models of good parenting. They did not have good parents themselves, so they have no idea how to be parents for their own children.

Another major problem, Mr. President, is the decline of the extended family, the support system that used to do so much to make sure children were taken care of. In many cases, it just does not exist today.

Add to all of this the relatively new phenomenon of crack. Since the late 1980's, we have seen an explosion of this new form of cocaine that is readily available, is cheap, and explosively addictive. Crack is so addictive that mothers have sold their children so they can get more of it. Someone said, when talking about crack, that crack is the only thing that has ever been invented by man that will cause a mother to behave not like a mother and abandon all the natural instincts that she might have—to leave that child, sell that child, to abuse that child.

Mr. President, put all these factors together and we have a major social problem on our hands. Now, we ask social workers to try to patch up the wounded. But the social workers are underpaid and overworked. When I was an assistant county prosecutor over 20 years ago, and then when I was the county prosecutor in Greene County, OH, I worked closely with these dedicated, hard-working social welfare professionals. I have great respect and admiration for them. They are literally at the front line of our efforts to save children. We expect the impossible from them and, frankly, do not give them all the tools and resources they need to do their jobs. Often, the only options they have, and the only choices they have for these children, are all bad—no good options, no good choices.

Many times, our social welfare agencies are simply overwhelmed. Some experts say that the social worker handling children ought to handle no more than 15 or 20 cases at a time. But the truth is that we have social workers today handling 50, 60, 70 cases. They do not have enough time or enough resources to solve the problems these kids have.

In summary, Mr. President, there are many causes for the tragedies I have discussed. Further, there are many things that must change, many things that we can do to help these children.

There are many things we can do, Mr. President, to lessen the time it takes for children to be adopted, and to lessen the time these poor kids have to spend in the legal limbo of the system. Further, there are many things we can do to lessen the odds of tragedies like the cases of Elisa Izquierdo and Joseph Wallace.

Mr. President, I intend to keep working to find solutions to these problems, recognizing that their causes are multiple—and that to solve them, we must do many things.

But today, I would like to focus on one of the causes of these tragedies, one that most people have not heard about. It is the unintended consequence of a small part of a law passed by the U.S. Congress.

In 1980, Congress passed the Adoption Assistance and Child Welfare Act—known as CWA. The Child Welfare Act has done a great deal of good. It increased the resources available to struggling families. It increased the supervision of children in the foster care system. And it gave financial support to people to encourage them to adopt children with special needs.

But while the law has done a great deal of good, many experts are coming to believe that this law has actually had some bad unintended consequences.

Under the CWA, for a State to be eligible for Federal matching funds for foster care expenditures, the State must have a plan for the provision of child welfare services approved by the Secretary of HHS. The State plan must provide:

> . . . that, in each case, reasonable efforts will be made (A) prior to the placement of a child in foster care, to prevent or eliminate the need for removal of the child from his home, and (B) to make it possible for the child to return to his home.

In other words, Mr. President, no matter what the particular circumstances of a household may be—the State must make reasonable efforts to keep it together, and to put it back together if it falls apart.

What constitutes ''reasonable efforts''? Here is where maybe we have part of the problem.

This has not been defined by Congress. Nor has it been defined by HHS.

This failure to define what constitutes ''reasonable efforts'' has had a very important—and very damaging—practical result. There is strong evidence to suggest that in the absence of a definition, reasonable efforts have become—in some cases—extraordinary efforts. Efforts to keep families together at all costs.

Mr. President, much of the national attention on the case of Elisa Izquierdo has focused on the many ways the social welfare agencies dropped the ball. It has been said that there were numerous points in the story when some agency could have and should have intervened to remove Elisa and her siblings from her mother's custody.

I am not going to revisit that ground. Rather, my point is a broader one: Should our Federal law really push the envelope, so that extraordinary efforts are made to keep that family together—efforts that any of us in this Chamber or anyone listening would not consider reasonable?

Throughout human history, the family has been recognized as the bedrock of civilization. The family is where values are transmitted. It is where children learn behavior—develop their character—and form their personality.

Over the last couple of years, a remarkable convergence has occurred in American social thought. Liberals and conservatives are now in near-total agreement on the need to strengthen the family as an institution. Without stronger families, it will be impossible to avoid a social explosion in which troubled children turn into dysfunctional adults on a massive scale.

But what we are confronting in the terrible stories I have just recounted are not families. They are households that look like families—but are not.

If you look inside one of these households, you see some children. And you see some people who—superficially, at least—resemble parents. But this is not what you and I and most Americans mean when we talk about families.

In this type of family when we have heard the horror stories, the children are beaten and abused and neglected. Mr. President, what do we, as a society, do about these households—these households that are not families?

By 1980, the child welfare system in this country had come under some pretty strong criticism. That is why we have the bill. After many hearings, Congress concluded that abused and neglected children too often were unnecessarily removed from their parents—and very significantly that insufficient resources were devoted to the commendable task of preserving and reuniting families—and that children not able to return to their parents often drifted in foster care without ever finding a permanent home.

That is how the CWA came to be enacted. The phenomenon known as foster care drift—children who get lost in a child welfare system that cannot or will not find them a permanent home—simply had to be faced and reversed.

Let me interject at this point, Mr. President, that I had substantial experience on this issue before the passage of the CWA legislation in 1980. As long ago as 1973, I was serving as an assistant county prosecutor in Greene County, OH, and one of my duties was to represent the Greene County Children Services in cases where children were going to be removed from their parents' custody.

I saw first hand that too many of these cases dragged on forever. The children end up getting trapped in temporary foster care placements, which often entail multiple moves from foster home to foster home to foster home, for years and years and years.

Congress enacted the CWA to try to solve this very real problem. There were good reasons for the CWA, and the CWA has done a lot of good. There are some families that need a little help if they are going to stay together, and it is right for us to help them. Not only is it right—it is also clearly in the best interests of the child to reunite families when we can.

Mr. President, I ask unanimous consent for 5 additional minutes, and I apologize to my colleague.

Mr. EXON. Reserving the right to object, I would like to see what the parliamentary procedure is and ask the Chair to make a ruling. I have 15 minutes that was assigned to me under the original schedule, and also Senator LEAHY. The time is about up. I would not object to the request from the Senator so he can finish his remarks so long as the same procedure would be afforded to this Senator after he has finished his presentation.

The PRESIDING OFFICER. Is their objection to the Senator's request?

Hearing none, it is so ordered.

Mr. DEWINE. I thank my colleague. Again I apologize for taking his time and the Senate's time. But I would like to complete. It should not take any more than just a few more moments.

We should not be in the position of taking children away just because the parents are too poor—or just because there is a problem in the family. If the problem can be fixed, we must try to keep the family together for the children's benefit. It is just that at some point, when it comes to cases of child abuse and child neglect, we have to step in and say: ''Enough is enough. The child comes first.''

And that is where we are now, in a lot of cases. Fifteen years after the passage of the CWA, I think we need to revisit this issue, and see how the system is working in practice.

I believe we need to reemphasize what all of us agree on—the fact that the child ought to come first. We have to make the best interests of the child our top national priority.

In many of the cases we have looked at, it looks like the CWA has been not been correctly interpreted. At least that is the way it appears. Try to imagine what the authors of the CWA—the people who stood on this Senate floor and the House floor in 1979 and 1980—what would they have said if they had been asked: ''Should Joseph Wallace be sent back to his mother? Should this little Joseph, this little boy, be sent back?''

I cannot believe that anyone would say he should have been sent back. And I cannot believe that it was the authors' intent that it would take place. I cannot believe that they would say, ''In that case, and in every case, the child must be reunited with the adult at all costs.''

No, I don't think so.

Reasonable people agree, Mr. President, on one point: Nothing—nothing—should take precedence over the best interests of the child. It is common sense. And I think we need to make sure the CWA is interpreted consistently—and correctly—to reflect that common sense.

It is my hope that an important new book will spark the national debate that America need to have on this issue. The book is called ''The Book of David: How Preserving Families Can Cost Children's Lives,'' by Richard J. Gelles.

Dr. Gelles is the director of the Family Violence Research Program at the University of Rhode Island. For years, Dr. Gelles thought children should be permanently removed from their homes only as a last resort, even if it meant that the children may spend years moving back and forth between birth homes and foster homes. He now says—and I quote:

> It is a fiction to believe one can balance preservation and safety without tilting in favor of parents and placing children at risk.

He believes that the system is weighted too far toward giving the mother and father chance after chance after chance to put their life in order—putting the adults first, rather than putting the children first.

Even some social-work professionals will tell you how true this is. Krista Grevious, a Kentucky social worker with 21 years of experience, says:

> I think it's probably one of the most dangerous things we have ever done for children.

Patrick Murphy is the court-appointed lawyer for abused children in Cook County, Il. He says:

> Increasingly, people in this business do not look at things from the point of view of the child. But the child is the defenseless party here. We've forgotten that.

In 1993, Murphy published an article in the New York Times that put the problem in historical context. I quote from his article:

> The family preservation system is a continuation of sloppy thinking of the 1960's and 1970's that holds, as an unquestionable truth, that society should never blame a victim. Of course, the children are not considered the victims here. Rather the abusive parents are considered victims of poverty and addiction. This attitude is not only patronizing, it endangers children.

Marcia Robinson Lowry, head of the Children's Rights Project at the American Civil Liberties Union, sums it up. She says:

> We've oversold the fact that all families can be saved. All families can't be saved.

Mr. President, let me make this absolutely clear. I think there is nothing wrong with giving parents another chance. But we have to make sure the child comes first. Is that child going to get a second chance at growing up? A second chance to be 4 years old—the age when a personality is already fundamentally shaped?

Jann Heffner, the director of the Dave Thomas Foundation for Adoption, has a useful way of looking at this problem—the concept of ''kid days.'' When you are 3 years old, 1 month of experience does a lot to the formation of your personality. It is not a month that can be taken for granted, or treated as routine.

One helpful way of looking at it is this: If you are 50 years old, 1 year is 2 percent of your life. If you are 3 years old, 1 year is one-third of your life.

There is some important psychological activity going on with these children. And every day—every hour—really counts. Lynne Gallagher, director of the Arizona Governor's Office for Children, says:

> It's as though these people think we can put the kids in the deep freeze for awhile * * * and then pull them out when the parents are ready to parent.

We all know how crucial those formative years can be.

Let me return to the work of Dr. Gelles. He says:

> It is time to face up to the fact that some parents are not capable of being parents, cannot be changed, and should not continue to be allowed to care for children.

He advocates changes in Federal laws to protect children. He also thinks that child-protection officials should move to terminate parental rights sooner, thus freeing children for adoption.

I think the time is ripe for these changes. In New York City, Mayor Giuliani has pledged to shift the city's priorities away from family preservation—and toward protecting children from harm.

But we need to examine how much of the problem we face is a consequence of Federal law—the lack of precision of the CWA legislation back in 1980. And this is truly a national problem that needs a national response. According to the National Committee to Prevent Child Abuse, child abuse fatalities have increased by 40 percent between 1985 and 1995.

I think there is something the U.S. Congress should do about that. I think we should make it absolutely clear that the best interests of the child are the primary concern of social policy.

We need to examine, Mr. President, whether in fact the 1980 Child Welfare Act has been misinterpreted—and whether we need to clarify it so there can be no misunderstanding of Congress' intent. While family reunification is a laudable goal, and should usually be attempted, the best interests of the child should always come first. This, Mr. President, was the intention of the drafters of the 1980 law. Congress should reaffirm this—by making whatever clarification is necessary in the law.

To the extent that the 1980 law has been imprecise, ambiguous, and unclear, or just misinterpreted, it has contributed to the syndrome in which children move from child abuse to foster home to child abuse. It is time for us to break this cycle—to help children escape their abusers and find a permanent home before they have suffered absolutely irreparable physical and emotional damage.

If we make explicit our commitment to putting the best interests of the child first, in almost all cases that will mean family reunification. The best interests of the child are almost always served by reuniting and preserving families. But in the cases where family reunification is not in the best interest of the child, in those cases we must protect the child. Federal law must be clearly on the side of the child.

I intend to introduce—in the near future—legislation that will clarify once

and for all the intent of Congress on this issue. Congress should stand with the highest values of the American people. And the mind and heart of America are crystal clear on this issue: The children come first.

When they do not, we, as a society, as Americans, have every right to become outraged, to get mad—and demand change.

I simply conclude by saying we need to look at the best interests of the child. We need to reexamine this law. We need to look at how it is actually working.

I understand that this may be an uphill battle, that there is a reluctance to revisit this. But I think we should revisit it. I think we should look at it, keeping in mind only one thing, what really is in the best interests of children.

I ask unanimous consent that four articles on this subject be printed in the RECORD.

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

[From the Baltimore Sun, Dec. 4, 1995]

TINY COFFINS

(By Mona Charen)

WASHINGTON.—The death of 6-year-old Elisa Izquierdo, allegedly at the hands of her mother, has touched New York as few such cases do. Her funeral was attended by the city's mayor, the state's lieutenant governor and hundreds of mourners who didn't even know her.

It mystifies me that some cases of child abuse receive extravagant attention and evoke the tears and guilty questions they ought to arouse. Thousands of others are ignored, their funerals sparsely attended, their files closed, and we never ask how this is possible in a country that calls itself civilized. According to Richard Gelles of the University of Rhode Island, between 1,200 and 1,400 children are killed by their parents or caretakers every year in America. At least half are known to social-service agencies before they die.

Elisa Izquierdo had been tormented for a very long time. When she died from a severe beating, her body bore old scars of scores of other injuries. Neighbors recalled hearing her scream in pain and beg her mother not to hurt her. Her cousin, who had sued for custody, revealed that the mother had, among other tortures, forced the child to eat her own feces.

The number of New Yorkers who knew of Elisa's suffering but did nothing is astounding. She was being seen regularly by social-service workers at her kindergarten. She was known to the city's Child Welfare Administration and to a private agency that intervenes in troubled families.

Social service agencies nationwide complain that they are impossibly overburdened. ''There are people who have 40 cases,'' complained a caseworker to the New York Times. ''They don't have time to go back and make second visits.'' Budget cuts have made it even harder to do their jobs.

Who else can intervene?

Though I am generally opposed to bureaucracy, preventing child abuse is an exception. Who else but the government can intervene to protect these children? The number of children in foster care is increasing dramatically, from 434,000 in 1982 to more than 600,000 today. According to the American Public Welfare Association, 70 percent of those kids enter the system because of abuse, neglect or ''parental conditions'' including drug abuse. In the District of Columbia, social workers don't have enough cars or fax machines to keep abreast of their caseloads. If child protective agencies need more money, they should have it.

But the heart of the problem is not money; it is philosophy. Most social-service agencies pursue the goal of ''family preservation.'' Federal money is tied to state efforts to keep biological families together. Children, once removed from abusive homes, are returned again and again. Social workers see their jobs as the provision of ''services'' to parents who abuse their children. In one case the parents of 10 children were hurting some of them. The Child Welfare Administration assigned them a full-time housekeeper, lamenting only that budget cuts forced them to withdraw her after a year or so.

Unless social-service agencies nationwide can stiffen their spines, stop thinking of the abusing parents as the victims and focus on terminating parental rights in cases of abuse and neglect, this plague of tiny coffins will continue. There are thousands of would-be adoptive couples ready to provide loving homes for kids who have been abused. Yet the system frustrates them at every turn.

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[From the Tampa Tribune, Apr. 21, 1996]

TAKE CHILDREN OUT OF HARM'S WAY

(By Joan Beck)

Every day at least three children in America die—killed by their parents or caretakers. Often they are also the victims of efforts by child protection agencies to keep families together, whatever the risks.

Such a child was David Edwards, dead at the age of 15 months, whose mother, Darlene, 23, called 911 one morning to say her son wasn't breathing. Paramedics arrived quickly and immediately began CPR, inserting a breathing tube into his throat and rhythmically compressing his chest in hopes of keeping blood flowing to his brain.

Continuing CPR, the paramedics rushed David to a Rhode Island hospital, where further efforts at resuscitation were futile. An autopsy showed signs of repeated child abuse and suffocation. Investigators found that after David's father, Donald, had left for work, Darlene, who had been working as a prostitute out of their apartment, had entertained a ''trick.'' To keep David quiet, she forcibly held him down and suffocated him.

What's chilling is that David was known to be at deadly risk. His parents had earlier lost custody of David's older sister, Marie, because of severe abuse. The state child protective agency had been called twice about David. His father had raged at the caseworker when she tried to check on the child. But the casework plan had been to keep the family together.

Questioned after David's funeral, attended only by his grandparents and a state investigator, Darlene was charged with murder. She pleaded guilty to manslaughter and was sentenced to four years in prison, followed by a long probation.

There's nothing new about David's story. Similar tragedies are old stuff in big-city newspapers and on TV stations. Only the names of the children are different.

But David shouldn't have died, insists Richard J. Gelles, director of the family violence research program at the University of Rhode Island. Contributing to David's death, he says, are the laws, casework philosophy and public sentiments that keep emphasizing the rights of biological parents and the goal of family preservation.

Like David, more than half of the annual toll of 1,200 children killed by parents or caretakers were already known by state or local child protection agencies to be in danger. Their deaths are heartbreaking evidence that current policies and services are failing and must be changed.

But the answers don't come easy. The problems are overwhelming the system and getting worse, as dysfunctional families and single-parent homes increase, drug abuse grows and state agencies are dangerously pinched for resources. In his new book, ''The Book of David'' (subtitled ''How Preserving Families Can Cost children's Lives''), Gelles points out the worrisome realities. State and local child protection agencies get almost 3 million reports of abuse and neglect every year; about 38 percent are substantiated. Many charges are dismissed—in part because some child abuse and neglect can be difficult to detect.

The caseworkers who must make the life-and-death decisions about which children are actually in danger and how to help them, Gelles says, are typically in their 20s—liberal-arts majors with about 20 hours of training. Part of that training is how to fill out paperwork, and some of it emphasizes keeping families together.

But family preservation, however appealing its philosophy and goals, has been dangerously oversold as an answer to child abuse and neglect, Gelles insists—and as cost savings for taxpayers.

He urges that the rights of abusing parents be terminated much faster—after no more than a year, for example, for those with drug or alcohol problems who are not making good progress in rehabilitation. He would also end parental rights quickly in cases like David's in which abusing parents have already lost custody of another youngster.

Gelles concedes that the foster-care system is overwhelmed with the needs of all the children who should be placed out of their homes for their own safety. But his other solutions only nibble away at the problem.

Making endangered children available for adoption at the youngest ages possible gives them the best shot they can have at a safe and benign childhood, Gelles points out. Adoptive parents are easiest to find for babies and toddlers, before a youngster has been permanently damaged emotionally or physically by abuse.

Even David's sister was eventually adopted, although she was permanently disabled by her parents' abuse. New parents could easily have been found for David had the rights of his biological parents been terminated, Gelles points out.

Gelles also recommends setting up more small residential group homes. He says this setting gives a child the chance to make the long-term attachment to a caring adult that is psychologically essential, although he does not recommend such homes for youngsters under age 3.

Most important, every kind of help for abused children must put their safety first, Gelles insists, even at the expense of the rights of biological parents or the benign-sounding goals of family preservation.

Better solutions to problems of poverty, unemployment, dangerous neighborhoods, drugs, teen pregnancy, crime and poor schools would also help, Gelles agrees, in hopes of reducing abuse and neglect. Better welfare policies could help families ''where the overriding problems are those of poverty rather than inflicted injury or sexual abuse.''

Gelles knows there is no single answer to problems of child abuse. He acknowledges that family preservation efforts do help in some instances, that foster care sometimes fails, that money and public patience run out. But he has done a public service with his insistence that we make the well-being of children the center of our welfare and protection policies—in ways that we don't now.

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[From the Washington Post, May 12, 1996]

ADOPT A SENSE OF OUTRAGE

(By Mary McGrory)

After Sister Josephine finished her wrathful remarks about abused children at the spring adoption seminar in a Washington law office, the chairman, former Pennsylvania governor Robert P. Casey, spoke in praise of outrage.

''If you don't have a sense of outrage as a politician, you are not worth a damn. If you have lost it, get out of politics.''

He is quite right. Sister Josephine Murphy of the Daughters of Charity told of the grossly abused babies who pass through her hands at St. Ann's Infant and Maternity Home in Hyattsville, where she is the administrator. I add, in the interests of full disclosure, that I am a friend and fan of hers and awestruck at her competence. I believe she could run the Defense Department. I am familiar with her views on what she regards as the uneven contest between women and children—she notes with asperity the hullabaloo over rape in contrast to the relatively mild sentences for infanticide.

She described graphically the sufferings of the abused, abandoned and neglected; infants who have been burned at an open fire; children raped and assaulted—and sent back to their abusive homes by judges who don't care to know what is happening. She told of a 7-year-old boy who reproached her for sending him home. He warned her that when he grew up he was going to ''go out and kill my mother's boyfriend.'' She had a warning too. ''The money we don't spend protecting children we will have to spend on jails.''

The Family Reunification and Preservation Act is the cause of these grotesque practices. The body count of children abused to death in 1995 was 1,271, according to the National Committee to Prevent Child Abuse. Yet in the much-praised adoption reform bills being pushed through Congress in time for Mother's Day, no mention is made of this.

The law's folly—requiring social workers to make ''reasonable efforts'' to send a child back to abusive parents—was remarked upon at the seminar by William Pierce, president of the National Council for Adoption. Imagine, he said, if a wife-batterer were brought into court and the judge ordered the wife to return to him while he tried to straighten out.

The pendulum has begun to swing the other way, Casey says. Some states have passed laws requiring delinquent parents to improve within a year—or forego their parental rights.

Why don't politicians seize on this deadly danger to children? Well, it could be dangerous to them. Douglas Besharov of the American Enterprise Institute, a leading authority on child welfare, points out the political trickiness of revising the statute. ''Don't forget,'' he says, ''that six years ago David Dinkins ran for mayor of New York against [Ed] Koch on a charge that he was taking too many black kids away from their families.''

Maybe that is why today's mayor, Rudy Giuliani, one of the most astute politicians in the country, is avoiding the issue in the most notorious (and still reverberating) child-abuse horror: the murder of 6-year old Elisa Izquierdo by her mother. Giuliani has created a new child welfare agency and a review panel that issued a voluminous report and suspended two employees involved in the case. But he never came to grips with the crime in the courtroom.

Elisa had been in the care of her adoring father. When he died, his sister, Elisa's aunt, applied for custody. But under the Family Reunification Act, the judge gave Elisa into the care of her mad mother. Given that the numerous social workers involved should have been more watchful and more demanding, the mayor should have realized that the tragedy began with the custody award.

Beshasrov, who served on the mayor's commission, says the terrible irony is that the judge who made the decision had had Elisa's mother before her when the first custody choice was made. She apparently forgot all about it—and had no lawyer or clerk to remind her, thereby sentencing Elisa to beatings and tortures and eventual death.

Too bad Giuliani didn't read ''The Book of David,'' also a true-life tale, by Richard Gelles of the Family Violence Research Program of the University of Rhode Island. Gelles, author of 20 books about child welfare, is currently in Washington, working for Sen. Fred Thompson (R–Tenn) on adoption laws. David, 15 months old, died at the hands of his mother, a part-time prostitute. It was avoidable. His mother had also abused David's older sister, almost to death. Gelles shows the tension in social workers who must work under warring mandates: investigating abusive parents while drawing up plans to reunite them with their endangered children.

The policy, Gelles says, comes of ''a persistent unwillingness to put children first.'' It is also the unwillingness of public men to break shibboleths. We as a nation, profess to believe that all mothers are like Whistler's and that a ''family'' can consist of one female, a drug addict and a ''home,'' a drug den. As Casey says, outrage is needed.

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[From the Weekly Standard, May 27, 1996]

TWO WORDS THAT KILL

(By Richard J. Gelles)

What if, by changing two words in a federal law, you could prevent the deaths of hundreds of children each year and also prevent tens or even hundreds of thousands of abused children from being victimized again and again?

For 16 years, child welfare policies have been guided by two words: ''reasonable efforts.'' One of the cornerstones of the Adoption Assistance and Child Welfare Act of 1980 (PL 96–272) was the mandate that states make ''reasonable efforts'' to keep or reunite abused and neglected children with their biological parents. This provision was designed to reduce the number of maltreated children placed in foster care. Although reducing the cost of out-of-home placement was certainly a factor behind the reasonable-efforts provision, the major rationale for these two words was the deep-seated belief that children do best when raised by their biological parents and that parents will stop maltreating their children if they are provided with sufficient personal, social and economic resources.

There was bipartisan support for the doctrine of reasonable efforts. Conservatives supported it because it was consistent with a family-values approach to social policy. Liberals supported it because it was in the best tradition of the safety net for children and families in need. Child advocates enthusiastically embraced ''reasonable efforts'' because they saw taking children from abusive parents as even more harmful than the abuse, because they felt there was subtle racism in the child welfare system that made minority children more likely to be placed in foster care, and because ''reasonable efforts'' created a new funding stream for a social service system whose funding, in the 1980s, was being restricted or cut.

Soon after the adoption of the doctrine of reasonable efforts, family-preservation programs were developed. These provide intensive services, such as parent education, help with housekeeping, and assistance dealing with the bureaucracy, to families deemed at risk of having their children removed. Financially supported and marketed by private foundations such as the Edna McConnell Clark Foundation, embraced by the Children's Defense Fund and the Child Welfare League of America, and ultimately the recipient of $1 billion of federal support, intensive family-preservation programs are touted as able to both preserve families and protect children.

But reasonable efforts and intensive family preservation have been a false promise. Child-welfare-agency directors and workers believe that family preservation and child safety can be balanced. Because they believe family-preservation programs are effective, child welfare agencies and workers often make every possible effort to preserve families, even when what they are preserving could hardly be called a family and even when there is no evidence that the parents can or will change their abusive behavior. There have been nearly a dozen scientifically reputable evaluations of intensive family-preservation programs and not one has found that such programs reduce costs, reduce out-of-home placements, or improve child safety. Similarly, research finds that children need a stable, giving caretaker, not necessary a biological caretaker.

It is a fiction to believe one can balance preservation and safety without tilting in favor of parents and placing children at risk. More than 1,200 children are killed by their parents or caretakers such year, and nearly half of these children are killed after they or their parents have come to the attention of child welfare agencies. Tens of thousands, if not hundreds of thousands, of children are re-abused each year after they or their parents have been identified by child welfare agencies.

It is time to replace the words ''reasonable efforts'' with two others: ''child safety.'' It is time to fact up to the fact that some parents are not capable of being parents, cannot be changed, and should not continue to be allowed to care for children. Of course, the change will be a bit difficult than merely substituting two words. There will be howls of protest from advocates who will claim that abolishing ''reasonable efforts'' means that more children will be placed in foster care, thus straining already over-taxed state child welfare budgets. Claims that children are abused or harmed by foster care will also be trotted out, typically without actual research to support such claims. Indeed, some children are harmed in foster care, but research does show that abused children placed out of the home do better in the short and long runs than children left with abusive and neglectful parents. Advocates will also argue that child welfare policy should not be based on child fatalities, because such fatalities are rare. Well, child fatalities are not rare enough. Elisa Izquierdo in New York City, Joseph Wallace in Chicago, and hundreds of other less publicized child fatalities were the direct results of unreasonable efforts to keep children with their abusive biological caretakers. A change in two words will force child welfare agencies to take steps to enhance and speed up adoptions and to consider the use of congregate care facilities (or what some have called ''orphanages'') for some children who have no other safe permanent home.

The 1995 report on child fatalities by the U.S. Advisory Board on Child Abuse and Neglect was dedicated to children killed by parents or caretakers and concluded with a recommendation that all child and family programs make child safety a ''major priority.'' Changing two words in welfare reform legislation now before Congress would go a long way toward achieving that goal.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that whatever time beyond the hour of 10:30 is taken in morning business be added on to the period of time for debate so that, on the Missile Defense Act, there is still a total of 2 hours equally divided between the two sides.

Mr. EXON. May I ask a question? Will the Senator yield for a question?

Mr. KYL. Certainly.

Mr. EXON. Would the Senator also add on 3 minutes for the Senator from Massachusetts?

Mr. KYL. Certainly. I will add that to the unanimous-consent request.

The PRESIDING OFFICER. Under the unanimous consent, the Senator from Nebraska has 15 minutes, the Senator from Massachusetts has 3 minutes, which will be added on to make 2 hours for missile defense.

The Senator from Nebraska.

Mr. EXON. Mr. President, if I have the floor, I yield 3 minutes to the Senator from Massachusetts at this time.

The PRESIDING OFFICER. The Senator from Massachusetts.

## HIGHER EDUCATION

Mr. KENNEDY. Mr. President, I rise just to take a moment of the Senate's time to alert the membership, and also those who are interested in education, about the President's speech at Princeton University, which is taking place at 10:40 today. That will be a very important speech about this Nation's commitment in the area of higher education. What we are going to see at our universities, over the period of the next 7 years, is an expansion of the number of students by some 12 percent.

As we debated the recent budget resolution, there was going to be a continuing deterioration in the support for the Pell grants. Under the proposal that the President is advancing today, effectively what he is going to be putting before the Congress is a guarantee for continuing education for any high school students who get a B average in their senior year, to go to a community college and be able to put together an expanded Pell grant plus some refundable credits so that students will be able to attend community colleges.

More than 66 percent of the Nation's community colleges will be eligible. This, I think, is a strong commitment to provide incentives to young people to continue their education. It is a national commitment to make sure that education has the priority that I believe most families believe it should have, in terms of our Nation's commitment.

At an appropriate time I will present for the RECORD a statement and additional comments, but it does seem to me this is a bold initiative in the area of education that ought to have appeal to every working family in this country who dreams about educational opportunities for its children.

I thank the Senator from Nebraska and I yield whatever remaining time I have.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## DEFEND AMERICA ACT OF 1996—MOTION TO PROCEED

The PRESIDING OFFICER. The Senate will now resume consideration of the motion to proceed to S. 1635. The clerk will report.

The bill clerk read as follows:

A motion to proceed to the consideration of the bill (S. 1635) to establish a United States policy for the deployment of a national missile defense system, and for other purposes.

The Senate resumed consideration of the motion to proceed.

The PRESIDING OFFICER. Under the unanimous-consent agreement, there will be 2 hours allotted to this issue.

Mr. EXON. Mr. President, the Dole star wars bill the Senate is debating is a reckless and expensive attempt to recreate the nostalgia of the cold war through the regrettable and unwarranted use of fear and fabrication. Over the last several years, the majority has resolutely turned a deaf ear to the objections of millions of men, women, and children at risk while it continually snips away at America's safety net. But in a conversion worthy of Jekyll and Hyde, the majority is passionately arguing that we throw open the Treasury doors to create a new defense safety net to take the place of the social safety net it is intent on unraveling. Multibillion-dollar missile launchers will replace school lunches in this new gilded net. Guns in the sky will replace efforts to remove guns from our school playgrounds. Money that used to help the poor buy heating fuel in winter will now heat lasers orbiting the Earth.

The underlying premise of the Dole star wars bill is that the ballistic missile threat targeted toward the United States is so great, so urgent that nothing short of a crash program similar to the race to the Moon in the 1960's will do. No cost to the American taxpayers is too great. No arms control treaty is too valuable. The siren call behind the Dole star wars bill is a seductive one indeed: If you believe in a strong national defense, then you must be willing to shield America against missile attack—a missile attack anywhere, anytime—regardless of the consequences. But, like the sirens tempting Odysseus, to heed the call will bring catastrophe, not security.

The packaging of the Dole star wars bill is slick and the rhetoric is packed with chest-thumping patriotism. But the issue of missile defense is much more complex than it may seem to some. A number of questions need to be asked and answered before the Senate can judge the need to embark on a crash program to field a national missile defense system in 6 years.

What is the threat of ballistic missile attack facing the United States today and in the near future?

From where does this threat originate? And are there other less costly, more effective means of meeting this threat, whatever it is?

What is meant when the bill requires a defense against a ''limited, unauthorized, and accidental attack'' What is the likelihood of such attacks occurring? And what type of missile defense is necessary in order to blunt such an attack if there is one?

What type of attacks against the United States using weapons of mass destruction would the Dole star wars system be powerless to defend against? How are we as a nation addressing this terrorist threat and how would pursuing a star wars system affect the timeliness of these efforts?

What is the cost of the mandate contained in the Dole star wars bill and how will it be paid for? Or to turn the question around, what social program or other defense priority will suffer as a result of this expensive undertaking.

What are the consequences of fielding a missile defense system that violates the existing limitations of the ABM Treaty, as required by the Dole star wars bill?

Will implementation of the START I Treaty be endangered?

Will ratification of the START II Treaty by the Russian Duma be jeopardized if we renege on our ABM Treaty obligation?

Will it affect other arms control agreements pending or in the future if America backs down and violates a treaty, such treaties as the Chemicals Weapons Convention and the Comprehensive Test Ban Treaty?

Will implementation of the Dole star wars system prompt an expensive and destabilizing arms race which would otherwise not occur?

Is missile defense technology sufficiently mature to mandate a 2003 deployment date? Of course not.

Will the fly-before-you-buy principle be applied to this highly advanced and sophisticated technology through extensive testing and evaluation prior to the operational deployment?

What has been the record of missile defense testing to date? That is an important question.

Are we rushing to judgment on certain technologies which may be obsolete and marginally effective in order to meet an arbitrary date upon which there is no basis for its selection?

Finally, what are the alleged shortcomings of the administration's 3-plus-3 missile defense plan which the Dole star wars bill professes to correct?

The Secretary of Defense, the Chairman of the Joint Chiefs, and the service chiefs are in solid support of the two-step plan to develop the technology over the next 3 years and then—

and then, Mr. President, and then only—make a decision as to the wisdom of deploying in 3 years. Why is this unanimous opinion of the civilian and military leadership of this country in the Pentagon not sound?

These are just a few of the questions relevant to the Dole star wars bill at 9½ pages in length. That is what that bill takes up. The bill is deceptively modest, but beyond the printed words are many consequences, both intended and perhaps unintended, which must be seriously considered, I suggest, before far-reaching legislation is voted upon.

In a general sense, I am disappointed that the majority is insisting on raising the Dole star wars bill at this time. Why is that necessary? The issue is already intractably ensnarled in the web of Presidential politics, and I lament the unavoidable reality that support for the Dole star wars bill by Members of the majority party will be seen as some sort of test of party allegiance and debate concerning important national security issues, such as missile defenses, should be separated—should be separated—completely, Mr. President, from the game of Presidential chess playing.

Senator DOLE, in his May 23 opening statement on this bill, made it clear that the two shall be intertwined. Perhaps the most curious statement made by Senator DOLE during his initial floor debate was when he disavowed forcing the Secretary of Defense to do anything, though the bill mandates the deployment of a highly effective multilayered missile defense system capable of intersecting dozens of warheads. Senator DOLE is quoted in the CONGRESSIONAL RECORD as saying:

> The choice of what type of system is left up to the Secretary of Defense . . . The decision on what is affordable and effective is left up to the Secretary of Defense.

Why is it that the distinguished majority leader professes to defer to the Secretary of Defense on such fundamental aspects of the program details but feels compelled to overturn his wisdom on the need—on the need—for and timing of the deployment of a national defense missile system?

The Senate cannot have it both ways. If Congress forces the hand of the Pentagon contrary to its wishes to decide in 1996 that we shall deploy such a system by the year 2003, we cannot walk away from the cost of the decision, the limitation it places on the type of architecture to be used and the consequences such a preemptive breach of the ABM Treaty will have on other aspects of arms control treaties that are ongoing and also affects the future efforts to curb the proliferation of weapons of mass destruction.

Mr. President, approval of the Dole star wars bill will have a definite anti effect and serious consequences, not the least of which are in the area of cost. In the last 34 years, the United States has spent $100 billion on missile defense programs. To proceed, as the Dole star wars bill would have us do, would cost the U.S. taxpayers, according to the Congressional Budget Office, $31 to $60 billion, not including operating and support costs associated with the system once it is deployed or the cost of buying and launching the satellites necessary to maintain the system as existing satellites begin to fail.

According to CBO, the postdeployment costs would reach a few hundred million dollars annually by 2005 when ground-based systems and space-based sensors would be in place. After 2010, though, operating and support costs would increase significantly because of the need to launch replacements for any space-based system which wear out over time.

The CBO goes on to predict that at some point, new technology or reassessment of the defense situation could lead to changes in the system which could raise the costs even much higher. Overall costs to implement the Dole star wars bill could easily approach $70 to $80 billion. This is in addition to the $100 billion our Nation has already spent on missile defense programs.

Mr. President, a word of caution. Our Nation is also pursuing a multilayered theater missile defense system to protect our troops in the field against ballistic missile attack. I strongly support this, as does the President and the members of the Joint Chiefs. This Senator agrees with our uniform and civilian leaders that the theater missile defenses is our most immediate concern and deserves to be our top priority. But the pricetag for developing, producing, deploying, and operating these land-based and sea-based theater systems will add a minimum of $20 to $30 billion, increasing our running missile defense bill to nearly one-quarter of a trillion dollars before it is all over.

Before we can commit to building a $60 billion national missile defense system, perhaps there should be a more involved discussion, Mr. President, of who or what are we defending against. Three of the four nations capable of launching a nuclear-armed intercontinental ballistic missile are American allies. And the fourth, China, possesses an arsenal that could easily overwhelm the sort of limited defense mandated by the Dole star wars bill, though why China would launch such a suicidal nuclear holocaust is difficult to imagine.

The best national intelligence estimate we have is that the threat of a Third World nation possessing the capability to strike the United States is at least 50 years away. Furthermore, the nation most often mentioned as a rogue state and emerging threat to the United States is North Korea, though they have not ever developed or tested a missile anywhere near capable of striking a major U.S. population center.

Furthermore, current reports are that North Korea is economically bankrupt and in the process of melting down internally. Unable to feed itself, the North Korean Army is reported to be eating grass and roots in order to survive. What chance does the North Korean Communist regime have to survive another 15 years, not to mention at the same time developing and deploying a nuclear weapon and a missile delivery system that could be successful in targeting the United States, at least in that timeframe?

Most people in the United States understand that the United States must be more realistic, and the likely attack on American soil using a weapon of mass destruction would come in the form of a terrorist attack similar to what took place at the World Trade Center or in Oklahoma City.

Terrorist groups have the means today to launch an attack that could kill thousands of Americans using chemical and biological weaponry. As an open society, we are as a nation at extremely high risk and vulnerable to such attack. Only through the fine work of our intelligence and law enforcement community have many of these plots been foiled.

Why would a terrorist group or rogue nation spend 15 to 20 years and billions of dollars to manufacture a rudimentary——

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

Mr. EXON. Mr. President, I ask unanimous consent for an additional 4 minutes.

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

Mr. EXON. Why would a terrorist group or rogue nation spend 15 or 20 years and billions of dollars to manufacture a rudimentary nuclear warhead and long-range ballistic missile delivery system which would lead a noticeable trail from where it was launched, when a weapon concealed in a suitcase or on the back of a rented truck can do the same job right now at a small fraction of the cost and with much greater anonymity?

Not only is the Dole star wars system useless in defending America against such a threat, it would divert scarce resources from the immediate and pressing concerns of combating terrorism and protecting our troops in the field against theater ballistic missile attacks.

Aside from the cost of the Dole Star Wars Program, Mr. President, the question of the need to pursue a crash program of a decision to deploy a system that is not in compliance with the ABM Treaty carries with it immense consequences, not only as to the reliability of the United States to uphold its treaty obligations, but also the future of ongoing arms control programs and policies. It would be sadly ironic from the standpoint of whether other nations would believe us if passage of the Dole star wars bill jeopardizes implementation of the START I and ratification of START II by the Russian Duma. That would be a tragedy, and we cannot accept that risk. These accords, if fully realized, would eliminate over 5,000 nuclear warheads designed to strike America.

We cannot be frivolous about the future of START I and START II. These are the most significant arms reduction treaties in the history of mankind, major strides away from the prospect of nuclear holocaust and the lingering shadow of the cold war. Abrogation of the ABM Treaty in the pursuit of enhanced national security would be foolhardy if it halted the destruction of the very nuclear weapon delivery systems we are trying to defend against. Such a scenario, if played out, would likely endanger other concrete efforts, such as the Chemical Weapons Convention and the Comprehensive Test Ban Treaty, to halt the spread of weapons of mass destruction.

In short, our actions, if we go for and vote for the Dole star wars bill, should not be considered in a vacuum. Intended or not, implementation of the Dole star wars bill would have a far-reaching, chilling effect on the future of arms control.

Often forgotten in the debate on the national missile defense is the question of whether technology is sufficiently mature enough to mandate the year 2003 as the deployment date. The record of missile interceptor testing to date and in the foreseeable future is one of more failure than success. In the rush to deploy a prototype system using highly advanced and sophisticated technology by the year 2003, we will be forsaking, Mr. President, the-fly-before-you-buy principle that has served us well in recent years.

Not only will we be limiting the testing and evaluation of the system in a push to field a system at an earlier and unnecessary date, we will be locking ourselves into certain technologies which may become obsolete by the year 2003.

Contrary to the claims of the proponents of this bill, the administration is pursuing a program to develop and deploy a continental missile system to meet the future threat. The so-called 3-plus-3 Program is a two-step plan to develop the necessary technology over the next 3 years and then make a decision as to the wisdom of deploying a system in the subsequent 3 years. The Secretary of Defense, the Chairman of the Joint Chiefs, and the Service Chiefs are in solid support of this reasonable and responsible approach. Our best war-fighters and intelligence experts agree that approval of the Dole star wars plan would be folly in that the threat simply does not exist in the near term to justify jeopardizing the arms control treaties that will allow the military to fund other spending priorities within the military.

The American people understand the folly of the Dole star wars bill as well. I have a collection of over three dozen newspaper editorials from around the country in opposition to this bill. I ask unanimous consent that excerpts of these editorials in opposition to the Dole star wars bill be printed in the RECORD so that my colleagues can better understand what the American public is saying about the Dole star wars bill before they cast their votes on this expensive, unnecessary, and destabilizing proposition.

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

AMERICA'S EDITORS OPPOSE NEW STAR WARS PLANS

Now, here's Dole & Co., seeking another $20 billion for that gold-plated rat hole, lest we become vulnerable to North Korea or Libya, a truly screwball idea. Never mind that a few well-placed cruise missile could erase both nations' military capability.—''Resurrection of Star Wars,'' the Chattanooga Times, Chattanooga, TN, May 15, 1996.

The Clinton administration . . . takes the reasonable position that Washington should be certain of the kind of threat it is trying to protect against before committing to such a system. . . . This new and unimproved proposal to commit as much as $20 billion to an unproven, destabilizing defense system is nothing more than a political ploy that trivializes a deadly serious issue.—''Indefensible Then and Now,'' St. Petersburg Times, St. Petersburg, FL, May 19, 1996.

One of the most wasteful items (in the House defense budget) is the $4 billion earmarked to construct a missile defense system by 2003. This dubious ''Son of Star Wars'' could wind up costing as much as $54 billion before it finally could be deployed.—''Fort Pork Gets Reinforced,'' the Miami Herald, Miami, FL, May 20, 1996.

The Defend America Act is a transparent effort to manufacture an issue to help resuscitate the Dole campaign. Election-year pressures are no excuse for spending billions of dollars to produce a missile defense system that is likely to be out of date the day it is completed.—''Star Wars, the Sequel,'' the New York Times, May 14, 1996.

It doesn't make any sense to be cutting budgets for students, the elderly, and low-income families so that the Pentagon can have billions more to develop a missile defense system that will be outdated by the time any nation poses a threat.—''Costly Rush to Star Wars Weapons,'' Idaho Falls Post-Register, Idaho Falls, ID, May 17, 1996.

Clinton's approach to spend a few million dollars on missile-defense research while monitoring hostile nations makes eminently more sense.—''Errant Missile: Clinton Should Challenge Defense Budget,'' Star Tribune, Minneapolis, MN, May 24, 1996.

Why waste billions on a system that will not work to defend against a threat that does not exist? Congressional Republicans are trying to buy an election issue with taxpayers' money.—''If Missile-Defense Systems were Horses,'' the Atlanta Constitution, Atlanta, GA, May 23, 1996.

When lawmakers fixate on boosting defense industries in their districts, when partisans demagogue a defend-America issue. . . . you can bet there'll be precious little peace dividend left to apply against America's mountain of debt.—''Cold Warriors Spend On,'' the Atlanta Journal/The Atlanta Constitution, Atlanta, GA, May 19, 1996.

Call it the $60 billion campaign promise. . . . There is no guarantee the new system will work. The United States spent $35 billion on Reagan's Star Wars dream and built nothing.—''Star Wars is an Awfully Expensive Republican Dream,'' the Hartford Courant, May 25, 1996.

And for all claims of defending America against any and all attacks, the most sophisticated space-based defense system is helpless in the face of a single, earth-bound terrorist hell-bent on destruction.—''Does U.S. Need New Defense System,'' the Plain Dealer, Cleveland, OH, May 5, 1996.

You do not place the fate of thousands of American lives on unproven technology of uncertain proficiency. You eliminate the threat before it eliminates you, a strategy that would make deployment of a missile defense system pointless and redundant.—''Offense is Best Missile Defense: America needs a system to protect deployed troops, but should take out attack capability of rogue nation,'' Patriot and Evening News, Harrisburg, PA, May 13, 1996.

If it makes sense to support Star Wars to defend our nation from a possible future nuclear attack by North Korea and Libya, doesn't it logically follow that we should discourage nations from spreading nuclear weapons to Pakistan? If we really want to protect our nation from nuclear attack, doesn't it make sense to do as much as possible to dismantle nuclear weapons that are already in place, able to reach the United States?—''What's Riggs' Defense Stand?'' the Napa Valley Register, Napa, CA, May 14, 1996.

Actions taken by Congress last week suggest that federal funding priorities remain as skewed as ever. . . . It is difficult if not impossible to accurately estimate the costs of Dole's ''Defend America Act.'' Costs could range from $5 billion. . . . to more than $44 billion. . . . This despite the fact that only China and the former Soviet Union possess ballistic missiles capable of reaching the United States at this time.—''How Much for Defense?'' Intelligencer-Journal, Lancaster, PA, May 16, 1996.

Political and budgetary considerations aside, a national missile defense system should not be developed until the proper technology is at hand.—''The Missile Flap,'' the Boston Globe, May 23, 1996.

Congress' worst-kept secret is out: Members are acknowledging . . . that defense spending is driven in part by its value as a local jobs program, not necessarily by the nation's priority needs. . . . Most contentious is the congressional stampede to rush new spending on a missile defense program when the CIA says the threat remains highly remove.—''Using Defense Budget as Jobs Program Robs Public,'' USA Today, May 20, 1996.

In the defense bills passed by the House and the Senate, GOP lawmakers seem to think money is no object. The same Congress that is shredding the safety net for the poor, raising the cost of college for students and shrinking Medicare is pushing on the Pentagon weapons the military doesn't want or need. That kind of profigacy surely deserves the veto president Clinton is weighing.—''The Defense Pork Barrel,'' the Sacramento Bee, Sacramento, CA, September 15, 1995.

The president must balance the true need for this investment in preparedness against the pledge to balance the budget in seven years and, more importantly, against the level of preparedness potentially lost in such areas as education, job training and health care if the money is to be found for the military.—''Military Questions and Spending.'' Bangor Daily News, Bangor, ME, May 16, 1996.

The GOP revival of Star Wars, dubbed by its sponsors the ''Defend America Act,'' looks more political than military in intent. . . . If ''SDI-the Sequel'' passes, Mr. Clinton should veto it, and remind Americans they need to be spending scarce resources on ongoing social and economic, not military, battles.—''Newt's War Toy,'' the Berkshire Eagle, Pittsfield, MA, May 12, 1996.

The administration's plan is realistic both in facing up to a rogue-missile threat and in taking into account the considered view of U.S. intelligence that the threat is more than 15 years away.—''Prudent Steps on Missile Defense,'' the Washington Post, May 14, 1996.

Shorter-range missiles are an immediate danger to US forces stationed overseas . . . Theater missile defenses thus make more sense and should have a faster development rack, as in fact they do. To try to invert these priorities and make a pitch for quick development of a system for national defense . . . is foolishness. It would divert money from more-important defense needs.—''Spacey on Defense,'' the Christian Science Monitor, May 17, 1996.

Those who oppose missile defense as destabilizing owe it to this nation to conduct a thorough review. It is appropriate to ask whether the U.S. should develop and deploy a more modest system . . . A thoughtful analysis produces this policy: robust research, yes, but no to setting an artificial date for deployment before these questions are answered.—''A Wise Pause on Missile Defense,'' Chicago Tribune, May 24, 1996.

Mr. EXON. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I am standing in momentarily for Senator DOLE. I will call on Senator SMITH in just a moment.

First, I ask unanimous consent that the executive summary, some three or four pages of a document entitled the ''National Missile Defense Options'' prepared in response to the House National Security Committee by the Ballistic Missile Defense Organization, dated July 31, 1995, be printed in the RECORD.

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

(From the Ballistic Missile Defense Organization)

NATIONAL MISSILE DEFENSE OPTIONS

ABSTRACT

This document responds to a request from the House National Security Committee to report on specific programmatic, funding, and architecture options for the development and deployment of national missile defenses. As requested, it describes architecture options that contain only ground based elements, those that contain only space-based elements, and those with both. The architectures described in the report build on the current BMDO program, including the legacy from previous years. With adequate funding and streamlined acquisition, initial operational capability of these options ranges from FY2000 to 2007, preliminary cost estimates range from $4,800M to $43,100M (FY 95 $), and relative risks range from low to high. The architectures span a large range in the threat levels against which they can protect, in their estimated cost, and in their support to theater missile defense. None of the architectures has been formally evaluated for compliance with the ABM Treaty.

EXECUTIVE SUMMARY

In response to a request from the House National Security Committee, dated February 21, 1995, this report describes a variety of architectures that could be deployed for National Missile Defense. In keeping with the DOD thrust for acquisition reform, the costs and schedules are predicated on successful acquisition streamlining to reduce acquisition costs and shorten schedules for an operational capability.

Consistent with the specifics of the request, the report describes example alternative architectures that are compatible with technologies and prototypes being developed by BMDO, and that could be made available for deployment. The report provides estimates of their effectiveness, schedules, relative risks, and requirements for acquisition and deployment funding. The architecture options are meant to be representative of general classes of national missile defense systems. The performance levels, which are also meant to be representative, are in fact dependent on many variables, such as threat characteristics and operational procedures. The examples presented are not ''tuned'' to any particular threat or defense mission, so that modified weapon or sensor inventories could provide different performance and could handle different threats.

BMDO does not advocate any one or another of these architectures or architecture classes as end point systems. Rather, our current program has adopted a strategy of evolutionary defense. This strategy addresses the wide range of threat possibilities existing in the uncertain and unpredictable future. The range of such threats includes events such as a third world nation acquiring and threatening to use a few ballistic missiles armed with weapons of mass destruction, China using its ballistic missiles to prevent US action in Korea, an unauthorized limited attack used to instigate a conflict, or a return to a nuclear standoff with a major nuclear power. The BMDO program addresses all of these, consistent with the assessed likelihood of these threats and within its allotted funds.

With adequate annual budgets, all of the architectures presented here can lead to an initial operational capability between 2000 and 2007, but with varying risks. These dates are, in some cases, earlier operational timeframes than have been previously described for NMD options. These later dates were valid because the programs were budget constrained, used more traditional acquisition approaches, and risks were limited to be low to moderate.

Figure EX–1[1] identifies the four architecture classes discussed in the report—each with a range of capabilities and acquisition costs as illustrated. These architectures are classified by where their sensors and weapons would be based. Other concepts that include potentially promising sea-based or Navy systems will be addressed in future reports.

The costs reflected by this report are rough order of magnitude (ROM) projections of the remaining development and acquisition costs in FY95 dollars. They reflect anticipated savings from acquisition streamlining and have been developed using a standard set of assumptions, some of which might not actually be implemented on any given program. The candidate National Missile Defense elements discussed here are not now in an acquisition program and have not been subjected to the rigorous planning and costing reviews usually associated with defense acquisition.

Two measures of capability are reflected in the figure: the threat levels to which the architecture can deny damage to the United States with at least 50 percent probability, which is equivalent to enforcing less than one leaker (on average), and the area protected (i.e., US only or global). The use of damage denial probability was chosen as the appropriate measure of effectiveness for this report because it follows from the Operational Requirements Document (ORD) established for Ballistic Missile Defense and validated by the Joint Requirements Oversight Council (JROC). This requirement specified the confidence level and the probability that no warheads would penetrate a defense system in the face of a ballistic missile attack.

[1] Figure EX–1 not reproducible in the RECORD.

Threat levels considered in this report range from an attack by four unsophisticated warheads, to an attack by 200 MIRV warheads with complex payloads launched nearly simultaneously by 20 boosters. The largest attack used in this report is consistent with the existing JROC-validated operational requirement for National Missile Defense. This requirement was previously shown, in the GPALS COEA and other analyses, to require multilayer defenses with space based elements for high effectiveness. Some degradation in performance could arise due to the responses that threat countries might take to the presence of any specific defense we might deploy, but such responses can be offset by straightforward upgrades to the defenses discussed in this report. Threats containing greater than 200 warheads also remain possible for the foreseeable future.

The damage denial performance of an architecture is an extremely stringent measure of effectiveness, demanding that, on the average, leakage be reduced to one warhead or less. Less perfect defense performance, such as the negation of 190 of 200 attacking warheads, would also be highly valuable both as a defense and as a deterrent to the use of ballistic missiles.

Accordingly, in the body of this report, we also show how well each of the architectural variants could negate the warheads in the spectrum of representative attacks we considered.

Figure EX–2 provides a brief description and summary of the four architecture classes in this report, which are all supported by our NMD architecture strategy and modular approach. Additional design, performance, and programmatic details follow. None of the proposed systems has been formally evaluated for compliance with the ABM Treaty.

''All Ground Based'' architectures have BM/C$^3$, ground based radars and ground based interceptors. The ground based radars include early warning radars, other existing radars and BMD radars. In common with the other architectures, DSP or SBIRs (High) provide cueing to the BMD system. Entry level defenses with 20 interceptors at Grand Forks could deny damage against a few warheads, with moderate relative risk, by FY 1999 to 2000 for an estimated $3,500M (the BMDO Tiger Team ''2+2'' solution) or by late FY 2001 with low-moderate relative risk for an estimated $4,800M. Expanding the systems to multiple sites with more radars and interceptors, at costs up to about $12,200M, could increase the defense effectiveness. These expanded architectures could achieve ''good'' damage denial performance against threats of up to about 50 warheads.

''Ground Based/Space Sensor'' architectures contain BM/C$^3$, ground based radars, a space based sensor constellation, Space and Missile Tracking System (SBIRs [low]), formerly known as Brilliant Eyes), and ground based interceptors. The space sensors improve this architecture's performance. It could be operational by FY 2004 with moderate relative risk. This is BMDO's ''objective architecture'' that is the focus of the current NMD Technology Readiness Program. An initial one-site, 100–GBI option, Case A, costing an estimated $11,000M, could provide ''good'' performance for threats of about 20 warheads. Expanded inventories and additional interceptor/radar sites could achieve ''good'' performance against threat levels of 70 warheads or more with costs up to about $20,100M.

''All Space Based'' architectures would achieve a higher capability against MIRV systems and provide coverage of assets beyond the United States with costs starting at about $20,000M. Two types of space based systems are considered in this report, chemical lasers and rocket-boosted kinetic kill

interceptors. Space based chemical lasers offer the capability to intercept during boost phase against theater threats as well as strategic threats. This capability greatly enhances the performance of theater missile defense architectures, especially against advanced threats. A space based laser (SBL) system and associated BM/C$^3$, with costs of $20,000M to $23,000M, could potentially reach IOC by 2007 with relatively high risk. An enhanced laser system, available at IOC two years later and with costs of $26,000M to $29,000M, would provide robustness against certain threats. The space based interceptor (SBI) system, including SMTS and BM/C$^3$, and costing $20,000M to $23,000M, could reach IOC in 2004 at moderate to high relative risk.

Combinations of the two types of space based systems provide ''good'' or better damage denial performance at all threat levels up to 200 warheads, at a cost of $37,100M to $43,100M with IOC and relative risks as noted above.

Finally, combined ''Space and Ground Based'' architectures, which include BM/C$^3$, weapons, and sensors on the ground and in space, can achieve ''good'' or better damage denial performance against all threat levels up to 200 warheads, with estimated costs of $30,700M to $35,100M.

The relative risks shown in Figure EX–2 are subjective estimates for the funding and schedules we show and the architecture's maturity. The adoption of more deliberate programs, coupled with the infusion of additional funding could clearly reduce risk in all areas. The time scale at which risk could be reduced, and the cost incurred to achieve the risk reduction, depend on the maturity of the programs and their technical challenges. It is likely, for example, that less time and funding could be required to reduce risks from moderate to low in ground-based systems than would be required to reduce risks for space based lasers from high to moderate. However, definitive risk reduction timelines and costs for all the architectures in this report have not yet been developed.

As shown in Figure EX–1 and EX–2, the architectures in this report span a considerable range in performance and cost. Ground based systems represent lowest-cost defense solutions for denying damage against up to 20 warheads. Space sensors would improve the cost effectiveness when threats approach the performance limits of ground-based systems. For high damage denial effectiveness and cost effectiveness against larger attacks, above about 70 RVs, space based weapons become essential. Finally, layered defense systems become cost effective for denying damage against 200 warheads.

FIGURE EX–2.

[Summary of the architecture options considered in this report including an estimate of dates for operational capabilities. The threat levels given represent an estimate of the maximum representative threat level for which each option could deny damage, with a probability of 50 percent or more (less than one leaker on the average)]

| Architecture classes | Deployment | Operational date | ROM cost FY95 (in dollars) | Threat level warheads | Relative risk |
|---|---|---|---|---|---|
| All ground based | 20 GBI, 1 Site * | 2001 | 4,800M | 4 | Low-Mod. |
| | 100 GBI, 1 Site | 2003 | 6,500M | 20 | Low. |
| | 300 GBI, 3 Sites | 2004 | 12,200M | 50 | Low. |
| Ground based with space sensors | 100 GBI, 1 Site, 18 SMTS | 2005 | 11,000M | 20 | Moderate. |
| | 300 GBI, 3 Sites, 24 SMTS | 2006 | 17,200M | 60 | Moderate. |
| | 630 GBI, 3 Sites, 24 SMTS | 2006 | 20,100M | 70 | Moderate. |
| All space based | 20 SBL (8 meter) | 2008 | 20,000M–23,000M | 60–100 | High. |
| | 20 SBL (enhanced) | 2010 | 26,000M–29,000M | ~200 | High. |
| | 500 SBI, 18 SMTS | 2005 | 20,000M–23,000M | 60–100 | Mod-High. |
| | 1000 SBI, 18 SMTS | 2007 | 20,000M–23,000M | ~200 | Mod-High. |
| | 20 SBL, 500 SBI | 2008 | 37,100M–43,100M | >200 | High. |
| Space and ground based | 20 SBL, 100 GBI, 3 Sites | 2008 | 32,100M–35,100M | >200 | High. |
| | 500 SBI, 18 SMTS | 2005 | 30,700M–33,700M | >200 | Mod-High. |
| | 300 GBI, 3 Sites | | | | |

* An emergency-response variant of this architectural option could be made available by early 2000, at moderate relative risk, and for an estimated cost of $3,500M (FY95). See discussion in Section 3.

Mr. KYL. Second, Mr. President, let me make three quick comments regarding the statements of the Senator from Nebraska. Then I am going to call on Senator SMITH, a member of the Senate Armed Services Committee.

There is an old saying that ''if you can't defeat something on the facts, then call it names.'' Of course, we are not debating something today called the Dole star wars bill. There is no such thing. We are debating something called the Defend America Act, which is a bill designed to provide a ballistic missile defense for the United States. To denigrate this as some kind of star wars concept is to totally misrepresent it, and that is not the way to try to debate an issue on the merits.

Second, the Senator from Nebraska asked the question, why would the North Koreans want to develop a costly missile? Their troops are eating grass. Mr. President, it is hard to figure out why the North Koreans do what they do. But the fact is, our intelligence agencies report to us that they are indeed developing a missile. That is not contested by anyone. The only question is when that missile will be able to reach the United States. That is a fact.

Third, there are questions about the cost and a lot of misrepresentations about the cost. As I discussed for about an hour last night, according to the CBO, the cost of the kind of system that we are talking about here is between $10 and $14 billion. So let us not be misrepresenting the cost.

Finally, I think most startlingly, Mr. President, the Senator from Nebraska made the argument that the Russians might violate the START agreements if we go forward and, therefore, we should not go forward. I find this a truly remarkable statement. We are being held hostage to Russian blackmail that they might violate a treaty they have with us and, therefore, we do not provide for our national defense? That is startling. What do treaties mean?

Treaties are important. But so is providing for our national security by the acquisition of weapons both offensive and defensive. It seems to me, Mr. President, that we cannot be subjected to blackmail. The Russians have not even made this threat. It is Members of the United States Senate who assume that the Russians might violate treaties that they have signed if we go forward with the development of a national ballistic missile defense system.

So it seems to me that this really demonstrates the paucity of arguments that exist against this bill when we have to stoop to making the argument the Russians might violate a treaty they have entered into with us and, therefore, we better not go forward. If that is all the treaties mean to the Russians, then I suggest we need both treaties and a ballistic missile defense system.

With that, Mr. President, I yield 10 minutes to the Senator from New Hampshire, Senator SMITH, who is on the Senate Armed Services Committee.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from New Hampshire [Mr. SMITH] is recognized for 10 minutes.

Mr. SMITH. Mr. President, I thank the Senator from Arizona for yielding, and rise today, Mr. President, in very strong support of the Defend America Act.

I am proud to be an original cosponsor of this legislation. I commend the majority leader, Senate DOLE, for bringing this bill to the attention of the Senate and to the American people.

Mr. President, our Nation is walking a very dangerous tightrope. For reasons that are unknown and certainly inconceivable to most Americans, President Clinton refuses to defend our country against ballistic missiles. That is exactly what he is doing by opposing this bill, even though the technology to do so is available today. The truth is, our Nation is absolutely, completely vulnerable to ballistic missiles.

We have no defense—I repeat, no defense—whatever against a missile targeted on our territory, our people, our industry, or any of our national treasures—no defense. The Patriot missiles that everyone remembers from Desert Storm 5 years ago are not capable of stopping long-range missiles. In fact, they can only defend small areas against short-range missiles. The Patriot is what we call a point-defense system that we send along with our troops when we deploy them in harm's way.

Here at home, we have no defenses of any kind. We have no defense against long-range missiles from China, from Russia, from North Korea. I differ from the Senator from Nebraska. I have no idea, no idea whatever what the national security meetings, classified and

confidential on North Korea, I have no idea what is going on in those meetings. Apparently, the Senator from Nebraska does. I do not know if he has somebody sitting in on them or where he gets his information, but I do not have such information, and I do not think the intelligence communities have it either. We have no defense against missiles that Iran, Iraq, Syria, and Libya are vigorously seeking to acquire—vigorously. That is the truth. This is not some star wars program. That is an outrageous statement, as the Senator from Arizona pointed out.

In this Senator's view, it is unacceptable that we would refuse to defend ourselves from this kind of technology being spread around the world to these kinds of nations. When told of this situation, the vast majority of the American people not only become upset, they become enraged. They cannot understand why their elected representatives would be willing to leave them defenseless and then stand on the floor of the U.S. Senate and advocate leaving them defenseless against the likes of people like Saddam Hussein or Mu'ammar Qadhafi. Hardly reasonable, rational, leaders in the world today, let alone Kim Jong-il whom very few of us know much about at all. They cannot understand why the tax dollars that they sometimes so reluctantly, or willingly in reluctance give up, how can they not contribute for our national defense? That is what they are asking. That is what they are asking. They have a right to be upset. There is no excuse for not defending America against ballistic missiles.

The Republican Congress agrees with the American people and took action last year to defend all Americans—all Americans; not certain Americans, all Americans—against ballistic missiles, whatever their source. In the defense bill last year, Congress established a program to develop and deploy a national missile defense system for the United States. This program is not some elaborate star wars concept, but rather a very modest yet capable ground-based system that would provide a limited defense of America against accidental, unauthorized or hostile missile attacks.

I ask anybody out there listening, or anybody participating in the debate on the other side, are you certain, are you absolutely certain, that Qadhafi or Saddam Hussein, Iran or Kim Jong-il do not have the capability or will not have it in the very near future? If you are certain, you ought to vote for them. If you are not sure, you ought to be voting with us.

President Clinton vetoed the defense bill specifically because of the requirement to defend America. That is the main reason he vetoed the defense bill, because he did not want us, did not want us, to put this requirement in. In fact, in his statement of policy the President called national missile defense ''unwarranted and unnecessary.'' It is one thing to say ''unnecessary,'' that might be an opinion, but ''unwarranted''? This is a very insightful quote. It gets right to the heart of the differences between this President and this Congress. To President Clinton, providing for the common defense is ''unwarranted and unnecessary.'' That is what he says. To the Congress, it is the most fundamental of our constitutional responsibilities, the most fundamental. Simply put, it is a defining issue between the two of us. It is an issue that defines our Nation's character, right to the heart of character, a commitment to the American people. How could you not defend yourselves, your people, against the threat of an incoming missile? It does not have to be deliberate. It could be accidental. We have no defense.

It is an issue that defines the difference between the two political parties in this country. There cannot be compromise on it. There are people here on the floor and in this Senate who are trying to work out some compromise to give on something else, and we will give a little bit of something else. There is no compromise, no compromise on defending ourselves against incoming ballistic missiles. It is an issue that defines the very basic difference between the two men who are seeking the Presidency, President Clinton, and BOB DOLE, who is the author of this bill. It is a basic difference between the two men. It is an issue that history will undoubtedly look back on and pass judgment upon for better or for worse, an issue that will define our generation.

Mr. President, if we fail to take action to defend America now while we still have the chance, we will regret it. At some point in the very near future we will have waited too long. What is that point? Are you sure, folks over there, sure that we have not reached that point? At some point in the near future we will have waited too long. The theoretical threat of a hostile ballistic missile launch will have become a reality and we will have no defense. Will we be ready when the theoretical becomes reality? Will be we ready? Not if we listen to this side of the debate. Not if we do what they are asking us to do, we will not be ready.

What will it take for the President to recognize this? Must a missile equipped with a chemical, biological or perhaps a nuclear warhead, rain down upon the citizens of America before we act? Must tens of thousands of Americans die before we act? That does not have to happen. Let me tell you, had we not been far-sighted enough and thoughtful enough to provide the Patriot missile, we would have lost a lot more people in the Persian Gulf war. It is a good thing Saddam Hussein only has a Scud missile, or perhaps some of the families would be speaking here through us today.

To those of us who are cosponsoring this legislation, the time to act is now. Not tomorrow, not the next day, now. We have the capability to do it. Our Nation is in jeopardy, ballistic missiles and weapons of mass destruction are spreading throughout the world. That is a fact. I have had hearings. I have heard information on it. We have heard the testimony. We cannot stop this. We have to protect ourselves against them. Mr. President, 30 nations currently possess or are actively acquiring weapons of mass destruction, and the missiles to deliver them. They are not all friendly nations. Just recently, the United States admitted that Iran is covertly storing up to 16 ballistic missiles armed with chemical or biological warheads. Iraq is the most inspected and thoroughly monitored country in the world, yet they still have them. If we cannot find these missiles in the desert of Iraq, how are we going to track them in the valleys of China, North Korea, Iran, or Syria? The answer is, my colleagues, we cannot. We cannot track them. That is the point. Even if we could, we do not have the system to counter them. We cannot counter them even if we can find them.

The only solution is to develop missile defenses. This bill does that. It would require that our Nation deploy a national missile defense system capable of protecting all Americans by the year 2003. This is not about politics. It is not about partisanship. It is about national security and keeping faith with those who elected us and depend upon us to safeguard their lives and property, yet this bill is being filibustered, that is the bottom line, by the other side of the aisle—filibustering a bill to defend America. What an outrage. If we ignore this obligation, we will have failed in our most fundamental constitutional responsibility. You do not filibuster the defense of the United States of America. We can filibuster a lot of things around here, and we do it all the time, but not the defense of America. It runs against every principle I have ever stood for, and it ought to run against every principle that others in here stand for.

Mr. President, as we discuss and debate the merits of this legislation, I want to specifically address what I believe are some fundamental and extremely dangerous flaws in the administration's position. First off, the administration has continually emphasized that they see no long-range missile threat emerging within the next 15 years that could threaten the United States.

I would note that when the administration is pressed to describe how they came up with the 15-year number, versus 10 years, or 20 years, there is no real methodology. Essentially, it appears to have been a nice round number that the administration came up with.

The classified national intelligence estimate that the administration uses to support this assertion is anything but reassuring. And contrary to the assertions of the Clinton administration, it does not rule out a rogue nation acquiring ballistic missile capabilities that could threaten the United States.

Rather, it projects the view that it is unlikely that such a situation would arise.

Essentially, it relies upon the perceived intentions of other countries rather than their actual technical capabilities. That is a very dangerous way of assessing the threat environment, and it runs in direct conflict with our historical experience.

Our experience following World War II is very instructive. During 1945 and 1946, the United States conducted operation paperclip in order to employ Dr. Werner von Braun and his team of German scientists. My colleagues may recall it was von Braun and his associates who had created the German V–2 rocket. The transfer of these experts and their equipment provided the United States with nearly instant ballistic missile capability. Under the Hermes project, with the infusion of german technical expertise, we soon began launching V–2 rockets.

A year later, the development of a two-stage vehicle based on the V–2 was begun. The so-called bumper vehicle went on to establish range, altitude, and speed records. By the late 1950's, frustrated by difficulties in the Atlas program, Gen. Bernard Schriever, a pioneer of the U.S. Ballistic Missile Program, ordered that our existing Thor ballistic missile be modified to include a new second stage. This second stage provided strategic range capability for our ballistic missiles within a year, increasing the range of the Thor missile from 1,500 miles to approximately 5,000 miles.

Mr. President, the lesson here is quite simple. The acquisition of key technical experts can dramatically accelerate the pace of development for a country seeking to field ballistic missiles. In addition, the range of existing systems can be rapidly increased by incorporating additional stages. In the 1940's, designing and building ballistic missiles was a new and challenging endeavor. But with focus, determination, and national level support, it was done very rapidly.

By contrast, in the 1980's and 1990's, the schools and universities of the West teach advanced technology to students from all over the world. Missile designs are well understood, missile components are available on the world market, and whole missile systems can be bought and delivered, as in the case of the Soviet Scuds to China, the North Korean Scuds to Iraq, Chinese M–11 missiles to Pakistan, and Chinese CSS–2 missiles to Saudi Arabia. Since most of today's ballistic missiles are mobile, training and launching by customer nation crews can take place in the missile's country of origin, so that the first actual launch of a missile from the customer country may occur without advance warning.

Additionally, ballistic missiles do not need to have a long range to threaten the United States. In the 1950's, the United States launched several ballistic missiles from the deck of a ship, and sent them to high altitudes where their nuclear payloads were detonated. Most of the population of the United States live near the east and west coasts, and thus are highly vulnerable to a ship-launched missile that could be covertly deployed in merchant traffic several hundred miles off the coast at sea. The modifications to such a ship would not need to be obvious, a few test missile launches could be performed in remote locations to avoid detection.

The problem with the administration program is that it seeks to wait until the last possible moment to deploy missile defense. But historically, we have proven very poor at making such intelligence estimates. Just look at Iraq's nuclear, chemical, and biological weapons program. The real challenge for the United States is to deploy theater and national missile defenses as rapidly as possible in order to discourage potential proliferators from developing, building, buying, or otherwise acquiring offensive ballistic missiles. That is what deterrence is all about. But you can't have deterrence without the capability to actually defeat or defend against a threat. Without missile defenses there is no deterrence.

Perhaps most absurd is the administration's argument that the technology of the future will be more advanced than that of today, so we should wait for the future technology to be available before we begin formal acquisition of missile defenses. If we followed that model we would never procure any weapons systems because they would always be surpassed by future technology.

What this argument fails to recognize is that real objectives and deadlines are the critical instruments for focusing the efforts of the management and technical communities in government and industry. The experience of operating a real system with real military personnel cannot be replaced by paper and pencil, or computer system designs. In addition, the longer we wait to commit to deploy a national missile defense, the more we will encourage our adversaries to pursue their own offensive ballistic missile programs. Without an actual system deployed, or at the very least a commitment to, and timetable for, deploying a system, there is no deterrent value.

The Russians have now accumulated 30 years of experience in building and operating ballistic missile defense systems, including the nuclear-tipped Moscow area defense and several mobile systems such as the SA–5, the SA–10, and the SA–12. This unique experience has been cited by our military as a major advantage for the Russians. It must be rectified.

Mr. President, I also want to address the issue of how ballistic missile defense relates to strategic arms reduction. The administration and certain Members of Congress have falsely sought to link this legislation with Russian ratification of the START II Treaty. Simply put, it is bogus linkage.

The truth is that no provision in the Defend America Act threatens Russia or undermines the deterrent value of its strategic offensive forces. Nothing in this bill would disadvantage Russian security in any way. The numbers of defensive systems the bill envisions to combat accidental or rogue nation attacks are simply too few to affect the deterrent value of Russia's strategic arsenal.

The ABM Treaty was constructed during the cold war and is premised on mutual assured destruction. But the world is no longer bipolar, it is multipolar. Mutual assured destruction is not relevant in today's environment. It will not deter aggression by adversaries other than Russia.

The truth is defenses threaten no one. If Russia and the United States are no longer targeting nuclear weapons on each other, how could the deployment of a limited defense against other potential adversaries threaten Russia in any way?

We are providing billions in foreign aid to Russia to support them economically, politically, and to aid in dismantlement of their nuclear arsenal. When relations are this cooperative, how can anyone reasonably assert that we are provoking Russia or undermining the relationship by defending ourselves against the likes of Kim Jong-Il or Saddam Hussein.

The truth is that any linkage between the Defend America Act and the START II Treaty is purely artificial. It is pure fear mongering by those who use it for political purposes here at home. Frankly, it is shameful.

Those in Russia who are trying to link the two know full well that nothing in this bill threatens Russia in any way. They are merely trying to coerce further concessions. The truth is, we have consistently heard Russian officials seek to link START II to NATO expansion, compliance with the CFE Treaty, national missile defense, and virtually every other possible pressure point. Again, it is purely bogus linkage. And where I come from, it is called extortion. It should not be rewarded.

If we do legitimize this fallacy, and pay the ransom that some are demanding, where will it end? What will the next hostage be? How many times will we allow Russia to exercise a veto over our defense policy? And at what cost to our security?

Mr. President, let me close with one final observation. National defense should not be a partisan issue. As elected representatives, we have no more fundamental or important constitutional responsibility than to provide for the defense of this country. As it currently stands, this Nation, its people, treasures, and industry, are absolutely vulnerable to ballistic missile attack. The technology is here today, all that is lacking is the political will to do so. We cannot delay any longer. We must get on with the business of defending America.

If we allow politics to prevail and we leave our citizens naked against aggression, I fear that the results will be catastrophic. If we wait for a ballistic missile to rain down upon our Nation, wreaking chaos and destruction, it will be too late. We will have failed our citizens. We will have failed the Constitution. We will have failed this sacred institution.

I believe deep in my heart that history will look back upon this debate as a key point in our Nation's history. Let us consider the consequences of our actions very carefully. Let us keep faith with the American people who rely upon us to protect their security. They have no one else to turn to. It is our responsibility. It is our obligation.

I urge my colleagues to support the Defend America Act as reported by the Senate Armed Services Committee.

Mr. NUNN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has an additional 2 minutes.

Mr. NUNN. How much time do I have?

The PRESIDING OFFICER. One hour.

Mr. NUNN. Mr. President, I have several people who would like to speak. Several people were down for 15 minutes, but I ask them if they can adjust that. Otherwise, we will not be able to get around on the requests. Senator EXON would like 2 minutes, which I will yield to him now.

The PRESIDING OFFICER. The Senator from New Hampshire has 2 more minutes first.

Mr. NUNN. Following that, Mr. President.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH. Mr. President, let me close with one final observation. I feel very strongly that this issue has become a partisan political issue. It should not be a partisan political issue. We have no more fundamental or important constitutional responsibility than to provide for the defense of this country. And to be on the floor filibustering a bill that defends America, protects America from incoming missiles is an outrage. We can disagree on the degree, we can disagree on the architecture, we can disagree on the timing. But we ought not to be filibustering it. We ought to be having an up-or-down vote on it. I think everybody ought to be on record today—not having it put off, but be on record today. Are you for it, or are you against it? We ought to be recorded so the American people can judge us when the time comes.

This Nation's people, treasury, and industry are vulnerable to missile attack. The technology is here. All that is lacking is the political will. We cannot delay any longer. We have to get on with the business of defending America. History, I think, will look at this debate as a key point in our Nation's history. Let us consider the consequences of our actions carefully and keep faith with the American people, who rely upon us to protect their security. They do not have anybody else to turn to. It is our responsibility, our obligation. All we are asking is that we exercise it. All the Senator from Arizona is asking for is a vote. All the Republican leader is asking for is a vote. We are not asking for anything else. We are not even asking for a victory, we are asking for a vote so that we can be recorded.

Mr. NUNN. Mr. President, I yield 2 minutes to Senator EXON, and then 10 minutes to Senator DORGAN.

The PRESIDING OFFICER. The Senator from Nebraska has 2 minutes. Following that, Senator DORGAN has 10 minutes.

Mr. EXON. Mr. President, I was struck to hear the term that people on the other side were startled that we would oppose this, that we are being blackmailed by Russia, and that we are being held hostage by Russia. Nothing could be further from the truth.

I simply say, Mr. President, that already the opposition is saying we are against missile defenses on this side. We are not against missile defenses. The talk was made about the Patriot, how important that was in the gulf war. This Senator and most of the Senators on this side were leaders, when we were in charge of the Senate, in developing the Patriot missile. What we are against is hastily moving, as the Dole star wars bill would do, to a missile defense that is untested, untried, with no assurance whatsoever that it will work.

Go with us. We are with the experts at the Pentagon. We are with the President. We want a missile defense, but we want it in a timely fashion and not rush to violate treaties that the United States of America signed in good faith.

I ask unanimous consent that two letters from CBO relating to the cost issue be printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, May 15, 1996.*

Hon. FLOYD SPENCE,
*Chairman, Committee on National Security, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 3144, the Defend America Act of 1996, as ordered reported by the House Committee on National Security on May 1, 1996. The bill calls for deployment by 2003 of a system to defend the nation against an attack by ballistic missiles, but does not specify how much funding would be available for this purpose. Based on plans and estimates of the Department of Defense, the costs of complying with the bill would total $10 billion over the next five years, or about $7 billion more than is currently programmed for national missile defense.

Through 2010, total acquisition costs would range from $31 billion to $60 billion for a layered defense that would include both ground- and space-based weapons. The wide range in the estimate reflects uncertainty about two factors—the type and capability of a defensive system that would satisfy the terms of the bill, and the costs of each component of that system. These figures do not include the cost to operate and support the defense after it is deployed. The attachment provides additional details on these estimates.

Section 4 of the Unfunded Mandates Reform Act of 1996 excludes from the application of that bill legislative provisions that are necessary for the national security or the ratification or implementation of international treaty obligations. CBO has determined that the provisions of H.R. 3144 fit within that exclusion.

H.R. 3144 would not affect direct spending or receipts and thus would not be subject to pay-as-you-go procedure under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Raymond Hall and David Mosher.

Sincerely,

JUNE E. O'NEILL,
*Director.*

BUDGETARY IMPLICATIONS OF H.R. 3144, THE DEFEND AMERICA ACT OF 1996

This document addresses the budgetary implications of H.R. 3144, as ordered reported by the House Committee on National Security on May 1, 1996. The Defend America Act of 1996 would require the United States to deploy a national missile defense by the end of 2003 that provides ''a highly effective defense of all 50 states against limited, unauthorized and accidental attacks . . . [that would be] augmented over time to provide a layered defense against larger and more sophisticated ballistic missile threats as they emerge.'' Those two requirements form the basis of CBO's estimate. According to the bill, the initial defense must include interceptors, ground-based radar, space-based sensor, including the Space and Missile Tracking System (SMTS), and a battle management and command and control system to tie the components together. The interceptors can be ground-, sea-, or space-based. The space-based weapons could be lasers or kinetic energy interceptors (also known as Brilliant Pebbles). The layered defense that would eventually follow, according to the bill's second requirement, would likely be achieved by adding space-based weapons to the ground-based system.

CBO estimates that H.R. 3144 would cost nearly $10 billion over the next five years, or about $7 billion more than is currently programmed for national missile defense. Through 2010, the system would cost between $31 billion and $60 billion. None of the estimates include the cost to operate and support the defense after it is deployed. Our estimates are derived from data provided by the military services and the Ballistic Missile Defense Organization (BMDO). While we have been unable to review many of the details behind those estimates, we believe that they are the best that are currently available. In some cases, though, we adjusted the Department of Defense's (DoD) estimates to better reflect procurement costs and potential risks. For example, we added about $3 billion to hedge against technical and schedule risks in the development programs. We also reduced the estimated cost of deploying 500 space-based interceptors by $4 billion. We did not, however, adjust the estimates to reflect cost increases that typically occur in developing systems that advance the state of the art.

Minimum Requirements and Costs. The low end of the range of estimates reflects what we believe would be the smallest system that would meet both of the bill's principal requirements. As proposed by the

Army, the initial defense would consist of 100 interceptors based at Grand Forks, South Dakota. Combined with SMTS, this system would be able to defend all 50 states against an unsophisticated attack of up to 20 warheads under many scenarios, according to BMDO. The interceptors would be armed with the Army's Exoatmospheric Kill Vehicle (EKV). To track incoming warheads, four new phased-array radars would be deployed, one each in Grand Forks, Alaska, Hawaii, and New England.

This initial defense would cost $14 billion—about $8.5 billion for the ground-based system and $5 billion for the SMTS space-based sensors. (The ground-based system could cost roughly $4 billion less if the Air Force's proposal for a Minuteman-based system was adopted.) The upper layer, which would be added sometime after 2006, would employ 500 space-based interceptors similar to Brilliant Pebbles—the less expensive of the two types of space-based weapons. It would make the defense capable of protecting the United States from a more sophisticated attack of up to 60 warheads according to BMDO, and would cost an additional $14 billion. CBO adds another $3 billion to these estimates to hedge against potential risk associated with the development programs. Thus, the total cost of the layered defense would be about $31 billion.

Potential Increases in Requirements and Costs. The bill specifies that the defense shall protect the United States against limited or unauthorized attacks, but does not specify how big the attack might be. The high end of the range reflects the costs of a system to protect the United States against a more potent threat—for example, an attack that could have 200 warheads accompanied by sophisticated countermeasures. DoD bases its operational requirement for a national missile defense on such a threat.

CBO assumes that the ground-based layer would include 300 interceptors deployed at 3 sites and would cost $13 billion, or about $4.5 billion more than the costs of meeting the minimum requirements. SMTS satellites would be deployed at a cost of $5 billion. The space-based layer would include a combination of 500 space-based interceptors ($14 billion) and 20 space-based lasers ($25 billion) for maximum effectiveness. Again, $3 billion is added in anticipation of technological and integration problems. The total cost of this high-end layered defense would be about $60 billion. Except for the lasers, this system would be similar to the Global Protection Against Limited Strikes (GPALS) system proposed by past administrations.

Cost Comparison. The estimate for the ground-based systems described above is about two-thirds less than previous estimates associated with earlier proposals, for example the GPALS system. The earlier proposals focused on the challenging threat of an unauthorized attack by the Soviet Union. Today the focus is on smaller and less capable threats—as a result, the defense's components may be somewhat less capable. Past proposals also called for a robust program that included substantial efforts to test the systems and to reduce and manage the technical and schedule risks associated with such an ambitious development effort. It is unclear how much these efforts can be reduced without increasing risk to unacceptable levels. But if current plans must be revised to include more thorough testing and larger efforts to reduce risks, and if the purpose of the defense evolves into protecting against larger and more sophisticated threats, costs of the ground-based systems could approach those developed for systems like GPALS—thus, costs of the high-end system could greatly exceed $60 billion by 2010.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, May 30, 1996.*

Hon. J. JAMES EXON,
*Ranking Member, Committee on the Budget, U.S. Senate, Washington, DC.*

DEAR SENATOR: In your letter of April 4, 1996, you asked about the cost of deploying the national missile defense system proposed in the Defend America Act of 1996 (S. 1635). I have attached the cost estimate that the Congressional Budget Office (CBO) prepared for S. 1635, which should answer your questions.

At your request, CBO also examined the compliance issues that the Defend America Act could raise with respect to the Anti-Ballistic Missile (ABM) Treaty. Because the bill does not specify a missile defense system in detail, it is difficult to identify precisely the possible conflicts with the treaty. But some fundamental issues would arise regardless of the specific architecture of the defense. The bill anticipates those conflicts by requiring that the Secretary of Defense report to the Congress on the problems with the treaty that he expects to encounter in the course of developing and deploying the defense. The bill also urges the President to negotiate amendments to the treaty with Russia that would permit the United States to deploy its defense. If an agreement cannot be reached within one year of the enactment of the bill, however, it directs the President to consider withdrawing from the treaty.

In brief, our reading of the bill suggests that some systems would violate the treaty in its current form, while others may or may not. Space-based weapons would clearly violate the treaty's prohibition on ABM components that are based in space. Sea-based weapons are similarly prohibited. Together, those prohibitions would make it difficult to deploy a layered national missile defense that would comply with the ABM treaty in its current form.

Other issues are not as clear and are often debated. For example, in Article I of the treaty, each side pledges ''not to deploy ABM systems for defense of the territory of its country.'' Critics argue that deploying any national missile defense, no matter how capable, would violate that provision. But, the Army and Air Force claim that the small, ground-based national missile defenses that they have proposed would comply with the treaty.

Issues of compliance could arise even for a ground-based defense that complies with the numerical and geographic limits specified in the ABM treaty (no more than 100 ground-based interceptors and one ABM radar, all located at Grand Forks, North Dakota). The principal issue is whether the new tracking radars that would be deployed in the Pacific and on U.S. coasts would substitute for the ABM radar at Grand Forks. Under many scenarios, particularly attacks on Alaska and Hawaii, the Grand Forks radar would never see warheads or intercepts because its view would be blocked by the Earth's curvature. For the same reason, the radar could not be used to send course corrections directly to an interceptor. Instead, such a defense would use ground-based repeater stations to communicate with an interceptor. According to opponents, that would mean that forward-based tracking radars would substitute for the ABM radar, a practice that the treaty strictly prohibits. Supporters of the proposed defenses counter that forward-based radars would not be substitutes because the fire-control solutions and instructions to an interceptor for correcting course would still come from Grand Forks.

The degree to which the Space and Missile Tracking System (SMTS) conflicts with the treaty is also being debated. Critics of space-based sensors argue that they could, in effect, substitute for an ABM radar. The Russians have reportedly expressed similar concerns about SMTS. The argument is similar to that made against forward-based tracking radars: if an entire intercept can occur out of view of the ABM radar at Grand Forks, something must be substituting for the radar. Supporters of SMTS contend that the system would be an ''adjunct'' to the ABM system, much like the space- and ground-based early warning sensors that the United States deployed before the ABM treaty was signed in 1972. (An adjunct is a device that could not, by itself, substitute for or perform the functions of an ABM radar). Those early warning sensors were not limited by the treaty and advocates believe that SMTS should not be limited either. According to press accounts, the U.S. government reported to the Congress in 1995 that SMTS might, in some configurations, comply with the treaty. This document reflects a U.S. position and does not imply that Russia agrees with that interpretation. Differences would have to be worked out in negotiations.

Finally, your staff asked that we examine operating and support costs. We have not had time to analyze those costs fully, but we can report that those costs would reach a few hundred million dollars annually by 2005 when ground-based systems and space-based sensors would be in place. After 2010, operating and support costs would increase significantly because the Department of Defense would have to launch replacements for any space-based systems, which wear out over time. Of course, at some point new technology or a reassessment of the defense situation could lead to changes in the system, which could have a large impact on costs.

If you wish further details on our analysis, we will be pleased to provide them. The CBO staff contacts are David Mosher, who can be reached at 226–2900, and Raymond Hall, who can be reached at 226–2840.

Sincerely,

JUNE E. O'NEILL,
*Director.*

The PRESIDING OFFICER. The Senator from North Dakota [Mr. DORGAN] is recognized.

Mr. DORGAN. Mr. President, surely the American people, who watch and listen, must think we have the attention of houseflies. We are having a debate here in the U.S. Senate about balancing the Federal budget, about amending the Constitution to require a balanced budget, about cutting spending, about being frugal, about dealing with this country's debt. And then immediately trotting on the floor of the Senate is a new proposal—by the same folks who say they lead in reducing the budget deficit, lead in reducing spending—they say to us now, ''We want to spend an additional up to $60 billion for, yes, a star wars program.''

I want to correct some of the statements that have just been made. There is no filibuster. The petition to invoke cloture, to close off debate, was filed simultaneously with the bill coming to the floor. How can someone, without even smiling about it, file a cloture motion before debate even begins? There is no filibuster.

We are going to have a debate on this. That is what we insist on. Those who want to initiate a $60 billion program without debate do no service to defense policy in this country, in my judgment.

Second, this bill is star wars. Here is the bill, page 6: ''Ground-based interceptors, sea-based interceptors, space-based kinetic energy interceptors, space-based directed energy systems.''

Call it what you want. It is star wars; $14 billion, my eye. We have spent $96 billion on star wars and missile defenses. This chart was put together by the Congressional Research Service, and we have funded so many programs over the last 40 years that nobody can read this. It is a national missile defense family tree that is so complex you cannot read it. It is a bunch of boxes and lines tracing the development of dozens of programs. These are the things that we have funded. This is all the work done for missile defenses.

What we have to show for all this in this country today is one abandoned antiballistic missile facility—it is in my State. Over $26 billion in today's money was spent on it. It was declared mothballed the same year it was declared operational.

Are there threats against this country? You bet. What are they? A glass vial of deadly biological agents to be brought in in someone's pocket, threatening a subway or a city is a threat. A truck bomb parked in front of a Federal building is a threat. A cruise missile armed with a nuclear warhead is a threat. An intercontinental ballistic missile is a threat. You can list a whole series of threats against this country.

Have we ever had an effective system to knock down any missile coming in? No, we have not. Why? Any missile launched against this country will have a return address. We will know exactly where it was launched from, and this country will vaporize them. That is what our nuclear deterrent has prevented from happening to our country for many years. That has been our missile defense for 40 years.

Now, do we need to research missile defenses? Yes, we are doing that. We are spending a great deal of money doing that. We spent $96 billion on all of this to date. But I want to talk about a number of different approaches to defending our country.

The best way to defend America is to destroy an adversary's missile before it is launched. I have a piece of metal here in my hand that comes from silo number 110, in Pervomaysk, Ukraine. This silo had an SS–19 in it. That SS–19 had 6 warheads, each of them 550 kilotons: each warhead 20 times the explosive power of the bomb dropped on Hiroshima. This twisted lump of metal was part of that silo with that missile. The silo does not exist anymore, because we helped to blow it up.

Let me show you a picture of it. This is that silo blown up, with the missile gone. There is no missile there. The missile was destroyed. Here is a man sitting on the floor—Senator NUNN—who, along with Senator LUGAR, with the Nunn-Lugar initiative, will, in my judgment, forever change the dimensions of this nuclear deterrent and these issues of nuclear threat by creating a program in which 212 submarine launchers are gone in the Soviet Union, 378 ICBM missile silos are eliminated, and 25 heavy bombers gone. Do you know what is indicated in this photo is today? This is silo 110. It just so happens—and it is a pure coincidence—that the Secretary of Defense is visiting silo 110 today. The U.S. Secretary of Defense is visiting this site. Do you know what is here today? Sunflowers—not missiles, but sunflowers.

What we have done is destroyed a missile in its silo by destroying the silo and moving the missile and warhead, and the missile is cut up and it is gone. That happens to be an effective missile defense. Senator NUNN and Senator LUGAR and others who fought so valiantly for this program are reducing the nuclear threat in this country.

I have a picture of the destruction of a heavy bomber. Here they are sawing off the wings. This picture shows Russians using American equipment to cut up a Russian bomber. That heavy bomber—it is a TU–95 Bear bomber—could launch 16 cruise missiles against our country.

Defending America means that you get the enemy, through arms agreements, to reduce these kinds of weapons. The fact is what the other side brings to the floor of this Senate—and they can protest forever about it, and they are wrong—is a proposal that will threaten the arms agreements by which missiles and bombers and other strategic weapons are being reduced now in other parts of the world. The fact is they want to abrogate the arms control treaties. In my judgment, that is shortsighted.

The Ukrainian President on June 1st—a couple of days ago—certified that his country, which used to have 4,000 strategic and tactical nuclear warheads, now has zero—zero. The Cooperative Threat Reduction Program in the Defense Department, with the leadership of Senators NUNN, LUGAR, and others, has done a remarkable job. Is this the only thing we ought to do? No. It is remarkably successful. We should do many additional things, but the last thing we ought to do is jump on this horse and ride off into the sunset to build a $60 billion program that threatens to undermine all of these arms agreements that have led to all of this progress. This makes no sense at all.

I thought you all were conservatives. You keep coming to the floor talking about the deficit, and the first thing you do when we finish that discussion is come to the floor with a big, spanking new, gold-plated weapons program that is going to cost $60 billion, a program we have already spent $96 billion on according to the Brookings Institution. I am telling you, it does not add up.

Do those who oppose the so-called Defend America Act, which is really a star wars program, believe Americans should not be defended? Of course not. There are dozen of ways of defending America. We ought to do research and deploy, and do a whole range of them, the most important of which, in my judgment, is the deployment and implementation of the Cooperative Threat Reduction Program initiated by Senators NUNN and LUGAR. But there are others.

President Clinton says, let us do the research necessary—several billion dollars. Let the system be available for deployment if we see that the threat exists. And I know we have all of these claims by others about Korea. Look, Korea spends from $2 to $5 billion a year on their entire defense program. We are a country that spends $270 billion a year. There is no credible evidence that Korea has tested anything close to a weapon that is going to deliver a nuclear warhead to parts of the United States. Worry about a suitcase bomb put in the trunk of a Yugo car parked at the dock of New York City. That is a threat. Worry about a biological agent. That is a threat. But this bill would put all of our eggs in this basket and say that the sky is the limit, even though it is the taxpayers' money. This bill would have us embark on a $60 billion spending program, and when we are finished we might have covered—unlikely, but maybe—one small slice of the range of threats that confront this country. I think if you talk about shortsightedness, this bill ranks up there with an Olympic performance.

Our military leaders in the Department of Defense have told us that this bill would endanger our security. General Shalikashvili wrote to Senator NUNN to say that ''efforts which suggest changes, or withdrawal, from the ABM Treaty may jeopardize Russian ratification of START II and could prompt Russia to withdraw from START I.''

In other words, this bill could pull the rug out from under the very thing that is reducing the nuclear threat, the very thing that results in weapons being destroyed. A missile silo that used to hold a missile with six warheads aimed at American cities and American military targets now has sunflowers planted on top of it. The missile and its warheads are gone.

This proposal pulls the rug out from under that kind of an approach. I just do not understand that proposal at this time being brought to the Senate.

No matter what claims are made on the other side, this is not a debate between those who think Americans should be defended and those who believe Americans should not be defended. That is preposterous. That is an absurd contention. All of us believe we ought to spend money wisely to defend this country's liberty. All of us believe we ought to make the investments necessary to guarantee the safety of the American people.

Let me thank the Senator from Georgia for the time. We will have more to discuss about this subject later, and I

am anxious to engage in further debate when we get to debate on the bill.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KYL. Mr. President, I yield 10 minutes to the Senator from Indiana, Senator COATS, a member of the Senate Armed Services Committee.

Mr. NUNN. Mr. President, following Senator COATS' remarks, I will yield 10 minutes to the Senator from New Mexico, Senator BINGAMAN.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I appreciate the opportunity to add some words to this debate. Obviously, we all believe that while we can debate what the fundamental role of the Congress and the Government is, priorities ought to be established. This is true particularly in the domestic spending areas where there is no constitutional responsibility of the Federal Government. However, there is a clear constitutional responsibility for Congress to provide for the national defense. In that regard, we are addressing what I think is one of the most fundamental and most important decisions that this Congress is going to make in the next several days; that is, what kind of defense we will provide for the United States? To date, our country has enjoyed the benefit of its strategic location—surrounded by oceans east and west, and friendly neighbors to the north and south. Our strategic location has enabled us to ensure the defense of American soil. Today, however, the advance of technology, the development of long-range ballistic missiles, and the proliferation of those missiles among nations who have not had a history of responsible leadership poses a real threat to the United States. Over the last several years we have engaged in a debate over how to best address this emerging new threat.

The Senator from North Dakota raised the issue of other compelling threats. Indeed, there are other threats Americans face from a biological, chemical, or nuclear weapons delivered through ballistic missiles. A truck packed with explosives, a ship cargo container that sailed up into one of our ports, or any number of other means of delivering weapons of mass destruction are clearly threats we must take seriously. However, the fact that these threats exist does not mean we should ignore the very real threat posed to American citizens by proliferating ballistic missile technology. people.

The Senator from North Dakota talked about other effective deterrents. He discussed the success that Americans had with a strategy of deterrence through mutual assured destruction. During that particular era, there were two superpowers engaged in a standoff. Mutual assured destruction seemed the most feasible strategy to counter Soviet missile threats. But, in that era, there was no threat of missile proliferation such as we face today. There was a very serious, but very definable, cold war between the two superpowers, each possessing thousands of nuclear warheads that could be used in retaliation against the other should a first strike be launched. As we all know, the strategy of mutual destruction is no longer a viable means of deterrence.

There is a also a moral imperative at issue with the concept of mutual assured destruction. Simply to say that our best protection against a missile attack that could injure or kill millions of Americans is our capability to respond in kind against the country that launched the attack, violates basic moral considerations our Nation could not support today.

I found it interesting that the Senator from North Dakota spoke of sunflowers now growing over former missile sites. Most of us would like to see sunflowers growing over every missile site, not only in the former Soviet Union but in other countries around the world. Unfortunately, this has not been the case. More than 25 countries—including China, North Korea, Libya, Syria, Iran, Pakistan, and India—possess or are seeking to acquire ballistic missiles capable of carrying nuclear, chemical, or biological warheads. They are actively pursuing ballistic missile technology for their fields—not sunflowers. And, as we all know, we have had little success discouraging these nations from acquiring missile technology.

North Korea has been developing ballistic missiles such as the Taepo Dong II, a missile with a range of up to 6,000 miles that can certainly target Alaska and Hawaii. North Korean President Kim Jong-Il has reportedly ordered the development and deployment of strategic long-range ballistic missiles tipped with more powerful warheads. By many estimates, in less than 10 years, North Korea will be able to deploy an operational intercontinental ballistic missile force capable of hitting the American mainland.

The administration is ignoring these very serious trends. Instead, it has adopted a wait-and-see strategy in its approach to the defense of our Nation. Much of the administration's position is derived from a recent national intelligence estimate report by U.S. intelligence agencies. The NIE claims that no country will be able to acquire ballistic missile technology capable of reaching the United States for at least 15 years. But NIE's choice of 15 years is based on calculations most Americans would hardly find reassuring. The 15-year estimate is based primarily on the indigenous development of missile systems, ignoring the rapid rate of ballistic missile technology proliferation so evident today.

In addition, the NIE based its threat calculations without regard to Hawaii and Alaska. The report projects that no rogue nation will possess the technology capable of hitting the lower 48 States for 15 years. In qualifying its estimate, the NIE discounts the more immediate threat of North Korea's Taepo Dong II missiles to these States. Yet, in August 1994, John Deutch, then Deputy Secretary of Defense, testified before Congress that ''If the North Koreans field the Taepo Dong 2 missile, Guam, Alaska, and parts of Hawaii would potentially be at risk.'' At that time, the CIA estimated that this system would be deployed before the year 2000.

It is unfortunate that the United States today has little control over the proliferation of ballistic missile technology. But, the time has come for us to recognize this fact and act accordingly. Mutual assured destruction and other strategies have come and gone. They are no longer appropriate for the era in which we live, nor the threats America might face in 21st century. The administration's position of adhering to a policy whose assumptions are based on the perceived intentions of countries rather than their emerging capabilities and the realities of the world today is a serious mistake.

Even the NIE report warns that a future political crisis in Russia or China could lead to an unauthorized ICBM launch against the United States. Russia today is embroiled in political turmoil resulting from reform and the civil war in Chechnya, while China remains in the throes of uncertain changes in political leadership. Both China and Russia have also been actively selling technology to other nations. Indeed, recent reports indicate that China is attempting to buy SS–18 missile technology from Russia and the Ukraine—technology that would significantly enhance China's ability to target American soil. Technology transfers such as these give countries a major advantage in developing indigenous nuclear weapons and delivery systems, to include ballistic missiles. Libya and Iraq's leaders have made their desire to obtain such weapons quite clear, while North Korea has been willing to oblige by selling its missiles to interested parties.

There are many other countries actively engaged in buying advanced technologies and missiles. If rogue nations are successful in buying systems already developed, or can acquire the technology to build their own indigenous systems, the United States may well face a threat even sooner than expected. In testifying before Congress earlier this year, Jim Woolsey—President Clinton's first Director of Central Intelligence—addressed the grave nature of ballistic missile technology, stating that:

> Ballistic missiles can, and in the future they increasingly will, be used by hostile states for blackmail, terror, and to drive wedges between us and our friends and allies. It is my judgment that the administration is not currently giving this vital problem the weight it deserves.

Who is to say that the current intentions upon which the administration rationalizes its position may not quickly shift to the disadvantage of the

United States? Should one of these countries decide to target the United States—for the reasons Jim Woolsey cited—how will we defend America? Reassurances that a ballistic missile defense system is under development will do nothing to defend American citizens, just as it does nothing to deter future aggressors.

Even if NIE's 15-year threat window were realistic, a strategy of waiting to deploy a defensive system until we are certain we will face an imminent attack fails to recognize the reality that deploying a new system with advanced technology will invariably require fine-tuning. This hedge strategy risks the welfare of American citizens in the face of a direct threat to our national security.

Proliferation of nuclear, biological, chemical weapons and the means to deliver them is a dangerous game. While we must continue our efforts to prevent rogue nations from acquiring this technology and thus endangering us, we must also concede that ultimately we are powerless to deter the acquisition of this technology. If we cannot deter the proliferation of ballistic missile technology, we must at least diminish the incentive for attacking the United States and nullify the potential consequences of such an attack. We can do this by developing and deploying a national missile defense system. In the end, it is the only plausible strategy to protect American citizens from the future threat of a ballistic missile attack. As former British Prime Minister Margaret Thatcher recently remarked:

> Acquiring an effective global defense against ballistic missiles is . . . a matter of the greatest importance and urgency. But the risk is that thousands of people may be killed by an attack which forethought and wise preparations might have prevented.

It is the reality of the proliferation of ballistic missile technology, the capability of providing nuclear, chemical or biological destruction through the delivery on ballistic missiles, and the proliferation of those missiles that demands we give serious consideration to a national missile defense system. We are making positive strides in providing theater missile defense protection for our troops abroad. But, in my opinion, we are not taking the steps that we need to take to provide that same kind of protection to Americans here at home.

It is a risky strategy to continue to postpone the basic decisions that need to be made relative to deployment of a national missile defense system. We can argue over timing. We can argue over the deployment. We can argue over the cost that is appropriate in relationship to our budget each year. But we must not deny our citizens protection from the grave potential of a future ballistic missile attack on the United States.

There is a little doubt that the cloture vote which will take place at 2:15 will succeed. The previous speaker has challenged us to get to the debate. We will need his help in order to get to that debate. Indeed, we are going to need help from those who have opposed the proposal before us in order to get to the heart of the critical issues addressed in the Defend America Act.

The PRESIDING OFFICER. The Senator from New Mexico has 10 minutes.

Mr. BINGAMAN. Mr. President, I also rise in opposition to the motion to proceed on this bill, this so-called Defend America Act. The bill is bad policy for many reasons. Several of my colleagues have already mentioned some of those.

First, the bill would undermine Russia's ratification of the START II Treaty, and undermine the implementation of the START I Treaty. These treaties will destroy vastly more Russian nuclear weapons than any missile defense program that is being proposed in this legislation.

A second reason the bill is bad policy is that the bill would mandate the premature deployment of a national missile defense that we do not know today how to deploy, whatever the proponents of the bill may argue.

A third very significant reason why this bill is bad public policy is that it would divert many billions of dollars—the estimate is about $60 billion—from higher Pentagon priorities, particularly around the turn of the century when the Republican defense budgets fall below the President's defense budgets.

I do think we need to ask where the money is coming from. As the Senator from North Dakota said a few moments ago, it is ironic that the effort is being made to move ahead on this legislation the same week the Senate is being asked to once again vote on whether or not to embrace a balanced budget constitutional amendment. We also need to ask at what expense to our other defense capabilities would we be adopting this kind of legislation. The Joint Chiefs of Staff believe those other defense capabilities are more important. We need to heed their advice on this.

The proponents of this bill do not know what system they are demanding to deploy. They do not know what it will cost. They seem at best indifferent to the reaction that we would find in Russia, and at worst they seem to rush to embrace the demise of the Anti-Ballistic Missile Treaty as a welcome consequence of this bill.

We need to ask ourselves why is this not the position of the Joint Chiefs of Staff? Why do the Joint Chiefs put higher priority on preserving START I and going forward with START II and on developing other defense capabilities, including theater missile defenses? The proponents of this legislation have no answers to those questions.

Let me spend a few minutes talking about some of the reasons I am deeply skeptical of our ability to develop highly effective national missile defenses, as called for in this bill, in the timeframe that is set out and required by this bill. I have followed this debate fairly closely since March 1983, shortly after I came to the Senate and President Reagan gave his famous star wars speech. We now know, many years later, that President Reagan had essentially been sold a bill of goods by the proponents of star wars. He was told that an x-ray laser, driven by a nuclear explosion in space, could wipe out a whole swarm of attacking Soviet ICBM's. But the x-ray laser proved to be neither technically sound nor politically viable. The nuclear component of the SDI program was gone within a couple of years. Instead, the goal became a nonnuclear national missile defense composed of a wide range of kinetic-kill and directed-energy weapons coupled with advanced space and ground sensors that could provide some sort of astrodome-like, leak-proof protection for the American people against all ballistic missile attacks.

Mr. President, there was almost no one in the technical community at the time who thought that it was possible to develop what I just described. I distinctly remember being briefed at Sandia National Laboratories in the mid-1980's on their red team analyses of the various proposals being put forward as part of the strategic defense initiative [SDI] by contractors. The red team always won. Nevertheless, we spent billions of dollars in pursuit of this goal that not even the proponents of this bill support today.

It was not until Senator SHELBY and I offered an amendment in 1989 that Congress even tried to look at the component parts of the SDI Program and put some priority on those that made sense, at the same time scaling back those that did not. That amendment, which was debated on the eve of Iraq's invasion of Kuwait, put first priority on developing theater missile defenses, and it called for sharp cutbacks in the more exotic space-based SDI systems, such as the system that was then known as Brilliant Pebbles.

The Persian Gulf war heightened the consensus that our first priority should be theater defenses, if we could come up with some type of theater defenses that, in fact, were effective. The Patriot interceptor clearly had been ineffective against the Iraqi Scud attacks during the war, as the Senator from Arizona noted yesterday. So in 1990, under Senator NUNN's amendment, priority was once again given to theater defenses.

Why has it been so hard for us to come up with effective theater missile defense systems? Since 1989, we have spent over $10 billion on developing theater missile defenses. The President proposed another $2 billion in fiscal year 1997, the budget that we are still working on. Some of these systems, such as THAAD, are now entering testing, but, thus far, they have not had great success in the way of hitting targets.

Why is that, Mr. President? It is true because hitting a bullet with a bullet is

a very, very difficult thing to accomplish. A theater ballistic missile will be moving at up to 5 kilometers per second or 3 miles per second as it approaches its target. Think about that. Three miles per second. An interceptor missile sent up to intercept it travels at approximately the same speed and it has to maneuver so that it ends up in the same breadbasket-sized space at precisely the right moment as the two missiles approach each other at up to 6 miles per second. That is a pretty good trick.

The Congress has been calling for highly effective theater missile defenses for at least 7 years now. We have been supporting research for far longer. And yet, as I said, we have not hit very much. We all hope that our investments in THAAD and Navy Lower Tier and improved Patriot and MEADS and Navy Upper Tier will eventually result in a reasonably effective theater defense capability. We know that that is a capability our military commanders want because finding and destroying small truck-mounted Scud-sized missiles before they were launched proved very difficult in the Persian Gulf war.

However, after 7 years, in which Congress consistently approved the requests for theater missile defense system funding—in fact, added funds during several of those years—we still do not have a highly effective theater missile defense, although we, hopefully, have some promising candidates. Anyone who told us that theater missile defenses would be easy back in the 1980's should have conceded their mistake by now. Anyone who promised astrodomes for national missile defense should have lost credibility with Congress and the American people a long time ago.

Yet, it is that same crowd who is pushing this legislation. They are much more careful about promising astrodomes now. Instead, this bill calls for deployment ''by the end of 2003'' of ''a National Missile Defense system that—

(1) Is capable of providing a highly-effective defense of the territory of the United States against limited, unauthorized or accidental ballistic missile attacks; and

(2) Will be augmented over time to provide a layered defense against larger and more sophisticated ballistic missile threats as they emerge.''

Seven years from now, according to this bill, we are supposed to have solved a harder problem than theater defenses, namely national missile defense, and deployed a system. The proponents totally disregard the lessons of how hard it has been to develop theater defenses over the past 7 years. These technological developments can-not be made on a congressionally mandated time schedule.

We also need to ask what the threat is that is conjured up to justify spending this $60 billion contemplated in this bill. Is it a real threat like the mobile Scuds that our troops faced in the Persian Gulf? The intelligence community does not think so. Yet, the threat you hear the most about from the proponents of this bill is the potential threat that North Korea could develop a missile, the Taepo Dong II, capable of attacking the Aleutian Islands sometime soon. The proponents attack the intelligence community for not leaping to the conclusion that this threat justifies deployment of a national missile defense now.

Let me put a few facts on the table about this potential threat.

North Korea's total gross national product is about $25 billion. That is less than one-third of 1 percent of the U.S. gross national product. In fact, that country is bankrupt, Mr. President. Its people are malnourished, if not starving. Its total defense budget is less than $6 billion, which is approximately one-fortieth of our own, and yet those who want to pursue a crash national missile defense system criticize the intelligence community for unanimously judging that it might be difficult for North Korea to develop a long-range missile in the next 15 years.

If North Korea's Taepo Dong II—a missile that does not today exist—is the justification for this bill, it is a pretty thin justification indeed. But let us take this argument further. Let us give the proponents of this bill the benefit of the doubt. Let us say that this bankrupt country actually started building such an intercontinental ballistic missile tomorrow. Are we a pitiful helpless giant incapable of responding? Does our $267 billion defense budget provide our President and our military leaders no options to deal with this threat? Should we sue for peace? Of course not.

The Taepo Dong II, if it ever exists, would be a large immobile missile. We would know about its development immediately through our intelligence capabilities. And we would be able to destroy it by a preemptive strike long before it was ready to be launched, just as Israel once dealt with the Iraqi nuclear complex.

If the threat is a rogue nation, like North Korea, Iraq, Iran, or Libya, developing an ICBM, then clearly preemption with our existing military capabilities would clearly handle such a threat with very high confidence. It is a far higher confidence level than we are ever likely to achieve with a national missile defense system. The American people would support such a preemptive strike, just as they support today the threat of preemption which Secretary Perry has made to the underground Libyan complex should it begin to manufacture chemical weapons.

There is an editorial, which I want to cite on this point, that was in the May 13, 1996 edition of the Patriot & Evening News out of Harrisburg, PA. This is an article called ''Offense is Best Missile Defense.''

The author makes the obvious point about the threat from rogue states. He says:

If a nation hostile to the United States should acquire the capability to send a missile our way, dare we wait until it is fired to see if our missile defense system actually works? Or would we in fact use other military means to go in and put it out of commission before it was fired?

The answer surely is that you do not place the fate of thousands of American lives on unproven technology of uncertain proficiency. You eliminate the threat before it eliminates you, a strategy that would make deployment of a missile defense system pointless and redundant.

Mr. President, I ask unanimous consent that the full text of this article appear at the end of my remarks.

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

[See exhibit 1.]

Mr. BINGAMAN. So, Mr. President, the threat of a rogue nation really cannot and should not be the justification for this bill and the expenditure of tens of billions of dollars.

But let us also look at the technical side of national missile defense. As the senior Senator from Ohio, Senator GLENN, has said many times on this floor, we do not today know how to do this, whatever a contractor may claim. With ICBM's we are talking about bullets intercepting bullets with closing velocities of up to 10 miles per second. The President and Secretary Perry propose to continue research in this area at the rate of half a billion dollars per year to see if we can solve the technical problems. That is an adequate amount in my judgment, given how little has been delivered thus far after the expenditure of many tens of billions of dollars. I am from Missouri like Harry Truman when I hear any promises about how close we are to solving the technical problems of national missile defense. Someone is going to have to show me with real test results. I have heard such promises before. The American people have heard such promises before.

Mr. President, if the threat from rogue states is remote and capable of being handled by other means, as I believe it is, if we have no technical solution in hand, if we risk undermining the benefits of START I and the START II Treaty as well, then why on Earth should we move ahead to pass this bill? The proponents threaten us with some variation of the astrodome 30-second political spot. They feel the American people will be outraged that we do not have a national missile defense system. But it is much more likely that the American people will see this legislation for what it is, a fiscally, technically, and strategically unsound bill that will damage both our Treasury and our security.

Mr. President, I believe it would be folly for us to proceed to enact it and the American people will not be fooled into believing otherwise. I appreciate the time and yield the floor.

EXHIBIT 1

[From the Harrisburg (PA) Patriot & Evening News, May 13, 1996]

OFFENSE IS BEST MISSILE DEFENSE

AMERICA NEEDS A SYSTEM TO PROTECT DEPLOYED TROOPS, BUT SHOULD TAKE OUT ATTACK CAPABILITY OF ROGUE NATION

Should the United States develop and deploy a system to destroy incoming missiles fired by a rogue state, such as Iran or North Korea?

That is the issue in what the House leadership has dubbed ''Defend America Week,'' as it considers legislation that would deploy a missile defense system by the year 2003.

At stake, Republicans argue, is the nation's security in a world where all sorts of nations are equipping themselves with or seeking weapons of mass destruction.

Also at stake are billions of dollars, and perhaps the ability of our military forces to carry out more conventional missions, for the defense pot isn't likely to get much bigger even if Congress votes for deployment of expensive defensive missiles.

Is such a deployment necessary? The Clinton administration proposes to spend $600 million annually for five years to develop a system, but not deploy it unless a clear threat emerges. No nation that might pose such a threat has the capability to launch a missile that can reach American shores. And the best intelligence estimate is that such capability is at least 15 years away.

It should be noted that the administration does propose to fund the development and deployment of a theater anti-missile system to protect American military forces overseas from attacks such as those by Scud missiles we saw during the Persian Gulf War.

Not only is there no immediate threat that would require deployment of a national missile-defense system, the so-called ''Defend America Act'' doesn't even define the type of system that would be developed or deployed. That suggests a considerable gap between the idea and an actual system capable of picking off a missile before it inflicts harm on this country.

Indeed, one of the arguments against early deployment is that the pace of technology could well render such a system obsolete in the estimated three years required for it to become operational.

The costs are not inconsequential. Deployment of even a modest, single site, ground-based system could amount to $5 billion, though it would be of doubtful worth. A more ambitious system would cost on the order of $25 billion. A multi-site system could run $44 billion or more, but would also violate the ABM treaty with Russia, which limits each country to one ABM site.

More to the point, if a nation hostile to the United States should acquire the capability to send a missile our way, dare we wait until it is fired and see if our missile defense system actually works? Or would we in fact use other military means to go in and put it out of commission before it was fired?

The answer surely is that you do not place the fate of thousands of American lives on unproven technology of uncertain proficiency. You eliminate the threat before it eliminates you, a strategy that would make deployment of a missile defense system pointless and redundant.

Mr. KYL. Mr. President, I yield 10 minutes to the Senator from Oklahoma, Senator INHOFE, a member of the Senate Armed Services Committee.

The PRESIDING OFFICER. The Senator from Oklahoma, Mr. Inhofe, is recognized for 10 minutes.

Mr. INHOFE. Mr. President, I thank the Senator for yielding.

We are in the middle of a debate we have heard over and over. I do not think I have heard anything today or yesterday that I have not heard already and we have not discussed at some length.

The Senator from New Mexico mischaracterizes the threat that exists out there. I hope we can go back and recall some of that debate because it started, in characterizing the threat, 2 years ago, when James Woolsey, who has already been identified as the CIA Director under President Clinton, who has stated that we know of between 20 and 25 nations that have or are in the final stages of developing weapons of mass destruction, either biological, chemical, or nuclear, and are developing the missile means in delivering those weapons. He said this 2 years ago.

I suggest that those who look wistfully back and say, ''Isn't it wonderful that the cold war is over,'' that the threat could very easily be, and I think it is, greater than it was during the cold war. During the cold war, we had the U.S.S.R. and the United States as two superpowers. So it made some sense to some people to come up with agreements to downgrade nuclear capability because there were only two nuclear superpowers out there. But if we are talking about 25 to 30 nations now and we establish some type of relationship with Russia, since the U.S.S.R. is no longer in existence, then we still have 25 or 30 other nations that are building up their nuclear capability at the same time we are tearing ours down.

Is the threat out there? The Russians have the SS–25, the SS–18, which is a MIRV'd missile, I think, with 10 warheads. They have the capability of launching. And North Korea's Taepo Dong II missile that the Senator from New Mexico talked about, that is something that the experts say is within 5 years—and I have heard lower figures than that—of being able to reach the United States. We are talking about technology that exists. We are talking about missiles that can reach long distances and can reach the United States from such places as China, Russia, and North Korea.

I also suggest that we do not need to talk about the gross national product of North Korea. That should not enter into this debate. I do not care what their gross national product is. If they have a Taepo Dong II missile that can reach the United States, it only takes one. Coming from Oklahoma, I can tell you, one bomb is enough.

So when you look at the threat, I think you need to consult the individuals who are the experts and the ones who said we know what capability is there.

We have had this debate already. We had this debate in 1991. We decided we would protect ourselves against the threat of a missile attack by the year 1996. Here it is 1996.

We are having this debate again. Technology has improved. As far as the Senator from New Mexico's statement about hitting a bullet with a bullet—yes, that is a difficult thing, but there is not a person in the United States who was not watching CNN during the Persian Gulf war, and we all saw Patriot bullets hitting Scud bullets. That was 5 years ago. Mr. President, we can hit a bullet with a bullet.

When you are talking about the proper function of Government, I cannot think of any function that is more significant than protecting the citizens of the United States.

We had a lot of discussion about the cost of this. I hear these figures being batted around, $30 and $60 billion. The fact is we already have somewhere between $44 and $50 billion invested in our Aegis ships. We have 22 cruisers and destroyers already floating out there with launching capability.

We want to get them upgraded so they can reach up into the upper tier and defend us against missile attack. I do not see anything un-American about that. That money has already been spent. We have that investment. We are down now to a very small amount of money that could bring us to the reality of being able to defend ourselves.

Here is Team B of the Heritage Foundation, which is made up of a lot of very knowledgeable people, such as Lt. Gen. James Abrahamson, former SDIO Director and Associate NASA Administrator, and Lt. Gen. Daniel Graham, the former Director of the Defense Intelligence Agency.

We have all of these people sitting down determining the cost of actually coming up with a system that will protect America using the Navy's Aegis system. They say it is going to be somewhere in the neighborhood of $3 billion, plus $5 billion if we are going to field the satellites we need to be able to detect where one of these missiles is launched.

To be able to use our satellites to detect a missile that is coming toward the United States will cost, according to the Heritage experts, approximately $5 billion. If you take the CBO report and look at what it really says—and they talk about the figures $31 to $60 billion—what they are talking about is if you want to buy every available missile defense technology there is.

What we are suggesting in this bill right here is that the President and the Secretary of Defense look at all the technology, look at the land-launched missiles, look at the Navy's Aegis system and space systems and pick the right combination that will defend America.

What the CBO did was to add up the cost as if we adopted everything. It is like going into a used car lot and buying every car in the lot, not just the one that is going to take care of our needs.

So the cost is not that much. If the CBO is right, and if it is between the $30 and $60 billion—let us assume it is $40 billion—that is the total cost from 1997 to the year 2010. That is 14 years.

So we would be taking approximately $3 billion a year.

The Senator from North Dakota talked about the fact that there was not any real threat from North Korea. I suggest that the Senator go back and reread what Gen. Gary Luck, the United States commander in South Korea, came out and stated this year before the Armed Services Committee. He said we have very serious threats. Granted, we are talking about more of a theater missile problem there in Korea. But he said: With 37,000 Americans in South Korea, we need to start working on this system right now because we know what the Taepo Dong II missile is advancing and we know what kind of threat it will be not just to South Korea but to the United States.

So I would like, rather than to listen to someone who has very little knowledge about the technology that is available out there, to listen to those who are the experts. I also add that the experts—I was very proud of the four chiefs of the four services the other day coming out and saying that out military procurement is underfunded by $20 billion underfunded—recognizing we in America are not paying proper attention to defending America. It took a lot of courage for them to say that.

The Senator from North Dakota goes on and on talking about $60 billion, $90 billion, large sums of money, as if none of that has already been spent. I suggest, Mr. President, that the vast majority of what we need for missile defense has been spent, that we could take the amount of money that has been spent and spend about 10 percent more and have a system in place that would be able to shoot down an ICBM missile if it came toward the United States.

Coming from Oklahoma, I think I am probably a little more sensitive to what kind of a disaster can take place. I was there the day after the bombing of the Federal building in Oklahoma City. It is easy to sit here, read the accounts in the paper, maybe watch TV and not be too impressed with how personal this is. When you have a close friend whose son and daughter were in that building, were killed in that building, and they did not know it for 3 days; when you see the disaster, the millions of dollars that were lost, the half billion dollars that was identified in property damage, the 168 lives; and then you realize that the explosive power of the bomb that went off in Oklahoma City was equal to a ton of TNT, while the smallest nuclear warhead that we know about today that our intelligence community can document is 1 kiloton, a thousand times the size of the bomb that wiped out the Murrah Federal office building in Oklahoma City—I just say to those who like to keep their head in the sand, those who like to believe that there is no threat out there, a lot of the experts disagree with you. And what if you are wrong?

The PRESIDING OFFICER. Time has expired. Who yields time?

Mr. NUNN. Mr. President, I believe the Senator from Michigan, Senator LEVIN, had been on the floor and would like to speak. But he is not here now.

Mr. KYL. If he is not here, Mr. President, I will yield 5 minutes to the Senator from Mississippi, Senator COCHRAN.

The PRESIDING OFFICER. The Senator from Mississippi, Senator COCHRAN, is recognized for 5 minutes.

Mr. COCHRAN. Mr. President, I thank my distinguished colleague from Arizona for yielding time to me.

The most often heard criticisms of this legislation that have come to my attention and that I have read in the op-ed pieces and the newspapers consist generally of three main arguments: First, the system costs too much; second, we will violate the ABM Treaty; third, this is not the real threat we are dealing with right now, that it is more of a terrorism threat, that people could bring a nuclear weapon in a suitcase and put it anywhere in the United States, and that this is what we have to concentrate our attention on.

Let me take those arguments and just say that on the basis of the facts—not the rhetoric, not the eye wash, not the double-talk, but the facts—before our Committee on Defense Appropriations, we have heard of a system that, using a sea-based system, we can deploy a missile defense system with existing ships, cruisers, that are now in the inventory of the U.S. Navy and at sea around the world that have a firing system that is capable of being used for launching interceptors. This can be deployed over a 5-year period at a cost of between $2 and $3 billion.

Think about that. That is within the budget request being submitted by the President of the United States for missile defense. Other testimony came from the Air Force. The highest ranking officers of the Air Force described before our committee a ground-based system, the technology for which already exists and is proven to be very promising in this area. The cost? $2 to $2.5 billion. Now, come on.

There was testimony from the Army, the highest ranking officials in the Army, about a ground-based system for missile defense. One estimate was from $5 to $7 billion over a period of years to deploy this system.

The reason those costs are so low is because we have already invested substantial sums of money. Those investments are not wasted if we will go ahead and deploy a system in an orderly way, using the technology that is there.

Second, opponents of national missile defense say we will violate the ABM Treaty. The Defend America Act, which I am cosponsoring, along with a number of other Senators, specifically provides that the President pursue high-level discussions with the Russian federation to achieve an agreement to amend the ABM Treaty to allow deployment of the National Missile Defense System being developed for deployment under section 4. It does not say violate the treaty. It suggests that if there is a need to amend the treaty to keep from violating it, the President should work to accomplish that objective. We do not know what the Russians would say to that kind of proposal, but we ought to at least explore it. But to say that the Defend America Act violates the ABM Treaty is just not true.

Third, opponents of national missile defense say that the kind of threat that we are confronting right now isn't that serious. Well, it is. There are some 20 countries, maybe more, who either have or are in the process of acquiring missile technology capable of delivering lethal warheads, nuclear, biological, and other types of lethal warheads over long distances that could create mass destruction, putting at risk, right now, our troops in South Korea, those deployed in other regions of the world. Our interests everywhere are threatened.

Now, of course, we are worried about terrorism. That is why we passed the antiterrorism bill the other day. Of course, we are worried about doing enough in terms of surveillance and keeping up with what is going on and what kind of threats exist against the United States and its citizens. That is why we have intelligence-gathering agencies. That is why we are urging that the President submit a request for more funds for these things rather than less. So we are fighting that battle. We are dealing with that threat. To use as an excuse that we should not have a missile defense system because there are other threats that may be more obvious, does not argue, in any way, against the passage of this bill. That is the point.

I am tired of hearing these same old arguments, dredged up, reused and rephrased, in the New York Times editorial page and by others contributing their information through that source to this debate. I think they are wrong. They are certainly not accurate.

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

The PRESIDING OFFICER (Mr. COCHRAN). The Senator has 36 minutes and 7 seconds.

Mr. NUNN. I yield 10 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 10 minutes.

Mr. LEVIN. Mr. President, Senate bill 1635, the so-called Defend America Act, is really misnamed. It should more appropriately be called the Reducing America's Security Act, because it would reduce our security by jeopardizing the massive reductions of former Soviet nuclear weapons that are scheduled to take place under START I and START II.

Those reductions are not going to take place, we have been so informed, if we unilaterally commit to deploy a system which violates the agreement between ourselves and Russia, the ABM

Treaty. That is the bottom line. Everybody can try to wriggle away from that and try to avoid that issue if they want, but we have an agreement with Russia. That agreement prohibits or precludes the kind of systems which the Senator from Mississippi just described. Sea-based ABM systems are not allowed under that agreement. We have been told if we commit to deploy systems which violate that agreement with Russia that they will not proceed to dismantle weapons under START I and they will not ratify START II.

That is the issue which we face. Which course of action is more in our security interest: proceeding with huge reductions in Russian nuclear weapons or violating an agreement with Russia and keeping those weapons in place?

It is not whether there is a potential threat. There is a potential threat. The question is whether or not we address that threat in a rational, reasonable way, which does not create greater dangers to ourselves. If we address a potential threat in a way which causes Russia to say, ''OK, you are committing now to violate an agreement which you have worked out with us, and we are, therefore, going to stop dismantling our nuclear weapons under START I and we are not going to ratify START II,'' we have not only cut off our nose to spite our face, but we have produced a far more threatening situation involving thousands of nuclear weapons which will continue to exist, which otherwise will be dismantled.

Now, that is not just Democrats in the Congress talking, and that is not just the administration talking. That is the Chairman of the Joint Chiefs of Staff. That is the Chiefs of Staff themselves. That is our regional CINC's around the world. They are telling us it is not in our interest to proceed down the line of threatening an agreement which will result in Russia, saying, ''OK, if you are going to have prohibited defenses, then, folks, we are not going to dismantle the weapons that we otherwise were willing to dismantle.''

Of course we want to defend against potential threats. But we do not want to do so in a way which creates worse threats for ourselves. That is what the Chairman of the Joint Chiefs of Staff is telling us. That is in a letter to Senator NUNN, in which he tells us that the Chairman, the Chiefs, the CINC's, do not approve a course of action which threatens to undermine an agreement that we have with Russia.

His letter to Senator NUNN reads:

In response to the recent letter on the Defend America Act of 1996, I share congressional concern with regard to the proliferation of ballistic missiles and the potential threat that these missiles may present to the United States and our allies.

Then he says:

Efforts which suggest changes to or withdrawal from the ABM Treaty may jeopardize Russian ratification of START II and, as articulated in the Soviet statement to the United States of 13 June 1991, could prompt Russia to withdraw from START I.

Continuing:

I am concerned that failure of either START initiative will result in Russian retention of hundreds or even thousands more nuclear weapons, thereby increasing both the costs and the risks that we may face.

We have our highest uniformed military authority, not just the civilian heads of the Department of Defense, but our highest uniformed military authorities who have said they do not want us to commit now to deploy a system by a year certain, as this bill requires. That unilateral commitment to deploy a system which would violate the ABM Treaty, as would the system which my good friend from Mississippi just outlined, the sea-based ABM system, that will lead Russia to withdraw from START I and not ratify START II, leaving us in a much more threatening situation than the one which we would otherwise face.

What the Defense Department wants us to do instead is put ourselves in a position where we can deploy, should the threat warrant it and should the costs make it cost-effective and the technology make it militarily effective. That is the so-called 3-plus-3 approach. It gets us to a position where we can decide within 3 years to have a deployed system within 3 additional years. But it would not commit us now, prematurely, to such a deployment both for the reason which I just gave, which is that it threatens the ABM agreement with Russia which has allowed them to dismantle thousands of weapons and would cause them to stop dismantling more, but also from the Defense Department perspective, it prematurely commits us to technologies before we know what are the best technologies in order to meet this potential threat.

So the question is not whether we want to defend America. Of course, we want to defend America. The question is how best to defend America, how best to defend against potential threats, and how best to do so without creating a worse situation for ourselves. I want to emphasize this fact so this does not appear to be Senator DOLE and Speaker GINGRICH on the one side and the administration on the other side. This is the Chairman of the Joint Chiefs and the Joint Chiefs themselves.

At the end of his letter, as he emphasized, ''I have discussed the above position with the Joint Chiefs and the appropriate CINC's, and all are in agreement.'' What they are in agreement with is the danger of ruining our chances for continuing massive reductions of former Soviet nuclear weapons by threatening the ABM Treaty, and also in agreement on the administration's approach which I have just outlined, the so-called 3-plus-3 approach.

There are other threats, as my good friend from Mississippi has pointed out. There are lots of threats, lots of terrorist threats we face, including threats that could come in a suitcase, threats that could come in trucks, threats of chemical weapons, threats of biological agents, and we must spend a lot more time and more resources addressing terrorist threats. We have to rate these threats in terms of likelihood.

The head of the CIA, John Deutch, has ranked threats, and when he ranked the threat of terrorists using weapons of weapons of mass destruction, whether chemical or biological weapons or nuclear weapons, with the threat of ballistic missiles delivering nuclear weapons or other weapons of mass destruction by rogue states, he listed the missiles delivering the weapons as a far distant third. And so we, too, must make decisions on allocations of resources, based on the likelihood of the threat. That is part of our job in Congress.

Now, the CBO has estimated this Dole-Gingrich missile defense system could cost $60 billion, roughly. The CBO estimate apparently is not accepted by the folks who insist that we accept CBO estimates on everything else. I think it is obvious why there is the inconsistency here, and it is an inconsistency. If there is an estimate of a certain amount by CBO, it seems to me that we ought to be consistent and say, OK, if we are going to accept the CBO numbers in terms of budget deliberations, the estimates should be given some kind of a prima facie credibility in terms of other areas as well.

So there is a significant cost here. Is it worth it? We do not know yet. The answer is that it may be, but may not be. If it creates a system which can effectively defend us from in-coming missiles, and if there is a real threat of those missiles coming in, and that system will not create worse threats than the ones we are considering, it may well be. So we have to weigh the likelihood of the threat.

When is the threat likely to emerge? The CIA estimate is not in the next 15 years, in terms of any new states having the capability to hit the continental United States, other than Russia and China. And so we have to weigh the likelihood of those threats and the cost of defending against those threats against all the other aspects that go into this kind of a decision.

We have other ways to defend ourselves. We have arms control and threat reduction efforts, like the START I and START II treaties and the Nunn-Lugar Cooperative Threat Reduction Program that are leading to massive reductions of former Soviet nuclear weapons. We have deterrence, which is a very critical way of defending ourselves—frequently not even considered anymore, but still it was the heart of the ABM Treaty. So there are other ways in which we can and want to and must defend ourselves, in addition to having some kind of an antiballistic missile system, as we clearly see in the case of Russia.

There are two nations that already have such ballistic missiles: Russia and China. The Russians are now reducing their nuclear weapons under the

START I Treaty, and once the START II Treaty enters into force Russia will make even greater reductions. These two treaties will result in the reduction of two-thirds of the nuclear weapons that the Soviet Union deployed at the end of the cold war. That is a huge increase to our security—a two-thirds reduction in nuclear weapons. Mr. President, I want to emphasize that the reductions we expect from START I and START II will be some 6,500 nuclear weapons that were deployed as recently as the end of 1991—far more nuclear weapons than those of all the other nations combined that possess nuclear weapons.

In addition to these reductions, the United States and Russia have de-targeted their missiles. That means that if there were an accidental launch of a Russian missile—which the intelligence community estimates to be a very very remote possibility—the missiles would land in the ocean and not on each other's territory. So we have already taken the most important step to reduce the risk of an accidental launch of a Russian missile by detargeting our missiles.

Mr. President, Americans are understandably far more concerned about the threat of terrorists bringing weapons into the United States. Here are some polling results: 67 percent believe that it is more likely that the United States will be attacked by terrorists bringing weapons into the country than being attacked by nuclear ballistic missiles. Only 3 percent of those polled thought the threat of ballistic missile attack was more likely than terrorist attack.

Our intelligence community has the same assessment of the relative likelihood of threats to our Nation. It views the threat of a terrorist attack in the United States using chemical or biological weapons as more likely than a ballistic missile attack. In testimony before the Governmental Affairs Permanent Subcommittee on Investigations earlier this year, Director of Central Intelligence John Deutch said that terrorists would be most likely to use chemical weapons to attack the United States, than biological agents, and finally nuclear weapons. Director Deutch said that ''chemicals are the weapon of choice for a terrorist group.'' Nothing in this Dole-Gingrich legislation would do anything to prevent a terrorist attack, such as the Tokyo subway gas attack. This bill focuses exclusively on the much less likely prospect of a ballistic missile attack against the United States

And on the view of the threat and appropriate funding level, the senior military leadership believe there are higher priorities that should be funded ahead of unrequested missile defense funds. For example, at the beginning of this year the Joint Requirements Oversight Council, which is made up of the Vice Chairman of the Joint Chiefs of Staff and all the Vice Chiefs of Staff, sent a memorandum to the Under Secretary of Defense for Acquisition and Technology stating their views on prioritizing and funding missile defense programs. The memorandum states:

This memorandum is to inform you of the Joint Requirement Oversight Council's (JROC) position of prioritizing a Theater Missile Defense (TMD) capability over a National Missile Defense (NMD) capability.

The JROC believes that with the current and projected ballistic missile threat, which shows Russia and China as the only countries able to field a threat against the U.S. homeland, the funding level for NMD should be no more than $500 million per year and TMD should be no more than $2.3 billion per year through the FYDP [Future Years Defense Plan]. Those funding levels will allow us to continue to field critical TMD/NMD systems to meet the projected threats and, at the same time, save dollars that can be given back to the Services to be used for critical recapitalization programs.

We believe the proposed TMD/NMD acquisition levels are balanced and proportional and offer great potential for achieving an affordable ballistic missile defense architecture that meets our joint warfighting needs.

So these are the views of the senior military leaders. They know the threat and they know what is a reasonable and prudent response to the threat. They also know that there are more pressing defense needs on which to spend our limited resources than committing to spend tens of billions on a missile defense system in carrying out a commitment to deploy a system by 2003, without even knowing the results of development and testing. That is why they recommended these more prudent levels of spending, which is consistent with what the Defense Department requested this year.

The (DOD) plan is to develop our missile defense technology so that we can make a deployment decision in 3 years if needed, and then be able to deploy a system after 3 more years, as early as 2003, if there is a threat that warrants deployment and if it is cost-effective. This so-called ''3 plus 3'' plan makes no commitment now to deploy. It commits us to improve significantly our missile defense technology and capability so we could deploy if and when that makes sense in terms of threat and costs.

By committing now to building a system that will be operational in 2003, the Dole bill could lock in the least capable technology and provide us with what the Pentagon terms a very ''thin'' system. It would thus deny us the ability to pick the best technology available in case a serious threat does emerge. The Defense Department has testified to Congress that for each year beyond 2003 that we wait before deploying a system we will increase the capability of the system we might not prematurely commit, but develop it properly and eventually build. Since there is no threat now from rogue nations, we should take the time to get it right in case we need to deploy. That is the Pentagon's plan and we should support it and reject the Dole-Gingrich plan.

Mr. President: Let me cite the provisions of this legislation that are of greatest concern:

Section 3 states:

It is the policy of the United States to deploy by the end of 2003 a National Missile Defense system that —

(1) is capable of providing a highly effective defense of the territory of the United States against limited, unauthorized, or accidental ballistic missile attacks; and

(2) will be augmented over time to provide a layered defense against larger and more sophisticated threats as they emerge.

Section 4 states:

(a) To implement the policy established in section 3(a), the Secretary of Defense shall develop for deployment an affordable and operationally effective National Missile Defense (NMD) system which shall achieve an initial operational capability (IOC) by the end of 2003.

(b) The system to be developed for deployment shall include the following elements:

(1) An interceptor system that optimizes defensive coverage of the continental United States, Alaska, and Hawaii against limited, accidental, or unauthorized ballistic missile attacks and includes one or more of the following:

(A) Ground-based interceptors.

(B) Sea-based interceptors.

(C) Space-based kinetic energy interceptors.

(D) Space-based directed energy systems.

I would point out, Mr. President, that all of the last three of these elements are strictly prohibited by the ABM Treaty.

Finally, Section 7 states:

. . . Congress urges the President to pursue high-level discussions with the Russian Federation to achieve an agreement to amend the ABM Treaty to allow deployment of the national missile defense system being developed for deployment under section 4.

Mr. President, it seems clear to me that when the bill states that the President would need an amendment to the ABM Treaty ''to allow deployment of the national missile defense system being developed for deployment under section 4'', as this bill does, it is an abundantly clear indication that the bill envisions a system that would not be permitted by the ABM Treaty. That is exactly what this bill is about. The administration sent to Congress yesterday its statement of administration policy concerning this bill. I will quote the first sentence of this administration statement. ''If S. 1635 were presented to the President in its current form, the President would veto the bill.'' Mr. President, yesterday was a historic day for U.S. and international security. We learned that the last of the nuclear weapons left over from the former Soviet Union have been removed from Ukraine. So Ukraine is nuclear weapon-free, as it promised. When the Soviet Union collapsed it gave rise to four nations with nuclear weapons on their soil: Russia, Ukraine, Belarus, and Kazakhstan. In addition to Russia, there were suddenly three new nuclear weapon states that had more nuclear weapons than the rest of the other nuclear weapon states—Britain, France and China—combined. Through hard work and cooperation, we are on the path to making those three states nuclear weapon free. Ukraine is to be commended for this

action. But this kind of cooperative threat reduction is not possible when we threaten to unilaterally violate a key treaty with Russia, or take actions that will jeopardize the huge reductions in former Soviet nuclear weapons. If we want to increase America's security, we should support cooperative threat reduction efforts—not threaten them. The Senate should reject this Dole-Gingrich legislation that would reduce America's security.

Mr. President, in closing, I ask unanimous consent that three documents be printed into the RECORD at this time. One is the letter which I have made reference to from General Shalikashvili, which I have quoted. Next is the document from the Joint Requirements Oversight Council [JROC] which has prioritized and recommended an appropriate level of funding for the theater missile defense and national missile defense programs, and other aspects, which are relevant to this debate. Last is a statement of administration policy regarding the Dole-Gingrich bill.

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

CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
*Washington, DC, May 1, 1996.*

Hon. SAM NUNN,
*U.S. Senate, Committee on Armed Services, Washington, DC.*

DEAR SENATOR NUNN. In response to your recent letter on the Defend America Act of 1996. I share Congressional concern with regard to the proliferation of ballistic missiles and the potential threat these missiles may present to the United States and our allies. My staff, along with the CINCs, Services and the Ballistic Missile Defense Organization (BMDO), is actively reviewing proposed systems to ensure we are prepared to field the most technologically capable systems available. We also need to take into account the parallel initiatives ongoing to reduce the ballistic missile threat.

In this regard, efforts which suggest changes to or withdrawal from the ABM Treaty may jeopardize Russian ratification of START II and, as articulated in the Soviet Statement to the United States of 13 June 1991, could prompt Russia to withdraw from START I. I am concerned that failure of either START initiative will result in Russian retention of hundreds or even thousands more nuclear weapons thereby increasing both the costs and risks we may face.

We can reduce the possibility of facing these increased cost and risks by planning an NMD system consistent with the ABM treaty. The current National Missile Defense Deployment Readiness Program (NDRP), which is consistent with the ABM treaty, will help provide stability in our strategic relationship with Russia as well as reducing future risks from rogue countries.

In closing let me reassure you, Senator Nunn, that I will use my office to ensure a timely national missile defense deployment decision is made when warranted. I have discussed the above position with the Joint Chiefs and the appropriate CINCs, and all are in agreement.

Sincerely,

JOHN M. SHALIKASHVILI.

THE VICE CHAIRMAN OF
THE JOINT CHIEFS OF STAFF,
*Washington, DC.*

Memorandum for the Under Secretary of Defense for Acquisition and Technology.

Subject: National missile defense.

1. This memorandum is to inform you of The Joint Requirements Oversight Councils (JROC) position of prioritizing a Theater Missile Defense (TMD) capability over a National Missile Defense (NMD) capability.

2. The JROC believes that with the current and projected missile threat, which shows Russia and China as the only countries able to field a threat against the US homeland, the funding level for NMD should be no more than $500 million per year and TMD should be no more than $2.3 billion per year through the FYDP. These funding levels will allow us to continue to field critical TMD/NMD systems to meet the projected threats and, at the same time, save dollars that can be given back to the Services to be used for critical recapitalization programs.

3. We believe the proposed TMD/NMD acquisition levels are balanced and proportional and offer great potential for achieving an affordable ballistic missile defense architecture that meets our joint warfighting needs.

W.A. OWENS,
Vice Chairman of the Joint Chiefs of Staff.
THOMAS S. MOORMAN, JR.,
General, USAF, Vice Chief of Staff.
J.W. PRUEHER,
Admiral, US Navy, Vice Chief of Naval Operations.
F.D. HEARNEY,
Assistant Commandant of the Marine Corps.
RONALD H. GRIFFITH,
General, US Army, Vice Chief of Staff.

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EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
*Washington, DC, June 3, 1996.*

STATEMENT OF ADMINISTRATION POLICY

[THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.]

*S. 1635—Defend America Act of 1996—(Sen. Dole (R) KS and 23 cosponsors).*

If S. 1635 were presented to the President in its current form, the President would veto the bill.

S. 1635 would commit the United States now to deployment by 2003 of a costly system for national missile defense (NMD) to defend the United States, inter alia, from a long-range missile threat from countries other than the major declared nuclear powers. For the reasons explained below, committing the United States now to such a deployment is not only unnecessary, but could be harmful to our broader national defense interests.

The costly deployments required by S. 1635 would divert vital defense funds from other more pressing defense needs. The bill encourages deployment of space-based laser satellites that would cost billions and would violate the ABM treaty. The CBO has estimated that such an NMD would cost $31–$60 billion through 2010. These amounts do not even include the costs of operating and supporting such a system. Such unnecessary NMD spending—within the defense budget levels proposed by the Administration through 2002—would jeopardize modernization efforts for other, more pressing defense missions. Moreover, the budget resolutions passed by the House and Senate would provide $10 to $16 billion less in 2001 and 2002 for defense than the Administration's budget plan. Proceeding with the NMD program envisioned by this bill, under these defense budget levels, would cripple modernization.

The immediate commitment to a specific system to defend against a threat that does not now exist is both imprudent and dangerous. By mandating an NMD deployment decision now, the bill would force the Department of Defense (DOD) to commit prematurely to a technological option that may be outdated when the threat emerges. The bill embraces much of the failed ''Star Wars'' scheme, which depends on advances in technology that are at least a decade away.

The Administration's Deployment Readiness Program will continue to develop national missile defense technology for three years—the minimum time needed to develop a workable defense—after which time the United States can make an informed decision to deploy a system by 2003 if so warranted by the threat. The Intelligence Community has estimated that there will be sufficient warning time to make this timetable possible. This ''3+3'' approach to national missile defense ensures that a system will be fielded with the best technology available if and when the threat emerges. The Administration approach also preserves the correct priority in the Ballistic Missile Defense program. This program fully funds Theater Missile Defense to defeat a threat that is here and now, and complements a comprehensive defense against weapons of mass destruction that includes prevention, deterrence, and defense.

Finally, by setting U.S. policy on a collision course with the ABM Treaty, S. 1635 would put at risk continued Russian implementation of the START I Treaty and Russian ratification of START II. These two treaties together will reduce the number of U.S. and Russian strategic nuclear warheads by two-thirds from Cold War levels, significantly lowering the threat to U.S. national security.

The PRESIDING OFFICER (Mr. ASHCROFT). Who yields time?

Mr. NUNN. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, the time during the quorum will be charged equally to both sides.

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. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I rise today to voice my strong support for the Defend America Act. I won't comment on every aspect of this important legislation, but there are certain issues which bear highlighting.

Although we in Alaska may sometimes wish we were further away from Washington, DC, I think the citizens in my State would be shocked to learn that this administration apparently dismisses the strategic importance of Alaska, the other noncontiguous State, Hawaii, and U.S. territories. Have President Clinton and his advisers forgotten which State Japan chose to strike first, and what event drove us into World War II?

President Clinton has said, ''The possibility of a long-range missile attack on American soil by a rogue state is more than a decade away.'' This statement ignores testimony in 1994 by John Deutch, then Deputy Secretary of Defense, ''If North Koreans field the Taepo Dong 2 missile, Guam, Alaska and parts of Hawaii would potentially be at risk.'' Does the President really mean that Alaska is not American soil?

As President Clinton's first Director of the CIA, James Woolsey, stated,

[T]he contiguous 48' frame of reference for this NIE (National Intelligence Estimate), if the document is used as a basis for drawing general policy conclusions, can lead to badly distorted and minimized perception of the serious threats we face from ballistic missiles now and in the very near future—threats to our friends, our allies, our overseas bases and military forces, our overseas territories, and some of the 50 states.

Very few of those in opposition to this bill give much thought to the actual nature of the threat that currently exists. As I've mentioned, the intelligence community has documented that the North Koreans are developing the capability to strike my State of Alaska with intercontinental ballistic missiles. That is not to mention those nations with adequate current capability such as Russia and China or those nations racing to gain such technology such as Iraq, Iran, and Libya.

I have heard several of my colleagues dismiss the threat from North Korea because that country is on the verge of collapse. I would remind my colleagues of some historical facts. First, North Korea has a history of reckless, irrational acts. This is the country which launched the invasion of South Korea in 1950 resulting in the deaths of 3 million of her countrymen and more than 33,000 American troops; a country whose agents detonated a bomb in Rangoon killing 16 South Korean officials; a country whose agents blew up a Korean Airlines flight killing 115 passengers and crew; and a country whose military hacked American personnel to death in the DMZ. Using missile blackmail may be just the type of desperate act North Korea might try to get the United States to start talking about a separate defense treaty, something that country has sought for years.

Third, if anything, the United States is extending the life of the North Korean regime by providing vast sums of free oil and expensive nuclear reactor technology under the terms of the agreed framework.

So I would not be so quick to dismiss North Korea as a threat.

An extremely important aspect of this bill is that it would allow the United States to act in its best interests abroad without the fear of having U.S. cities held hostage by hostile nations possessing intercontinental missiles. For instance, during the recent series of Chinese missile tests off the coast of Taiwan, President Clinton rightly sent in United States warships to stabilize the situation. During the crisis, a high level Chinese diplomat stated in a thinly veiled threat of nuclear missile blackmail that the United States would not come to the aid of Taiwan because it was more worried about Los Angeles than Taipei.

And although we are not debating this particular aspect of missile defense right now, I believe Majority Leader BOB DOLE was exactly right in his recent speech on Asia when he called on President Clinton to begin to work with Japan, South Korea, and our other Asian allies in developing, testing, and deploying ballistic missile defenses—a Pacific democracy defense program. I believe this concept should be extended to Taiwan, which we know from the recent Chinese tests of missiles just off Taiwan's shores, is vulnerable to missile blackmail. The United States is committed by law to providing for Taiwan's defense, but thus far, we leave her defenseless to this significant threat.

Mr. President, the United States is a global power with vested interests both politically and commercially all over the world. We simply cannot allow U.S. policy to be determined by those who would practice missile blackmail.

It is a fact that today in 1996, with the Soviet Union and the specter of communism no longer casting a shadow over global peace, the world is in many ways even more dangerous than when the cold war raged.

In place of a global struggle between the West and expansionist communism, we now have the proliferation of weapons and missile technology that has the potential to make every nation hostile to the United States and our allies a serious threat by virtue of simply buying what they need on the open market. Despite very detailed arms control treaties that are in place, we have seen time and again, that nations determined to get weapons technology usually do.

Let's take a look at Iraq, the world's most heavily inspected country, where United Nation's teams have been on the ground for years, and where we are constantly surprised by new revelations of Iraqi efforts to rebuild their offensive capabilities.

During the days of the cold war, the policy of both the United States, and the Soviet Union was called MAD, or mutually assured destruction. This policy was based on mutual fear. Should the Soviets launch an attack on the United States, our response would have been reciprocal in nature. Essentially, if you attack us, we will attack you. The Defend America Act seeks to move us away from such a hair trigger defensive posture. Indeed, according to the Washington Post ''both countries have more to fear from rogue nations than each other.''

Many of those wanting to acquire ballistic missiles today, not only lack the stability of our old nemesis, but have actually used weapons of mass destruction on their neighbors and their very own citizens. These same countries have also stated very publicly their desire to purchase weapons technology that would allow them to reach the United States. Libya's Mu'ammar Qadhafi has often spoken of his desire to ''have missiles that can reach New York'' to serve as a deterrent to United States diplomatic action.

Most Americans will remember watching Iraqi Scud missiles rain down on Israel and Saudi Arabia during the gulf war. In fact, the greatest single loss of American life in the gulf war occurred during a Scud missile attack.

The situation is so dire that the Secretary of Defense, William Perry, recently issued a report declaring that the proliferation of missile technology ''presents a grave and urgent risk to the United States and our citizens, allies, and troops abroad.''

The need for a missile defense system is obvious. It would provide a limited defensive capability to defend the United States against a limited attack by a rogue nation, accidental or unauthorized launch against the United States.

Lastly, I would like to address the issue of cost. This is very important because the opponents of this bill are making claims that have little to do with reality. The Congressional Budget Office did indeed issue a report saying that a particular configuration of a missile defense system could cost upward of $30 to 60 billion. However, if one were to actually read the bill, it does not mandate any particular type of system configuration. In the letter accompanying the report, CBO Director June O'Neill stated that the costs for such a system ''would be $10 billion over the next five years, or about $7 billion more than is currently programmed for national missile defense.''

The Washington Times in an article last month wrote that the difference of $3 billion is a hedge amount used by the CBO against technical or schedule risks that are typically associated with such an undertaking. The $31 to 60 billion numbers are for something far more grandiose than the bill envisions.

I would also like to pose one question to my friends in opposition to this bill: What price would they place on Anchorage? Or Los Angeles or New York or any American city? What is the price we are ready to pay to protect ourselves from some maniac who finds himself in charge of nuclear, biological, or chemical weapons and the means to deliver them?

I guarantee that, God forbid, should an American city ever be hit like the Israeli cities were during the gulf war, there would be a hue and cry across this land asking why we do not put up even a limited defense capability when we clearly had the know-how.

To paraphrase Oscar Wilde, the opponents of this bill seem to know the price of everything and the value of nothing. This bill will give the United States a limited capability to defend itself at a modest cost in an increasingly unstable world and should be passed.

Thank you Mr. President, I yield the floor.

Mr. HARKIN. Mr. President, I rise today to speak in opposition to S. 1635, the so-called Defend America Act. I know supporters call it the Defend America Act, but I'm going to call it what it is—the De-Fund America Act.

Why do I call it that? Because its main effect will be to add tens of billions of dollars, if not more, to the deficit over the next 15 years, without increasing the security of the United States one bit.

As a strong supporter of a balanced budget amendment to the Constitution, I cannot support this bill. I do not know how anyone can bring this fiscal black hole to the floor, and with a straight face bring up consideration of the balanced budget amendment in the same week. Something is wrong with that picture.

As an editorial in the Des Moines Register said on May 6, 1996, ''[b]ackers [of this version of National Missile Defense] find it most profitable to start with a few billion, and when it's gone, point to the past expenditures as justification for future shovelings down the same rathole.''

The same editorial says that De-Fund America Act booster, Representative CURT WELDON, told industrial supporters, ''[i]f you keep relying on the facts and logic, then we're going to lose this battle.'' I couldn't agree more.

I ask unanimous consent that the editorial be printed in the RECORD at the conclusion of my remarks.

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

Mr. HARKIN. According to the CBO, the ballistic missile shield mandated by the De-Fund America Act will cost between $30 and $60 billion just to develop and deploy. Ironically, the very same people who insisted that President Clinton rely on the CBO in the budget negotiations are the ones now claiming that the CBO can't be trusted on the De-Fund America Act.

The defunders think the CBO numbers are too high. I should state here that I don't necessarily trust the CBO numbers either—I think the numbers are way too low.

For one thing, the CBO has not yet come out with specific numbers on how much this technology will cost to operate, but it has told my staff that the operational cost will be an additional ''hundred of millions dollars a year during the early stages.'' I suspect the total figure will exceed $100 billion once all of the costs are calculated.

Mr. President, we've already spent about $100 billion in 1996 dollars to build a technological defense against ballistic missiles. During the Reagan star wars years alone, the United States taxpayers forked over $38 billion. Proponents of this act are quick to point out that it is not star wars. And I agree. It is not even star wars. Like most sequels, this one is not as good as the original, and the price of admission has increased. The proponents of the De-Fund America Act want the taxpayers to fritter away another $100 billion on a still unrealistic but wimpier version of President Reagan's fantasy.

The defunders also claim we have no defense against intercontinental ballistic missiles. Mr. President, it is true that we do not have a way to shoot down intercontinental missiles after they have been launched. But we do have a demonstrated cost-effective means of eliminating them.

Existing arms control agreements have already resulted in the destruction of over 300 intercontinental ballistic missiles and over 800 ballistic missile launchers, and the removal of over 3,800 nuclear warheads from deployment. Furthermore, these agreements have persuaded Kazakhstan, Ukraine, and Belarus to give up nuclear weapons altogether. In fact, just yesterday President Clinton announced that the last nuclear warhead was removed from the Ukraine.

The De-Fund America Act is like a million-dollar mansion consisting of a leaky roof but no walls. It may provide very expensive protection from skydiving intruders, but it leaves the occupants unprotected from the more mundane threats. Mr. President, Americans know all too well that weapons of mass destruction are more likely to arrive by rented truck than ICBM. Wasting $60 to $100 billion on this not-even-star-wars program is fiscally irresponsible.

I urge my colleagues to oppose S. 1635, the De-Fund America Act.

EXHIBIT 1

[From the Des Moines Register, May 6, 1996]

''DEFRAUD AMERICA WEEK''

Somebody forgot to tell Congress that the Cold War ended.

Somebody also forgot to tell Congress that even if Russia were still a superpower with the demonic intention of destroying the United States, a ''Star Wars'' system would offer little if any defense.

Somebody forgot to tell Congress that the nation is trying to face up to its deficit problems, trying to economize by dumping wasteful, illogical, unworkable projects.

But congressional Republicans are sailing blithely onward, their vision apparently clouded by the same hypnotic hype that put Star Wars on the drawing boards 12 years and 29 billion wasted dollars ago.

They have launched an effort to deploy a national missile defense system by 2003. A spending bill comes up for consideration next week.

Total cost is unknown. Backers find it most profitable to start with a few billion, and when it's gone, point to past expenditures as justification for future shovelings down the same rat hole.

Whose missiles will it defend us against? Questions like that are out of order. According to a publication of the Union of Concerned Scientists, Pennsylvania Congressman Curt Weldon, organizer of the Congressional Missile Defense Caucus, told industrial supporters last year, ''If you keep relying on the facts and logic, then we're going to lose this battle.''

The Star Wars pushers are calling next week ''Defend America Week.'' A wag suggests ''Defraud America Week.''

Mr. MCCAIN. Mr. President, the Defend America Act would put the United States on the right track to defending Americans against the threat of ballistic missile attack.

Despite the claims of the opponents of this bill, the threat to U.S. citizens from ballistic missiles today is real. China and Russia currently possess nuclear-tipped ICBM's which could strike major United States cities. Press reports indicate that China is also seeking to increase its ICBM force by acquiring some of Russia's SS–18 ICBM's. More than 25 countries have or are in the process of acquiring weapons of mass destruction and the means to deliver them.

Yet today, America has absolutely no means of protecting our citizens from a ballistic missile strike. Even after a high-ranking Chinese official voiced a veiled threat of nuclear attack on Los Angeles, no one seriously believes China, or any other nation, today intends to launch such an attack. But the fact remains that we cannot defend our population from the devastating effects of an accidental launch of a single ballistic missile from China or Russia.

If we do not act now, we will have no capability to protect the citizens of Alaska and Hawaii if North Korea were to launch its newest missile, the Taepo-Dong II, which may be operational in 3 to 5 years. And we are not taking effective action to defend against the proliferation of missiles and technology to rogue nations who are actively seeking to acquire them, including Iran, Iraq, Syria, and Libya.

Mr. President, ballistic missiles are the only offensive weapons in the world against which our country has deliberately chosen not to defend itself. Why do we have no defense against the most devastating offensive weapon in the world today?

There are several good reasons for deploying defenses against ballistic missiles. The potential for an accidental ballistic missile strike on the continental United States exists today, and future threats are emerging. Providing a credible defense against missile attacks would serve as an additional deterrent against their intentional use. In addition, defenses would help stem proliferation by making ballistic missiles less attractive to potential adversaries.

Senator DOLE recently called on President Clinton to apply to East Asia what the President recently discovered about Israel: missile defense is essential to our allies' security. Senator DOLE urged the formation of a new Pacific democracy defense program with Japan, South Korea, and our other Asian allies to develop, test, and deploy ballistic missile defenses. With American leadership and know-how, we can create an allied missile defense network that provides protection for people and territory from the Aleutians to Australia. The Defend America Act would provide the same protection for Americans at home.

Mr. President, the Clinton administration has tried to downplay the

threats from ballistic missiles and the advantages of defenses by issuing intelligence estimates that conclude that no new missile threats will exist for 10 to 15 years. This is simply wishful thinking that ignores current reality.

President Clinton has stymied every effort of the Republican-led Congress to build a missile defense system for our Nation. He vetoed last year's defense authorization bill which included a provision that would have focused the Defense Department's missile defense program on building a limited defensive capability for the United States as rapidly as possible. President Clinton has also refused to consider meaningful changes to the ABM Treaty of 1972 which would permit the deployment of effective missile defenses for America.

Now, the Senate Democrats refuse to allow a full debate on Senator DOLE's bill, the Defend America Act, which would put the United States on a rapid track toward deploying a system to defend the American people against limited, accidental, or unauthorized ballistic missile attacks. The American people should hear a full debate on this matter.

As a fiscal conservative, I believe we must balance the clear need for missile defenses with our ongoing efforts to balance the Federal budget. We must focus on deploying an effective missile defense system that is affordable within the constraints of a limited defense budget and which is balanced against other high-priority defense programs. But we must remember that being a day late and a dollar short in addressing the ballistic missile threat to this Nation could cost far more than money.

Mr. President, the fact is that an effective defense against a limited missile attack is both feasible and affordable. Opponents of any type of national missile defense have purposely misconstrued a recent Congressional Budget Office cost estimate of the Defend America Act. They have chosen the highest figure contained in the CBO report and are claiming that it is the cost of the missile defense system supported by Senator DOLE and Republicans in Congress. That is patently false.

Senator DOLE's Defend America bill says that the United States should have a highly effective system to defend against limited ballistic missile strikes. The bill does not specify all of the components of such a system; it leaves that to the experts at the Pentagon.

The CBO estimated that the missile defense system required in the Defend America Act would cost less than $14 billion over the next 13 years—or about a billion dollars a year. That is less than one-half of 1 percent of the annual defense budget, now about $267 billion. Compared to the cost of the *Seawolf* submarine, $2.5 billion per submarine, or the B–2 bomber, over $1 billion per aircraft, $1 billion a year to defend all of America from the devastation of a ballistic missile strike is clearly affordable.

The Pentagon has also proposed some very cost-effective initial missile defense systems. The Air Force has proposed a 20-interceptor system that would cost about $2.25 billion and could be deployed in just 4 years. The Army has a more extensive 100-interceptor system that would cost about $5 billion. Last year, the Clinton administration's Secretary of Defense said it could be done for about $5 billion.

The Defend America Act does state that, as threats emerge in the future, the United States should have a more capable, layered missile defense system. CBO estimated the cost of a robust layered system at $31 to $60 billion. That estimate assumes we would decide to deploy space-based interceptors, space-based lasers, and just about every other possible technology. But nothing in the bill requires those technologies to be included in a missile defense system, unless the threat clearly justifies their deployment.

Mr. President, the Clinton administration's false confidence that America is safe from missile attack jeopardizes the safety of all Americans. The Republican Congress, led by Senator DOLE, is prepared to provide for America's common defense, a duty set forth in the Constitution. It is time we deployed a system that will defend Americans at home.

Mr. DOLE. Mr. President, it is unfortunate that we need to vote on a motion to proceed to legislation dealing with an issue so critical to America's future as national missile defense. In his speech to the Coast Guard Academy, the President stated that he supports missile defense. Yet, today I expect that a majority of the other side of the aisle—at the Clinton administration's request—will vote against the motion to proceed to the Defend America Act. The fact is that the President speaks of his support for national missile defense, but acts in opposition to it. Last year the President vetoed the Defense authorization bill specifically citing the provision making it U.S. policy to deploy a national missile defense system by 2003. Many of my colleagues on the other side of the aisle also profess their support of missile defense but are quick to add that they cannot support this bill. It is hard to understand their reasons. They cite technological questions, mention costs, but ignore the fact that this bill puts the very decision of what system is chosen in the hands of President Clinton's own Secretary of Defense. That leads me to one conclusion: The Clinton administration and its allies seek to avoid debate on defending America. This is unfortunate and irresponsible. I believe that an open debate and discussion on this national security issue is vitally important because there are many misconceptions—about the threat our Nation faces, about the present state of our missile defense programs, about the cost of an effective national missile defense system.

The greatest misconception held by a majority of the American people is that the United States can defend itself against ballistic missile attack. Most Americans think that if a ballistic missile is fired at the United States, we can shoot it down. The truth is, we cannot. We have no defense—I repeat—no defense against ballistic missiles.

As we enter the 21st century, there is no greater threat to our Nation, than that posed by the proliferation of weapons of mass destruction and the means to deliver them. The list of countries acquiring chemical, biological, and nuclear weapons, and ballistic missile technology numbers around 25 at present—and is steadily growing. President Clinton's former CIA Director, Jim Woolsey, testified at length to the Congress on the nature of the proliferation threat and was critical of recent intelligence estimates which were narrowly focused and based on questionable assumptions. You would not know from some of today's remarks by opponents of the Defend America Act that the cold war is over. The Soviet Union no longer exists. Yet, the Clinton administration, some on the other side of the aisle—and even some members of the press—are acting as if we are still in the 1970's and 1980's. They speak of star wars, space shields, mutual assured destruction. But, the world has changed. We must look to the future, not the past.

I would like to quote from one of the key Clinton administration arms control experts, Mr. Bob Bell. He is quoted in today's Washington Post defending changes being made to the Conventional Forces in Europe [CFE] Treaty, saying ''* * * were we going to take account of this change in the strategic situation over the last five years * * *?''

That is what we are talking about here—taking account of the change in the strategic situation. This bill recognizes that the threat our country faces has changed and it seeks to respond to it in a measured and responsible fashion.

The Defend America Act does not require abrogation of the ABM Treaty. It urges the President to negotiate with the Russians on changes to the ABM Treaty—just as the administration has been doing with other arms control treaties only at the Russians' request. Which makes me wonder if the Russians asked for changes to the ABM Treaty would the Clinton administration have a different position?

As for our ability to defend America—there should be no doubt that we have the technological capability to effectively defend our citizens from the growing threat of ballistic missiles. What is needed is the will and leadership to deploy an effective national missile defense system by 2003. A national missile defense system cannot be built overnight. The development and production of new tanks, new

fighter planes takes years. And, when these new weapons systems, for example the Stealth fighter, are finally deployed they are not obsolete.

Finally, on the matter of cost. The CBO estimates are so wide ranging that they are almost irrelevant as a guide to decisionmakers. We need to look at our defense needs and affordability. And an effective national missile defense system can be deployed affordably. One can add any number of unnecessary requirements to a number of weapons system thereby making them unaffordable. This is no different than building a house. A family of four probably needs a three bedroom home—not a 10-bedroom mansion. This does not mean that a 10-bedroom house cannot be built—if one has the money.

Mr. President, let us get past the distortions and the hollow rhetoric and move toward a serious debate on defending America. I would like to quote from a great western leader, former Prime Minister Margaret Thatcher:

With the collapse of the Soviet Union there was also a dispersal of weapons of mass destruction and of the technologies to produce them. This has gone much further than we envisaged; and it now constitutes quite simply the most dangerous threat of our times. Yet there is still a conspiracy of silence among Western governments and analysts about it.

Mr. President, let us end the conspiracy of silence. The American people deserve better. The most basic responsibility our Government has to its citizens is to protect them from harm. To ignore the changing world and cling to past thinking is inexcusable.

Mr. GLENN. Mr. President, I rise today to present some brief remarks about the latest Republican missile defense proposal, the Defend America Act. Though I have spoken at some length on missile defense issues and the Anti-Ballistic Missile [ABM] Treaty—see CONGRESSIONAL RECORD, September 6, 1995, p. S–12659–12667, and August 3, 1995, p. 11253–11255—I want to take this opportunity to explain how it is not only possible for a patriotic U.S. Senator to vote against a bill bearing such a proud title, but to do so without hesitation.

In good conscience, I just do not believe that the national security interests of the United States would be advanced by this legislation and would like now to outline my reasons why I have come to this conclusion.

THE ABM TREATY

First, I believe the ABM Treaty is worth preserving. This bill sets a course that will lead inevitably to a U.S. departure from that treaty. this is reason enough to oppose this bill.

The ABM Treaty has advanced U.S. security interests and it has done so without unilaterally restricting America's ability to defend itself, as some of the treaty's critics have suggested. Critics forget that the treaty is bilateral and has substantially restricted Russia's freedom both to deploy its own defenses against or strategic missiles and to proliferate strategic missile defense systems to other countries. The demise of the ABM Treaty would release Russia from those restrictions. The treaty has worked to help preserve and stabilize nuclear deterrence, which remains a vital element in maintaining our national security even in a post-cold-war world.

I do not believe that the treaty has unduly restricted U.S. missile defense options. We have already spent a fortune on missile defense and have little to show for it. A recent study by the Brookings Institution has concluded that America has already spent some $99 billion dollars on missile defense since 1962. and contrary to the blanket claim by some of the proponents of the pending legislation, our Government is aggressively working to improve U.S. defenses against theater missile attacks. Indeed, it is the present administration that is spearheading our national effort to place theater missile defense at the forefront of our missile defense priorities. Because the ABM Treaty does not prohibit the United States from investing in theater missile defenses, the treaty is an inappropriate target of the repeated Republican attacks we have been seeing in recent years.

The ABM Treaty is not unchangeable. It has specific provisions for consultations leading to amendments of the treaty. These provisions do not include, however, the freedom for one side to pass legislation unilaterally reinterpreting key provisions of the treaty. The current bill, however, accelerates the deployment of antiballistic missile systems that have capabilities against strategic ballistic missiles. It also specifically includes air-based, space-based, and all ground-based interceptors as elements of the national missile defense architecture, despite the requirement in the ABM Treaty that such systems shall not be developed, tested, or deployed. I believe that America's interests are best preserved by sticking to the consultative procedures provided in the ABM Treaty and for adapting the treaty to changing conditions only via this process of mutual agreement.

COST

Enough has been said and written about the sky-rocketing costs of missile defense. I will not add much to this discussion other than to echo the concerns that people across the Nation have been expressing about the staggering $99 billion that the Brookings Institution has estimated that the United States has already spent since 1962 on missile defense systems. This, coupled with the Congressional Budget Office's recent estimate that the Defend America Act will cost the U.S. taxpayer as much as another $60 billion—and this does not include operation costs—leads to a form of ''sticker shock'' that comes close to rivaling GAO's estimated $250 billion that will be needed to clean up our nuclear weapons complex.

It is worth noting here that the current U.S. funding levels and priorities for missile defense have been solidly and consistently supported by both the military and intelligence communities.

THE THREAT

Thanks to the leadership of this administration, we are focusing our missile defense expenditures on real threats, that is to say, theater missile threats, rather than nonexistent ICBM threats from so-called rogue nations that our entire national security establishment continues to define as long-term in nature. This threat definition has the support of the Secretary of Defense, the Director of Central Intelligence, the Chairman of the Joint Chiefs of Staff, and other top U.S. national security officials throughout the Government. Incidentally, it also has the overwhelming support of editorial opinion from newspapers from across the country.

The Defend America Act, however, operates from a fundamentally different set of assumptions. It assumes the present existence of a grave missile threat to America's homeland and it presumes that the best way to address missile threats is via expensive taxpayer-funded missile defense projects.

Nobody disputes that missile proliferation is a danger that America must take seriously in the years ahead, and indeed, it is a deep awareness of this threat that has driven a wide range of U.S. efforts aimed at the nonproliferation of ballistic missiles. Our approach is not driven narrowly by the dream of a technical fix—which will always remain out of reach—but a combination of technological, political, and diplomatic efforts not just to defend ourselves against imminent attacks, but more importantly, to prevent the acquisition of destabilization missile systems in the first place, to retard or reverse the growth of existing missile systems, and to eliminate outright missile systems via multilateral negotiations.

With respect to dealing with the missile proliferation threat, let me put it this way: the best Defend America Act is one that would strengthen export controls, strengthen sanctions, strengthen multilateral regimes, strengthen transparency of missile projects around the world, eliminate destabilizing missile systems, and improve U.S. capabilities to collect and to analyze data about missile proliferation. Yet there is absolutely nothing in this bill that addresses this integrated, global approach to the problem. Instead, the present bill proposes to force the President to throw vast sums of money to deploy technical fixes that are neither fixes nor based on proven technology.

Small wonder that proponents of the proposed legislation are finding themselves defending the Defend America Act rather than elaborating a new road map for addressing the missile threat in a more comprehensive manner. A legislatively mandated deployment of a

national missile defense system by the year 2003 would actually increase the threat to the United States—it would jeopardize the capabilities of our nuclear deterrent force, it would be accompanied by an expansion of the offensive nuclear arsenals of both Russia and the United States, it would probably mean the end of the START process of strategic arms reductions, it would eliminate all hopes of getting nuclear arsenals, and it could well jeopardize the Nuclear Non-Proliferation Treaty, as more and more countries come to realize that the nuclear weapon states are not serious about implementing their arms control disarmament responsibilities under the treaty. To this extent, the Defend America Act resembles more accurately an Attack America Act.

America has many options available to address the missile threat aside from the nostrums offered by star wars. Diplomatically, we are working to reduce and to reverse the proliferation of all weapons of mass destruction. Militarily, we are investing in the finest conventional military capabilities that exist anywhere on Earth, and they are backed up by the finest global intelligence capabilities on Earth. Why must we continually denigrate or short change these capabilities in congressional debates on missile defense? Advocates of the pending legislation appear sometimes to believe that America just has no option to address missile threats other than buying missile defense hardware. I believe we should be voting here today to expand our effort on the diplomatic front to address these threats, while maintaining our conventional military and intelligence capabilities, but there is nothing in this bill that would justify such a vote.

TECHNOLOGY

It is an extremely difficult and often underestimated challenge to use a missile to shoot down another missile. As I have mentioned earlier, the $99 billion our country has already spent on missile defense has not yet produced any comprehensive or reliable defense against incoming strategic missiles. It is far easier to prevent missile attacks by eliminating missiles, preventing their proliferation, and developing multilateral sanctions and export controls, than it is to develop and deploy a magic missile shield that would span our vast country.

Even the theater missile systems—including THAAD, Navy Lower Tier, Navy Theater-Wide, and MEADS—that are called for in this legislation require substantial additional research and testing before any responsible deployment would be possible. PAC–III is the only one of the many systems identified for deployment in this bill that will be ready for deployment anytime soon.

The administration has its priorities straight and I believe these priorities are in line with what most Americans would regard as prudent—we must address current threats first and keep our powder dry in the event future threats arise. We must redouble our diplomatic efforts to ensure that those threats do not arise. The current bill would not only aggravate the foreign missile threat, for the reasons I have discussed earlier, but would compel the President to deploy expensive and unproven missile defense systems.

CONCLUSION

For all the reasons above, I cannot support this legislation. Yet the debate today and various foreign and defense policy debates in recent months has revealed not only some severe shortcomings in this legislation. The debate also reveals the apparent inability of the Republican Party to come up with a comprehensive, integrated plan of action to guide America's military and diplomatic priorities over the course of the last Presidential term of this millennium.

Where does the Republican Party stand on nonproliferation? What does it have to offer to strengthen export controls?

What is it doing to toughen U.S. sanctions and ensure their implementation? Where are the Republican votes when we need them when it comes to strengthening sanctions and export controls?

What is it proposing to address proliferation threats arising from outside the narrow domain of Russia and the rogue regimes, a field of vision which features a blind eye as its prominent characteristic?

What is it offering to strengthen international organizations and regimes to prevent proliferation or to increase its costs?

While the administration proceeds with diplomatic efforts to curb North Korea's nuclear and missile programs, what besides SDI do the Republicans have to offer that stands a better chance of addressing these threats?

What does it propose to do about the ongoing arms race in South Asia involving nuclear weapons and missiles, and how will its SDI schemes protect our allies, including Israel, against threats from weapons of mass destruction that are not delivered by missiles?

What does it offer to address the grave threats posed from expanding international commercial uses of plutonium, one of the deadliest elements on Earth?

The answer, unfortunately, is absolutely nothing. I stand ready to work closely with my fellow colleagues on the other side of the aisle to join in forging effective responses to these threats. I know such cooperation is possible; indeed, none of the nonproliferation legislation that I have authored over the years would have been possible without it. But I hardly believe that there is anything in the Defend America Act [DAA] that offers any basis whatsoever for forging a bipartisan consensus.

Because of this, Mr. President, I believe that history will relabel the DAA as DOA.

Mr. DASCHLE. Mr. President, just 2 weeks ago, the Congressional Budget Office issued a $60 billion cost estimate for the Defend America Act—an ill-advised Republican effort to resurrect the discredited star wars missile defense system. Several days later, House Republicans responded to this bloated price tag by doing the right thing. They pulled the bill from floor consideration, and a bad idea might have fallen by the wayside had not the majority leader picked up what his House colleagues rejected as imprudent and scheduled a Senate vote on it for today.

One can only speculate about the motivation behind this vote. But whether it is election-year politics or simply misplaced priorities, the Senate's course should be clear. The Defend America Act threatens our national security and undermines essential efforts to balance the federal budget. The Senate should vote it down.

The grossly misnamed Defend America Act would be more appropriately entitled the Jeopardize America Act. The bill would direct the Department of Defense to deploy by 2003 a national missile defense system that allegedly would defend the United States against limited, unauthorized, or accidental ballistic missile attacks. That system, according to its promoters, could be ''augmented over time to provide a layered defense against larger and more sophisticated threats as they emerge.''

Sound familiar?

The bill has a certain tinny ring about it. Look closely and you will see that the Defend America Act is really the fifth variant of Ronald Reagan's failed star wars experiment. To implement this proposal, the act calls for changing or withdrawing from the ABM Treaty in order to permit the deployment of a combination of ground-, sea-, and space-based components—a clear revival of the star wars program that disappeared with the end of the cold war.

All of this is particularly disturbing when you consider that enactment of this legislation is both harmful to United States-Russian relations and, according to our own military and intelligence experts, unnecessary to combat the threats we are likely to face in the next decade or more.

The Russians have been very clear in their views on unilateral tampering with the ABM Treaty to facilitate the deployment of a national missile defense system. In a May 1 letter to Congress, General John Shalikashvili, the Chairman of the Joint Chiefs of Staff, said:

> Efforts which suggest changes to or withdrawal from the ABM Treaty may jeopardize Russian ratification of START II and . . . could prompt Russia to withdraw from START I. I am concerned that failure of either START initiative will result in Russian retention of hundreds or even thousands more nuclear weapons thereby increasing both costs and risks we may face.

Compounding the arms control concerns is the timing. The Senate vote on

Defend America is scheduled just 2 weeks before the Russian elections so crucial to that country's continued peaceful transition to democracy. We have to be concerned that the Defend America Act hands the Communists a pre-election gift with its distinctly unpropitious echo of cold war antagonisms.

What is worse, our military and intelligence experts say such risktaking is not warranted. According to public accounts of the National Intelligence Estimate, a classified consensus report by all of our intelligence agencies, ''no country other than the major declared nuclear powers will develop or otherwise acquire a ballistic missile in the next 15 years that could threaten the contiguous 48 states and Canada.''

The irony of a defense system that actually threatens our security is only part of the story. Immediately after the first vote on the Defend America Act, the Senate is scheduled to vote on the balanced budget amendment to the Constitution. That strikes many Senators on both sides of the aisle as an odd sequence of events. One moment we are voting on a constitutional amendment to balance the budget; the next we are raising the deficit by tens of billions of dollars.

Since the mid-1980's, Congress has spent nearly $40 billion on ballistic missile defense, and all we have to show for it are canceled checks from defense contractors. The Congressional Budget Office estimate of an additional $60 billion for this latest version of a highly complex, interwoven system is charitable. It covers only the costs to acquire the system. It fails to include either the costs to operate this system or cost overruns. And, if history is any guide, cost overruns alone for a system of this complexity could easily double the estimate.

Who will pay this tab?

Of course, in the long run it will be the American taxpayers. In the short run, however, either the deficit will be increased, spending will be slashed on important domestic priorities such as education and the environment, or the Defense Department will have to juggle its own accounts. To accommodate such a huge expense, more conventional defense priorities such as readiness, procurement and force structure may suffer.

There is a better, less expensive and more effective way to do the same job.

The President's national missile defense policy also meets any threat by 2003 but in a much wiser and far more fiscally responsible manner. It beats the Republican plan hands down on three counts.

First, it's superior common sense. The President believes that, as Senator SAM NUNN notes, we should ''fly before we buy.'' At a minimum, we should look before we buy. Under the President's plan, we would continue to develop the technologies for a national missile defense system, then assess the situation, and deploy it only if it is needed.

Second, it's superior technologically. The President's policy would allow us to develop more capable and cost-effective defense systems that can meet the exact nature of the threat as it emerges.

Third, it's superior diplomatically. The President's approach would give us time and latitude to negotiate amendments to the ABM Treaty with the Russians that allow us to continue on the path of reducing Moscow's nuclear arsenal. It would not rush us headlong into an international arms control crisis.

Even the Republican revolutionaries in the House had the wisdom to see that this bill would commit our Nation to an unwise, unaffordable, and dangerous policy. They scrapped it because the Defend America Act is indefensible.

## THE DEFEND AMERICA ACT

Mr. KENNEDY. Mr. President, today, the Senate is revisiting the star wars system of the 1980's, renamed for the 1990's as the Defend America Act. It was a bad idea then and it is a bad idea today.

The suggestion in the title Defend America Act is that to defend America requires nothing more than deploying a national missile defense. In reality, this legislation would pour exorbitant sums into building a missile defense system that would make our Nation more vulnerable to missile attack, while at the same time ignoring the more likely threats to our territory and citizens. The Defend America Act misses the point, and at no small cost to the American taxpayer.

The bill requires the Defense Department to deploy a national missile defense by 2003. This approach has several flaws. First, the threat from limited missile attacks against the United States is remote. Throughout the cold war, when the superpowers were antagonists and had far larger nuclear arsenals than they field today, we chose not to deploy missile defenses because the cost did not justify the protection they could provide.

Why should we decide to deploy missile defenses now, when the cold war is over, when we have far more cooperative relations with Russia, and when they have a much smaller superpower arsenal? The Secretary of Defense and the Joint Chiefs of Staff state that now is not the time to deploy a national missile defense. But the Republicans reject that advice and want to build this wasteful system.

The second flaw in this bill is that deploying a missile defense system now will put U.S. policy on a collision course with the Anti-Ballistic Missile Treaty. The bill promotes the use of ABM components prohibited by this important treaty. Moreover, the bill recommends formal withdrawal from the treaty if the Russians fail to agree within a year to re-write the treaty to permit a national missile defense. Provisions like these send a strong signal to the Russians that cooperation to achieve nuclear arms reductions is not a United States priority. The passage of this bill would put other nations on notice that we do not take our treaty obligations seriously.

Members of the Russian Parliament have stated that they will oppose ratification of START II if the United States takes steps to develop or deploy ballistic missile defenses in violation of the ABM Treaty. By endangering the prospects for START II ratification by Russia, the Missile Defense Act will ensure that we will face many thousands more Russian nuclear weapons in the near future than if arms reductions are implemented. Discarding the ABM Treaty would reverse the logic of deterrence and arms control that Republican and Democratic Presidents have pursued for the last four decades.

Further, the current threat does not justify the multi-billion dollar expenditures required to field a national missile defense by 2003. The Congressional Budget Office estimates that the total acquisition cost of this program will range from $31 to $60 billion, and cost billions more to operate. At a time when we are trying to balance the budget and meet essential needs, it is impossible to justify this massive new defense expenditure.

Although this bill purports to defend America, it fails to address the most pressing threats to American security. The World Trade Center and Oklahoma City bombings remind us that terrorist use of nuclear, chemical and biological weapons on American soil remains a far greater threat than a ballistic missile attack by a foreign nation. Loose controls on nuclear material from the former Soviet Union raise the threat of nuclear proliferation by hostile nations or groups. The policies—and expenditures—contained in this bill in no way address these vital threats.

In contrast, the Clinton administration's defense policy addresses these varied threats. First, it takes specific steps to increase nuclear safety. In April in Moscow, the G–7, Russia, and Ukraine met at a nuclear safety summit to discuss means of increasing controls over nuclear materials and defending against nuclear smugglers. The Cooperative Threat Reduction Program, sponsored in Congress by Senators NUNN and LUGAR, achieved to the removal of thousands of nuclear warheads from former Soviet arsenals and the destruction of hundreds of missile launchers, and has safeguarded vulnerable stockpiles of nuclear materials.

The Clinton administration also addresses ballistic missile threats, but in a more sensible fashion. The Defense Department supports theater missile defense programs to defend our forces in the field. To deal with the possibility of a future ballistic missile threats to U.S. territory, the Pentagon supports an affordable level of spending on anti-missile defenses. This program, called 3+3, will ensure that 3 years from now, we will be able to decide

whether to deploy a missile defense system that could be in place in 3 years. Our senior military leadership agrees that this is the most sensible way to protect against unforeseen missile threats.

The Defend America Act would spend money we don't have to defend against threats that don't exist. We need a strong defense, but we must prepare to meet real threats. Failure to do so will end up wasting billions of taxpayer dollars. I urge my colleagues to oppose this bill.

Mr. NUNN. Mr. President, I believe Senator CONRAD from North Dakota wanted to speak. We had set aside certain time for him. The debate was originally scheduled to conclude at 12:30. I wanted to serve notice that Senators on our side of the aisle or on this side of the question that would like to speak, they need to come over momentarily so that we can get back to the original time schedule, which is 12:30. I reserve the remainder of my time and yield the floor.

Mr. KYL. Mr. President, I ask to be notified when our side has 4 minutes of time remaining. Rather than waiting, I will make some remarks at this time. As Senator NUNN said, if others wish to speak, they should come to the floor immediately.

Let me just respond to the key point that Senator LEVIN made because it is an important question. It is what the effect would be as a result of the United States developing and deploying a national missile defense—what the effect would be on the START I and START II Treaties. These are the two treaties that called for the United States and Russia to reduce our nuclear inventories. Under START I, we would bring the number of warheads down to, I believe, 6,000. And 6,000 warheads is still a lot of warheads. That is why the U.S. Senate has also ratified the START II Treaty, which would take it down below that to, I think, 3,500 warheads. And 3,500 warheads is still a lot of warheads, but the Russian Duma has not even ratified START II yet.

The argument I find curious, and which I characterized as ''startling'' a while ago, is that the United States Senate would be deterred from acting to defend America on the basis that the Russians might violate the START I Treaty by refusing to reduce their warheads to the required 6,000 level under START I, if the United States should take action—which is perfectly legal—which does not violate any treaty whatsoever, but which provides for our defense against ballistic missile attack. I find that a very curious notion. But, more importantly, it does not seem to be a reason for the United States not to act. If we cannot act to defend ourselves because we believe that someone else will, as a consequence, violate a treaty that they have with us, then of what worth is that treaty? And of what worth would a follow-on treaty be? If people believe that the Russians are going to violate the START I Treaty if we develop a ballistic missile defense system—which is totally legal—then how valuable is it for the Russians to sign onto a START II Treaty, which would bring their warheads down even more?

This is not a matter of either/or. I agree with my friends on this side who say it is desirable to bring those numbers of warheads down, to chop up the bombers, and to close the missile sites. That is a good thing. And it comes side by side with defending America. We still have a defense budget. We are still defending ourselves. Ballistic missile defense is one of those areas of defense that we have been providing for. One of my colleagues said we have already spent a lot of money in that area. It is true. All we are saying is let us spend just a little bit more money and provide an actual system that will defend America. It does not violate any treaties, and there is no reason for the Russians to be concerned that, as a result of this, they should begin violating treaties that they have signed with the United States. So it seems to me that is not a good argument to make against this bill.

The bottom line here is this is the Defend America Act. The majority leader, BOB DOLE, has asked that we be able to vote on this, and this afternoon we are going to have a vote to decide whether we are going to vote—in other words, a vote to invoke cloture—to stop debate for the time being and actually begin debate on the bill so we can eventually bring it to a vote up or down. Some of my colleagues would prefer not to vote on the bill. I would prefer that they vote either yes or no. They do not have to agree with us that the Defend America Act is a good idea. We ought to at least be able to get a vote on the bill. The vote that is going to occur this afternoon is not a vote on the Defend America Act. It is simply a vote on whether we should proceed to consider the Defend America Act. I hope that our Senate colleagues would at least agree that we can go that far even if they do not want to end up voting for it for the reasons articulated.

Let me reserve the remainder of time on this side, and again urge Senators if they wish to speak on the bill, they need to get here because the original time was to expire at 12:30. We have extended that for 10 or 15 minutes. If Senators are not here to speak, we will close debate on the bill before long.

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

The PRESIDING OFFICER. The Senator from Georgia has 21 minutes and 54 seconds.

Mr. NUNN. If there are any other Senators that would like to speak, I would certainly invite them to come over at this time.

In brief response to my friend from Arizona, he mentioned that those of us who have expressed some concern about the relationship between what we perceive to be a participatory breach of the ABM Treaty as contained in the Dole-Gingrich bill, and the Russians—it will be necessary to continue to draw down their missile and nuclear weapons category as contained and required in START I, and as will be required in START II, if ratified—that there is this connection in the Dole-Gingrich bill, and anyone virtually reading this bill and who is familiar with the ABM Treaty would consider this to be tantamount to notice that the ABM Treaty is going to be breached.

In section 4(a)(1), little (b) under section 4, very clearly the system to be developed for deployment shall include the following elements: No. 1, an interceptor system that optimizes defensive coverage of the continental United States, and so forth, and includes one or a combination of the following: (a) ground-based interceptors; (b) sea-based interceptors; (c) space-based kinetic energy interceptors; (d) space-based direct energy interceptors, and so forth.

Three out of the four of those named would violate directly the ABM Treaty. I do not think the ABM Treaty is sacred ground. I believe there ought to be modest amendments to the ABM Treaty.

As I suggested in my remarks yesterday, if the Senator wants to carry out the spirit of his remarks which is saying for the Russians we are not going to violate the ABM Treaty and now you do not violate START I, we will not be violating the ABM Treaty if we deploy a ground-based system—and we would not. That is correct. But if we deploy any of the other systems named in this Dole-Gingrich bill we would.

So if he would like to vote strictly on the proposition he just offered then we will have a chance to do that on my substitute because that is what it does. It says we will go forward with a treaty, an ABM Treaty compliance system with 100 interceptors at Grand Forks, and then we will seek an amendment to the treaty as provided in the treaty to be able to go to two sites and 1,200 missiles, which would indeed be the original ABM Treaty exactly as it was before there was an amendment in the 1970's. That would be treaty compliant. If we did that, there would be no question that the Russians would have no right to violate START I. They would have no excuse for basically not ratifying START II. But when you basically say to the Russians what we are going to do here is get you to draw down to 3,500 warheads, and then about the time you do that under the START II treaty we are going to deploy perhaps a sea-based system, a space-based system, or space-based direct energy system, what you are saying in effect is we want you to comply with the START I and START II, but just about the time you get through implementing it we are going to in all likelihood break out of the ABM Treaty. That is the message that is going forward here.

That is the message everybody understands that has studied the ABM Treaty.

So to say we basically are fearful that the Russians are breaking their obligations and leaving out of the equation that we are serving notice we are going to break ourselves, I think, is a little bit misleading.

So I say to my friend from Arizona that, if he would like to vote on that proposition staying within the ABM Treaty, or seeking an amendment within a reasonable timeframe to that treaty to permit a better system than the one-site system, he will have every opportunity to do that when we get to a vote on this because that is exactly what the Nunn substitute will provide.

Mr. KYL. Mr. President, I would say to the distinguished ranking member of the Armed Services Committee that I would love the opportunity to vote on both the proposal that Senator DOLE has made and also the substitute that Senator NUNN would like to make. That is what this cloture vote is all about. If we do not vote for cloture we are not going to have that opportunity.

Second, there is no difference in concept between the proposal of the Senator from Georgia and our proposal. We are not engaging in an anticipatory breach of the ABM Treaty with this bill. We provide two specific mechanisms, both of which are treaty compliant, to proceed. One of them is similar to that which the Senator from Georgia proposes. In his substitute he is suggesting that we have not one ground-based site but two. Under the current ABM Treaty that would be in violation of the treaty if we went forward to build that.

So in his legislation he provides that we should seek an amendment to the treaty to accommodate this second site. Likewise, in the Dole bill, the bill before us today, it reads on page 9, line 8, ''In light of the findings in section 2 and the policy established in section 3 [in other words, that we should build a national missile defense system] the Congress urges the President to pursue high level discussions with the Russian Federation to achieve an agreement to amend the ABM Treaty''—to allow the deployment of the system. We ask for the same thing.

In other words, to the extent that we might go beyond what the ABM Treaty allows, the Senator from Georgia is correct to say that some of the things in the bill, if they were done—it is up to the President to decide whether they would be done—but if they were done those things could be considered beyond the scope of the ABM Treaty. In that event, we then ask the President to engage in the negotiations with the Russians to amend the treaty to permit it. In the event that the Russians would not agree to it, we then invoke a second provision of the ABM Treaty which specifically provides that the United States can give notice of withdrawal from the treaty if we determine it is in our interest to do so. We tried for an entire year of negotiations, whereas the ABM Treaty would allow us to withdraw within a period of only 6 months.

We are not breaching the ABM Treaty. We are not even engaged in an anticipatory breach—in other words, a breach sometime in the future. We are simply saying that we are going to embark upon a course of action which will provide for the defense of the United States, and, if in the future some provision of that would not be consistent with the ABM Treaty then, (a), the President should try to negotiate amendments to the treaty just as the Nunn substitute provides; and (b), if that is not possible, then the United States can give notice of withdrawal from the treaty which the treaty itself provides.

It is a little bit like the argument that someone does not like to amend the U.S. Constitution in some respect. They said the Constitution should not be amended. Of course, the Constitution has within it an explicit provision for amending it. It has been amended some 23 times now, or 24. I have lost track. The fact is we have amended the U.S. Constitution. The ABM Treaty has a provision for amendment of the ABM Treaty. Just because we want to do something that might be inconsistent with the current treaty does not mean that thereby we are in violation of the treaty, if we are able to amend the treaty or even if we give notice under the treaty that we are going to withdraw from it because it is in our national interest to do so. That is not a breach of the treaty. It is using the actual provisions of the treaty to further the interests of the United States.

So, I certainly respect the judgment of the Senator from Georgia that we must be very cautious about how we proceed. We have to take into consideration how other nations might react, and certainly Russia is important in this regard. But, by the same token, we cannot fail to act, if something is in the interests of the United States, in anticipation that the Russians might not like it or that they might, as a consequence of what we do that is perfectly legal, begin to violate some treaty that we believe to be in our best interests.

Mr. NUNN. Will the Senator yield for one brief moment?

Mr. KYL. I am happy to stop at this point and yield the floor.

Mr. NUNN. I do not want to make the argument for the Russians here, but I think they would do the same thing we are talking about in the bill that you are talking about. If they see that on our side the ABM Treaty is going to likely be violated, then they will serve notice under START I that it was not in their national interests. To say, on the one hand, we are complying because we are going to give notice and then get out, but, on the other hand, they could not do the same thing and they are therefore violating the treaty is also, I think, a little misleading.

I think it works both ways. If they want to get out of START I, they have the right to do so, or if we want to get out of START I. We both have those reciprocal clauses in both ABM and START I, and I think that would be the way either side would go about devolving from the position of compliance.

Mr. KYL. I might say to the Senator that while that might be the right of the Russians, you have to consider what is in the national interest of Russia and the United States. We will both act in our national interests whatever we deem that to be.

Mr. NUNN. Exactly.

Mr. KYL. There are a lot of arguments made by Russians themselves that relate to the cost of continuing to maintain an arsenal. My guess would be that the Russians would at least want to draw their arsenal down to the levels called for in START I, because it is very expensive to maintain that degree of arsenal.

There is also a counterargument made that they might not agree to the START II Treaty that we have already ratified because of the high cost of compliance in bringing those warheads down. The Senator from Georgia has been a leader in the United States in trying to provide assistance to the Russians to enable them to afford to do that. It is an expensive proposition.

Mr. NUNN. Right.

Mr. KYL. I guess what I am saying here is that the Russians themselves have made two contradictory arguments, both of which might be true. That is to say, No. 1, it is expensive to maintain these arsenals; No. 2, it is expensive to get rid of them. Probably they will do what is in their best interests regardless of what the United States does.

Mr. NUNN. I think they certainly will act in what they believe is their national interest. I think the real key here is whether we can enter into a period of time with Russia, and we have some hope of doing that, where we both have similar national interests in both defensive weapons as well as drawing down offensive weapons. So we reduce the threat to them, they reduce the threat to us. We both move together in trying to develop some type systems to defend our own territory, that are certainly more sophisticated than what Russia has now, and we have none at all. So I am very much in favor of moving down the path of cooperation with the Russians if it is possible. If it is not possible, we have to go back to the national interest clause under the ABM Treaty.

As I have said many times, I do not think the ABM Treaty is sacred. I think it was in our interests when it was entered into, but it has to be adjusted over the period of time. It is all-important the way you go about adjusting it, though. I think if you talk to anyone now who is familiar with the history of the ABM Treaty, if they read the Dole-Gingrich bill before us, the way it is worded, the entire tenor of

the bill is tantamount to serving notice that we are going to move in our own independent direction.

At some point, we may have to do that, but I do not think the year is now, and I do not think it is time now to give up on a mutual approach that can save us billions and billions of dollars and also increase the security of our people. I do not think that hope should be written off.

Mr. KYL. Mr. President, I certainly agree with the goals as articulated by the Senator from Georgia. We have some slight difference as to how to get there, but he certainly has articulated the issue well.

I ask at this point, if there is no one else who desires to speak, even though there be time remaining, if there is no other person desiring to speak other than the leaders, that it would be possible to yield back any remaining time and proceed to allow leaders to speak as they desire and then to hold the cloture vote at 2:15 or as soon thereafter as appropriate.

Mr. NUNN. Mr. President, I agree with the suggestion of my friend from Arizona. There is apparently no one else on this side who plans to speak at this point in time. I certainly would agree to that procedure.

The PRESIDING OFFICER. Without objection, the time has been considered yielded back. Leaders will be accorded an opportunity to speak prior to the cloture vote, which will be when the Senate reconvenes.

## RECESS

Mr. KYL. Mr. President, at this point I ask unanimous consent that the Senate stand in recess until the hour of 2:15.

There being no objection, at 12:35 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

## DEFEND AMERICA ACT OF 1996—MOTION TO PROCEED

The Senate continued with the consideration of the motion.

## CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 411, the ''Defend America'' bill:

Bob Dole, Strom Thurmond, John Warner, Trent Lott, Bob Smith, Rick Santorum, Jesse Helms, Kay Bailey Hutchison, Dan Coats, Dirk Kempthorne, John McCain, Jon Kyl, Pete V. Domenici, Bill Cohen, Lauch Faircloth, Ted Stevens.

## CALL OF THE ROLL

The PRESIDING OFFICER. The mandatory quorum call has been waived.

## VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to consideration of S. 1635, a bill to establish U.S. policy for the deployment of a national missile defense system, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Tennessee [Mr. FRIST] is necessarily absent.

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

The yeas and nays resulted—yeas 53, nays 46, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—53

| | | |
|---|---|---|
| Abraham | Gorton | McCain |
| Ashcroft | Gramm | McConnell |
| Bennett | Grams | Murkowski |
| Bond | Grassley | Nickles |
| Brown | Gregg | Pressler |
| Burns | Hatch | Roth |
| Campbell | Hatfield | Santorum |
| Chafee | Heflin | Shelby |
| Coats | Helms | Simpson |
| Cochran | Hutchison | Smith |
| Cohen | Inhofe | Snowe |
| Coverdell | Jeffords | Specter |
| Craig | Kassebaum | Stevens |
| D'Amato | Kempthorne | Thomas |
| DeWine | Kyl | Thompson |
| Dole | Lott | Thurmond |
| Domenici | Lugar | Warner |
| Faircloth | Mack | |

NAYS—46

| | | |
|---|---|---|
| Akaka | Feinstein | Mikulski |
| Baucus | Ford | Moseley-Braun |
| Biden | Glenn | Moynihan |
| Bingaman | Graham | Murray |
| Boxer | Harkin | Nunn |
| Bradley | Hollings | Pell |
| Breaux | Inouye | Pryor |
| Bryan | Johnston | Reid |
| Bumpers | Kennedy | Robb |
| Byrd | Kerrey | Rockefeller |
| Conrad | Kerry | Sarbanes |
| Daschle | Kohl | Simon |
| Dodd | Lautenberg | Wellstone |
| Dorgan | Leahy | Wyden |
| Exon | Levin | |
| Feingold | Lieberman | |

NOT VOTING—1

Frist

The PRESIDING OFFICER. On this vote, the yeas are 53, and the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

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

Mr. LOTT. Mr. President, I move to lay it on the table.

The motion to lay on the table was agreed to.

## MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

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

Mr. LOTT. Mr. President, if I could add, for the information of all Senators, this is so we can have a discussion with the democratic leadership and get an understanding as to how we will proceed from here on the time for the balanced budget discussion.

I yield the floor and 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. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

## DEFEND AMERICA ACT OF 1996

Mr. HELMS. Mr. President, Let me emphasize that I regard the Defend America Act of 1996 as a vital piece of legislation—one which provides a clear and concise blueprint for protecting the American people from the growing threat of attack from ballistic missiles carrying nuclear chemical or biological warheads. I am also convinced, Mr. President, beyond peradventure, that it is critical that the United States begin immediately the 8-year task of building and deploying a national missile defense. Finally, I am disappointed that this legislation is being subjected to a filibuster.

This past winter, shortly after the Clinton administration vetoed the missile defense provisions in the 1996 Defense Authorization Act, I, along with others, questioned the wisdom of the administration's stated assumption that no country ''other than the declared nuclear powers'' would threaten the ''continental'' United States with a ballistic missile for at least 15 years. An incredible statement. I was astonished then and I am astonished now, when I think about it, by the intellectual bankruptcy of such a statement.

Mr. President, I shall make four points in this regard: First, I continue to wonder how the administration could so cavalierly make decisions about the deployment of a national missile defense, while explicitly excluding declared nuclear powers from the threat calculus. One has only to consider China, which fields dozens of submarine-launched ballistic missiles, hundreds of warheads on heavy bombers, roughly 24 medium and long-range ballistic missiles, and has several crash modernization initiatives in progress. Moreover, China intends to deploy, by the end of this century, four new types of ballistic missiles. Furthermore, the United States has very clear indications that Red China is, at this very moment, pursuing MIRV technology.

Now, then, Mr. President, this is the very same country, mind you, that has

just finished flexing its military might by conducting live missile-firing exercises in the Strait of Taiwan, in a clear effort to bully and cower a valued and longstanding ally of the United States. This is the same country—China—that issued thinly veiled threats this spring suggesting that nuclear weapons would be used against the United States if the United States intervened on behalf of Taiwan. Assistant Secretary of State Winston Lord acknowledged that Chinese officials had declared that the United States, ''wouldn't dare defend Taiwan because they [China] would rain nuclear bombs on Los Angeles'' if we did.

Now, if this is not nuclear blackmail, it will do while the Clinton administration folds its hands until the first nuclear missile hits the west coast. China's ability to hold the United States hostage to such threats is made possible by the fact that a band of latter-day Luddites here in Washington have consistently refused even to consider building the very strategic missile defenses necessary to protect the American people from such an attack.

Mr. President, it is time for the defenders of the ABM Treaty to give up their pious devotion to an antiquated arms control theology and come to grips with the realities of the post-cold-war world. Dr. Henry Kissinger, the architect of the ABM Treaty, put it best when he recently wrote, ''The end of the cold war has made . . . a strategy of mutually assured destruction largely irrelevant. Barely plausible when there was only one strategic opponent, the theory makes no sense in a multipolar world of proliferating nuclear powers.''

He went on to say that MAD, mutually assured destruction, would not work against blackmail with nuclear weapons. Yet, that is exactly what we are faced with when China blatantly threatens Los Angeles, U.S.A.

Second, I cannot fathom the administration's sensibilities when it drew a distinction between threats to the United States and threats to the continental United States. The last time I checked, nearly 2 million U.S. citizens live in Alaska and Hawaii. These people and their families are no less deserving of protection than anyone living in Arkansas or North Carolina or Washington, DC, or anywhere else. It is simply incredible that those who oppose ballistic missile defense are doing so based on their view of the threat to only 48 out of the 50 States of the Union. This is all the more galling since it is an indisputable fact that North Korea is developing a series of missiles capable of striking both Alaska and Hawaii.

Third, I call Senators' attention to a key caveat in the much publicized 1996 threat assessment that has been largely overlooked. That assessment declared that ''foreign assistance is a wild card that can sometimes permit a country to solve difficult developmental problems relatively quickly. Such external assistance can hinder our ability to predict how soon a system will become operational.''

Good Lord, Mr. President, this one statement alone unravels the whole ball of yarn. Foreign assistance is the norm in the development of ballistic missile systems, not the exception. The Soviet Union collaborated on ballistic missiles with 14 countries around the globe, all of whom can now field some type of Soviet-made missile.

Russia recently was caught shipping entire missile sections to Iraq. Both Libya and Egypt have transferred missiles to other countries. China has sold intermediate-range missiles to Saudi Arabia and missile technology to Iran, Syria, and North Korea. In turn, Iran is working with North Korea and Syria on various missiles, and North Korea is supplying both missiles and missile production facilities to anybody who is prepared to pay for them with cash.

Recently, Mr. President, I was astounded to discover that Russia and Ukraine may be concluding a secret deal with China to transfer ICBM components. A report by the Defense Intelligence Agency concluded that Communist China is seeking to enhance its strategic arsenal with components from Russia's most lethal type of intercontinental ballistic missile—the SS–18.

Dubbed ''Satan'' by Western intelligence services, the SS–18 is the world's most destructive weapon to date. It has the ability to drop 10 megaton-rated warheads within 600 feet of their targets. Acquisition of just the booster stage of this missile would give China the ability to launch nuclear warheads against any and every city in the United States of America—a strategic reach of up to 6,820 miles that China, thank the Lord, does not yet possess.

Mr. President, I am deeply troubled that Secretary of Defense Perry has held open the door to the possibility that SS–18 boosters could be used commercially by the Chinese to boost satellites into orbit. He stated during an interview with reporters from the Washington Times that ''I guess our answer would be only if it's very tightly controlled, so you can have great confidence this technology is not being diverted to some other application. That would be the only exception I would make.''

Well, speaking just as one Senator, I must say, in no uncertain terms, that I believe any such exception would be made at the peril of the national security of the American people. The Defense Intelligence Agency has specifically noted that ''China's interest in using SS–18 boosters in its civilian program seems odd because the SS–18's engine characteristics may be incompatible with many sensitive satellite payloads.'' I might add that the Foreign Relations Committee, of which I am chairman, recommended Senate ratification of the START II Treaty subject to the understanding that the treaty would rectify a longstanding inequity of previous arms control agreements by completely eliminating this monster missile forever. Secretary Perry's comment appears to open the door for Satan's coming under the red flag of Communist China.

For the record I should mention that the START II Treaty specifically prohibits Russia from transferring SS–18's to any recipient whatsoever or whomever, and does so from the date of START II's signature. The Foreign Relations Committee even attached a condition stating that ''space-launch vehicles composed of items that are limited by the START Treaty or the START II Treaty shall be subject to the obligations undertaken in the respective treaty.'' Case closed. In my judgment, there should not be any question about whether the transfer of SS–18 technology to China is acceptable. I contend that it absolutely is not.

The truth of the matter is that no amount of policy reformulation by the administration can change the fact that the United States is vulnerable to nuclear-tipped missiles fielded by China, or anyone else. Rectifying this dangerous deficiency requires leadership and action. It is an all the more pressing issue because the current course charted by the administration fails to recognize the inherent danger in China's pursuit of an advanced nuclear arsenal.

Mr. President, any further delay in the development by the United States of a flexible, cost-effective national missile defense is unconscionable. I am honored to be a cosponsor of the Defend America Act and urge Senators to support this legislation to ensure that the American people in all 50 States are protected from attack by ballistic missiles.

## THE 50TH ANNIVERSARY OF THE SIGNING OF THE NATIONAL SCHOOL LUNCH ACT

Mr. LEAHY. Mr. President, I would like to take a few minutes to celebrate a birthday. June 4, 1996, marks the 50th anniversary of the signing of the National School Lunch Act by President Harry Truman. While turning 50 is not a happy occasion for most of us, the celebration of this birthday is one that should make all of us happy.

The link between proper nutrition and a child's ability to grow and to learn is undisputed. The School Lunch Program was founded in part, because President Truman saw the alarmingly large number of World War II draftees who failed their physicals due to nutrition-related problems. President Truman declared it a ''measure of national security to safeguard the health and well being of the nation's children.'' President Truman was right.

Numerous scientific studies have documented the nutritional benefits of the program—children who eat school meals perform better on achievement

tests and are late and absent from school less often than children who did not participate in the programs. Any parent or teacher will tell you that a child who has not eaten cannot think and cannot learn.

In speaking at the 1969 White House Conference on Food Nutrition and Health, President Nixon said that ''a child ill-fed is dulled in curiosity, lower in stamina and distracted from learning.''

Over the last year or so the school nutrition programs have been the subject of a lot of debate, with many extreme Republicans in the House supporting a repeal of the School Lunch Act. This is a program that has always enjoyed strong bipartisan support in the Senate.

Agriculture Chairman LUGAR and Senators DOLE and COCHRAN have always supported the program, and have really helped make it what it is today. Back in 1981 Senators DOLE, COCHRAN, and HELMS wrote, then-White House chief of staff, Jim Baker and urged the Reagan administration not to make cuts to the program.

In 1995, the Vermont School Lunch Program served over 7,663,000 lunches to students in 335 schools in Vermont. For many of these children school meals are their main source of nutrition. School lunches provide one-third to one-half of the recommended daily allowances for key nutrients.

The school nutrition programs have done a fabulous job for the last 50 years of providing American children healthy school meals that prepare them to learn today and to compete tomorrow. This program is an example of what is working and what is good about Government.

Today's school nutrition programs are healthier than ever. As part of the Better Nutrition and Health for Children Act of 1994 that I was able to pass as chairman of the Agriculture Committee, all schools must meet the dietary guidelines for Americans by the 1996–97 school year.

Many schools are ahead of the deadline and are already meeting these guidelines that lower the sodium and fat content of the school meals. For those schools that need help, USDA is working with them.

We in Congress are also working with the schools and asking them what they need. Just last week the President signed H.R. 2066 giving schools maximum flexibility in how they meet the new dietary guidelines. So I think that we have reached a very good medium of Federal support and guidelines while giving the individual schools the flexibility to do what works best for them.

Last year marked a major milestone in the history of the National School Lunch Program—for the first time in 50 years we made historic changes in the nutrition standards for school meals. Under the leadership of Under Secretary Haas we have the School Meals Initiative for Healthy Children.

Then, realizing that change cannot be mandated, Under Secretary Haas undertook one of the most sweeping, innovative programs in the history of the program—Team Nutrition.

Team Nutrition's mission is to improve the health and education of children by creating innovative public and private partnerships that promote food choices for a healthy diet through the media, schools, families, and communities across the country.

For 50 years, the National School Lunch Program has prepared children for a healthier future.

Today, as we move into the 21st century, we are celebrating and bringing together all those who care about the health of our Nation's children. That's what Team Nutrition is all about—local community coalitions joining together to promote nutrition education for children and families. Already Team Nutrition has over 12,000 schools signed up. Team Nutrition is reaching millions of children in thousands of communities and inspiring educators, families, and community leaders to work together to improve the health of our Nation's children.

I am also pleased that one of my former communication directors, Alicia Bambara, is working with the Under Secretary on this effort and doing a wonderful job. She also worked to found a shelter for homeless, pregnant women in the District of Columbia.

I would like to congratulate the School Lunch Program and give a special thanks to a few special people who have helped bring so many healthy meals to Vermont school children: Jo Busha, the head of the Vermont Child Nutrition Program, Marlene Senecal, Connie Bellavance, and Sue Steinhurst at the Vermont School Food Service Association and Rob Dostis with the Campaign to End Childhood Hunger. I also would like to thank all of the wonderful school food service professionals who work so very hard at this important task.

I ask unanimous consent that an article which gives an excellent history of the program's first 50 years be printed in the RECORD.

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

DECADES OF DEDICATION—THE EARLY YEARS

(By Patricia L. Fitzgerald)

Despite all the changes of the past 50 years—technology, economics, demographics, legislation—the history of school foodservice is truly remarkable for how much has stayed the same. The mission hasn't changed since the earliest programs in the 19th century: Provide meals to children at school to ensure their health and promote their ability to learn. And while many faces have changed, the school foodservice profession has always been composed of individuals who have a true and dedicated commitment to this mission.

Many of the obstacles that confronted the profession's pioneers still exist—in different forms—today. These include managing tight budgets, surviving political maneuverings, meeting nutritional requirements in the face of children's tastes and preferences and fighting resistance to consider school meals an integral and intrinsic part of the education system.

But where did all of this—the need, the dedication, the challenge—begin? How did two groups of foodservice directors find themselves merging together in 1946 to create a profession dedicated to advancing standards and managing a new federal program?

ROOTS

According to historical records, the first known program to combine lunch and education began in 1790, in Munich, Germany. Court Rumford, Benjamin Thompson, established the Poor People's Institute, which included a program of teaching and feeding hungry, vagrant children. Half of the day, the children worked making clothes for the army and the other half they received an education. Food was primarily a soup made from potatoes, barley and peas.

Throughout the 19th century, all over Europe, charitable organizations began to take on the burden of feeding and educating children in poverty, but as the century wore on, local governments began to pick up more and more of the financial burden. By 1877, the Paris government started school ''cantines,'' providing meals at public expense for children in need. In England, the Education (Provision of Meals) Act passed in 1905, after lobbying from 365 private and charitable organizations. And in Holland in 1900, a royal decree ordered municipals to supply food and clothing to needy school children.

These efforts in Europe were paralleled by ones in the United States. In 1853, the Children's Aid Society in New York served meals to students attending vocational school, but it wasn't until 1919 that the Board of Education assumed full responsibility for all lunch programs in Manhattan and the Bronx. The movement was similar in other U.S. cities. In Philadelphia, for example, the Starr Center Association began serving penny lunches in one school in 1894; in 1909, responsibility for operating and supporting the lunch program was transferred to the city's school board.

In smaller cities, ''charitable organizations'' often meant the mothers of the children at school. In 1904, the Women's School Alliance of Wisconsin began furnishing lunches to children in Milwaukee. The meals were prepared in the homes of women who lived near the schools and were willing to cook and serve. And in rural areas, the responsibility was often assumed by the teachers themselves, preparing soups and other hot dishes from meats and vegetables brought by the children.

THE GREAT DEPRESSION

The stock market crash of 1929 brought a whole new urgency and visibility to the issue of hunger in America. As unemployment skyrocketed, the country's middle class suddenly became the ''new poor,'' and the country looked to the government for help.

Unfortunately, President Herbert Hoover's administration had no answers, and the Depression wore on without relief. Instead of slowing the expansion of local school lunch programs, the bleak economics drove home their value. In many communities, a school meal program was initiated and provided by a legion of volunteers.

Aid came in the form of new president Franklin Delano Roosevelt's New Deal, and the establishment of a number of ''alpha-bet organizations,'' government programs designed to provide opportunities for employment. In 1933–34, burgeoning school lunch programs in 39 states found valuable assistance from the Civil Works Administration and the Federal Relief Administration. And in 1935, the Work Projects Administration

(WPA) was created; needy women all over the United States found work under WPA programs to prepare and serve school lunches. And with much of the labor burden off of school districts, lunch prices could be kept low, which increased participation.

Donated commodities were another key to early school lunch success. While unemployment in the cities was rampant, America's farmers were having bumper crops. But without a market to buy, surpluses grew, prices fell and farmers began to go out of business. In 1935, the government began to remove price-depressing surplus foods from the market, and school lunch programs were one excellent outlet for the goods.

Throughout the 1930s, many states and cities began to adopt legislation—often including appropriations—that mandated schools to serve lunch to students. By 1937, 15 states had passed laws specifically authorizing local school boards to operate lunchrooms, serving meals at cost or less.

The numbers tell the story. By 1941, WPA school lunch programs were in all states, the District of Columbia and Puerto Rico, serving an average of nearly 2 million lunches daily and employing more than 64,000 people.

A SENSE OF PERMANENCE

When America went to war, it sent its boys overseas and its women to work in the defense industry. By 1944, the WPA's payroll was gone, but the demand for continuation of lunch programs was not. In 1944, Congress earmarked funds to maintain the programs for the year and repeated this action in 1945. Behind the scenes, a campaign to establish a permanent, reliable federal subsidy for school lunch was in the works.

In 1946, Congress recognized the need to establish a national, permanent, federally funded school lunch program. Section 2 of the final law succinctly explains the legislators' rationale: ''It is hereby declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for the establishment, maintenance, operation and expansion of nonprofit school lunch programs.''

After considerable lobbying by the burgeoning school foodservice profession and with the support of some heavy hitters in the Senate, Congress passed the National School Lunch Act of 1946, which was signed into law by President Harry Truman on June 4. In addition to defining appropriations—including those for administrative expenses—the new law set minimum nutritional requirements for three types of acceptable lunches.

A NEW PROFESSION

Although school foodservice began with unskilled volunteers, it was quick to grow into a bona fide profession during the 1930s. Cafeteria management and foodservice direction were new careers. And the early pioneers (see sidebar, page 50) developed high standards for sanitation, nutrition and home economics. The Thirties saw the formation of two national organizations created to further this brand-new profession: the Conference of Food Service Directors and the National School Cafeteria Association.

After passage of the National School Lunch Act, these two groups agreed to a merger conference to join forces and create a new organization. On October 10–12, 1946, in Chicago, the School Food Service Association was born (the word ''American'' wouldn't be added to the name of the organization until 1951). There were 300 school foodservice professionals in attendance, representing programs in 34 states, as well as the U.S. Department of Agriculture. Constance C. Hart, a school foodservice director from Rochester, N.Y., and a founder of the Conference of Food Service Directors, was elected ASFSA's first president.

Through the end of the 1940's, the Association concentrated on getting on its feet, administering the new federal school lunch program and providing professional development opportunities for its growing membership. In 1947, member rolls were 709. Oklahoma became ASFSA's first state affiliate. The first annual convention was held in Dallas in November. Attendance at the convention was 478, and there were 39 exhibitors, including many still-familiar names, such as American Dietetic Association, The Cleveland Range Company, Florida Citrus Commission, The Hobart Manufacturing Company and the National Livestock and Meat Board. In 1948, membership remained steady, Betsy Curtis was president and the convention was held in Detroit.

Dr. Mary deGarmo Bryan took the helm in 1948–49, and ASFSA's first constitution was adopted. That year also saw the development of the Association's first membership publication: *School Meals.* Membership grew to 920. Thelma Flanagan's term as 1949–50 president say many actions that gave shape to the infant association. We'll examine these in the next installment of ''Decades of Dedication.''

O PIONEERS!

The school foodservice profession owes a debt to all of the leaders that guided it through the turbulent waters of change and growth over the past 50 years. In this issue we pay special tribute to just a few of those who fought for the establishment of a federal school lunch program and helped shape a brand-new profession. Their influence is still felt today.

Dr. Mary deGarmo Bryan. A professional educator, she was largely responsible for the professional standards of the program, teaching many of the first generation of school foodservice professionals. Her 1936 text, The School Cafeteria, was one of the bases for the school lunch program. A professor at Columbia University Teachers College for over 20 years, deGarmo was president of ASFSA in 1948–49.

Marion Cronan. Through her regular column, ''The School Lunch,'' in Practical Home Economics magazine, Cronan was instrumental in bringing the professional concerns of lunch programs to the attention of a foodservice audience. She served as ASFSA president for 1967–68.

Thelma Flanagan. Considered by many to be Florida's ''first lady of the profession,'' Flanagan also made an indelible impact on the national association. As ASFSA's 1949–50 president, Flanagan was responsible for giving the fledgling association some shape, creating specialized departments and instituting long-range planning. Today, the Thelma Flanagan Gold Award recognizes states that excel in meeting ASFSA's Plan of Action.

Constance Hart. Director of Lunchrooms for the Rochester, N.Y., public school system in 1942, Hart was an early proponent for nutrition education in the schools. A founder of the Conference of Food Service Directors in 1935, Hart became ASFSA's first president, elected at the merger meeting between the Conference and the National School Cafeteria Association. She served in 1946–47.

Senator Richard B. Russell (D–Ga.) As chair of the Senate Agriculture Committee's Appropriations Subcommittee, his support of the National School Lunch Act was invaluable for getting the bill through Congress.

John Stalker. In 1935, Stalker headed Massachusetts' commodity distribution program and became the state's director of school foodservice programs. Stalker set nutrition and management standards that were national models. He designed ASFSA's first emblem and served as a valuable legislative leader at both the state and national levels.

Frank Washam. Director of Chicago's school lunch program, Washam was a leader in the National School Cafeteria Association and a leader in the movement to obtain permanent federal support for school lunches.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, I think so often of that November evening long ago—it was in 1972—when the TV commentators network reported that the people of North Carolina had elected me to the Senate. It was 9:17 p.m. and I recall how stunned I was.

It had never really occurred to me that I would be the first Republican in history to be elected by the people of North Carolina to the U.S. Senate. Needless to say, it was a memorable moment in my life and I, that evening, made a commitment to myself that I would never fail to see a young person, or a group of young people, who wanted to see me.

Keeping that commitment for almost 24 years, it has proved enormously meaningful to me. I have been inspired on countless occasions by the estimated 60,000 young people with whom I have visited during the more than 23 years I have been in the Senate.

A large percentage of them are understandably concerned, and greatly so, about the total Federal debt which back in February of this year crossed the $5 trillion mark for the first time in history. It is Congress that has created this monstrous debt which coming generations will have to pay.

Mr. President, the young people who visit with me almost always are inclined to discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why, on February 22, 1992, I began making these daily reports to the Senate. I decided that it was important that a daily record be made of the precise size of the Federal debt which, at the close of business yesterday—Monday, June 3, 1996—stood at $5,136,903,015,098.32. On a per capita basis, the existing Federal debt amounts to $19,384.92 for every man, woman, and child in America on a per capita basis.

The increase in the national debt in the 24 hours since my report yesterday—which identified the total Federal debt as of close of business on Friday, May 31, 1996—shows an increase of more than $8 billion—$8,394,510,205.52, to be exact. That increase alone is enough to match the total amount needed to pay the college tuition for each of the 1,244,737 students for 4 years.

## PRESIDENT CLINTON'S HOPE SCHOLARSHIP PLAN

Mr. KENNEDY. Mr. President, earlier today, in his commencement address at Princeton University, President Clinton announced a dramatic new proposal called the Hope scholarship plan, to bring college education within closer reach for all Americans. This important new initiative guarantees free tuition for large numbers of students attending the Nation's community colleges. For students at 4-year colleges, it supplements Pell grant aid, and it strengthens the tuition tax deduction in the President's budget by adding a new education tax credit. The plan is fully paid for with savings that achieve a balanced budget by 2002.

This initiative is modeled on the GI bill of rights of the World War II era, which gave so many veterans the skills needed in those years to participate fully in our expanding economy. We rejected the idea of a cash bonus for soldiers. Instead, we invested in their futures and the future of the Nation by making higher education available and affordable for returning veterans. The investment has more than paid for itself. For every dollar invested in grants under the GI bill, the Nation received more than $8 in economic returns.

The Hope scholarships, announced by President Clinton, are based on the same principles—investing in the future of America by investing in education and training for all citizens. The President's proposal recognizes what business leaders have been telling us for years, that high skills are the key to high wages for American workers in the global economy.

According to the Bureau of Labor Statistics, 60 percent of all jobs created between now and the year 2005 will require education beyond high school.

The Hope scholarship plan will make at least two years of college possible for every American. It will guarantee $1,500 in tuition assistance a year, through Pell grants or a refundable tax credit or both, for 2 years to every student in the country who attends a community college, earns at least a ''B'' average in the second year, and stays off drugs.

Community colleges enroll 48 percent of all undergraduates and over half of all minority students. Many community college students are working adults returning to college to improve their skills. Based on current surveys, more than half of the Nation's students maintain a ''B'' average.

The $1,500 credit is designed to pay full tuition costs at community colleges. But it can also be applied to the first 2 years of tuition at 4-year colleges for students who maintain a ''B'' average in the second year. Alternatively, students and their families will be able to choose a tax deduction of $10,000 a year per family for the first 2 years. For the last 2 years of college and graduate school and professional school, the tax deduction remains available to all families with incomes below $100,000 or to individuals with incomes below $70,000.

These important new benefits build on the 33 percent increase in Pell grant funding in the President's budget. By comparison, the Republican budget resolution cuts Pell grants by 18 percent over the next 6 years and denies grants to 1.3 million students altogether. The President's budget increases the maximum Pell grant award by almost $800 by 2002.

The Hope scholarship plan recognizes the need for high skills in today's economy, and helps to meet that need. It offers realistic help to students and working adults seeking to acquire new skills. I commend the President for this initiative, and I urge the Congress to support it.

Mr. President, I ask unanimous consent that President Clinton's address may be printed in the RECORD.

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

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### REMARKS BY THE PRESIDENT AT PRINCETON UNIVERSITY COMMENCEMENT ADDRESS

The PRESIDENT. Thank you very much. President Shapiro, members of the faculty, alumni, to parents and friends of this graduating class, especially to the graduates of the Class of 1996—(applause.) Let me thank you co-Presidents, George Whitesides and Susan Suh, who came to say hello to me this morning; and compliment your valedictory address by Bryan Duff, and the Latin address by Charles Stowell. I actually took four years of Latin in high school. (Laughter.) And even without being prompted, I knew I was supposed to laugh when he was digging me about going to Yale. (Laughter.)

I want to also thank Princeton for honoring the high school teachers and the faculty members here for teaching, for today we celebrate the learning of the graduates and we should be honoring the teachers who made their learning possible. I thank you for that. (Applause.)

It's a great honor to be here in celebrating Princeton's 250 years. I understand that Presidents are only invited to speak here once every 50 years. President Truman and President Cleveland—you've got to say one thing, for all the troubles the Democrats have had in the 20th century, we've had pretty good timing when it comes to Princeton over the last 100 years. (Laughter and applause.)

I want to thank President Shapiro for his distinguished service to higher education in our country. I thank Princeton for its long and noble service to our Nation. I also am deeply indebted to Princeton for the contributions it has made to our administration and my presidency.

My Press Secretary, Mike McCurry, sat in these seats in 1976. I'm sure that Princeton had something to do with the fact that he not only thinks, but talks so fast. The Chair of our National Economic Council, Laura Tyson, was a Princeton Professor then, and Mike McCurry's thesis advisor. And you got back from me Professor Alan Blinder, who was a distinguished member of the Council of Economic Advisors and the Vice Chairman of the Federal Reserve, and a brilliant contributor to our efforts to improve the economy. I want to thank Alan Blinder here among his colleagues and these students for what he has done.

I thank Tony Lake and Bruce Reed and John Hilley and Peter Bass, all members of our staff who graduated from Princeton. Two Princeton graduates who are no longer living—Vic Raiser and his son, Monty, were great friends of mine. Vic's wife, Molly, is here—our protocol chief. And if it hadn't been for him I might not be here today, and I want to recognize their contributions to Princeton and Princeton's gifts to them.

I also want to say that one of my youngest staff members is a classmate here—Jon Orszag. And when the ceremony is over I'd like to have you back at work, please. (Laughter.)

I would like to talk to the senior class today about not only the importance of your education, but the importance of everyone else's education to your future. At every pivotal moment in American history, Princeton, its leadership, its students have played a crucial role. Many of our Founding Fathers were among your first sons. A president of Princeton was the only university president to sign the Declaration of Independence. This hall was occupied by the British since 1776, liberated by Washington's army in 1777, and as the President said, sanctified forever to American history by the deliberations of the Continental Congress in 1783.

In 1896, the last time there was a Class of '96, when Princeton celebrated its 150th anniversary and, as has been said, Grover Cleveland was President, Professor Woodrow Wilson gave his very famous speech, ''Princeton in the Nation's Service.'' I read that speech before I came here today. And I'd like to read just a brief quote from it: ''Today we must stand as those who would count their force for the future. Those who made Princeton are dead. Those who shall keep it and better it still live. They are even ourselves.'' What he said about Princeton 100 years ago applied then to America and applies to America even more today.

At the time of that speech 100 years ago, America was living as it is living today, through a period of enormous change. The Industrial Age brought incredible new opportunities and great new challenges to our people. Princeton, through Wilson and his contemporaries, was at the center of efforts to master these powerful forces of change in a way that would enable all Americans to benefit from them and protect our time-honored values.

Less than 3 years after he left this campus, Woodrow Wilson became President of the United States. He followed Theodore Roosevelt as the leader of America's response to that time of change. We now know it as the Progressive Era.

Today, on the edge of a new century, all of you—our Class of '96—are living through another time of great change, standing on the threshold of a new Progressive Era. Powerful forces are changing forever our jobs, our neighborhoods, the institutions which shape our lives. For many Americans, this is a time of enormous opportunity. But for others, it's a time of profound insecurity. They wonder whether their old skills and their enduring values will be enough to keep up with the challenges of this new age.

In 1996, like 1896, we really do stand at the dawn of a profoundly new era. I have called it the Age of Possibility because of the revolution in information and technology and market capitalism sweeping the globe—a world no longer divided by the Cold War. Just consider this: There's more computer power in a Ford Taurus every one of you can buy and drive to the supermarket than there was in Apollo 11 when Neil Armstrong took it to the moon. Nobody who wasn't a high-energy physicist had even heard of the World Wide Web when I became President. And now even my cat, Socks, has his own page.

(Laughter.) By the time a child born today is old enough to read, over 100 million people will be on the Internet.

This Age of Possibility means that more Americans than ever before will be able to live out their dreams. Indeed, for all of you in the Class of '96, this Age of Possibility is actually an age of high probability, in large measure because of the excellent education you celebrate today.

But we know that not all Americans see the future that way. We know that about half of our people in this increasingly global economy are working harder and harder without making any more money; that about half of the people who lose their jobs today don't ever find another job doing as well as they were doing in their previous one.

We know that, therefore, our mission today must be to ensure that all of our people have the opportunity to live out their dreams in a nation that remains the world's strongest force for peace and freedom, for prosperity, for our commitment that we can respect our diversity and still find unity.

This is about more than money. Opportunity is what defines this country. For 220 years, the idea of opportunity for all and the freedom to seize it have literally been the defining elements of America. They were always ideals never perfectly realized, but always our history has been a steady march of striving to live up to them.

Having these ideals achievable, imaginable for all is an important part of maintaining our sense of democracy and our ability to forge an American community with such disparate elements of race and religion and ethnicity across so many borders that could so easily divide this country.

And so I say to you, creating opportunity for all, the opportunity that everyone has, that many of you are now exercising, dreaming about your future—that is what you must do in order to make sure that this Age of Possibility is really that for all Americans.

When I took office, I was concerned about the uncertain steps our country was taking for that future. We'd let our deficit get out of hand, unemployment had exploded, job growth was the slowest since the Great Depression. The country seemed to be coming apart when we needed desperately to be coming together.

I wanted to chart a new course, rooted first in growth and opportunity—first, to put our economic house in order so that our businesses could prosper and create jobs; second, to tap the full potential of the new global economy; third, to invest in our people so that they would have the capacity to meet the demands of this new age and to improve their own lives.

This strategy is in place, and it is working. The deficit is half of what it was. The Government is now the smallest it's been in 30 years. As a percentage of the Federal work force, the federal government is the smallest it's been since 1933, before the beginning of the New Deal. We signed over 200 trade agreements. Our exports are at an all-time high. Fifteen million of our hardest-pressed people have gotten tax cuts. Most of the small businesses have as well.

We've invested in research and defense transformations. We've invested in new technologies. And we've invested in environmental protection and sustainable development. And I will say, parenthetically, the great challenge of your age will be to prove that we can bring prosperity and opportunity to people all across the globe without destroying the environment, which is the precondition of our successful existence. And all of you will have to meet that challenge, and I challenge you to do it. (Applause.)

Our economy, while most of the rest of the world was in recession, has produced 8.5 million new jobs, the lowest combined rates of inflation, unemployment and home mortgages in three decades, the lowest deficit as a percentage of our income of any advanced economy in the world, 3.7 million more American homeowners, and record numbers of new small businesses in each of the last 3 years.

We are doing well, but we must do better if we are going to make the promise of this new age real to all Americans. That means we have to grow faster. How fast can we grow? No one knows the exact answer to that. But if we look at the long-term, if we believe in our people and invest in them and their opportunities, and our people take responsibility, the sky is the limit.

We must look with the greatest skepticism toward those who promise easy and quick solutions. We know that the course that leads to long-term growth is in the minds and spirits and ideas and discipline and effort of people like those of you who graduate here today. We are on the right course; we must accelerate it, not veer from it.

We have to finish the job we started in 1993 and balance the budget—not only because we want to free you and your children of the legacy of debt, but because that will keep interest rates down, increase savings, expand companies, start new small businesses, help more families buy homes and more parents send their children to college.

We know we have to continue to fight for fair and open trade because we proved now if other markets are as open to our products and services as we are to theirs, we'll do just fine. We know we have to do more to help all Americans deal with the economic changes of the present day in a more positive way by investing in the future and targeting tax cuts to help Americans deal with their own problems and build strong families.

We know we have to continue to invest in the things that a government needs to invest in, including research and development, and technology, and environmental protection. We know that since so many people will have to change jobs more often than in the past, we have to give families the security to know that if they change jobs they can still carry with them access to health care and pensions and education for a lifetime.

But finally and most importantly, if we really want Americans—all Americans—to participate in the future that is now at your fingertips, we have got to increase the quality and the level of education not just for the graduates of Princeton and Georgetown and Yale and the state universities of this country, but for all the American people. It is the only way to achieve that goal. (Applause.)

The very fact that we have been here or our forebears have for 250 years is testimony to the elemental truth that education has always been important to individual Americans. And for quite a long time, education has been quite important to our whole country. Fifty years ago when the Class of '46 was here, coming in after World War II the G.I. Bill helped to build a great American middle class and a great American economy. But today, more than ever before in the history of the United States, education is the fault line, the great Continental Divide between those who will prosper and those who will not in the new economy.

If you look at the census data, you can see what happens to hard-working people who have a high school diploma or who drop out of high school and try to keep up in the job market, but fall further and further behind. You can also see that if all Americans have access to education, it is no longer a fault line, it is a sturdy bridge that will lead us all together from the old economy to the new.

Now, we have to work to give every American that kind of opportunity. And we've worked hard to do it—from increasing preschool opportunities, to improving the public school years, to increasing technology in our schools. And this spring the Vice President and I helped to kick off a Net Day in California where schools and businesses and civic leaders hooked up nearly 50 percent of the schools to the Internet in a single weekend. What I want to see is every schoolroom and every library in every school in America hooked up to the Internet by the end of the year 2000. We can do that. (Applause.)

And I am very proud that I was asked to announce today that a coalition of high-tech companies, parents, teachers and students are launching Net Day New Jersey this week to connect over a thousand schools in New Jersey to the Internet by this time next year. That will make a huge difference in making learning more democratic and information more accessible in this country. I thank them for that. Every single person in New Jersey who will be a part of that. (Applause.)

But we have to face the fact that that is not enough. We have to do more. Just consider the last 100 years. At the turn of the century, the progressives made it the law of the land for every child to be in school. Before then there was no such requirement. After World War II, we said 10 years are not enough, public schools should extend to 12 years. And then, as I said, the G.I. Bill and college loans threw open the doors of college to the sons and daughters of farmers and factory workers. And they have powered our economy ever since.

America knows that higher education is the key to the growth we need to lift our country. And today that is more true than ever. Just listen to these facts. Over half the new jobs created in the last 3 years have been managerial and professional jobs. The new jobs require higher-level skills. Fifteen years ago the typical worker with a college degree made 38 percent more than a worker with a high school diploma. Today, that figure is 73 percent more. Two years of college means a 20-percent increase in annual earnings. People who finish 2 years of college earn a quarter of a million dollars more than their high school counterparts over a lifetime.

Now, it is clear that America has the best higher education system in the world, and that it is a key to a successful future in the 21st century. It is also clear that because of cost and other factors, not all Americans have access to higher education.

I want to say today that I believe the clear facts this time make it imperative that our goal must be nothing less than to make the 13th and 14th years of education as universal to all Americans as the first 12 are today. (Applause.)

We have put in place an unprecedented college opportunity strategy: Student loans can now be given directly to people who need them, with a provision to repay them based on the ability of the graduate to pay—based on income. This is a dramatic change which is making loans more accessible to young people who did not have them before. Americorps, which by next year will have given over 65,000 young people the chance to earn their way through college by serving their country and their communities. More Pell Grants, scholarships for deserving students every year.

Now we want to go further; we want to expand work-study so that a million students can work their way through college by the year 2000. We want to let people use money from their Individual Retirement accounts

to help pay for college. We want every honor student in the top 5 percent of every high school class in America to get a $1,000 scholarship.

And we also want to do some other things that I believe we must do to make 14 years of education the standard for every American. First, I have asked Congress to pass a $10,000 tax deduction to help families pay for the cost of all education after high school—$10,000 a year. (Applause.)

Today I announced one more element to complete our college strategy and make those 2 years of college as universal as 4 years of high school—a way to do it, by giving families a tax credit targeted to achieve that goal and making clear that this opportunity requires responsibility to receive it.

We should say to Americans who want to go to college, we will give you a tax credit to pay the cost of tuition at the average community college for your first year, or you can apply the same amount to the first year in a 4-year university or college. We will give you the exact same cut for the second year, but only if you earn it by getting a B average the first year. A tax deduction for families to help them pay for education after high school; a tax credit for individuals to guarantee their first year of college and the second year if they earn it.

This is not just for those individuals, this is for America. Your America will be stronger if all Americans have at least 2 years of higher education.

Think of it: We're not only saying to children from very poor families who think they would never be able to go to college, people who may not have stellar academic records in high school, if you're willing to work hard and take a chance, you can at least go to your local community college and we'll pay for the first year. If you're in your 20s and you're already working, but you can't move ahead on a high school diploma, now you can go back to college. If you're a mother planning to go to work, but you're afraid you don't have the skills to get a good job, you can go to college. If you're 40 and you're worried that you need more education to support your family, now you can go part-time, you can go at night. By all means, go to college and we'll pay the tuition.

I know this will work. When I was the governor of my home state, we created academic challenge scholarships that helped people who had good grades and who had good behavior to go to college. But my proposal today builds mostly on the enormously successful HOPE Scholarships in Georgia, which guaranteed any student in the state of Georgia free college as long as they had a B average. This year those scholarships are helping 80,000 students in the state of Georgia alone—including 70 percent of the freshmen class at the University of Georgia.

In recognition of Georgia's leadership, I have decided to call this proposal America's HOPE Scholarships. And I want to thank the Governor of Georgia, Zell Miller, who developed this idea. I also would like to recognize him—he came up here with me today—and thank him for the contribution that he is now going to make to all of America's future.

Governor Miller, where are you? Would you please stand up? Here he is. Thank you.

Let me say, as all of you know, money doesn't grow on trees in Washington, and we're not financing deficits anymore. I'm proud to say, as a matter of fact, for the last 2 years our budget has been in surplus, except for the interest necessary to pay the debt run up in the several years before I became President. So we are doing our best to pay for these programs. And this program will be paid for by budgeted savings in the balanced budget plan. We cannot go back to the days of something for nothing or pretend that in order to invest in education we have to sacrifice fiscal responsibility.

Now, this program will do three things. It will open the doors of college opportunity to every American, regardless of their ability to pay. Education at the typical community college will now be free. And the very few states that have tuition above the amount that we can afford to credit, I would challenge those states to close the gap. We're going to take care of most of the states. The rest of them should help us the last little way.

Second, it will offer free tuition and training to every adult willing to work for it. Nobody now needs to be stuck in a dead-end job or in unemployment. And finally, this plan will work because it will go to people who, by definition, are willing to work for it. It's America's most basic bargain. We'll help create opportunity if you'll take responsibility. This is the basic bargain that has made us a great Nation.

I know that here at the reunion weekend the Class of '46 has celebrated its 50th reunion. And I want to just mention them one more time. Many members of the Class of '46 fought in the second world war. And they came home and laid down their arms and took up the responsibility of the future with the help of the G.I. Bill. That's when our Nation did its part simply by giving them the opportunity to make the most of their own lives. And in doing that, they made America's most golden years.

The ultimate lesson of the Class of 1946 will also apply to the Class of 1996 in the 21st century. Because of the education you have, if America does well, you will do very well. If America is a good country to live in you will be able to build a very good life.

So I ask you never to be satisfied with an age of probability for only the sons and daughters of Princeton. You could go your own way in a society that, after all, seems so often to be coming apart instead of coming together. You will, of course, have the ability to succeed in the global economy, even if you have to secede from those Americans trapped in the old economy. But you should not walk away from our common purpose.

Again I will say this is about far more than economics and money. It is about preserving the quality of our democracy, the integrity of every person standing as an equal citizen before the law, the ability of our country to prove that no matter how diverse we get, we can still come together in shared community values to make each of our lives and our family's lives stronger and richer and better. This is about more than money.

The older I get and the more I become aware that I have more yesterdays than tomorrows, the more I think that in our final hours, which all of us have to face, very rarely will we say, gosh, I wish I'd spent more time at the office, or if only I'd just made a little more money. But we will think about the dreams we lived out, the wonders we knew when we were most fully alive. This is about giving every single, solitary soul in this country the chance to be most fully alive. And if we do that, those of you who have this brilliant education, who have been gifted by God with great minds and strong bodies and hearts, you will do very well and you will be very happy.

In 1914, Woodrow Wilson wrote as President, ''The future is clear and bright with the promise of the best things. We are all in the same boat. We shall advance and advance together with a new spirit.'' I wish you well, and I pray that you will advance, and advance together with a new spirit.

God bless you and God bless America. (Applause.)

## A TRIBUTE TO SEYMOUR H. KNOX III, 1926–96

Mr. MOYNIHAN. Mr. President, I rise today to pay tribute to Seymour H. Knox III, a civic and business leader from Buffalo, NY. Seymour Knox, age 70, died on May 22, 1996, at his home in East Aurora, New York, after a long battle with cancer.

Like his father before him, Seymour Knox created a lasting institution for the city of Buffalo by which he shall be remembered. For the father, this was the Albright-Knox Art Gallery. For the son, it was the Buffalo Sabres hockey team. Seymour, in cooperation with his brother Northrup, led an investor group that acquired a National Hockey League Franchise in 1969. For over a quarter century, the Sabres have made the long winter a bit more enjoyable for the people of Buffalo, and with the recent completion of the Marine Midland Arena, Seymour Knox has assured that this alliance will long continue.

Apart from his interest in hockey, Seymour Knox was a leading investment executive at Kidder Peabody and Co., and active in the community. He was chairman of the Buffalo Fine Arts Academy, the body which oversees the gallery created by his father, and was also named chairman of the Smithsonian Associates in 1984. He was also active in the Buffalo YMCA, the U.S. Squash Racquets Association, and the Seymour H. Knox Foundation. He will long be remembered as someone who cared deeply about the city of Buffalo and who used his standing in the community to improve the lives of countless citizens.

Seymour Knox will be fondly remembered by his wife, Jean; his brother, Northrup: his three sons, Seymour IV, W.A. Read, and Avery F.; his daughter, Helen K. Keilholtz; and five grandchildren. We offer our condolences and prayers to his family.

I ask unanimous consent that the text of an article from the Buffalo News be printed in the RECORD.

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

[From the Buffalo News, May 23, 1996]

### SEYMOUR KNOX III LEAVES LEGACY TO THE COMMUNITY HE CARED FOR

Seymour H. Knox III was born to wealth, and he put it to good use for his community. Like his father before him, Knox left Buffalo an institution that will forever bear his mark. In his father's case, it was a nationally known art gallery. In his case, it is a nationally famous sports team. Buffalo is richer for both of them.

To say it simply, Buffalo needs more people like Seymour H. Knox III. His death Wednesday, from cancer, came a few days after the public got its first look at the Marine Midland Arena, which Knox worked arduously to bring into being. It will be the new home of the Buffalo Sabres major-league hockey team, his hard-won creation and his enduring contribution to his home town.

More than one friend and more than one fan will express regrets that Knox did not live to see the day when his team would skate onto the ice of the new arena. But at least he knew it would happen.

Through the efforts of Knox and his brother, Northrup, the Buffalo franchise in the National Hockey League was secured in 1969. From the beginning to this death, Seymour Knox III was chairman of the partnership that owned the team. Most of the time he was also president of the team.

Titles aside, the hockey-loving public knew Knox simply as the one who got the team for Buffalo and served as its head man through the years. He was the guy in the gold seats a few rows above the Sabres' bench.

Knox also kept the team here. In an age when professional owners change cities at an alarming rate, Knox was loyal to Buffalo even though its comparatively small market might have made other pastures seem greener. The point of the new arena is to make the team financially strong, securing it for Buffalo for the foreseeable future. Knox's vision made the Marine Midland Arena possible. His legacy will be the exciting hockey games of the future—games that will help make Buffalo a better place to spend the winter.

Knox was also important to Buffalo for numerous other civic endeavors. Those included the chairmanship of the Buffalo Fine Acts Academy, governing body of the Albright-Knox Art Gallery, which, to a great degree, was his father's gift to Buffalo. The gallery's most distinguishing feature is its modern art collection put together with care by the late Seymour H. Knox Jr.

His son's contribution is less genteel, but a community needs many aspects to its life. It is richer for both of these gifts.

From the start, the hockey team has played at Memorial Auditorium, Buffalo's aged indoor sports place, now slipping into retirement.

At the last Sabres game in the Aud a bit more than a month ago, Knox was given a prolonged ovation by a capacity crowd. Fans know why the Sabres exist. They let it show. Knox gave a short speech, closing with the words: ''Farewell, old friend.''

Buffalo people can repeat those words today.

## THE 50TH ANNIVERSARY OF NATIONAL SCHOOL LUNCH PROGRAM

Mr. DASCHLE. Mr. President, today marks the 50th anniversary of one of the smartest investments this Nation has ever made, the National School Lunch Program.

In 1943, Winston Churchill said that ''there is no finer investment for any community than putting milk into babies.'' That sort of inspired investment is what the School Lunch Program is about. The only nutritious meal some children eat in a day, a school lunch can help to lengthen attention span, increase learning capacity and dramatically improve overall health.

The School Lunch Program currently operates in 95 percent of our Nation's schools and serves 26 million children each school day. It is a remarkable success, and I urge my colleagues to join me in commending the people who make that success possible, from the people at the USDA who run the program, to the State and local nutritionists who plan the meals and the school food service workers who serve them to our children. Each of them is helping to make our country stronger and healthier, and we thank them for it.

The School Lunch Act was passed not as an act of charity, not even as a matter of educational efficacy, but as a matter of national security after shocking numbers of young men failed their physicals in World War II because of preventable, nutrition-related illnesses.

Last year, Department of Agriculture updated Federal regulations to require school meals to meet the Federal dietary guidelines for Americans. The resulting Schools Meals Initiative for Healthy Children will make a good program even better.

Recognizing that simply adopting policies does not always guarantee change, the Clinton administration launched Team Nutrition in June 1995 to unite public and private organizations in promoting healthful dietary habits through schools, community organizations and the media. This groundbreaking measure also provides the training, technical assistance, and nutrition education that are critical to the School Meals Initiative's successful implementation.

Last fall marked the introduction of the Team Nutrition Schools Program, which brings together teachers and principals, schools and families, community leaders and school food service professionals to work for healthier school meals.

This fall, the USDA will build on the success of Team Nutrition by providing every school district with the help they may need to make sure the meals they serve their students meet the Federal dietary guidelines. I'm proud to have sponsored the amendment that will enable the USDA to get that information and assistance out to schools ahead of their original target date.

Our Nation has done much to alleviate childhood hunger and malnutrition in the 50 years since President Truman signed the National School Lunch Act. Rickets and other nutrition-related illnesses that once were common among poor children in this Nation are now mercifully rare because we channelled the will and resources of this great Nation against them.

But the challenge is not ended. Every month, 5 million children go hungry in this country. One out of every eight children under the age of 12. So today, as we celebrate 50 years of success with the School Lunch Program, let us remember these children and recommit ourselves to seeing that they, too, are able to share in the abundant blessings of our land.

## NATIONAL MISSILE DEFENSE

Mr. ROBB. Mr. President, I wasn't able to get to the floor during the time set aside during debate on the Defend America Act, but it's an important topic and I would like to address it now.

Mr. President, we all want to defend America and I yield to no one in my commitment to a strong national defense, but I believe the Defend America Act in its current form could actually reduce U.S. security. I reach this conclusion based on a review of four key aspects of a national missile defense system:

First, the nature of the threats that the United States faces today and will likely face 10 years from now.

Second, the technological implications of building a system today versus in the future.

Third, the question of affordability.

And fourth, the impact on existing arms reduction treaties.

On all counts, the available evidence weighs against deployment of a national missile defense system in the near term. Consider the threat. Since the fall of the Berlin Wall and the collapse of the Soviet Union, we have witnessed a remarkable reversal in the arms race and, as such, the nature of the nuclear threat to America. The Soviet nuclear arsenal, over 13,000 nuclear weapons strong at the height of the cold war, will be reduced to about 3,500 weapons under START II. By any measure, this adds up to a more secure America.

Today, instead, the ballistic missile threat can be summed up in three scenarios: An accidental attack by land-based ICBM's from Russia or China, an unauthorized attack by a Russian submarine, or a very limited attack by a rogue nation such as North Korea or Iraq. Note, since we are addressing missile defenses, that I am referring to missile threats. This is not to suggest that other means of delivery are any less threatening, whether trucks, ships, aircraft, or even suitcases. I also consider the threat of biological or chemical attack as more likely if not more devastating than nuclear attack.

The Russian and Chinese missile attack scenarios are nothing new—we have lived with such threats for decades. But the third threat is in my mind the most problematic in the long term. While worst-case United States intelligence estimates forecast that North Korea may be only a few years away from deploying ICBM's that can reach portions of Hawaii and Alaska, other potentially hostile nations are at least a decade away from such a capability. Although their direct purchase of long-range missile components or systems is always possible, the balance of evidence suggests that it would be premature to commit to a near-term defense capability when we're not even sure when, whether, and how the threat will develop.

The Defend America Act calls for deployment by 2003, or 8 years out. It may seem as though we're splitting hairs, but this is an important distinction between those trying to mandate a date certain for deployment, and those willing to invest responsibly and deploy after the technology has proven itself and the threat is closer to the horizon.

Consider the technological implications of building a system today versus at the turn of the century or later. I

supported funding in the eighties for what was referred to as the strategic defense initiative. But then as now, in the absence of a new and compelling threat on the order of a reinvigorated Soviet Union, what is the driving force to lock into today's technology? My Republican colleagues seem to believe that we can set a completion date, spend huge sums of money on the problem, and magically achieve a fix. How easily we forget the optimistic projections for the performance of the Patriot missiles in the gulf war, and of the x-ray laser that was inaccurately touted in the eighties as the definitive solution for knocking down hundreds of missiles and warheads. The challenge for hitting a bullet with a bullet is not less daunting today than in the past. We cannot simply dictate a solution.

But even if we could achieve the technology in the near term, what are the costs over the long run if we buy today, discover that the technological window has again been broken through, and then turn around and buy anew in another 5 or 6 years? If we ever expect to achieve a balanced Federal budget, it won't be through impetuous, impulsive buying of an extremely expensive system.

Which leads me to the issue of affordability. A range of numbers are thrown around as estimates of the costs for a national missile defense. CBO recently came out with an estimate of $60 billion which has been widely reported in the press. But we all should acknowledge the great uncertainties in this type of estimation. A small change in the assumptions about the accuracy of our sensors, or the probability of kill of our interceptors, or whether the threat uses decoy or maneuvering warheads, can change the final cost estimates by an order of magnitude. I'm willing to put tens of billions into an effective, limited national missile defense. But I cannot condone pouring billions of the taxpayer dollars into an unproven capability whose costs could explode and needlessly drain other vital defense programs.

But for those Senators who believe the threat is imminent, and that the technology is achievable in the near term, and that the costs will be reasonable, I urge them to carefully consider what the Defend America Act would mean for existing and future arms control agreements. Many Senators today have pointed out that the act anticipates a breach of the ABM Treaty, and that it could undermine the START process. But we need to understand in more detail the value of these treaties and why their erosion or loss could actually decrease America's security. Mr. President, I would like to address this matter in some depth.

Let's first step back to the years before the 1972 ratification of the ABM Treaty, when the debate over missile defenses was in full force. Those opposed to any kind of limits on missile defense deployments were highly critical of those willing to deliberately constrain America's ability to defend its citizens against missile attack. But missile defense advocates needed to meet two tests: the first, generally referred to as arms race stability; the second, crisis stability.

Arms race stability refers to a situation between armed nations where there are few incentives for a vicious cycle of tit-for-tat weapons deployments. In an unstable setting, the deployment of a system by one side is met by the same or more deployments by the other side, which in turn is countered by more deployments by the first side, and so on ad infinitum.

Historically, the nation facing an expanded threat might respond with new offensive capabilities, better defenses, or both. But in the case of missile defenses, the technologies available in the sixties and seventies for intercepting incoming nuclear warheads with nonnuclear interceptors were proving very costly. And with the introduction of so-called MIRV'd ballistic missiles in the 1960's—where several nuclear warheads could be placed on a single missile and targeted independently—offensive nuclear forces became, by comparison, quite inexpensive. The cost to deploy one additional nuclear warhead on a MIRV'd ICBM was significantly less than the cost of the many interceptors and related sensors required to destroy that warhead.

By this dynamic, it was convincingly argued by ABM Treaty proponents, any United States attempts to deploy costly strategic defenses would be met by even less costly Russian deployments of more nuclear warheads that could simply overwhelm the defenses. This situation would have been highly unstable from an arms race perspective. Assisting the offense in this equation was the possibility of deploying on ICBM's hundreds of decoys and radar-reflecting chaff along with the nuclear warheads to confuse the U.S. interceptors and their sensors.

During the 1980's, technologies had advanced, improving the prospects for more cost-effective defenses. Particularly promising were space-based systems which could destroy ICBM's during their early flight before they deployed their warheads, and lasers which showed potential for engaging many targets in a short period. And yet despite over $35 billion in R&D expenditures since President Reagan launched the Strategic Defense Initiative in 1983, it would still appear that—at least in the case of Russia and perhaps China—the incremental cost for the offense is lower than for the defense.

START II, still awaiting Russia's ratification, will not only reduce Russia's nuclear arsenal to about 3,500 warheads, but, of equal importance, the treaty requires the elimination of land-based MIRV'd systems. If the United States decides to deploy national missile defenses early in the next decade and the Russians want to maintain their ability to target the United States, they could simply deploy more MIRV'd ICBM's at a lower cost. Indeed, if the United States did decide to unilaterally deploy national defenses without first reaching an agreement with the Russians, it would be an entirely rational and appropriate response for Moscow to forgo START and retain or build more of its most cost-effective countermeasure—MIRV'd ICBM's. We could again face a Russian arsenal of over 11,000 warheads.

We could easily push the Russians to reverse course and hold onto or even produce more of their most formidable MIRV'd ICBM, the SS–18—a missile that we spent enormous diplomatic capital to have dismantled. The cold war SS–18 force of over 300 ICBM's housed roughly 3,000 large, highly accurate nuclear warheads. Its capability to devastate the United States ICBM force created much anxiety during the cold war, primarily because it gave the Soviets an incentive to launch a disarming first strike in the midst of a crisis with the United States or NATO.

The choice is a stark one: on the one hand, a United States national missile defense that could handle limited attacks from many potential threats, but would be incapable of defeating a major Russian attack because the Russians respond by maintaining a daunting arsenal of MIRV's; and on the other hand, a Russian devoid of its most devastating threat to our country—its large, MIRV'd, highly accurate ICBM's. On this point alone, I would oppose pushing legislation that would tell the Russians we plan to violate the ABM Treaty by the year 2003. This seems especially shortsighted since we're not even sure the technology will be available by then even if we double the national missile defense budget.

We used to also consider the issue of arms race stability in the context of other potential threats today. Here national missile defenses show more promise.

A single nuclear weapon can transform a minor nation into a serious regional power overnight. The most obvious example is Iraq. Initial margins of public and congressional support for the United States deployment to the gulf were slim. But if Saddam Hussein had possessed a working nuclear device when Iraq invaded Kuwait, some argue that the United States would have steered clear of the gulf.

For those rogue nations considering entry into the nuclear club, the existence of even a limited but effective U.S. missile defense capability, whether for theater or national defense, creates a disincentive for embarking on the economically and diplomatically costly path of nuclear development. Granted, missile defenses will not stop the rogue leader from delivering a weapon via truck, ship, aircraft, cruise missile, or even a suitcase, but his inability to deliver a rapid missile strike against the United States or allied forces in the theater or U.S. civilians in North America helps dampen his enthusiasm for nuclear development, or

for that matter biological or chemical weapons development.

Next, examine the nation with a fledgling or modest nuclear arsenal, or biological or chemical weapons. Many of these nations, such as North Korea or China, not only have weapons of mass destruction, but have or will soon have the means for delivering them to United States territory. A U.S. national missile defense could help deter such nations from pursuing and producing more longer-range ballistic missiles.

As the Russian and United States nuclear inventories shrink dramatically under START, China could see an opportunity to become a peer in the nuclear superpower league by deploying a hundred or so MIRVed ICBM's, each with 10 or so MIRV's. The technology and costs to do so would not be prohibitive. But with a capable national missile defense, the United States could, in part, deter Beijing from pursuing superpower nuclear status.

Well what about crisis stability?

Crisis stability refers to a situation where the antagonists in a crisis do not have powerful military motivations—quite independent of their political and diplomatic incentives—to launch a preemptive attack. Imagine two warships sailing side by side—guns trained on each other—tensely anticipating the initiation of a battle. If each captain knows he can fire a first shot and sink the other ship before his opponent can even get off a shot, then the situation is unstable.

On first inspection, missile defenses would seem to have lent stability to the United States-Soviet nuclear standoff during the cold war. Like the two warships, one side would be less inclined to attack the other knowing that the first attack would be diluted by defensive systems and then met by a destructive counterattack. But proponents of the ABM Treaty saw things differently. What if during that first strike, the attacker could not only overwhelm the opponent's defenses and destroy most of them, but also destroy much of his offensive arsenal in the process?

In this scenario, the attacker still has his defenses in place and many offensive weapons that allow him to hold the opponent's cities hostage, while his opponent can only respond with a handful of surviving weapons. ABM Treaty proponents concluded that, by creating an inviting incentive to strike first, national missile defenses could in fact increase the odds for nuclear conflagration.

Today, the advent of more capable defensive technologies suitable for deployment in space could only exacerbate the advantage for the first striker, simply because many of the large and vulnerable defensive assets in space would be easier to detect and destroy than the warheads they're meant to intercept. As long as defensive systems are vulnerable themselves to attack, we will incur a crisis stability problem if we and an opponent deploy extensive national missile defenses.

We are now less concerned, of course, about a tense United States–Soviet standoff, which hopefully will remain in the ashheap of history—assuming Yeltsin fends off a Communist revival. Other nuclear powers are a different story. Clearly U.S. missile defenses would play a useful role in controlling escalation in a crisis or conflict with a lesser nuclear power, who could not confidently hold a U.S. city hostage in the face of U.S. missile defenses.

Another component of crisis stability involves dynamics that are beyond the control of rational leaders, such as an accidental or unauthorized launch, or an attack whose origins are unclear, or a minor attack that is misinterpreted as a major one. Here, too, missile defenses can add to crisis stability by providing the option to defeat these limited attacks before a commitment is made to launching a major counterstrike.

On balance, the Defend America Act gets a mixed review from an arms race and crisis stability standpoint. My overriding concern, however, is that the advantages of a national system—even in the context of a rogue nation, accidental, or unauthorized attack—do not outweigh the consequences of undermining START and engendering extensive Russian MIRVed ICBM redeployments.

The Russians have made it very clear that unilateral United States abrogation of the ABM Treaty, as anticipated by the Defend America Act, will force Moscow to forgo START II ratification. This is not mere rhetoric. Russia's heavy MIRVed ICBMs give Moscow its best ''bang for the buck.'' The Russian military is strapped for cash and can barely afford modernization of its strategic nuclear forces. If Russia's strategic position vis-a-vis the United States is undermined, it would be perfectly rational as I stated earlier for Moscow to renege on START.

In light of these concerns, I cannot support the Defend America Act in its current form. We should not pass legislation which mandates deployment of a national missile defense by 2003, and requires the President to renegotiate the ABM Treaty to ease its restrictions on the development of such a system. As my Democratic colleague from Ohio has noted, we can no more dictate the development of an unproven technology than to mandate a cure for cancer. And we cannot unilaterally renegotiate a major treaty.

I believe a more measured approach is needed. First, we need to continue basic research on national missile defenses at the requested level and in compliance with the ABM Treaty. This means no space-based systems or space-based tracking in an ABM mode.

Second, we should continue to vigorously pursue programs, such as Nunn-Lugar, that will reduce the proliferation of weapons of mass destruction and related technologies. The return on the dollar of these programs is self-evident and I will not advocate them further here. Let me just add that we should not lose sight of an equally troubling delivery system, such as a truck, ship, aircraft or suitcase, that could be used to transport a nuclear, biological or chemical weapon to or near our territory or military forces. If we are not balanced in our responses to all means of delivering weapons of mass destruction, we invite a hostile regime to take the path of least resistance and simply bypass our multibillion dollar missile defenses. I applaud Senator NUNN's initiative to broaden the scope of the national missile defense legislation to consider all strategic weapons and means of delivery.

Third, we need to continue to achieve a theater missile defense capability quickly, but avoid spreading ourselves too thinly. We're spending a great deal of money on several theater systems when in reality nothing will be fielded for years, and we're uncertain if one or more approaches will ever fully work or be highly cost-effective. I was skeptical of the optimistic estimates of Patriot performance prior to the gulf war, and not surprised when we learned that early news reports had grossly overstated its performance during the war.

My fourth recommendation, therefore, is to expend considerable resources on the most mature theater system, PAC–3, to demonstrate that we can achieve a basic capability against a moderate threat. By moderate threat I mean a limited attack by missiles that were not specifically designed to defeat our defenses with decoys, maneuvering reentry vehicles, and the like. If we successfully conclude this mini-Manhattan Project, we can accelerate the other technologies to achieve the kind of layered defenses that would greatly improve overall missile defense performance.

Fifth, we should create an architecture that could be expanded into space at a later date if merited by the threat, but stick to ground and airborne systems for now. This means that as we make decisions on the optimal technologies for national defense interceptors, sensors, and communications systems, we ensure that they are compatible with future, more robust technologies and systems.

Sixth, we need to work with the Russians to amend the ABM Treaty to allow for mutual tiered expansion of missile defense systems. In other words, after we've proven a basic system that fits within the treaty's constraints, and after we've achieved key research milestones on a more expansive system, we should then be able to approach the Russians for joint approval of testing or deployment of the next tier of defenses.

The Russians might decide to go along with the next phase even if they have not reached the same capability, or ask for a delay in the joint approval to give them time to reach some sort of parity in defensive capability. We

might even want to permit asymmetries in a modified ABM Treaty or START III, where the Russians would be allowed relatively more offensive capabilities as the United States deploys national defenses.

At each step, we could consider any requests by the Russians for assistance to improve their own defenses. Although I am not convinced such assistance would be in our best interests, this might be a small price to pay if we want to deploy national defenses and keep the ABM and START Treaties alive.

A good initial step, as proposed by Senator NUNN in the context of his substitute amendment, is for both sides to agree to rescind the 1974 Protocol to the ABM Treaty, which reduced the number of national missile defense sites allowed by the original treaty from two to one. If we try to deploy a ground-based national defense system constrained to one site, we are looking at an inordinate inefficient and therefore expensive system.

Allowing for space-based tracking in an ABM mode also makes sense if each side is interested in a more capable and cost-effective limited national defense. Another area that could prove win-win for both sides is construction of jointly manned, ground-based missile launch detection centers near each other's ICBM fields.

Finally, we have to engage the Chinese sooner rather than later on their growing nuclear arsenal. According to press accounts, China has deployed CSS–3 and CSS–4 ICBMs, the latter of which are capable of reaching most of the continental United States. China has also reportedly tested the CSS–4 missile armed with MIRVs. Most recently, the Washington Times reports that the Chinese are acquiring technology from the Russian SS–18. It would not require an inordinate amount of resources for China to deploy dozens of additional ICBMs with MIRVs, meaning possibly hundreds of new warheads that could rain down on United States cities.

Now is the time to discourage the Chinese from embarking on an ambitious, and highly destabilizing, nuclear arms build-up. That is why, Mr. President, it is crucial that the United States pursue trilateral negotiations with Russia and the People's Republic of China on MIRVed ICBMs. I have drafted a Sense of the Senate resolution related to this matter, and may offer it during consideration of the fiscal year 1997 Defense Authorization Act.

With that, Mr. President, I reiterate my opposition to the Defend America Act, urge a more measured approach and yield the floor.

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

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

The Senator from Colorado is recognized.

(The remarks of Mr. BROWN and Mr. MCCAIN pertaining to the introduction of S. 1830 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

## PRESIDENT CLINTON'S HIGHER EDUCATION PROPOSALS

Mr. PELL. Mr. President, as one who has spent much of his Senate career seeking to broaden and expand educational opportunity, I want to commend President Clinton for the education proposal that he today placed at the forefront of his domestic agenda. I also take special pride in the fact that he set forth his proposals in his commencement address at Princeton University, which is my alma mater.

While we have not had the opportunity to examine the package in any detail, I am particularly drawn to two of the President's proposals. The first of these is the Hope scholarship plan. Its thrust and purpose is most certainly consistent with my longstanding belief that we ought to guarantee 2 years of education beyond high school to every student who has the drive, desire, and talent.

As I have said many times, the idea that 12 years of education is sufficient education for our young people is, quite simply, an outmoded, turn-of-the-century concept. As we approach the turn of a new century, it is truly high time that we discarded that notion. The vast majority of leaders in the growth industries of our Nation recognize that a skilled work force requires at least 2 years of education beyond high school. But while we have talked about trying to change an outdated policy, it is President Clinton who has brought the talk to an end and laid out a plan to make the concept of 14 years of education a reality.

The Hope scholarship plan would provide a $1,500 tax credit for the first year of education after high school, and another $1,500 for the second year if they worked hard, stayed off drugs, and earned at least a ''B'' average. It is a plan that would reward efforts and achievement, twin objectives with which I strongly concur.

It is a plan that would make a tuition-free education possible for 67 percent of all community college students. For students with financial need, it would work in concert with the Pell grant and further ease the burden of paying for a college education.

While it would have its most profound impact on students attending community college, it would also be of immense help to students pursuing a 4-year degree. Students and their families could opt for either the $1,500 tax credit or a $10,000 tax deduction. It would be their decision as to which option better suited their needs.

With respect to the proposed $10,000 tax deduction, I am especially pleased that the administration has refined its original proposal. It will now be targeted to hard-pressed middle-income wage earners. These are the very families who today find that paying for their children's education is increasingly beyond their financial reach.

The other proposal to which I am drawn is the President's proposed 33-percent increase in the maximum Pell grant over the next 7 years. For fiscal year 1997, the President has already proposed increasing the maximum grant from $2,470 to $2,700, a 1-year increase of almost 10 percent. And, according to today's announcement, the maximum grant would continue to receive yearly increases, and would reach a maximum award of $3,128 by fiscal year 2002.

Unfortunately, the proposal will not redress the terrible imbalance between grants and loans that has become so pronounced over the past decade and a half. Where a deserving student's financial aid package was once 75 percent grants and 25 percent loans, today it is the opposite—almost 75 percent loans and only 25 percent grants. Yet, even though the President's proposal may fall short of the mark, it is certainly a welcome step in the right direction. It also stands in stark contrast to the budget resolutions approved by both the House and Senate. They would freeze the budget authority for the Pell Grant Program.

In all candor, however, we should take the President's Pell grant proposals as only the first step. We ought to give it our careful and thoughtful consideration, and then do him one better by enacting legislation that truly addresses the enormous and growing debt burden incurred by literally millions of college students as they struggle to pay for a college education. While I realize I may sail against the political winds, I continue to believe deeply that the Pell grant ought to be made an entitlement, which would free it from the pitfalls of yearly appropriations.

Mr. President, I believe deeply that education is a capital investment. What we put into the education of our children is returned to us many times over. Every study we know shows that there is a direct relationship between more education and higher personal income. Better education means better jobs, and better jobs mean a stronger and more vibrant economy. We must be careful, however, that the cost of an education and the debt undertaken in getting it do not overtake us.

I welcome the President's proposals. I applaud the initiative he has taken. I congratulate him for placing a priority on education. While we had little advance notice of these proposals and virtually no time in which to mull them over, I hope very much that we will

give them careful and thoughtful consideration, and that they will not be overwhelmed by election year politics.

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

The PRESIDING OFFICER (Mr. THOMPSON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. 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. FEINGOLD. Mr. President, I ask unanimous consent I be allowed to speak as in morning business.

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

## IN DEFENSE OF THE CONSTITUTION

Mr. FEINGOLD. Mr. President, I rise today to speak about the U.S. Constitution and what I believe is the essential need to exercise extreme restraint in regard to amending this great document. As recent articles in a number of publications and newspapers have pointed out, this Congress, Mr. President, the 104th Congress, perhaps unlike any in recent memory, seems intent on amending the U.S. Constitution. I do not question the sincerity of those efforts. The history of our Constitution and those amendments that have been adopted, as well as the mechanism crafted by the framers for adopting amendments, counsels that caution govern any efforts to amend this great document, our Constitution.

Since its ratification in 1788, the Constitution of the United States has been the single greatest protector of individual rights known to man. It is superior to any of its predecessors, and has been the benchmark against which all other constitutions since adopted have been judged. Perhaps the greatest tribute to the U.S. Constitution, Mr. President, and the greatest tribute to those who drafted the document, is that in the 208 years since its ratification, the people of this Nation have only amended it on 27 occasions. This equates with only about one amendment every 7.7 years.

However, Mr. President, this figure is a little bit misleading when one looks closely at the actual history accompanying those 27 amendments. It becomes obvious that those specific instances where the people of this Nation have moved to amend their Constitution have actually been few and far between, and those efforts have typically only been in response to some fundamental deficiency or flaw in our democratic system of government.

As we look at the 27 amendments, Mr. President, for example, the first 10 amendments to the Constitution, the Bill of Rights, were adopted as part of an agreement to actually garner support for the passage of the underlying Constitution itself; 10 of the 27 were adopted at the very outset of our country. Anti-Federalists who opposed the Federal Constitution were opposed to its adoption unless and until a more explicit statement on the rights of man was added to the Constitution. The fervent belief that certain rights should remain squarely within the province of the individual manifests itself in the Bill of Rights.

While the Bill of Rights was adopted almost simultaneously with the Constitution, becoming effective in 1791, what the Bill of Rights did was set a tone which on most subsequent occasions has been followed. That tone was that constitutional amendments should be reserved for response to shortcomings in our democratic way of governance in general, not to attend to the emotion or issue of the day each time. I think this is evidenced by the adoption, following the Civil War of the 13th, 14th, and 15th amendments. These three amendments, much like the Bill of Rights, spoke directly to the rights and equality of men, and extended to African-Americans rights previously that were denied to them, denied to them under the original Constitution, and even under the original Bill of Rights.

Further, many of our constitutional amendments deal directly with the ability of citizens to participate in democracy, they go to the very core of whether everyone can participate. The 17th, 19th, 24th and 26th amendments improve citizen involvement in elections by allowing for the direct election of Senators, extending the franchise to women, abolishing the poll tax, and reducing the voting age. The essence of democracy itself, Mr. President, is participation. These amendments fostered that fundamental element of our Nation. For that reason, I think they were all probably appropriate uses of the unusual and unique ability to amend the Constitution.

Mr. President, obviously there have been other amendments albeit few rising to the level of the importance of the Bill of Rights and the Civil War amendments. However, I have noted these not to argue their importance, but to illustrate that throughout our history most amendments to the Constitution have been restricted to addressing systemic problems with our Government—problems which actually inhibit one's ability to participate in the benefits of democracy. In other words, these have to do with basic errors or problems that have arisen in our system that simply mean somebody cannot participate fully in our democracy. They have not, almost in every case, been amendments that have to do with one particular issue at a time that is dividing our country.

Of course, on one glaring occasion we did depart from this standard and we adopted the ill-fated 18th amendment—the prohibition amendment. The result of this misguided venture into social policy resulted 14 years later in the adoption of another amendment, 1 of the 27, the 21st amendment, which repealed prohibition. So that is 2 of the 27, a lousy idea that did not work, followed by the repeal of this venture into social policy.

Another aspect of our Constitution which argues for restraint in amending this document is found in the Constitution in article V. Article V establishes two methods for amending the Constitution. First, the Constitution may be amended by constitutional convention. The second method allows the Constitution to be amended if approved by two-thirds majority of both Houses of Congress, and then, of course, ratified by three-fourths of the States. These explicit methods for amendment were, in essence, a compromise between the unworkable unanimity requirement for amending the Articles of Confederation, one of the reasons that we had a constitutional convention, and the notion held by many of the Framers that some mechanism must exist to address potential shortcomings in the new Constitution. The compromise that is embodied in article V established a difficult but not impossible standard for amendment which, like the Constitution itself, I think, has served this Nation very well.

While article V protects the people from constitutional uncertainty and alteration based solely upon the will of an ever-changing political majority, it also provides an avenue for amendment when it is truly necessary.

The result of this has been to preserve the Constitution as it was intended to be. With only 27 amendments, it remains a general statement of principles used to help define a new nation, as opposed to a step-by-step method of governance.

In so doing, I think article V has prevented the U.S. Constitution from simply becoming littered with a flurry of well-meaning but unnecessary amendments. Article V has prevented the Constitution from evolving into a document that would be almost unrecognizable in terms of length and scope to the Framers, who drafted it over 200 years ago. This is the really important thing, Mr. President, because it points out the fundamental distinction between a Constitution and ordinary statutes.

There is a big difference in our system. As I understand it, there is less of a difference in the system in England. There, there is no written Constitution; Parliament is supreme. Technically speaking, Parliament can pass any law, and it then becomes the supreme law of the land. We have broken that system. We chose to have a simple, brief document that was greater than the legislature, that was greater than a parliament, that was greater than a Congress. It is the notion of a limited written Constitution. That is the difference between us and the English system. And, in fact, it was part of the reason, in my view, why the revolution was fought. Our citizens wanted a document over which no legislative body had supremacy, except for in the very unusual circumstances that were

outlined in article V, or a combination of a very significant supermajority of Congress and very significant supermajority of States together would have to be the only ones that could ever amend that document.

As Prof. Kathleen Sullivan pointed out recently in an article cleverly entitled, ''Constitutional Amendmentitis'':

> The very idea of a Constitution turns on the separation of the legal and the political realms. The Constitution sets up the framework of the Government. It also sets forth a few fundamental political ideals (equality, representation, individual liberties) that place limits on how far any short-term majority may go. This is our higher law. All the rest is left to politics.

Mr. President, let there be no doubt that had this standard that Kathleen Sullivan very eloquently stated had not prevailed throughout our history, the fundamental character of our Constitution would be greatly diminished today.

In the course of our history, it is estimated that nearly 11,000 amendments to the Constitution have been introduced. Had not our predecessors and the standards embodied in article V combined to reject the vast majority of these efforts, it is uncertain what our Constitution might look like today. It, obviously, would not look anything like the Constitution. You probably could not find anything in there that the Founding Fathers had put together. It would not be, as Chief Justice John Marshall argued, a framework of the great outlines of our society.

So let us say that throughout our history people had proposed in each legislative session and gotten through a constitutional amendment about things like school prayer or balancing the budget, or flag burning—I am sure there would have been a variety of social concerns that each session of our Congress would have tacked onto the Constitution. Let me tell you something else because I believe in the whole Constitution. I think our first amendment would not look anything like it does today. I also think that the second amendment to the U.S. Constitution, which I believe in, and which protects the right to bear arms, might not be there either.

See, that is what happens when you start down this road. When anybody gets a bright idea, instead of trying to pass a bill that can be changed without going through the constitutional process, somebody says, ''Let us do a constitutional amendment.'' Well, that is the greatest threat to our basic liberties than anything we can do legislatively—whether it be the right to free speech or a person's right to simply have a firearm if they want to go hunting. Somebody could try to get rid of that. If we go down this road, there is no end to it.

It is with this Nation's reluctance to amend the Constitution in mind that I rise today to voice my concern that the lessons of our constitutional history have been lost in the 104th Congress. I have had the honor of serving on the Senate Judiciary Committee for a little more than a year now, along with the Presiding Officer. And in that time the full committee has voted on three amendments to the Constitution, and, in the near future, as many as four more may be forthcoming.

To date in the 104th Congress, over 135 constitutional amendments have been proposed. But what is more troubling is that the 104th Congress has voted on more amendments to the Constitution than any of its predecessors in recent history. The other body has voted on four amendments, while this body has voted on two and debated a third. As the distinguished retired Judge Abner Mikva wrote in the Legal Times recently, ''The 104th Congress has taken floor action on more constitutional amendments than any other Congress in the last 30 years.''

I note that an amendment to require a supermajority to raise taxes was brought to the House floor recently solely because it was tax day—April 15. They knew they were not going to win on that vote. That was well known. It was brought to the floor simply so that proponents could stand up on tax day and make speeches. The thought that an amendment to the Constitution could be offered solely because it offers a good sound bite opportunity seems to be a little indefensible. I think it is a departure from the time when the Framers met in Philadelphia, guided only by a tenuous opportunity to craft a framework to guide a new Nation.

Throughout the course of many of the debates on amendments, the argument has been made that Congress should simply pass proposed amendments and let the people of the Nation decide their fate. However, to do so defies our sworn obligation to uphold the Constitution of this Nation. I fell into this trap here. I think many of my colleagues know of my strong desire to see campaign finance reform in this country. The way we do things around here, sometimes an amendment is tacked onto another bill. On one occasion, I actually voted for a sense-of-the-Senate resolution that would have started us down the road toward a constitutional amendment that would have overturned Buckley versus Valeo. It would have limited how much could be spent in campaigns. I understand how people feel when they are frustrated and want to turn to a constitutional amendment. I think I made a mistake, and I would not vote that way now because I realize that everybody has a bright idea about how to change the Constitution. We need to find a way to solve our problems and do our job without messing up the fundamental document that has helped make this country so great. So this session I am working on legislation, along with the Presiding Officer, where through the legislative process we will try to change the campaign system without changing the U.S. Constitution's first amendment. So all of us have fallen into this trap. This is not an attempt to suggest that it is only Democrats or only Republicans. It is just very tempting. But it is a mistake.

The Framers of the Constitution set a very high standard for amendment and explicitly intended that the Members of Congress play a significant role in adopting any changes to our national charter. In my estimation, Mr. President, this is a responsibility of the highest order and not one we should abandon.

In fact, what separates the U.S. Constitution from many State constitutions, which can go so far as to protect the right to due process and the right to fish in the same document, is that the Congress and the people must ratify amendments. We should remain mindful of the Framers' intent and the obligations each of us is sworn to uphold. In other words, we are not supposed to kick out constitutional amendments in the Congress and just say let everybody decide on it. That is not what was intended. It was intended that we should give it extremely close scrutiny, and in only very rare circumstances should we send constitutional amendments out for ratification.

Mr. President, if adopted, the amendments considered in the 104th Congress would signal the biggest single constitutional remodeling since the Bill of Rights. It is an effort which I believe is unnecessary and ill conceived. It is certainly not consistent with our history of constitutional amendment.

There can be little doubt that many great challenges lie before our Nation as we head toward a new century. However, the Constitution cannot provide the courage or answers we need to solve our problems, nor was it intended to do so. Ultimately, the responsibility for this Nation lies with the people, the people in this Congress and the people who send us here to do their work.

For over 200 years the Constitution has served this Nation well and it is essential to the continuing development of our young Nation that the Constitution remain a statement of general principles. In charting a different course, one which allows the Constitution to serve as the method of addressing each difficult challenge that faces this Nation, inevitably we sacrifice the integrity of this document.

We will lose the fundamental integrity of the Constitution which I believe underlies everything we do.

We must guard against the U.S. Constitution becoming what James Madison feared would be little more than a list of special provisos.

I hope that as we continue our work here in this highly political year we will bear Madison's concerns in mind as well as the history surrounding efforts to amend the Constitution. It is a history worth following. A history which defines not only the nature of this great document but also defines the fundamental character of this Nation. It is a history which has helped to ensure that this simple, yet brilliant,

document has remained the cornerstone of our freedoms. The spate of constitutional amendments considered during this Congress are at odds with this important precedent.

By departing from the fundamental notion that our Constitution establishes the framework or the great outlines of our society and seeking to use it to address specific problems, the Constitution will become something less than it was intended to be. We should quell our desire to amend this great document and address the problems that confront this Nation. Although they are many, none can truly be attributed to a constitutional deficiency.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. I thank the Chair.

(The remarks of Ms. MIKULSKI pertaining to the introduction of S. 1832 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. 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 DEFEND AMERICA ACT

Mr. NICKLES. Mr. President, I am going to speak on the Defend America Act. First, let me state I am very disappointed that the Senate, one, had to file a cloture motion, and, two, was unsuccessful in obtaining cloture so we could at least take up the Defend America Act, debate it, discuss it and vote on it.

It is unfortunate the Democrats in the Senate today decided to filibuster even moving to consider legislation which would allow us to further develop systems capable of defending America. Even right now we are defenseless against intercontinental ballistic missiles. I want to compliment Senator DOLE for scheduling this for a floor vote, I compliment the House of Representatives for passing it, but I am displeased that the Senate was not able to consider this legislation.

It is unfortunate to think that we need to have 60 votes just to move to consider the Defend America Act. I am happy to cosponsor this act. I think it is good legislation, needed legislation.

It was part of the defense authorization bill that we passed last year that unfortunately President Clinton vetoed. He vetoed it for whatever reason. I think in the campaign he continued to refer to the strategic defense initiative, star wars. But for whatever reason, he leaves us defenseless against incoming intercontinental ballistic missiles, missiles that could have a nuclear warhead, missiles that could have a chemical warhead or a biological warhead. Right now we do not have defense capabilities.

Regrettably, the vote today was almost straight party line. We had all Republicans vote in favor of taking up this legislation. One Republican Senator was necessarily absent. We had one Democrat, Senator HEFLIN, that voted for it. I compliment Senator HEFLIN. I hate to see him leave the Senate. He has been one of the Senators I think that shows courage on occasion and says, ''I'm going to do what is right for this country.'' The Senator from Alabama, I compliment him for his vote.

What was right for this country was voting for the Defend America Act. We do need to develop capabilities to be able to destroy incoming missiles that we do not have today. President Clinton does not agree with that. And I am going to go through a statement that talks about what the Defend America Act does, and what it does not do, and why it is needed.

The Defend America Act of 1996 states clearly and simply the United States should be defended against limited, unauthorized or accidental ballistic missile attacks and calls for the deployment of a national defense system to protect America.

This bill does not violate any treaty. It only urges the administration to negotiate with Russia changes to the 1972 Anti-Ballistic Missile Treaty to allow for the deployment of an effective missile defense system.

If an agreement is not reached within 1 year after the bill is enacted, the President and Congress are to consider withdrawing from the treaty, as provided under article 15 of the treaty.

Why is the legislation needed? Currently the United States is undefended. We are defenseless against ballistic missile attack. Most people are surprised and even shocked to hear this. They are of the mistaken belief that the United States can defend itself against incoming ballistic missiles. They are wrong.

While the United States remains defenseless, Russia long ago recognized the value of missile defenses and deployed its own missile defense system around Moscow.

In the ultimate irony, the United States is now assisting Israel in acquiring its own missile defense system to protect Israeli citizens. I wish the Clinton administration could explain why it will help Israel defend its citizens against missile attack but refuse to protect Americans against missiles. That does not make sense. Maybe it makes good politics, but it does not make good policy.

Mr. President, the threats are real, and they are growing. It is clear that ballistic missile threats to the United States are growing from a couple of sources, unauthorized or accidental ballistic missile attacks from Russia and China and also from small dictatorships now fielding missile forces.

We may no longer think in terms of having to defend ourselves against a massive Soviet missile attack. Yet political instability and political uncertainty in Russia and China emphasize the need to guard against a possible unauthorized or accidental missile launch.

China has proven willing to threaten the use of ballistic missiles for political and military blackmail, as shown during the Taiwan Strait crisis in March of this year. One month before Chinese military exercises and its launching ballistic missiles into the Taiwan Strait, a Chinese official warned Charles Freeman, Deputy Chief of Mission at the U.S. Embassy in Beijing, that ''the United States would not intervene on Taiwan's behalf, because Americans would not be willing to sacrifice Los Angeles on Taiwan's behalf,'' as reported in the Los Angeles Times on January 27, 1996, page 5.

Recently, lower level Chinese officials made a not-so-veiled threat to American officials. Winston Lord, Assistant Secretary of State for East Asia and the Pacific, quoted these Chinese officials as saying the United States ''wouldn't dare defend Taiwan because they'd [China] rain nuclear bombs on Los Angeles,'' as reported in the Boston Globe, March 18 of this year.

Other ballistic missile threats exist or are also on the horizon. More than 25 countries currently possess, or are seeking to acquire, weapons of mass destruction—namely, nuclear, chemical, and biological weapons. Many countries that already have shorter range ballistic missiles are seeking to acquire more sophisticated, long-range ballistic missiles. Rather than defend Americans, the Clinton administration is rationalizing its inaction by hiding behind questionable intelligence estimates.

While recent intelligence estimates say that a new ballistic missile threat to the United States will not appear for the next 15 years, this analysis is flawed for several reasons. First, it focuses only on indigenous development and assumes that international trade does not exist. The Secretary of Defense, William Perry, recently admitted the intelligence community's estimate ''could be foreshortened if any of those nations were able . . . to get direct assistance from countries that already have [such systems], either sending them missiles, selling them missiles, or giving them important component or technology assistance.'' That was in his statement before the Senate

Armed Services Committee on March 3 of this year.

In fact, Secretary Perry recently acknowledged that, ''We do have information that China was seeking SS–18 technology from Russia.'' That was May 22 of this year. The SS–18 is a massive, 10-warhead ICBM. By integrating SS–18 technology into its current ICBM arsenal, China would greatly enhance the range and sophistication of its nuclear weapons capability. We should remember that China has sold ballistic missiles to other countries and has exported missile technology to Iraq, Iran, and Pakistan.

Second, the estimate that no new threat to the United States will appear within 15 years focuses only on the continental United States. What about Alaska? What about Hawaii? The Clinton administration apparently prefers not to include the cities in these States as part of our Nation, even though they could be vulnerable to a North Korean attack in just a few years. In 1995, the Acting Director of Central Intelligence, Adm. William Studeman, acknowledged that ''if Pyongyang has foreshortened its development program [of the Taepo Dong I or Taepo Dong II], we could see these missiles earlier'' than 3 to 5 years. That was before the Intelligence Committee on April 3, 1995.

Finally, intelligence estimates are often wrong. Several years before Japan attacked Pearl Harbor, Maj. George Fielding Elliot, author and military science writer, declared, ''A Japanese attack on Pearl Harbor is a strategic impossibility,'' as quoted in September of 1938. This prediction is chillingly similar to the ones we are hearing from critics of the Defend America Act today.

Looking at the situation today, while recent 1995 national intelligence estimates state, ''We [the intelligence community] are likely to detect any indigenous long-range missile program many years before development,'' it was the same community that failed to detect the breadth of Iraq's nuclear weapons program. Once international inspections were conducted after the Persian Gulf war, it was revealed that Iraq's nuclear program was far larger and more advanced than the United States intelligence community had predicted, and the inspections showed that Saddam Hussein was just months away from deploying a nuclear bomb, not years, as the intelligence community had estimated.

Just several months ago, CIA Director John Deutch admitted Iran, Iraq, North Korea, and Libya all had explored the possibility of buying fissile materials as a way of rapidly acquiring an arsenal of nuclear weapons. So far, according to Deutch, none has succeeded in these efforts. But the CIA Director further stated the United States and its allies ''have been lucky so far.'' That was in the Washington Post of March 21 of this year. Mr. President, I am not willing to depend on luck to keep Americans safe from ambitious leaders such as Iraq's Saddam Hussein and North Korea's Kim Jong-il, who are eagerly seeking to acquire more weapons of mass destruction.

The Clinton administration prefers to rely on cold war theories and an outdated 1971 treaty to protect America. The Republicans' Defend America Act provides a vision for the future where the United States and Russia negotiate changes to the moribund 1972 Anti-Ballistic Missile Treaty, commonly called the ABM Treaty, to allow for national defense against the emerging threats to both Russia and the United States from Third World countries. Just like the last guest lingering at a dinner party, the ABM Treaty has overstayed its welcome.

Let us be very clear. Nothing in the Defend America Act requires the United States to withdraw from or violates the ABM Treaty. The act merely reiterates that withdrawal from the treaty is a legal option under the provisions of the ABM Treaty itself and urges considering such withdrawal if negotiated changes are not forthcoming within 1 year. Some of the statements that were made earlier today, I think, frankly, are not the case, or maybe our colleagues have not read this legislation as closely as they should have.

The imperative for deploying a national defense system has never been more clear. Yet the Clinton administration refused to take immediate steps to defend America. Last year, we worked hard to include similar language in the 1996 DOD authorization bill, requiring the President to deploy by a certain date a missile defense system to protect our country. President Clinton vetoed this bill largely because of this provision. So we passed the defense authorization bill without it.

Now we try to pass it as an individual item. The Democrats unfortunately, with one exception, Senator HEFLIN from Alabama, said, ''No, we do not want to consider it. We do not want to debate it.'' Mr. President, I think that is a sad day for our country. It bothers me when I think of the fact that we had Americans lose their lives in Saudi Arabia during the Persian Gulf war because a Scud missile came in and our only defense capability at that time was the Patriot antimissile defense. But the Patriot is a very limited defense and was only partially successful. It destroyed a couple of missiles that were fired toward Israel and fired toward Saudi Arabia, but destroyed them in their backyard, as the missile was coming in, in some cases just right before it reached its target. As I said, it was only partially successful.

That is not a defense capability against more sophisticated weapons. The Scuds that the Iraqis were firing at Americans, Saudi Arabians, and Israelis, those were old missiles, old technology, way behind the times, not sophisticated in any way, that we can only knock down. Our success rate was limited. People would be really shocked if they realized we do not have the capability to shoot down incoming missiles. We need it. We have the technology to develop it. It can be done a lot more economically than the Congressional Budget Office said. It came up with an estimate that said over the next 14 years it might cost $31 to $61 billion.

In our bill we said ''affordable.'' Frankly, if it costs $31 billion and you do that over 14 years, that is a couple of billion a year. I think that is a good investment. I think it would be done a lot more economically than that. Should we not make an investment? Is that not really what the Federal Government is all about, protecting our freedom, protecting our country, protecting our people? When we find out we are defenseless against intercontinental ballistic missiles, we do not have the capability to shoot them down, do we not owe it to our country to invest in a system to destroy these missiles before they get in our backyard? If you have a weapon such as a nuclear warhead, it does not do any good to destroy it over your city, before it reaches the target. Then it is too late. It would maximize damage. If it is biological, the same is true, as well as with a chemical weapon. You do not gain anything destroying it just before it hits the target. You need to destroy it well before it gets into your backyard.

We would like to have the opportunity to utilize the technology advances that we have in this country to be able to defend our country. Unfortunately, the Clinton administration and Democrats in the Senate, with one exception, have said ''No, we are not going to do it. We want to worship at the altar of a treaty from 1972 that says we are not going to defend ourselves.'' Now, the 1972 treaty does allow you to have at least 100 interceptors, and it also says you can renegotiate. That is really what we are saying we would do. We do not abrogate, we do not violate the ABM Treaty under the Defend America Act. I am bothered by the fact that our colleagues would play politics with an issue so important as defending American citizens.

I am bothered by the fact that this administration finds it politically acceptable to develop anti-missile systems for Israel, but not the United States. That bothers me. It bothers me when I read statements by high-level officials in China talking about the possibility of destroying Los Angeles, and we do not have the capability to avoid that should they be irrational enough to ever try to carry out such a threat. It bothers me when I see 25 nations around the world, many of which are not real friends of the United States, seeking earnestly to develop intercontinental ballistic missile technology with a variety of warheads that could threaten not only the United States, but our allies, and we do not do anything to give us defense capabilities.

That is what Senator DOLE was trying to do with the Defend America Act today. That is what Senator WALLOP, who was one of the real leaders in trying to develop strategic defense initiative for years, was trying to do. We have a significant investment that this country has made, and now we have an administration that says: We do not think there will be a threat for 15 years, so let us not do anything. Or let us develop missile systems, and we will pay for three-fourths of it in Israel because, politically, that is popular.

Why is it not popular in the United States if we want to help Israel defend itself? I was in Israel prior to the Persian Gulf war, and I urged the administration to get Patriot missiles over there to shoot down the Scuds. It partially worked. But the Patriot is certainly not good enough for an ICBM. We can develop systems to shoot down in-coming missiles before they get in our back yards. We should do it. If it is an investment of a couple of billion dollars, or $4 billion, or $31 billion over the next 14 years, that is a good investment for protecting the American people, our interests and our cities. We should do it.

Yet, unfortunately, our colleagues on the Democrat side of the aisle say, no, they are going to protect President Clinton and play politics. President Clinton does not want it, so we are not going to do it. I think that is a serious, serious mistake. We should not play politics with the security of the American people and American interests. I am afraid that is what happened today. I regret that decision.

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

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

## THE BALANCED BUDGET AMENDMENT

Mr. HEFLIN. Mr. President, once again I rise in support of the pending proposal to amend the U.S. Constitution to require a balanced Federal budget. The reason is quite simple. After all of the turmoil of this past year, after all of the posturing and the pandering and the promises and the Government shutdowns, Congress and the President have not come to an agreement to balance the Federal budget. Short of a constitutional requirement, I have serious doubts that the Congress and the President will do so.

Admittedly, there is some political Presidential posturing going on with this impending vote. The majority leader, who is his party's presumptive Presidential nominee, is calling up this vote knowing full well that he does not have the necessary two-thirds majority. On the other hand, the President is proudly stating to the public that his efforts in his deficit reduction plan have resulted in reducing the annual deficit from when he took office from $294 billion to nearly $130 billion this year. He has invited the majority leader to the White House for further negotiations on balancing the budget.

When the majority leader leaves, I hope that the new majority leader will be extended an invitation to go to the White House and to go through negotiations and settle the differences.

In actual dollars and cents, I believe that over the 7-year period there is something in the neighborhood of $12 trillion involved in the budget process, and the difference between the White House's and the Republican Party's position is only $100 billion. That is less than 0.8 of 1 percent. And that difference we ought to be able to resolve, get together and work out.

However, this is a political year. We must recognize that. The Senate has just completed action on a $1.6 trillion budget resolution proposed by the majority party which seeks to balance the budget by 2002 with a combination of tax and spending cuts. I supported a proposal submitted by the President which also called for a balanced budget and would achieve a balanced budget, but contained fewer tax cuts and less cutting of the Medicare Program. However, this proposal was not adopted.

The Senate and the House must settle their differences in regard to the budget figures, and then the Appropriations Committees must act, and a reconciliation bill must be passed. All of this must be signed by the President. It is going to be a long, hot summer here in Washington while the rest of the country simmers at our inaction.

The budget process is not easy, as we have learned from last year. It does not guarantee that the President and the Congress will enact a balanced Federal budget. We have seen this, gone through Gramm-Rudman-Hollings and other proposals which tried to achieve a balanced budget. But all of these have come up wanting. That is one of the reasons why I feel that we need the discipline which a constitutional amendment will provide.

I believe that most of my colleagues are well intentioned and want to enact balanced budgets for the benefit of generations of Americans yet to be born. Unfortunately, I have seen in my Senate career—some 18 years that I have been here—that we can often find an easy excuse for not fulfilling our commitment to deliver a balanced budget each year.

There is a way out of the thicket right now in regard to the adoption of the constitutional amendment requiring a balanced budget. A handful of Senators, I think as many as eight, have indicated they would vote for the constitutional amendment if a compromise can be reached with regard to the Social Security issue.

This compromise would not allow Social Security trust fund revenues to be used when calculating whether the budget is balanced. Admittedly, this will make balancing the Federal budget more difficult because the Social Security trust fund surpluses will no longer be used to mask the true size of the deficit.

A constitutional amendment will remove all doubt, regardless of whether we reach any compromise pertaining to Social Security trust funds or not. A constitutional amendment will remove all doubt, and the Federal Government will have to balance its budget. The process will still be difficult, but it will be necessary to achieve the final goal as required by this proposed amendment to the Constitution.

Amending the Constitution, in my judgment, is a last-resort method which should be utilized sparingly and only when the national interest so demands. I am often asked to cosponsor worthy proposals to amend the Constitution, but I rarely do so under the test that I have just mentioned.

The balanced budget amendment meets that test. The national interest demands that we act to allow the States the opportunity to ratify the proposed amendment. They may not do so. And if that is the case, then the will of the American people will have been spoken. Therein is the genius of our Nation's organic document. Ultimately, the sovereign power of the Government rests with the people.

These will perhaps be my last comments—or perhaps not my last comments on this, but among my last words on this great issue. Further, the first bill I introduced when I came to Congress was a bill calling for a constitutional amendment requiring a balanced budget. I truly believe that on behalf of the generations of Americans yet unborn, this proposed amendment is necessary to prevent them from inheriting an even greater debt than they now most certainly will incur.

Politics aside, now is the time to act, once and for all.

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

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

## NATO ENLARGEMENT FACILITATION ACT

Mr. DOLE. Mr. President, earlier today I think Senator BROWN of Colorado in my behalf and in behalf of others introduced the NATO Enlargement Facilitation Act.

I am certainly pleased to be joined by the distinguished Senator from Colorado, Senator BROWN—who has been a real leader on this issue—the distinguished chairman of the Foreign Relations Committee, and a number of

other colleagues. This legislation is intended to expedite the transition to full NATO membership of emerging democracies in Central and Eastern Europe. This bill builds on earlier bipartisan legislation, such as the NATO Participation Act of 1994, which reflects the strong bipartisan support for the policy of enlarging the NATO alliance. NATO has expanded its membership on three occasions, each time enhancing security and stability in Europe. Bringing eligible Central and Eastern European nations into NATO will serve that same critical purpose. For nearly 4 years, the new democracies of Central and Eastern Europe have sought to protect their freedom and independence by becoming members—full members—of Western institutions, especially NATO. They have repeatedly petitioned for membership. Moreover, they have seized every opportunity for such association, proving their flexibility and seriousness. They have become partners for peace, but they desire to become real members of a real alliance. The need for a more inclusive, more effective atlantic alliance that would respond to present security needs has been clear at least since violent aggression began in the former Yugoslavia—where the world witnessed the ineffective response of the United Nations, the European Community, the Western European Union, NATO, and the United States.

Since that time, it became clear that the elaborate architecture of European security developed during the cold war era was, and is, not up to the challenges of the post-cold-war world.

Meanwhile, the window of opportunity for consolidation of new freedoms, independence, and security is closing. Forging new relationships and new institutions is increasingly difficult and controversial. In my view, further delays will undermine the governments and confidence of people recently freed from the expansionist ambitions of aggressive neighbors. Yet, the Clinton administration has acted as if time were not a factor—as if there were no threats to the independence of the newly self-governing democracies.

Secretary Christopher in a recent speech stated that the administration's policy was ''slow, but deliberate.'' I believe the administration's policy is deliberately slow. The Clinton administration has consistently avoided concrete steps toward NATO enlargement—studying and discussing, but not acting. Mr. President, this legislation is designed to facilitate NATO enlargement by providing targeted security assistance for those countries most likely to become eligible to join NATO. The NATO Enlargement Facilitation Act creates a $60 million assistance program composed of Foreign Military Financing [FMF] loan and grant programs and the International Military Education and Training [IMET] program. This legislation declares Poland, Hungary, and the Czech Republic eligible for this assistance and authorizes the President to designate others as they meet the criteria in current law.

This legislation, however, does not name countries to be NATO members. That is a decision for the alliance to take. This legislation seeks to make up for time lost due to a lack of U.S. leadership. It is also important to note that this bill is a beginning, not an endpoint. Poland, the Czech Republic, and Hungary will likely be the first countries in Central and Eastern Europe to join NATO— not the last. Finally, this legislation should not be interpreted as a lessening of U.S. interests in close ties with other countries in the region. The freedom and security of all of Europe's new democracies are a big concern to us.

I believe that the United States and NATO must act decisively—before the window of opportunity closes. When the Bush administration was confronted with the challenge of German reunification, Western leaders swiftly reached agreement on policy and acted resolutely to achieve it.

As with German reunification, the act of including Central and Eastern European democracies in NATO is not and cannot reasonably be seen as an affront—much less a threat—to any other country, least of all Russia. All actual and potential members of the NATO alliance share an interest in a peaceable, democratic Russia. Furthermore, the United States has a distinct national interest in a firm security relationship with Russia. Any United States Government should, and we expect, will work cooperatively with a democratic Russia for the consolidation of security in Europe—but not by denying NATO membership to Europe's new democracies.

Mr. President, NATO enlargement has enjoyed bipartisan support since the end of the cold war. I hope that all of my colleagues will support this legislation in that same bipartisan spirit.

Let me say that we also, of course, addressed in our press conference earlier today, when we were honored to have former President Lech Welesa of Poland with us, that no countries are named. It is very likely that the first three countries invited will be Poland, Hungary and the Czech Republic. Though we have not forgotten the Baltic States of Estonia, Latvia, Lithuania and other Central and Eastern European countries when they have complied and when they have been selected by NATO.

So my view is that we have had the good beginning. The former President of Poland was very impressed, and he feels that we may now be on the way to achieving something that has been eluding these freedom loving people for a number of years.

## TRIBUTE TO HOWELL HEFLIN

Mr. DOLE. Mr. President, it has been my practice as Senator Republican leader to pay tribute to colleagues who are retiring from the Senate.

Usually, these remarks are delivered shortly before the Senate adjourns for the year.

However, my announcement of 2 weeks ago that I will also be leaving the Senate has moved up my time schedule.

In the coming days, then, I will be devoting some of my leader time to share a few memories of those of our colleagues who will not return to this Chamber when the 105th Congress convenes next January.

Let me start with a friend of all of us, Senator HOWELL HEFLIN of Alabama.

For 18 years, HOWELL HEFLIN has represented Alabama with distinction here in the U.S. Senate. But to many here in this Chamber, and to countless Alabamans, it is not ''Senator'' HEFLIN, it is ''judge'' HEFLIN.

Prior to his arrival in the Senate, judge HEFLIN served for 6 years as chief justice of the Alabama Supreme Court, earning a reputation for fairness and common sense. It's a reputation that has continued through his service here in the Senate.

As a member of the Judiciary Committee, Senator HEFLIN has become known, in the words of the almanac of American politics, as ''a careful lawyer who picks at the rules of law with the delicate touch of a watch repairman.''

It took someone with that touch to successful revise America's bankruptcy laws, as Senator HEFLIN did in 1994.

Alabama, like Kansas, is a State with a strong agriculture heritage, and I have enjoyed serving with Senator Heflin on the Agriculture Committee, and learning a great deal from him about issues ranging from peanuts to the boll weevil.

But as I reflect back on our 18-year friendship, the one incident that remains most clearly in my mind was Senator HEFLIN's vote authorizing President Bush to use force to remove Saddam Hussein from Kuwait. Senator HEFLIN was 1 of 11 Senate Democrats who has the courage to break with their leadership and stand with the President. History will always reflect that this was the right decision and that had the 52 to 47 vote gone differently, it would have been a tremendous blow to America's prestige.

Elizabeth and I are proud to call HOWELL and ''MIKE'' HEFLIN our friends, and we wish them many more years of health and happiness as they return to the state they love so much and have served so well.

## TRIBUTE TO CLAIBORNE PELL

Mr. DOLE. Mr. President, ''I am less dynamic than many,'' Senator CLAIBORNE PELL once said in his typical quiet manner, ''But I have my own course, which I set and try to follow.''

For six terms, CLAIBORNE PELL has followed that course in representing America's smallest State in terms of geography with a commitment and dedication that is anything but small.

Foreign policy and the environment are just two of the many issues on which the contributions of Senator PELL will be long remembered.

But, as countless college students over a quarter century can tell you, the one cause which will be forever linked with the gentleman from Rhode Island is education.

His basic education opportunity grant—justifiably renamed the Pell grant in 1980—has provided many financially challenged young Americans with the resources necessary to receive a college degree.

The great educator Henry Adams once said, ''a teacher affects eternity. He can never tell where his influence stops.'' Senator PELL will leave this Chamber with the knowledge that he will never be able to tell where his influence stops—because it would be impossible to know or quantify the difference that Pell grants made in the life of countless Americans.

I am proud to be called a conservative Republican and Senator PELL is proud to be known as a liberal Democrat. Despite the fact we were on the opposite side of many issues, however, I never doubted the fact that Senator PELL'S word was his bond, and I knew that, no matter what, I could always count on Senator PELL'S friendship.

I look forward to counting on that friendship for many years to come.

## HANK BROWN

Mr. DOLE. Mr. President, I have learned over the years that Kansans and Coloradans share more than a common border. We also share a deep belief in the values of hard work, honesty, and personal responsibility.

And, as westerners, we share a healthy skepticism of those who think they are better qualified to tell us how to run our affairs because they happen to work in the Nation's Capital.

For 6 years, the Colorado point-of-view has been represented in this Chamber with great energy and eloquence by HANK BROWN.

Senator BROWN hit the ground running when he arrived in the Senate, and he has not stopped since, making a difference on nearly every major issue we have debated.

HANK BROWN understands the dangers of deficit spending, and the benefits that would come with a balanced budget. And, as a member of the Senate Budget Committee, he worked closely with Senator DOMENICI in writing the historic Republican plan to balance the budget.

Senator BROWN also has exhibited tremendous political courage in his willingness to speak forthrightly about the absolute necessity to reform entitlement programs if our children are to live in financially solvent Nation.

From a personal point of view, I am grateful that Senator BROWN has provided me with the same candor with which he has addressed the issues of our day. I always knew that when I asked HANK a question, I would receive in return the plainspoken truth.

From the skies above Vietnam to the floor of Congress, HANK BROWN has devoted his life to forthrightly serving his country. Though he is leaving the Senate after just one term, I have no doubt that he will keep on doing precisely that.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting one nomination which was referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

## REPORT CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO THE LAPSE OF THE EXPORT ADMINISTRATION ACT OF 1979—MESSAGE FROM THE PRESIDENT—PM 151

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States:*

As required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I transmit herewith a 6-month periodic report on the national emergency declared by Executive Order No. 12924 of August 19, 1994, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 4, 1996.*

### PRESIDENT'S PERIODIC REPORT ON THE NATIONAL EMERGENCY CAUSED BY THE LAPSE OF THE EXPORT ADMINISTRATION ACT OF 1979

1. On August 19, 1994, in Executive Order No. 12924, I declared a national emergency under the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1701 *et seq.*) to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*) and the system of controls maintained under that Act. In that order, I continued in effect, to the extent permitted by law, the provisions of the Export Administration Act of 1979 (EAA), as amended, the Export Administration Regulations (15 CFR 768 *et seq.*), and the delegations of authority set forth in Executive Order No. 12002 of July 7, 1977 (as amended by Executive Order No. 12755 of March 12, 1991), Executive Order No. 12214 of May 2, 1980, Executive Order No. 12735 of November 16, 1990 (subsequently revoked by Executive Order No. 12938 of November 14, 1994), and Executive Order No. 12851 of June 11, 1993. As required by the National Emergencies Act (50 U.S.C. 1622(d)), I issued a notice on August 15, 1995, continuing the emergency declared in Executive Order No. 12924.

2. I issued Executive Order No. 12924 pursuant to the authority vested in me as President by the Constitution and laws of the United States, including, but not limited to, the IEEPA. At that time, I also submitted a report to the Congress pursuant to section 204(b) of IEEPA (50 U.S.C. 1703(b)). Section 204 of IEEPA requires follow-up reports, with respect to actions or changes, to be submitted every 6 months. Additionally, section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)) requires that the President, within 90 days after the end of each 6-month period following a declaration of a national emergency, report to the Congress on the total expenditures directly attributable to that declaration. To comply with these requirements, I have submitted combined activities and expenditures reports for the 6-month periods from August 19, 1994, to February 19, 1995, and from February 19, 1995, to August 19, 1995. The following report covers the 6-month period from August 19, 1995, to February 19, 1996.

3. Since the issuance of Executive Order No. 12924, the Department of Commerce has continued to administer and enforce the system of export controls, including antiboycott provisions, contained in the Export Administration Regulations (EAR). In administering these controls, the Department has acted under a policy of conforming actions under Executive Order No. 12924 to those required under the Export Administration Act, insofar as appropriate.

4. Since my last report to the Congress, there have been several significant developments in the area of export controls:

#### A. MULTILATERAL DEVELOPMENTS

*Wassenaar Arrangement for Export Controls for Conventional Arms and Dual-Use Goods and Technologies.* The Bureau of Export Administration (BXA) of the Department of Commerce participated in several rounds of negotiations to establish a successor regime to COCOM. On December 19, 1995, 28 countries (former COCOM partners, cooperating countries, Russia, and the Visegrad states) agreed to establish a new regime, called the Wassenaar Arrangement, to control conventional arms and munitions and related dual-use equipment. The Wassenaar Arrangement will be headquartered in Austria. The first plenary meeting of the new regime was held in Vienna in April 1996.

*Australia Group.* The Australia Group (AG) is an informal multilateral body formed in 1984 to address concerns about proliferation of chemical and biological warfare capabilities. Currently, 29 governments, representing supplier or producer countries, are members. The AG operates by consensus.

At the October 1995 plenary meeting, the Biological Weapons Experts conducted a technical review of the AG biological control list, which has been in force for 3 years. There was agreement on tightening the controls on certain microorganisms and equipment (e.g., fermenters) that can be used in the production of biological weapons. Regulations are being drafted to reflect these changes in biological weapons export controls.

The AG also agreed at the October 1995 plenary to tighten controls on license-free sample shipments. Accordingly, BXA will monitor its recently revised sample shipments rule to determine if it should be modified.

The United States shared its experiences at the October 1995 meeting in implementing

its chemical mixtures regulations, and is seeking a comprehensive understanding of how other members implement the AG mixture controls.

Members agreed to U.S. proposals at the October 1995 meeting for intensified information exchange and other measures to better address chemical and biological warfare terrorism.

*Nuclear Suppliers Group.* The Nuclear Suppliers Group (NSG), currently composed of 32 member countries, maintains a control list of nuclear related dual-use items and guidelines for their control.

NSG member countries have recently completed a technical review of the dual-use control list and are presently engaged in restructuring the present control language to better reflect nuclear proliferation concerns as well as to allow the more effective implementation of export controls for these items.

The Department of Commerce continues to issue license denials for NSG-controlled items as part of the ''no-undercut'' provision. Under this provision, a denial notification received from an NSG member country precludes other member countries from approving similar transactions, thereby assuring that the earlier denial is not ''undercut.'' There are procedures for member countries to consult on specific denials if they wish to disagree with the original denial.

*Missile Technology Control Regime.* The Missile Technology Control Regime (MTCR), founded in 1987 and currently comprising 28 member countries, is an informal group whose members coordinate their national export controls to help prevent missile proliferation. Each member country, under its own national laws, has agreed to abide by multilateral MTCR Guidelines for controlling the transfer of items that contribute to missile programs. These items are identified in an MTCR Equipment and Technology Annex to the Guidelines.

The Department continues to implement the Enhanced Proliferation Control Initiative (EPCI), which is a ''catch-all'' control on items that are not on the MTCR Annex, but could be used directly in projects of missile proliferation concern. As a result of U.S. leadership, similar controls have now been adopted by over half of the MTCR members.

As a consequence of bilateral missile nonproliferation agreements with Russia and South Africa, those two countries have conformed their national export controls to MTCR standards and were formally admitted to membership in the MTCR in October 1995.

The United States also supported Brazil's candidacy for membership in the MTCR, and Brazil was accepted unanimously in October 1995.

### B. BILATERAL COOPERATION/TECHNICAL ASSISTANCE

As part of the Administration's continuing effort to encourage other countries to strengthen their export control systems, the Department of Commerce and other agencies conducted a wide range of discussions with a number of foreign countries.

*Russian Exchanges.* In October 1995, BXA hosted a large delegation of senior Russian industry executives and government export control officials. They met in Boston and in Washington, D.C., to discuss industry-government cooperation on export controls. The purpose of this program was to bring together U.S. and Russian business executives and government officials to discuss such issues as the administration of export controls, legal reform, licensing, industry compliance, and enforcement.

In December 1995, BXA participated in an interagency delegation to a briefing hosted by the Russian government on the operation of Russia's export control system. Russian ministries, organizations, and enterprises gave presentations.

*Central Asian/Caucasus Export Control Forum.* In November 1995, BXA participated in an interagency delegation as co-hosts with Turkey in an export control forum for seven Central Asian and Caucasus states (Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekristan). Presentations were given on legal, legislative, and non proliferation issues, including licensing, enforcement, and industry-government relations.

*Nonproliferation and Export Control Cooperation.* In late 1994, BXA created the Nonproliferation and Export Control Cooperation (NEC) team to marshal BXA's resources and expertise to support U.S. export control cooperation programs in the former Soviet Union, other newly emerging states in the Central Asian, Transcaucasian, and Baltic regions, and certain central European states. From August to December 1995, the NEC team, with representatives from the Departments of State, Defense, and Energy, and the U.S. Customs Service, coordinated 14 cooperative exchanges with Belarus, Kazakhstan, Ukraine, Lithuania, Bulgaria, Romania, and Poland. These cooperative exchanges focused on the legal bases for export control systems, regulatory procedures, licensing processes, preventive enforcement mechanisms, industry-government relations, and systems automation.

### C. REGULATORY ACTIONS: PUBLISHED AND PENDING REGULATORY REFORM

For almost three decades, the EAR have been amended frequently to respond to various national security, nonproliferation, and foreign policy crises. Until recently, the EAR had never been subjected to a systematic and comprehensive review for the purpose of coordinating and restructuring these many amendments to create a set of regulations that is internally consistent and easier to use. Last May, BXA published a proposed rule that included a comprehensive revision and reorganization of the EAR that will, in accordance with the goal set by the Trade Promotion Coordinating Committee, ''make the regulations more user-friendly.'' The BXA has involved the exporting community in every step of the process, releasing early drafts as ''discussion packages,'' conducting ''town hall''—style-fora in 13 States, and redrafting to incorporate the many industry comments and suggestions received once the proposed rule was published. In November 1995, BXA circulated a draft interim rule for interagency review. The BXA delivered the interim rule to the *Federal Register* in February for publication in March.

*General License Eligibility Extended to Semiconductor Manufacturing Equipment.* BXA published a final rule on February 14 to expand general license eligibility to most destinations to include certain semiconductor manufacturing equipment: ion implanters, etching systems, chemical vapor deposition equipment, certain ''cluster tools,'' masks, reticles, and test systems.

*High-Performance Computers.* On January 25, BXA published a rule that implements the President's October 6, 1995, announcement of a major reform of computer export controls. The rule liberalizes export controls on all computers, and establishes four tiers of countries and a new policy for each tier. This new rule will provide significant benefit to the international competitiveness of the U.S. computer industry. This rule was effective January 22.

*Nuclear Controls.* On February 1, BXA published an interim rule to amend a number of Export Control Classification Numbers (ECCNs) in order to make the U.S. Nuclear Referral List conform more closely with the items contained in the multi-lateral NSG Annex published by the International Atomic Energy Agency and adhered to by the United States and other subscribing governments in the NSG. In addition, this rule removed Poland from general license General Nuclear Suppliers Group (GNSG) restrictions, and added Argentina, New Zealand, South Africa, and South Korea to the countries that are eligible to receive exports under general license GNSG.

*Expansion of Foreign Policy Controls for Sudan.* In December, BXA circulated for interagency review a draft rule that will establish foreign policy controls on exports to Sudan. New controls are being published with the comprehensive revision and reorganization of the Export Administration Act. These controls are consistent with the Secretary of State's determination that the Government of Sudan has repeatedly provided support for acts of international terrorism.

*Expansion of General Licenses GLX and GTDR.* On December 20, 1995, BXA published a final rule that expands general license for exports for civil end-users in countries of the former Soviet Union, Romania, and the People's Republic of China (GLX) eligibility to include: microprocessors with a composite theoretical performance not exceeding 500 million theoretical operations per second, memory integrated circuits, certain digital integrated circuits, field programmable gate arrays and logic arrays, portable (personal) or mobile radiotelephones not capable of end-to-end encryption, and software to protect against computer viruses. In addition, revisions were made to expand eligibility for general license for technical data (GTDR) with written assurance to include certain virus protection software.

*Specially Designed Implements of Torture.* On November 28, 1995, BXA published a final rule that expanded foreign policy controls on specially designed implements of torture. Previously, such implements were controlled as ''crime control and detection'' commodities in the same category as handcuffs, police helmets, and shields. As such, they did not require a validated license for export to member countries of the North Atlantic Treaty Organization (NATO), Australia, Japan, or New Zealand. This new rule created a control list entry requiring a validated license for export of specially designed implements of torture to all destinations, including Canada. Applications for such exports will continue to be subject to a general policy of denial.

*Chemical Mixtures.* On October 19, 1995, BXA published a final rule that implements the agreement reached by the AG in December 1994 on certain technical revisions in the AG's harmonized controls on chemical weapons precursors. The rule refines and clarifies the scope of controls on exports of sample shipments and mixtures containing controlled precursor and intermediate chemicals. The rule also revised the list of countries eligible to receive AG benefits under U.S. regulations by adding Poland, the Slovak Republic, and Romania.

### D. STRATEGIC INDUSTRIES/ECONOMIC SECURITY

In late 1994, the National Security Advisor directed that an interagency study be prepared to assess the current and future international market for software products containing encryption (PRD/NSC–48). The directive was in response to industry claims that U.S. export controls on certain powerful encryption technologies were providing no benefit to national security, and were hampering the software industry's ability to compete in the global marketplace. On January 11, the Department of Commerce announced the public release of the study,

jointly prepared by BXA and the National Security Agency. The study provides an in-depth evaluation of the international market, reviews the availability of foreign encryption software, and assesses the impact that U.S. export controls for encryption have had on the competitiveness of the software industry. The study found that the U.S. software industry still dominates world markets, but the existence of strong export controls, both in the United States and other major countries, is slowing the growth of the international market.

E. EXPORT ENFORCEMENT

Over the last 6 months, the Department of Commerce continued its vigorous enforcement of the EAR through educational outreach, license application screening, spot checks, investigations, and enforcement actions. In the last 6 months, these efforts resulted in civil penalties, denials of export privileges, criminal fines, and imprisonment. Total penalties imposed from August 10, 1995, through February 15, 1996, amounted to $3,226,750 in export control and antiboycott compliance cases, including criminal fines totaling $255,000; in addition, 14 parties were denied export privileges.

*Two Companies and an Individual Penalized Total of $1.45 Million for Alleged Antiboycott Violations.* On August 29, 1995, Assistant Secretary for Export Enforcement John Despres signed an order imposing civil penalties totaling $1,446,400 on Parbel of Florida, Inc., formerly known as Helena Rubenstein, Inc., and Cosmair, Inc., both subsidiaries of L'Oreal, S.A., the French cosmetic company, and on Bruce L. Mishkin, an employee of Cosmair, Inc., for 291 alleged violations of the antiboycott provisions of the EAA and EAR.

The Department of Commerce alleged that, in 1989, in response to a request from L'Oreal, S.A., Helena Rubinstein, Inc., and Bruce L. Mishkin each furnished or agreed to furnish 144 items of information about Helena Rubinstein, Inc.'s business relationships with or in Israel. The Department further alleged that Cosmair, Inc., did not prevent Mr. Mishkin from furnishing information about Helena Rubinstein, Inc.'s business relationships with or in Israel. The Department alleged that, in so doing. Cosmair, Inc., violated the EAR by permitting the doing of an act prohibited by the EAR.

The companies and Mishkin each agreed to pay the civil penalties in separate but related settlements, which combined, constitute one of the largest for the Office of Antiboycott Compliance (OAC). Under the terms of the Consent Agreements, Parbel paid $1,387,000, Mr. Mishkin paid $50,400, and Cosmair paid $9,000 to settle the allegations.

*California Man Penalized for Alleged Export Control Violations Involving Shotguns to Namibia and South Africa.* On November 28, 1995, Assistant Secretary for Export Enforcements John Despres imposed a 15-year denial of export privileges and a $60,000 civil penalty on James L. Stephens, president and coowner of Weisser's Sporting Goods, National City, California, for the alleged illegal export of certain U.S.-origin shotguns to Namibia and South Africa.

The Department alleged that, between 1990 and 1992, Stephens conspired with overseas parties to export and, on two separate occasions, actually exported, U.S.-origin shotguns with barrel lengths 18 inches and over to Namibia and South Africa without applying for and obtaining from the Department the validated export licenses he knew or had reason to know were required under the EAA and EAR. In addition, the Department alleged that, in furtherance of the conspiracy, and in connection with each of these exports, Stephens made false or misleading representations of material fact to a U.S. agency in connection with the preparation, submission, or use of export control documents.

In a separate matter, Weisser's Sporting Goods plead guilty on November 20, 1995, in the Southern District of California, to one criminal count of violating U.S. export control laws in connection with the export of shotguns to South Africa. Sentencing for the criminal violation took place on January 16, 1996. Weisser's Sporting Goods was fined $30,000 and placed on 3 years' probation.

*Illinois Company and its French Subsidiary Penalized $550,000 for Alleged Antiboycott Violations.* On November 29, 1995, Assistant Secretary for Export Enforcement John Despres signed an order imposing civil penalties totaling $550,000 on Sundstrand Corporation (''Sundstrand'') and its wholly owned subsidiary, Sundstrand International, S.A. Zone Industrielle de Dijon-Sud (''Sundstrand Dijon''), for alleged violations of the antiboycott provisions of the EAA and the EAR.

Sundstrand is a Rockford, Illinois-based manufacturer and exporter of aerospace and industrial equipment. Sundstrand Dijon is a repair and testing facility for Sundstrand equipment located in Dijon, France. While neither admitting nor denying the alleged violations, Sundstrand agreed to pay a $350,000 civil penalty to settle allegations that, on 175 occasions between October 1988 and June 1993, it failed to report to the Department its receipt of boycott-related requests from the United Arab Emirates (UAE). Sundstrand Dijon agreed to pay a $200,000 civil penalty to settle allegations that, on 100 occasions during the same period, it failed to report to the Department its receipt of boycott-related requests from UAE, Bahrain, and Yemen.

*Swiss and U.S. Companies Denied Export Privileges and Corporate Officers Fined for Illegal Exports.* On January 11, 1996, Assistant Secretary for Export Enforcement John Despres denied the export privileges of Lasarray Corporation of Irvine, California, and Lasarray, S.A., of Switzerland. The period of the denial is 2 years. Additionally, Ernst Uhlmann, a Swiss businessman who owned Lasarray, received a civil penalty of $50,000 (with $25,000 suspended); Eugene T. Fitzgibbons, the former president of Lasarray Corporation, received a civil penalty of $20,000 (with $10,000 suspended); and Edwin Barrowcliff, a former vice president of Lasarray Corporation, received a civil penalty of $20,000, all of which is suspended. The Department alleged that, between 1990 and 1991, Lasarray unlawfully exported base wafer integrated circuits to Switzerland without the required validated export license.

*Civil Penalty of $400,000, Imposed on Illinois Company for Alleged Export Control Violations.* On January 31, 1996, the Assistant Secretary for Export Enforcement John Despres signed an order imposing a $400,000 civil penalty on U.S. Robotics Access Corp. of Skokie, Illinois, for 123 alleged violations of the EAA and Regulations. The Department of Commerce alleged that, on 41 separate occasions between June 1990 and June 1992, U.S. Robotics exported U.S.-origin, high-speed computer modems from the United States to South Africa, Liechtenstein, Czechoslovakia, New Zealand, and Singapore, without obtaining from the Department the required validated licenses. In connection with each of these exports, the Department also alleged that the company falsely represented on air waybills and Shipper's Export Declarations that the modems qualified for export under general license when, in fact, a validated license was required. To settle the allegations, U.S. Robotics will pay $300,000 of the $400,000 penalty the Department imposed. Payment of the remaining $100,000 is suspended for 1 year and will be waived if, during the 1-year period of suspension, U.S. Robotics does not violate the Act, Regulations, or any conditions of the Department's order.

*Civil and Criminal Penalties Imposed on Oregon Company.* On February 12, 1996, Assistant Secretary for Export Enforcement John Despres imposed a civil penalty of $40,000 ($20,000 suspended for 1 year) on Patrick Lumber, of Portland, Oregon, for allegedly violating the embargo on exports to Libya. On the same day, Patrick Lumber was sentenced to pay a criminal fine of $225,000 by the United States District Court in Portland, Oregon, following the company's guilty plea to a two-count indictment charging it with violating the IEEPA. The United States charged that, in 1993, Patrick Lumber exported two shipments of yellow pine wood worth over $800,000 from the United States to Libya in violation of the IEEPA.

*Under Secretary Affirms ALJ Decision and Order Imposing $10,000 Civil Penalty on Florida Freight Forwarder for Antiboycott Violations.* On October 30, 1995, the Under Secretary for Export Administration affirmed the May 1, 1995, decision of the Administrative Law Judge (ALJ) that Stair Cargo Services, Inc., of Miami, Florida, a subsidiary of Intertrans Corporation of Dallas, Texas, committed two violations of the antiboycott provisions of the Act and Regulations. The ALJ found that, in 1988, a Stair Cargo branch office in Inglewood, California, complied with a boycott-related request from Kuwait to provide the name of a supplier of goods and services for clearance by Kuwaiti boycott authorities, thereby furnishing information about that firm's business relationships with persons known or believed to be blacklisted. The ALJ also found that Stair Cargo failed to report to the Department its receipt of the boycott-related request, as required by the Regulations. The ALJ imposed a civil penalty of $10,000 for these violations.

5. The expenses incurred by the Federal Government in the 6-month period from August 19, 1995, to February 19, 1996, that are directly attributable to the exercise of authorities conferred by the declaration of a national emergency with respect to export controls were largely centered in the Department of Commerce, Bureau of Export Administration. Expenditures by the Department of Commerce are anticipated to be $18 million, most of which represents program operating costs, wage and salary costs for Federal personnel, and overhead expenses.

## 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–2763. A communication from the Acting Director of the Office of Thrift Supervision, Department of Treasury, transmitting, pursuant to law, the report entitled ''Responsibilities under the Community Reinvestment Act''; to the Committee on Banking, Housing, and Urban Affairs.

EC–2764. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a final rule entitled ''Amendment to the Bank Secrecy Act Regulations Relating to Recordkeeping for Funds Transfers and Transmittals of Funds by Financial Institutions'' (RIN 1505-AA37), received on May 30, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–2765. A communication from the Assistant to the Board of Governors of the Federal

Reserve System, transmitting, pursuant to law, the report of a final rule concerning the basic framework establishing the rights, liabilities, and responsibilities of participants in electronic fund transfer systems, received on May 30, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–2766. A communication from the Director of the Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a final rule entitled ''Amendment to the Bank Secrecy Act Regulations Relating to Orders for Transmittals of Funds by Financial Institutions'' (RIN 1506-AA17), received on May 24, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–2767. A communication from the Executive Assistant to the Director of Congressional Affairs, U.S. Secret Service, Department of the Treasury, transmitting, pursuant to law, the report of a final rule concerning the color illustrations of U.S. currency, received on May 31, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–2768. A communication from the Secretary of Commerce, transmitting, a report concerning Ombudsman activities with the new independent states; to the Committee on Commerce, Science, and Transportation.

EC–2769. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule concerning the Coast Guard establishing a temporary moving safety zone for the USS Kennedy (RIN 2115-AA97), received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2770. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule concerning the Coast Guard establishing a temporary moving safety zone for the Fleet Week Parade of Ships (RIN 2115-AA97), received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2771. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule concerning the Coast Guard establishing a temporary safety zone for a powerboat race located on Greenwood Lake, New Jersey (RIN 2115-AA97), received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2772. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule concerning the Hazardous Materials Transportation Regulations (RIN 2137-AB60), received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2773. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives,'' (RIN2120-AA64) received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2774. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Exemption, Approval, Registration and Reporting Procedures; Miscellaneous Provisions,'' (RIN2137-AC63) received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2775. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Coast Guard Board for Correction of Military Records: Procedural Regulation,'' (RIN2105-AC31) received on May 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2776. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of five rules concerning Standard Instructment Approach Procedures and Airworthiness Directives (RIN2120-AA65, 2120-AA64) received on May 23, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2777. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of seven rules concerning Temporary Prohibition of Oxygen Generators as Cargo in Passenger Aircraft (RIN2137-AC89, 2115-AE84, 2115-AE46, 2137-AC81) received on May 23, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2778. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of thirteen rules concerning Airworthiness Directives (RIN2120-AA64, 2120-AA66, 2120-ZZ01) received on May 30, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2779. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of twelve rules concerning Airworthiness Directives (RIN2120-AA64, 2120-AA65, 2120-AA66) received on May 23, 1996; to the Committee on Commerce, Science, and Transportation.

EC 2780. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of the eleven rules concerning Periodic Inspection and Testing of Cylinders (RIN2137–AC59, 2137–AC74, 2137–AC76, 2127–AG31, 2127–AV70, 2115–, 2115–AA97, 2130–AB08, 2105–AC13, 2115–AE46, 2115–AF24) received on May 30, 1996; to the Committee on Commerce, Science,and Transportation.

EC 2781. A communication from the Associate Director for Strategic Planning, Minority Business Development Agency, Department of Commerce, transmitting, pursuant to law, the interim final rule entitled ''Revision of the Cost-Share Requirement and Addition of Bonus Points for Community-Based Organizations Applying to Operate Minority Business Development Centers in Designated Locations,'' (RIN0640–XX02) received on May 31, 1996; to the Committee on Commerce, Science, and Transportation.

EC 2782. A communication from the Director for Executive Budgeting and Assistance Management, Department of Commerce, transmitting, pursuant to law, concerning grant and cooperative agreement cost principles, (RIN0605–AA10) received on May 22, 1996; to the Committee on Commerce, Science, and Transportation.

EC 2783. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the rule to conform the maritime service rules to the provisions of the Telecommunications Act of 1996, received on May 21, 1996; to the Committee on Commerce, Science and Transportation.

EC 2784. A communication from the Acting Director of Procurement, Grants and Administrative Services, Office of Finance and Administration, Department of Commerce, transmitting, pursuant to law, the final rule concerning financial assistance for the Pribilof Environmental Restoration Program (RIN0648–ZA23), received on May 23, 1996; to the Committee on Commerce, Science and Transportation.

EC 2785. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the National Transportation Safety Board's Recommendations for calendar year 1995; to the Committee on Commerce, Science and Transportation.

EC 2786. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the rule entitled ''Guides for the Metallic Watch Band Industry and Guides for the Jewelry Industry,'' received on May 22, 1996; to the Committee on Commerce, Science and Transportation.

EC 2787. A communication from the Director of the Office of Fisheries Conservation and Management, the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule relative to inseason action for the ocean salmon fisheries off the coasts of Washington, Oregon, and California, received on May 23, 1996; to the Committee on Commerce, Science and Transportation.

EC–2788. A communication from the Program Management Officer of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule relative to existing regulations regarding dolphin safe tuna labeling (RIN 0648–AF08), received on May 29, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2789. A communication from the Acting Director of Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule relative to bycatch rate standards for the second half of 1996 in the Bering Sea and Aleutian Islands and in the Gulf of Alaska, received on May 31, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2790. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule concerning the closure of directed fishing for Pacific cod by vessels using hook-and-line gear in the Bearing Sea and Aleutian Islands management area, received on May 23, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2791. A communication from the Acting Director of the Office of Fisheries Conservation and Management. National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule concerning the directed fishery for groundfish in the other nontrawl fishery in the Bering Sea and Aleutian Island management area, received on May 23, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2792. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule concerning a closure that prohibits retention of Pacific ocean perch in the Western Aleutian District of the Bering and Aleutian Islands management area, received on May 23, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2793. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule concerning correcting the definition for ''fishing trip'', received on May 23, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2794. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on the Youth

Conservation Corps for fiscal year 1995; to the Committee on Energy and Natural Resources.

EC–2795. A communication from the Secretary of Energy, transmitting, pursuant to law, the report of the Office of Alcohol Fuels; to the Committee on Energy and Natural Resources.

EC–2796. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, the final rule concerning the Migratory Bird Hunting and Conservation Stamp, Contest, (RIN1018–AD71) received on May 16, 1996; to the Committee on Environment and Public Works.

EC–2797. A communication from the Deputy Under Secretary of Defense (Environmental Security), transmitting, pursuant to law, the report of the Defense Environmental Restoration Program for fiscal year 1995; to the Committee on Environment and Public Works.

EC–2798. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled ''The State Infrastructure Bank Improvement Act of 1996''; to the Committee on Environment and Public Works.

EC–2799. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation concerning the Federal-Aid Highway Program; to the Committee on Environment and Public Works.

EC–2800. A communication from the Director of the Office of Congressional Affairs, transmitting, pursuant to law, a rule entitled ''The Freedom of Employees in the Nuclear Industry to Raise Safety Concerns Without Fear of Retaliation,'' received on May 13, 1996; to the Committee on Environment and Public Works.

EC–2801. A communication from the Director of the Office of Congressional Affairs, transmitting, pursuant to law, a rule entitled ''Termination or Transfer of Licensed Activities: Recordkeeping Requirements,'' (RIN3150–AF17) received on May 13, 1996; to the Committee on Environment and Public Works.

EC–2802. A communication from the Director of the Office of Congressional Affairs, transmitting, pursuant to law, a rule entitled ''Protecting the Identity of Allegers and Confidential Sources,'' received on May 22, 1996; to the Committee on Environment and Public Works.

EC–2803. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the rule entitled ''The Final Determination of Threatened for the California Red-Legged Frog,'' (RIN1018–AC34) received on May 20, 1996; to the Committee on Environment and Public Works.

EC–2804. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the rule entitled ''Endangered and Threatened Wildlife and Plants,'' (RIN1018–AC33) received on May 16, 1996; to the Committee on Environment and Public works.

EC–2805. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the rule entitled ''Approval and Promulgation of Implementation Plans; Ohio,'' (FRL5439–4) received on May 13, 1996; to the Committee on Environment and Public Works.

EC–2806. A communication from the Director of the Office of Regulatory Management and Information, Environment Protection Agency, transmitting, pursuant to law, the report of seven rules concerning Allyl Issothicyanate as a Component of Food Grade Oil of Mustard, (FRL5505–2, 5467–6, 5500–56, 5505–7, 5504–8, 5465–2, 5366–4) received on May 13, 1996; to the Committee on Environment and Public Works.

EC–2807. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of four rules concerning Propylene Oxide, (FRL5444–6, 5506–6, 5375–8, 5507–3) received on May 15, 1996; to the Committee on Environment and Public Works.

EC–2808. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of three rules concerning Protection of Stratospheric Ozone, (FRL5507–5, 5467–1, 5504–4) received on May 16, 1996; to the Committee on Environment and Public Works.

EC–2809. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of ten rules concerning Pesticides, (FRL5508–5, 5506–3, 5505–4, 5449–2, 5372–2, 4996–1, 5359–1, 5359–4, 5508–3, 5508–2, 5508–4), received on May 21, 1996; to the Committee on Environment and Public Works.

EC–2810. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the rule concerning National Emission Standards For Hazardous Air Pollutants (FRL5509–1) received on May 21, 1996; to the Committee on Environment and Public Works.

EC–2811. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules concerning Prosulfuron, (FRL5357–5, 5371–8) received on May 24, 1996; to the Committee on Environment and Public Works.

EC–2812. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules concerning National Emission standards for Hazardous Air Pollutants, (FRL5513–1, 5512–6) received on May 24, 1996; to the Committee on Environment and Public Works.

EC–2813. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report of the Civil Service Retirement and Disability Fund for fiscal year 1995; to the Committee on Governmental Affairs.

EC–2814. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a rule entitled ''Allowances and Differentials,'' (RIN3206–AH17) received on May 28, 1996; to the Committee on Governmental Affairs.

EC–2815. A communication from the Chairman of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the proposed budget for fiscal year 1997; to the Committee on Governmental Affairs.

EC–2816. A communication from the Chairman of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the Mayor's District of Columbia fiscal year 1997 budget and multiyear plan; to the Committee on Governmental Affairs.

EC–2817. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–254 adopted by the Council on April 2, 1996; to the Committee on Governmental Affairs.

EC–2818. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–258 adopted by the Council on April 2, 1996; to the Committee on Governmental Affairs.

EC–2819. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–260 adopted by the Council on April 2, 1996; to the Committee on Governmental Affairs.

EC–2820. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–261 adopted by the Council on April 2, 1996; to the Committee on Governmental Affairs.

EC–2821. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled ''Compliance Review of the District of Columbia Insurance Administration for Fiscal Years 1994 and 1995''; to the Committee on Governmental Affairs.

EC–2822. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, the report concerning the compliance with the Government in the Sunshine Act during calendar year 1995; to the Committee on Governmental Affairs.

EC–2823. A communication from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, Office of Policy, Planning and Evaluation, transmitting, pursuant to law, the report of a final rule concerning the Federal Travel Regulation (RIN: 3090–AF88), received on May 13, 1996; to the Committee on Governmental Affairs.

EC–2824. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the report concerning the implementation of the Government in the Sunshine Act for the calendar year 1995; to the Committee on Governmental Affairs.

EC–2825. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of a final rule concerning commodities and services to be furnished by nonprofit agencies, received on May 28, 1996; to the Committee on Governmental Affairs.

EC–2826. A communication from the Chairman of the Merit Systems Protection Board, transmitting, a draft of proposed legislation to reauthorize the Board through the year 2001; to the Committee on Governmental Affairs.

EC–2827. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC–2828. A communication from the Chairman of the National Endowment For the Arts, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC–2829. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for Fiscal Year 1995; to the Committee on Governmental Affairs.

EC–2830. A communication from the Chairman of the Armed Forces Retirement Home Board, transmitting, pursuant to law, the report concerning the Federal Managers Financial Integrity Act for fiscal year 1995; to the Committee on Governmental Affairs.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG:

S. 1827. A bill to prohibit foreign travel by outgoing political appointees and Members of Congress, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HEFLIN:

S. 1828. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel TOP GUN, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PRESSLER:

S. 1829. A bill to prohibit the purchase of foreign beef by a school participating in the school lunch, school breakfast, or child care food program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWN (for Mr. DOLE (for himself, Mr. BROWN, Mr. ROTH, Mr. HELMS, Mr. MCCAIN, Mr. SPECTER, Mr. SANTORUM, Mr. GORTON, and Mr. MCCONNELL)):

S. 1830. A bill to amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic Treaty Organization of emerging democracies in Central and Eastern Europe; to the Committee on Foreign Relations.

By Mr. PRESSLER (for himself, Mr. HOLLINGS, Mr. LOTT, and Mr. FORD):

S. 1831. A bill to amend title 49. United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. MIKULSKI (for herself and Ms. SNOWE):

S. 1832. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes; to the Committee on Finance.

By Mr. GLENN (for himself and Mr. PRYOR) (by request):

S. 1833. A bill to provide a temporary authority for the use of voluntary separation incentives by Federal agencies that are reducing employment levels, and for other purposes; to the Committee on Governmental Affairs..

By Mr. MCCAIN (for himself, Mr. INOUYE, Mr. SIMON, and Mr. DOMENICI):

S. 1834. A bill to reauthorize the Indian Environmental General Assistance Program Act of 1992, and for other purposes; to the Committee on Indian Affairs.

By Mr. FEINGOLD (for himself, Mr. BRADLEY, and Mr. WELLSTONE):

S. 1835. A bill to expand the definition of limited tax benefit for purposes of the Line Item Veto; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, that if one Committee reports, the other have thirty days to report or be discharged.

By Mr. SANTORUM:

S. 1836. A bill to designate a segment of the Clarion River, located in Pennsylvania, as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FORD (for himself, Mr. BAUCUS, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BRADLEY, Mr. BRYAN, Mr. BUMPERS, Mr. COATS, Mr. COHEN, Mr. CRAIG, Mr. DASCHLE, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. EXON, Mr. FRIST, Mr. GRAMS, Mr. GRASSLEY, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mr. INHOFE, Mr. INOUYE, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LUGAR, Mr. MACK, Mr. MCCONNELL, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NUNN, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. SARBANES, Mr. SIMON, Mr. SMITH, Mr. SPECTER, Mr. THOMAS, Mr. THURMOND, Mr. WARNER, Mr. WELLSTONE, Mr. WYDEN, Mr. KERRY, Mr. GRAMM, Mrs. HUTCHISON, Ms. SNOWE, Mr. AKAKA, Mr. LIEBERMAN, and Mrs. FEINSTEIN):

S. Res. 257. Resolution to designate June 15, 1996, as ''National Race for the Cure Day''; to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG:

S. 1827. A bill to prohibit foreign travel by outgoing political appointees and Members of Congress, and for other purposes; to the Committee on Governmental Affairs.

## THE LAME DUCKS CAN'T FLY ACT

● Mr. LAUTENBERG. Mr. President, today I am introducing legislation, which I call the Lame Ducks Can't Fly Act, to prevent Federal officials who are about to leave office from traveling abroad courtesy of U.S. taxpayers.

The bill would prohibit any Member of Congress who is leaving office from traveling to another country at taxpayer expense in the last 6 months of the Member's term. This prohibition could be waived by the Speaker of the House or by the President Pro Tempore of the Senate. If a waiver is granted, a detailed statement must be printed in the Congressional RECORD indicating the purposes and costs of the travel.

Similarly, the bill would prohibit any political appointee in the executive branch from traveling overseas at taxpayer expense following an election in which the President is not returned to office. The prohibition for executive branch appointees could be waived if the President determines that such travel cannot reasonably be postponed until the new President takes office, and that the travel is essential to protect or promote vital national security interests.

Mr. President, after the general election in 1992, many Americans were outraged when they saw Governmental officials traveling abroad on seemingly nonessential trips, even though they were about to lose their jobs. One delegation, for example, traveled to China and Hong Kong aboard a military jet that reportedly cost about $12,000 per hour to fly. Another trip was planned for Moscow before it was abruptly canceled when the plans were reported in the press.

In recent months, press reports have highlighted the serious concerns of many Foreign Service officers about abuses of official travel privileges by U.S. officials from all branches of government. The problem has grown to such an extent that the American Foreign Service Association has issued a policy statement calling for 14 changes in Government official foreign travel policy. The Association's first recommendation is to prohibit travel abroad by officials within 6 months of the end of their term.

Mr. President, it can be tempting for elected or appointed officials to have one last junket before losing their jobs. But it is wrong. And it is not fair to taxpayers—many of whom have a hard time making ends meet. These costs may be small compared to the budget deficit. Yet these kinds of abuses are outrageous, and they sap the trust of Americans in their Government.

Mr. President, there are times when travel abroad by lame duck officials is necessary to protect important national interests. However, there is no excuse for wasting taxpayer dollars on nonessential travel.

I hope my colleagues will support the legislation, and ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 1827

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. LIMITATION OF FOREIGN TRAVEL BY CERTAIN POLITICAL APPOINTEES DURING POST PRESIDENTIAL ELECTION PERIOD.**

(A) IN GENERAL.—Subchapter I of chapter 57 of title 5, United States Code, is amended by adding at the end thereof the following new section:

**''§ 5710. Limitation of travel of political appointees during certain post Presidential election periods**

''(a) For purposes of this section the term—

''(1) 'political appointee' means any individual who serves—

''(A) in a Senior Executive Service position and is not a career appointee as defined under section 3132(a)(4);

''(B) in a position under the Executive Schedule pursuant to subchapter II of chapter 53; or

''(C) in a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations; and

''(2) 'post Presidential election period' means any period beginning on the date immediately following the date of the first Tuesday following the first Monday in November on which the general election of the President occurs, and ending on the January 20 following such an election.

''(b) Subject on the provisions of subsection (c), travel by a political appointee may not be paid for under the provisions of this subchapter or any other provision of law, if such travel—

''(1) is outside of the United States; and

''(2) occurs during a post Presidential election period after which the incumbent President shall not return for another term of office as President.

''(c)(1) The provisions of subsection (b) shall not apply to travel by the Secretary of State, the Secretary of Defense, the United States Trade Representative, or political appointees who are accompanying these individuals on affected travel.

''(2) The President may waive the provisions of subsection (b) with regard to any travel if the President makes a written determination that such travel—

''(A) cannot reasonably be postponed until after the post Presidential election period; and

''(B) is essential to protect or promote vital national interests.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5709 the following:

''5710. Limitation of travel of political appointees during certain post Presidential election periods.''.

**SEC. 2. LIMITATION OF FOREIGN TRAVEL BY CERTAIN MEMBERS OF CONGRESS DURING ELECTION PERIODS.**

(a) LIMITATION.—

(1) IN GENERAL.—Except as provided in subsection (b), no funds may be expended for travel by a Member of Congress if such travel—

(A) is outside of the United States; and

(B) occurs after the date that is 180 days prior to the end of the term of service or date of retirement of the Member of Congress.

(2) DATE OF RETIREMENT.—For purposes of this subsection, the date of retirement is the date on which the Member is to retire as a Member of Congress, pursuant to a public announcement by or on behalf of the Member.

(b) WAIVER.—

(1) IN GENERAL.—The Speaker of the House of Representatives, with respect to Members of the House of Representatives, and the President pro tempore of the Senate, with respect to Members of the Senate, may waive the prohibition on travel under this section if the travel is determined to be in the interest of the House of Representatives or the Senate, respectively, and the United States.

(2) STATEMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B) and if a waiver is granted under this subsection, a statement of the waiver shall be printed in the Congressional Record as soon as practicable and shall include a detailed description of the travel involved, the purpose of travel, and an estimate of the costs of the travel.

(B) EXCEPTION.—If the Speaker of the House of Representatives or the President pro tempore of the Senate determines that publication of such a statement would jeopardize national security, or otherwise compromise vital national interests, no statement is required.

(c) DEFINITION.—For purposes of this section the term ''Member of Congress'' includes any Delegate or Resident Commissioner to the Congress.●

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By Mr. PRESSLER:

S. 1829. A bill to prohibit the purchase of foreign beef by a school participating in the school lunch, school breakfast, or child care food program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

## AMENDMENT TO THE NATIONAL SCHOOL LUNCH ACT

Mr. PRESSLER. Mr. President, today I am introducing legislation that would require schools participating in the National School Lunch Program to buy American beef. The bill would extend this requirement also to the School Breakfast Program and the Child and Adult Care Food Program [CACFP]. This is a simple bill. Further, given the current situation faced by American cattlemen, this bill should command bipartisan support.

Currently, the U.S. Department of Agriculture [USDA] is bound by the Buy American Act, which requires USDA to purchase American beef for the commodities distribution portion of these programs. However, no similar requirement is placed on schools which purchase their own foodstuffs and then receive Federal reimbursement for the meals they serve students. Schools are encouraged to buy American, but are not bound to do so. My bill would provide consistency throughout these child nutrition programs. Simply put, if schools expect to be reimbursed, we expect schools to buy American beef.

Why should this bill be passed? Plain and simple, immediate action must be taken to help our Nation's cattle industry. Cattle prices have plummeted to their lowest level in years. High grain prices and drought also have contributed to the economic crisis facing our ranchers. The result is that South Dakota's cattlemen are facing some very tough times. Some South Dakota producers soon may be forced to leave the cattle business altogether unless markets begin to improve. Their plight is spilling over to affect other businesses in the small towns and cities where they live. We should look at all possible ways to stimulate the American beef market. A requirement that schools purchase American beef will increase demand.

This is just one advance in our battle to improve conditions for American cattlemen. As I have advocated, Congress and the administration should work actively on multiple fronts. I plan to introduce legislation that would require all beef sold to consumers be labeled, indicating in what country the beef was produced. This requirement would make it easier for schools and other consumers to buy American beef.

I recently requested that the USDA prohibit formula or basis pricing on forward contracted cattle, require that forward contracts be offered in an open, public manner and require that packer-fed cattle be sold in an open, public market. I hope they will take action on this front soon. These are all actions the Clinton administration can take without congressional action.

I also urged President Clinton to begin an investigation into cattle imports from Mexico. Many South Dakota producers have serious concerns that recent import surges may be due to Mexico transshipping cattle from other countries into the United States, which is a blatant violation of trade agreements. Again, the President need not wait for congressional action.

Finally, and most important, the Clinton administration should begin an anti-trust action on the meatpacking industry. This is very important for our cattlemen. I have called on the administration time and again to enforce fully our anti-trust laws. I am still waiting for action.

Mr. President, with a combined effort by Congress and the President, I am confident we can once again make our cattle industry healthy and competitive. I am proud to be an active voice for South Dakota's livestock producers. This issue requires immediate attention and I hope my colleagues will join me in addressing this serious problem.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1829

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. AMERICAN BEEF IN CHILD NUTRITION PROGRAMS.**

The National School Lunch Act (42 U.S.C. 1751 et seq.) is amended by adding at the end the following:

**''SEC. 28. AMERICAN BEEF IN CHILD NUTRITION PROGRAMS.**

''A school or service institution in the continental United States participating in the school lunch program, the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), or the child care food program under section 17 may not purchase beef or beef food-products produced outside the United States for use in carrying out the program.''.

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By Mr. BROWN (for Mr. DOLE (for himself, Mr. BROWN, Mr. ROTH, Mr. HELMS, Mr. MCCAIN, Mr. SPECTER, and Mr. SANTORUM)):

S. 1830. A bill to amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic Treaty Organization of emerging democracies in Central and Eastern Europe; to the Committee on Foreign Relations.

## THE NATO ENLARGEMENT FACILITATION ACT OF 1996

Mr. BROWN. Mr. President, I rise to introduce a new bill for consideration by the Senate.

In 1994, when the administration seemed reluctant to allow countries in Central Europe to join NATO, we drafted a bill titled the ''NATO Participation Act of 1994.'' That measure set forth in U.S. statute a policy, for the first time, that would ensure NATO expansion to include those countries in Central Europe that want to be free and want to join in a mutual pact for self-defense. The bill marked a significant change of course for the United States.

The administration's reluctance to move forward with NATO expansion

brought back memories of the tragic events of World War II, of both the Soviet invasion of Poland and the German invasion of Poland and other countries in Central Europe. Indeed, that reluctance brought back the tragic memories of the post-World-War-II era, when at key times this country turned its back on people who had fought to be free and then found themselves enslaved by the Soviet Union.

Mr. President, that NATO Participation Act had to be offered four times on the floor of the Senate before we finally got it adopted formally by Congress and signed into law by the President. It was opposed vehemently by the administration at every opportunity. But, in the end—and I might add, after much hard work of many fellow Americans who had insisted upon its passage—it passed both houses of Congress and was then embraced by the administration.

Unfortunately, even though that measure had passed giving the President necessary authorities to establish a transition program for countries moving toward NATO membership, the administration failed to move ahead with a clear plan for expansion of NATO to those Central European countries that had not only exhibited an interest in it, but had specifically asked to become members.

In response to that failure and to again move policy along, we drafted and introduced the NATO Participation Act II, officially titled the ''NATO Participation Act Amendments of 1995.'' That measure went further than NATO Participation Act I. The NATO Participation Act I authorized the President to establish a transition program and plan for NATO expansion. NATO Participation Act II called on the President to evaluate those countries moving toward NATO membership and to name specific countries that would be determined eligible for NATO transition assistance, and it expanded our powers to work with them and to develop a mutual arms policy.

That act, initially opposed by the administration, eventually was embraced by the administration as it moved toward passage. That expanded our ability to provide transition assistance to allow Central European countries to protect themselves and their independence. Alas, the administration with its discretionary power to name countries that they consider eligible to move forward toward NATO membership, has refused to act.

Months ago, I specifically contacted the administration and asked what steps they were taking, as they had promised they would, to move toward this goal. According to the foreign relations committees, the administration can find no country in Central Europe it views as ready for transition assistance.

Sadly, Mr. President, because of the administration's refusal to act, what has been done is to raise the question as to whether or not NATO will ever be expanded. To simply give it lip service and say—as the administration has done—that it is not a question of whether we expand NATO, it is a question of how and when, dodges the issue. The real issue is whether or not we will recognize other countries having a sphere of influence and control over Central Europe. The central issue is whether or not free men and women around the world will stand by idly if the security and independence of Central Europe is threatened.

These are not hollow questions. These tragic questions were answered in World War II. Many historians believe that the failure of the free democracies to come forward and stand up for Central Europe was one of the reasons that Hitler rose to such heights and gained so much strength before the free world was mobilized to stop him. It is not an idle question when, at the end of World War II, the Soviet Union spread its influence and its armies over Central Europe, and free men and women failed to stand up for their freedom then.

Mr. President, it speaks to the core issue, and the core issue is whether or not we will turn our backs on the free men and women of Central Europe once more. This bill, the third NATO Participation Act, the expansion facilitation act of NATO offered in 1996, speaks to that. It specifically names three countries—Poland, Hungary, and the Czech Republic—as qualifying for the program; requires the President to name other countries meeting a series of additional criteria; and permits the President to name any other countries to the transition assistance program that meet the existing criteria of the NATO Participation Act.

Mr. President, I am particularly proud to join with Senator DOLE in introducing this bill. BOB DOLE deserves a great deal of credit for his many efforts to expand NATO rapidly and to bring the nations of Central Europe into NATO. From the very first time that Senator PAUL SIMON and I introduced the NATO Participation Act as an amendment to the Foreign Operations Bill in July, 1994, BOB DOLE has been a cosponsor. He has joined every effort to hasten NATO expansion, spoken out clearly and frequently against the foot-dragging of this administration and has been more than just a cosponsor of every NATO Participation Act that has been written. His frequent inputs and the keen insights of Mira Baratta and Randy Scheunemann of his staff have been invaluable to our efforts to put the United States back in the lead in expanding NATO.

In January, 1994, when the issue of expanding NATO to include the Central European powers first became an issue at the NATO summit, BOB DOLE stated, ''If NATO governments embrace this new role of ensuring stability and security in Europe, the logic of expanding NATO becomes increasingly clear . . . The Partnership for Peace should not be used as a means to dismiss the legitimate security concerns of the new democracies in Central Europe.''

In 1995 he stated that, ''Russia continues to threaten prospective NATO members over alliance expansion, thereby confirming the need to enlarge NATO sooner rather than later.''

Just recently, he reiterated his commitment to NATO expansion by stating ''the time has come to welcome Europe's new democracies into NATO. Only NATO expansion can guarantee another five decades of peace on the continent.''

Mr. President, I strongly agree with our distinguished majority leader. It is time to take the countries of Central Europe off the table once and for all. America's dawdling will continue to create uncertainty and generate instability in the heart of Europe. The United States needs to take its rightful place as the world's leader and move quickly to expand the North Atlantic Alliance to the nations of Central Europe.

Mr. President, I send the bill to the desk and ask unanimous consent it be printed in the RECORD and that Senator SANTORUM be added as a cosponsor.

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

The bill will be received and appropriately referred.

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

S. 1830

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''NATO Enlargement Facilitation Act of 1996''.

**SEC. 2. FINDINGS.**

The Congress makes the following findings:

(1) Since 1949, the North Atlantic Treaty Organization (NATO) has played an essential role in guaranteeing the security, freedom, and prosperity of the United States and its partners in the Alliance.

(2) The NATO Alliance is, and has been since its inception, purely defensive in character, and it poses no threat to any nation. The enlargement of the NATO Alliance to include as full and equal members emerging democracies in Central and Eastern Europe does not threaten any nation. America's security, freedom, and prosperity remain linked to the security of the countries of Europe.

(3) The sustained commitment of the member countries of NATO to a mutual defense has made possible the democratic transformation of Eastern Europe. Members of the Alliance can and should play a critical role in addressing the security challenges of the post-Cold War era and in creating the stable environment needed for those emerging democracies in Central and Eastern Europe to successfully complete political and economic transformation.

(4) NATO has enlarged its membership on 3 different occasions since 1949.

(5) Congress has sought to facilitate the further enlargement of NATO at an early date by enacting the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) and the NATO Participation Act Amendments of 1995 (section 585 of Public Law 104–107).

(6) As new members of NATO assume the responsibilities of Alliance membership, the

costs of maintaining stability in Europe will be shared more widely. Facilitation of the enlargement process will require current members of NATO, and the United States in particular, to demonstrate the political will needed to build on successful ongoing programs such as the Warsaw Initiative and the Partnership for Peace by making available the resources necessary to supplement efforts prospective new members are themselves undertaking.

(7) New members will be full members of the Alliance, enjoying all rights and assuming all the obligations under the Washington Treaty.

(8) Cooperative regional peacekeeping initiatives involving emerging democracies in Central and Eastern Europe that have expressed interest in joining NATO, such as the Baltic Peacekeeping Battalion, the Polish-Lithuanian Joint Peacekeeping Force, and the Polish-Ukrainian Peacekeeping Force, can make an important contribution to European peace and security and international peacekeeping efforts, assist those countries preparing to assume the responsibilities of possible NATO membership, and accordingly should receive appropriate support from the United States.

(9) The United States continues to regard the political independence and territorial integrity of all emerging democracies in Central and Eastern Europe as vital to European peace and security.

(10) NATO remains the only multilateral security organization capable of conducting effective military operations and preserving security and stability of the Euro-Atlantic region.

(11) NATO is an important diplomatic forum and has played a positive role in defusing tensions between members of the Alliance and, as a result, no military action has occurred between two Alliance member states since the inception of NATO in 1949.

(12) The admission to NATO of emerging democracies in Central and Eastern Europe that meet specific criteria for NATO membership would contribute to international peace and enhance the security of the region.

(13) A number of Eastern European countries have expressed interest in NATO membership, and have taken concrete steps to demonstrate this commitment; including their participation in Partnership for Peace activities.

(14) In recognition that not all countries which have requested membership in NATO will necessarily qualify at the same pace, the accession date for each new member will vary.

(15) The eventual membership of Austria, Finland, and Sweden is fully expected and is not precluded by this Act.

(16) The provision of additional NATO transition assistance should include those emerging democracies most ready for closer ties with NATO and should be designed to assist other countries meeting specified criteria of eligibility to move forward toward eventual NATO membership.

(17) The Congress of the United States finds that Poland, Hungary, and the Czech Republic have made the most progress toward achieving the stated criteria and should be eligible for the additional assistance described in this bill.

(18) The evaluation of future membership in NATO for emerging democracies in Central and Eastern Europe should be based on the progress of those nations in meeting criteria for NATO membership, which require enhancement of NATO's security and the approval of all NATO members.

**SEC. 3. UNITED STATES POLICY.**

It should be the policy of the United States—

(1) to join with the NATO allies of the United States to redefine the role of the NATO Alliance in the post-Cold War world;

(2) to actively assist the emerging democracies in Central and Eastern Europe in their transition so that such countries may eventually qualify for NATO membership; and

(3) to work to define a constructive and cooperative political and security relationship between an enlarged NATO and the Russian Federation.

**SEC. 4. SENSE OF THE CONGRESS.**

It is the sense of the Congress that in order to promote economic stability and security in Estonia, Latvia, Lithuania, Slovenia, Slovakia, Bulgaria, Romania, Albania, Moldova, and Ukraine—

(1) the United States should support the full and active participation of these countries in activities appropriate for qualifying for NATO membership;

(2) the United States Government should use all diplomatic means available to press the European Union to admit as soon as possible any country which qualifies for membership; and

(3) the United States Government and the North Atlantic Treaty Organization should support military exercises and peacekeeping initiatives between and among these nations, nations of the North Atlantic Treaty Organization, and Russia.

**SEC. 5. DESIGNATION OF COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.**

(a) IN GENERAL.—The following countries are designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994: Poland, Hungary, and the Czech Republic.

(b) DESIGNATION OF OTHER COUNTRIES.—The President shall designate other emerging democracies in Central and Eastern Europe as eligible to receive assistance under the program established under section 203(a) of such Act if such countries—

(1) have expressed a clear desire to join NATO;

(2) have begun an individualized dialogue with NATO in preparation for accession;

(3) are strategically significant to an effective NATO defense; and

(4) have met the other criteria outlined in section 203(d) of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note).

(c) RULE OF CONSTRUCTION.—Subsection (a) does not preclude the designation by the President of Slovakia, Estonia, Latvia, Lithuania, Romania, Slovenia, or any other emerging democracy in Central and Eastern Europe pursuant to section 203(d) of the NATO Participation Act of 1994 as eligible to receive assistance under the program established under section 203(a) of such Act.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR NATO ENLARGEMENT ASSISTANCE.**

(a) IN GENERAL.—There are authorized to be appropriated $60,000,000 for fiscal year 1997 for the program established under section 203(a) of the NATO Participation Act of 1994.

(b) AVAILABILITY.—Of the funds authorized to be appropriated by subsection (a)—

(1) $20,000,000 shall be available for the subsidy cost, as defined in section 502(5) of the Credit Reform Act of 1990, of direct loans pursuant to the authority of section 203(c)(4) of the NATO Participation Act of 1994 and section 23 of the Arms Export Control Act (relating to the ''Foreign Military Financing Program'');

(2) $30,000,000 shall be available for assistance on a grant basis pursuant to the authority of section 203(c)(4) of the NATO Participation Act of 1994 and section 23 of the Arms Export Control Act (relating to the ''Foreign Military Financing Program''); and

(3) $10,000,000 shall be available for assistance pursuant to the authority of section 203(c)(3) of the NATO Participation Act of 1994 and chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training).

(c) RULE OF CONSTRUCTION.—Amounts authorized to be appropriated under this section are authorized to be appropriated in addition to such amounts as otherwise may be available for such purposes.

**SEC. 7. EXCESS DEFENSE ARTICLES.**

(a) PRIORITY DELIVERY.—Notwithstanding any other provision of law, the provision and delivery of excess defense articles under the authority of section 203(c)(1) and (2) of the NATO Participation Act of 1994 and section 516 of the Foreign Assistance Act of 1961 shall be given priority to the maximum extend feasible over the provision and delivery of such excess defense articles to all other countries except those countries referred to in section 541 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1995 (Public Law 103–306; 108 Stat. 1640).

(b) COOPERATIVE REGIONAL PEACEKEEPING INITIATIVES.—The Congress encourages the President to provide excess defense articles and other appropriate assistance to cooperative regional peacekeeping initiatives involving emerging democracies in Central and Eastern Europe that have expressed an interest in joining NATO in order to enhance their ability to contribute to European peace and security and international peacekeeping efforts.

**SEC. 8. MODERNIZATION OF DEFENSE CAPABILITY.**

The Congress endorses effort by the United States to modernize the defense capability of Poland, Hungary, the Czech Republic, and any other countries designed by the President pursuant to section 203(d) of the NATO Participation Act of 1994, by exploring with such countries options for the sale or lease of such countries of weapons systems compatible with those used by NATO members, including air defense systems, advanced fighter aircraft, and telecommunications infrastructure.

**SEC. 9. TERMINATION OF ELIGIBILITY.**

(a) IN GENERAL.—Section 203(f) of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) is amended to read as follows:

''(f) TERMINATION OF ELIGIBILITY.—(1) The eligibility of a country designated under subsection (d) for the program established in subsection (a) shall terminate 60 days after the President makes a certification under paragraph (2) unless, within the 60-day period, the Congress enacts a joint resolution disapproving the termination of eligibility.

''(2) Whenever the President determines that the government of a country designated under subsection (d)—

''(A) no longer meets the criteria set forth in subsection (d)(2)(A);

''(B) is hostile to the NATO Alliance; or

''(C) poses a national security threat to the United States.

then the President shall so certify to the appropriate congressional committees.

''(3) Nothing in this Act affects the eligibility of countries to participate under other provisions of law in programs described in this Act.''.

(b) CONGRESSIONAL PRIORITY PROCEDURES.—Section 203 of such Act is amended by adding at the end the following new subsection:

''(g) CONGRESSIONAL PRIORITY PROCEDURES.—

''(1) APPLICABLE PROCEDURES.—A joint resolution described in paragraph (2) which is

introduced in a House of Congress shall be considered in accordance with the procedures set forth in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98–473; 98 Stat. 1936), except that—

''(A) references to the 'resolution described in paragraph (1)' shall be deemed to be references to the joint resolution; and

''(B) references to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, respectively.

''(2) TEXT OF JOINT RESOLUTION.—A joint resolution under this paragraph is a joint resolution the matter after the resolving clause of which is as follows: 'That the Congress disapproves the certification submitted by the President on _____ pursuant to section 203(f) of the NATO Participation Act of 1994.'.''.

**SEC. 10. AMENDMENTS TO THE NATO PARTICIPATION ACT.**

(a) CONFORMING AMENDMENT.—The NATO Participation Act of 1994 (title II of Public Law 193–447; 22 U.S.C. 1928 note) is amended in sections 203(a), 203(d)(1), and 203(d)(2) by striking ''countries emerging from communist domination'' each place it appears and inserting ''emerging democracies in Central and Eastern Europe''.

(b) DEFINITIONS.—The NATO Participation Act of 1994 (title II of Public Law 103–446; 22 U.S.C. 1928 note) is amended by adding at the end the following new section:

**''SEC. 206. DEFINITIONS.**

''The term 'emerging democracies in Central and Eastern Europe' includes, but is not limited to, Albania, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia, Slovenia, and Ukraine.''.

**SEC. 11. DEFINITIONS.**

As used in this Act:

(1) EMERGING DEMOCRACIES IN CENTRAL AND EASTERN EUROPE.—The term ''emerging democracies in Central and Eastern Europe'' includes, but is not limited to, Albania, Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Slovakia, Slovenia, and Ukraine.

(2) NATO.—The term ''NATO'' means the North Atlantic Treaty Organization.

Mr. MCCAIN. Mr. President, I thank my colleague from Colorado for his continued leadership on this and other issues. He and I just left a press availability conducted by the majority leader, Senator DOLE, along with the former President of Poland, Lech Walesa. I must say that former President Walesa was both compelling and enlightening in his remarks.

Mr. President, I support the bill introduced by the Senator from Colorado.

Each year, the Senate debates the issue of NATO expansion and each year the President reassures the American people and our new friends in Eastern Europe that he has every intention of extending the NATO umbrella. Once again, this year, on the eve of another historic Russian election, we find ourselves debating the issue of NATO expansion, and still, although the President will proclaim his support for expansion, NATO membership remains reserved to the states which comprised it before the collapse of the Soviet Union.

A few circumstances have changed. President Yeltsin, whose fate our own President has made the centerpiece of United States policies toward the former Soviet Union and Eastern Europe, is much less secure. With the Russian elections only weeks away, Eastern Europe may again be faced with a communist Russia—a Russia which proudly extols the virtues of a failed philosophy. But even if President Yeltsin ultimately prevails in the elections, he, himself, has given the West sufficient cause for concern. He has not always succeeded in ensuring Russian compliance with treaty obligations. And yielding to industry pressures, he has apparently ignored American warnings in crucial areas of nonproliferation. Perhaps most alarming, until the most recent ceasefire agreement, the brutal war in Chechnya persisted unabated despite President Yeltsin's orders that it stop.

President Yeltsin has also made disturbing changes in the composition of his cabinet. He has displaced all the major economic reformers associated with his government, and has replaced his widely respected foreign minister, Andrea Kozyrev, with Yevgeny Primakov, a figure with strong ties to the not so distant Soviet past.

It is far too early to declare Russian economic and political reforms failures. I have always supported assistance to the Newly Independent States of the Soviet Union and I will continue to support Russian reform efforts. The situation we face in Russia today bears almost no comparison to the situation the United States and its allies in Europe faced in 1947. Just the same, however, in evaluating President Yeltsin let us not forget that his is no longer the government of Gaidar, Yavlinsky, Fedorov, and Kozyrev.

This is not to say that the United States has an interest in seeing President Yeltsin defeated in the upcoming election. On the contrary, if, despite what I hope is election year maneuvering, he remains committed to economic and political reform and the peaceful resolution of disputes with his neighbors, and if he demonstrates his commitment to international treaties, his reelection is very much in our interest.

The sponsors of this bill do not seek NATO expansion in response to the policies and political agendas of any Russian leader. We seek NATO expansion as a part of a larger European strategic order that will provide the nations of Central and Eastern Europe with the sort of political and economic security that Western Europe enjoyed following World War II. We seek a European security structure which can endure changes in national leadership and governing philosophies.

The United States and its NATO allies must depend for their security on a stable balance of power, not character assessments of various national leaders.

Expanding NATO and, as the bill calls for, defining a security relationship between an enlarged NATO and Russia will also stabilize Russia's security situation. Like any peaceful democratic nation, it thrives on security and predictability. The perpetuation of the current security vacuum in the middle of Europe is no more in its interest than in ours.

As in the past, the administration will respond to new calls for NATO enlargement by preaching caution. It will cite the upcoming elections as a particularly sensitive moment. After the elections, it will cite the fragile nature of the Russian electorate and upcoming government. Then, no doubt, it will cite another critical NATO meeting where consensus is to be sought on expansion.

In the meantime, we will have lost the window of opportunity that was created by the collapse of the Soviet Union and Russia's preoccupation with its domestic concerns. Three and a half years have already been squandered.

It is time now to begin NATO expansion. No more temporizing. No more excuses. This is why I have joined with my colleagues, Senators DOLE, BROWN, HELMS, and others in introducing the NATO Enlargement Facilitation Act of 1996.

The bill before us identifies Poland, Hungary, and the Czech Republic as those countries first in line for NATO membership and proposes to give them the assistance they need to rapidly become members. To date and to no avail, Congress has left it up to the President to determine whether these countries were eligible for such assistance. Now we are telling the President that vacation time is over. These three countries meet the criteria. We should start preparing them to enter NATO. Under this legislation, each country will be eligible to receive, as a part of the targeted program to assist its transition to full NATO membership, transfers to excess defense articles, foreign military financing [FMF], economic assistance, IMET, and other assistance.

As for other emerging democracies in Central and Eastern Europe which desire NATO membership, but do not yet meet its standards, the bill requires the President to provide them the same assistance at such time as they meet a number of clear criteria, including progress toward the establishment of democracy, free markets, and civilian control of the military. There are a number of other requirements for aspiring new members, but they are reasonable, and they are explicit.

Equally important as mandating assistance to NATO aspirants, the bill authorizes the necessary spending. Critics will no longer be able to charge that proponents of a more comprehensive and strategically relevant NATO are unwilling to pay the costs associated with expansion. This bill authorizes a total of $60 million in fiscal year 1997 for the explicit purpose of expanding NATO.

If there is any doubt of the necessity for Congress to take the initiative

today, consider the following statement made by President Clinton in Prague almost 3 years ago:

Let me be absolutely clear: the security of your states is important to the security of the United States . . . the question is no longer whether NATO will take on new members but when and how.

How else can one explain the vast difference between the President's rhetoric and the lack of actual movement than that he lacks a clear idea of how to move from rhetoric to action? Not only has NATO not admitted new members, the President has still not identified to former Warsaw Pact countries the when and how of expansion. The other explanation is that the President has never intended to expand NATO and all his protests to the contrary are simply efforts to outmaneuver the critics of his foreign policy. Granted the President has a record of this sort of cleverness. But I trust that the President would not take the security of Europe so lightly as to play politics with its future.

A more charitable explanation for the disconnect between the President's rhetoric and action is that the rationale for NATO expansion is genuinely lost on him. He may truly believe in a European security structure which, like the Partnership for Peace, stretches from the Atlantic to the borders of China. Perhaps he truly believes that a security structure can be created which is so far flung as to have no apparent strategic coherence.

Instead of going about the difficult diplomacy of creating a viable European security structure, the administration has preoccupied itself with the fears of drawing new lines. Perhaps the President and his chief adviser on Russia, Strobe Talbott, are real visionaries. They see a world where there are no lines separating countries, alliances, or even countinents—a world where concepts such like security, strategic alliance, and geopolitics have no relevance.

In fairness to the President, I freely admit that the logic of this reasoning eludes me. I do not want to underestimate the lasting impact of the Russian democratic revolution. It was certainly monumental and it lifted the spirits of a world weary of superpower confrontation. But the Russian revolution, as great as it was, did not presage a radical change in the nature of man or the way in which the world guarantees peace.

I, for one, will forgo putting all my faith in visionary ideas of a new Europe free of historical tensions. Twice in this century, Europe has been convulsed by nationalism and militarism—this despite the efforts of far greater visionaries than President Clinton.

The sponsors of the NATO Enlargement Facilitation Act take their guidance from history. The cause of all recent European conflicts has been a security vacuum in the center of Europe. Today, although the borders of Western Europe are secured, it remains the advantage of a NATO security guarantee. On the other hand, Eastern Europe, which is in a more precarious situation, remains without such guarantees. By all accounts, this amounts to a security vacuum, and unless we act to fill it, I fear history will repeat itself.

Lech Walesa, who knows better than most the history of Russia's involvement in Eastern Europe, has warned that a failure to expand NATO may result in a major tragedy. A combination of economic and strategic insecurity has already driven this hero of the cold war from power. All the more reason to remember his words, ''We kept crying and shouting in 1939, but they only believed us when the war reached Paris and London. The situation is similar today.'' In that the political atmosphere in Europe is once again clouded with what President Vaclav Havel, has described as ''a mentality marked by caution, hesitation, delayed decisionmaking, and a tendency to look for the most convenient solutions,'' the times do seem eerily similar.

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By Mr. PRESSLER (for himself, Mr. HOLLINGS, Mr. LOTT, and Mr. FORD):

S. 1831. A bill to amend title 49, United States Code, to authorize appropriations for fiscal years 1997, 1998, and 1999 for the National Transportation Safety Board, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NATIONAL TRANSPORTATION SAFETY BOARD AMENDMENTS OF 1996

Mr. PRESSLER. Mr. President, today I am introducing the National Transportation Safety Board Amendments of 1996. I am pleased to be joined in this effort by Senator HOLLINGS, ranking member of the Senate Commerce Committee, Senator LOTT, chairman of the Senate Surface Transportation Subcommittee, and Senator FORD, ranking member of the Senate Aviation Subcommittee. This is a bipartisan reauthorization bill and I urge its swift passage.

The National Transportation Safety Board [NTSB], an independent agency, is charged with determining the probable cause of transportation accidents and promoting transportation safety. Specifically, the NTSB investigates all forms of transportation accidents, conducts safety studies, and evaluates the effectiveness of other Government agencies' programs for preventing transportation accidents. It also reviews appeals of adverse certificate and civil penalty actions by the administrators of agencies of the Department of Transportation involving airman and seaman licenses. Sadly, its work is never done.

Mr. President, the tireless work of the NTSB is too often overlooked. Since its inception in 1967, the NTSB has investigated more than 100,000 aviation accidents and thousands of accidents in the other surface modes—rail, highway, marine, and pipeline. NTSB investigators are on call 24 hours a day and work around the world investigating significant transportation accidents in order to obtain facts to enable development of solutions designed to prevent future accidents.

Indeed, the NTSB is considered the world's premier accident investigation agency. It has achieved that distinction through its thorough investigations and professional approach to meeting its statutory responsibilities. In total, the NTSB has issued almost 10,000 safety recommendations to improve the safety of the traveling public.

Sadly, during the past few months, the NTSB has been extremely busy. We are all aware the NTSB is investigating the devastating crash of ValuJet near Miami, FL. At the same time, major on-going investigations continue for the USAir accident near Pittsburgh, PA, the school bus/train collision in Fox River Grove, IL, and the MARC commuter train/Amtrak collision near Silver Spring, MD, to name just a few.

I want to point out the NTSB has no authority to regulate the transportation industry. Therefore, its effectiveness depends on its reputation for timely and accurate determinations of accident causation and for issuing realistic and feasible safety recommendations.

The NTSB's reputation for impartiality and thoroughness has enabled it to achieve such success in shaping transportation safety improvements that more than 80 percent of its recommendations have been implemented. Examples of implemented recommendations include fire resistant materials and floor-level escape lighting in aircraft cabins, child safety seats in automobiles, improved school bus construction standards, Amtrak passenger car safety improvements, new recreational boating safety and commercial fishing vessel regulations, the development of one-call notification systems in all 50 States and improved regulations for buried pipelines.

The NTSB's authorization expires at the end of fiscal year 1996. The bill we are introducing today provides a 3 year authorization for fiscal years 1997, 1998, and 1999 at a level of 370 FTE's. Our objective is to establish sufficient funding levels to enable the NTSB to carry out its immense workload. We can meet this goal while at the same time, reducing the currently authorized levels. That is what this bill achieves.

The bill also includes a few statutory changes. First, the bill provides for temporary deferral of Freedom of Information Act [FOIA] requests regarding the release of foreign aviation accident or incident information for 2 years or until the foreign government leading the investigation approves release of information. This would apply to NTSB participation in foreign accident investigations only. This provision would facilitate the NTSB's ability to effectively investigate and participate in foreign accidents without risk of the untimely release of information prior to a foreign governments'

approval. However, the NTSB would not be restricted from utilizing foreign accident investigation information in making safety recommendations.

Second, the bill would exempt from FOIA aviation data voluntarily supplied to the NTSB. The aviation industry currently collects various kinds of information, but industry does not share it with the NTSB because of concerns that material would be released to the public. Some data, if voluntarily supplied to the Government, is exempted from FOIA requests. This exemption, however, is at the discretion of the agency. The NTSB has requested the exemption be made permanent through statute instead of discretionary, and believes a permanent exemption will encourage the aviation industry to freely share significant safety-related data.

Third, when the NTSB conducts training of its employees and others in subjects necessary for the proper performance of accident investigations, the bill would allow the NTSB to charge non-NTSB personnel attending for the costs associated with the course. These reimbursements would be credited to the NTSB as offsetting collections.

Mr. President, the NTSB carries out an enormous public service. While it is a small agency, its work product is critical. Seldom, if ever, is this agency the target of criticism. That cannot be said about many Federal governmental agencies. Therefore, I want to commend the NTSB Board members and its employees for their dedication to carrying out such an important public service.

I urge my colleagues to support this legislation to ensure the NTSB can continue its essential work in an efficient manner.

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By Ms. MIKULSKI (for herself and Ms. SNOWE):

S. 1832. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies, subject to a reduction of 50 percent if the recipient dies during the first 15 days of such month, and for other purposes; to the Committee on Finance.

THE SOCIAL SECURITY FAMILY PROTECTION ACT

Ms. MIKULSKI. Mr. President, today, I rise to talk about an issue that is very important to me, very important to the constituents of Maryland and very important to the people of the United States of America.

I wish to declare that I am introducing a bipartisan bill, with Senator OLYMPIA SNOWE, to end an unfair policy of the Social Security System.

Senator SNOWE and I want to introduce this bill because it deals with Social Security, retirement security, and income security. We want the middle class in the United States of America to know that we are going to give help to those who practice self-help.

What is it I am talking about? We have found that Social Security does not pay for the last month of life. If someone dies May 18 or May 28, when the Social Security check arrived on June 3, the surviving spouse or family members had to send back the Social Security check. I think that is an outrage.

That individual worked for Social Security, earned Social Security, put money in the Social Security trust fund. We feel that it is up to the Social Security system to allow the surviving spouse or the estate of the family to have that Social Security check for the last month of your life.

This legislation has an urgency. People have called my office in tears. Very often it is a son or a daughter. They are at the desk clearing off the paperwork for their mom, and there is the Social Security check. And they say, ''Senator, the check says for the month of May. Mom died on May 28. Why do we have to send the Social Security check back? We have bills to pay. We have utility coverage that we need to wrap up, our rent, a mortgage, health bills. Why is Social Security telling me, 'Send the check back or we're going to come and get you'?''

My gosh, with all the problems in the United States of America, we ought to be going after drug dealers and tax dodgers, not those people who have paid into Social Security and their surviving spouse or their family who has been left with the bills for the last month of their life. I say they are absolutely right—absolutely right—because we believe that Social Security should be there for you, for the family, and for the surviving spouse.

I listened to my constituents. And what they say is this: ''Senator MIKULSKI, we don't want anything free. But our family does want what our dad worked for. We do want what we feel we deserve and what has been paid for in the trust fund in our loved one's name. Please make sure that our family gets the Social Security check for the last month of our life.''

That is what we are going to do. That is why Senator SNOWE and I are introducing the Family Social Security Protection Act. While we talk about retirement security, the most important item in that is income security. And the safety net for every American is Social Security.

We know that as Senators we have to make sure that Social Security is solvent. And we want to work to do that. We also know that we have an obligation to those who continue to get Social Security that they get their COLA so when the cost of living goes up, that Social Security is adjusted. But this reform of providing a Social Security check for the last month of life is absolutely crucial.

How do we propose to do that? We have a very simple, straightforward way of dealing with this. Our legislation says this: that if you die before the 15th of a month, you will get a check for those 15 days. If you die after the 15th of the month, and between then and the 31st, your surviving spouse or the family estate would get that last Social Security check.

We think it is fundamentally fair. Senator SNOWE and I are old-fashioned in our belief in many values. We believe you honor your father and your mother. We believe that it is not only a good religious principle, but it is good public policy.

The way to do that is to have a strong Social Security System and to make sure that Social Security System is fair in every way. That is why we support making sure that the surviving spouse or family has the Social Security check for the last month of life. Mr. President, we hope to have the support of our colleagues. That is the essence of my statement.

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By Mr. GLENN (for himself and Mr. PRYOR) (by request):

S. 1833. A bill to provide temporary authority for the use of voluntary separation incentives by Federal agencies that are reducing employment levels, and for other purposes; to the Committee on Governmental Affairs.

THE FEDERAL EMPLOYMENT REDUCTION ASSISTANCE ACT OF 1996

• Mr. GLENN. Mr. President, at the request of the administration, I rise to introduce The Federal Employment Reduction Assistance Act of 1996. This legislative proposal is modeled after the Federal Workforce Restructuring Act of 1994, which provided Federal civilian agencies with authority to offer voluntary separation incentives for a 1-year period that ended March 31, 1995. I was the chief sponsor of the 1994 legislation. Approximately 115,100 Federal employees voluntarily resigned or retired during the first buyout program. In addition, 40,000 more agreed to leave under a delayed departure program and will leave this year or next.

The Federal Workforce Restructuring Act of 1996 contains the following proposals:

The authority for separation incentives begins with enactment of the act and continues until September 30, 2000.

The amount of the buyout incentive would be the lesser of the amount that the employee's severance pay would be or whichever of the following amounts is applicable based on separation in accordance with the agency plan:

$25,000 in fiscal years 1996 and 1997.
$20,000 in fiscal year 1998.
$15,000 in fiscal year 1999.
$10,000 in fiscal year 2000.

Any employee who receives an incentive and then accepts any paid employment with the Government within 5 years after separating would have to repay the entire amount of the incentive payment to the agency that paid the incentive. This provision could be waived only under stringent circumstances of agency need.

Agencies are required to pay an amount into the civil service retirement trust fund equal to 15 percent of the final basic pay of each employee who is accepting a buyout.

Agencies are required to reduce their full-time equivalent [FTE] employment by one for each buyout.

OMB approval would be required for all agency buyout plans. The legislation would only apply to civilian agencies. DOD would continue to operate its own buyout program.

In addition, the proposed legislation includes some softening provisions for agencies that must institute reductions-in-force [RIF's]:

The bill would authorize agencies to allow employees to volunteer for a separation during a RIF if this would prevent the involuntary separation of another employee in a similar situation. Employees who volunteered would receive severance pay. The DOD authorization bill also contains this proposal.

Employees involuntarily separated under RIF's could continue their health insurance coverage for up to 18 months while continuing to pay only the premium that would apply to current employees.

Mr. President, previous buyout legislation was preeminently successful in helping to reduce the number of Federal employees but accomplished the downsizing in a fair and equitable manner.

Overall, including the buyout program, there are now some 208,000 fewer civil service employees than there were when this administration came into office. That's a real success story. In fact, Federal employment is now at its lowest point since John F. Kennedy.

This buyout legislation will help to continue that trend. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

SECTION-BY-SECTION ANALYSIS

The first section provides a title for the bill, the ''Federal Employment Reduction Assistance Act of 1996.''

Section 2 provides definitions of ''agency'' and ''employee.'' Among the provisions, an employee who has received any previous voluntary separation incentive from the Federal Government and has not repaid the incentive is excluded from any incentives under this Act.

Section 3 provides that, when an agency head determines that employment in the agency must be reduced in order to improve operating efficiency or meet anticipated budget levels, the agency head may submit a plan to the Director of the Office of Management and Budget for payment of voluntary separation incentives to agency employees. The plan must specify the manner in which the planned employment reductions will improve efficiency or meet budget levels. The plan must also include a proposed time period for payment of separation incentives, and a proposed coverage for offers of incentives to agency employees, which may be on the basis of any component of the agency, any occupation or levels of an occupation, any geographic location, or any appropriate combination of these factors. The Director of the Office of Management and Budget shall review and approve or disapprove each plan submitted, and may modify the plan with respect to the time period for incentives or the coverage of incentive offers.

Section 4 provides that in order to receive a voluntary separation incentive, an employee covered by an offer of incentives must separate from service with the agency (whether by retirement or resignation) within the time period specified in the agency's plan as approved. An employee's voluntary separation incentive is an amount equal to the lesser of the amount that the employee's severance pay would be if the employee were entitled to severance pay under section 5595 of title 5, United States Code (without adjustment for any previous severance pay), or whichever of the following amounts is applicable based on the date of separation: $25,000 during fiscal years 1996 and 1997; $20,000 during fiscal year 1998; $15,000 during fiscal year 1999; or $10,000 during fiscal year 2000.

Section 5 provides that any employee who receives a voluntary separation incentive under this Act and then accepts any employment with the Government within 5 years after separating must, prior to the first day of such employment, repay the entire amount of the incentive to the agency that paid the incentive. If the subsequent employment is with the Executive branch, including the United States Postal Service, the Director of the Office of Personnel Management may waive the repayment at the request of the agency head if the individual possesses unique abilities and is the only qualified applicant available for the position. For subsequent employment in the legislative branch, the head of the entity or the appointing official may waive repayment on the same basis. If the subsequent employment is in the judicial branch, the Director of the Administrative Office of the United States Courts may waive repayment on the same criteria. For the purpose of the repayment and waiver provisions, employment includes employment under a personal services contract, as defined by the Director of the Office of Personnel Management.

Section 6 requires additional agency contributions to the Civil Service Retirement and Disability Fund in amounts equal to 15 percent of the final basic pay of each employee of the agency who is covered by the Civil Service Retirement System or the Federal Employees Retirement System to whom a voluntary separation incentive is paid under this Act.

Section 7 provides that full-time equivalent employment in each agency will be reduced by one for each separation of an employee who receives a voluntary separation incentive under this Act, and directs the Office of Management and Budget to take any action necessary to ensure compliance. Reductions will be calculated by using the agency's actual full-time equivalent employment levels. For example, if an agency's actual FTE usage in FY 1996 is 1,050 FTEs, and 50 FTEs separate during FY 1997 using voluntary separation incentive payments provided under this Act, then the agency staffing levels at the end of FY 1997 shall not exceed 1,000 FTEs.

Section 8 requires the Office of Personnel Management to report by March 31st of each year to the Senate Committee on Governmental Affairs and the House Committee on Government Reform and Oversight concerning agencies' use of voluntary separation incentives in the previous fiscal year. The report must show, for each agency which had approval to pay incentives, the number of employees who received incentives, the average amount of the incentives, and the average grade or pay level of the employees who received incentives. The report must also include the number of waivers made under the provisions of section 5 in the repayment of incentives upon subsequent employment with the Government, the reasons for each waiver, and the title and grade or pay level of each employee to whom the waiver applied. Section 8 also amends the Federal Workforce Restructuring Act of 1994 (Public Law 103–226), which now requires that reports on voluntary separation incentives under that Act provide data for each employee who received an incentive, to instead require reports on a summary basis for each agency which paid incentives, as provided for the new authority.

Section 9 authorizes agency heads, under procedures prescribed by the Office of Personnel Management, to allow an employee to volunteer for separation in a reduction-in-force when this will result in retaining an employee in a similar position who would otherwise be released in the reduction-in-force. A voluntary release under the provision would be treated as an involuntary separation in the reduction-in-force. The procedures prescribed by the Office will provide that an offer of voluntary participation in a reduction-in-force is made at the agency's discretion, and that no employee may be coerced into accepting such offer. An employee who is voluntarily released would not have assignment (''bump'' and ''retreat'') rights in the reduction-in-force.

Section 10 provides that employees in any agency who are involuntarily separated in a reduction-in-force, or who voluntarily separate from a surplus position that has been specifically identified for elimination in the reduction-in-force, can continue health benefits coverage for 18 months and be required to pay only the employee's share of the premium.

Section 11 provides that the Director of the Office of Personnel Management may prescribe any regulations necessary to administer the provisions of the Act.

Section 12 provides that the Act will take effect upon enactment and that no voluntary separation incentive under the Act may be paid based on the separation of an employee after September 30, 2000.

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U.S. OFFICE OF
PERSONNEL MANAGEMENT,
*Washington, DC, May 9, 1996.*

Hon. ALBERT GORE, Jr.,
*President of the Senate,*
*Washington, DC.*

DEAR MR. PRESIDENT: On behalf of the President's Management Council, the Office of Personnel Management submits herewith an Administration legislative proposal entitled the ''Federal Employment Reduction Assistance Act of 1996.'' We request that it be referred to the appropriate committee for prompt and favorable consideration.

While total Federal employment is relatively stable at present, the need for employment reductions may vary significantly from one particular agency to another. In the next several years, it is likely that many Federal agencies will need to make significant cuts. The Administration believes that separation incentives can be an appropriate tool for those agencies that must reduce their employment levels, when the use of incentives is properly related to the specific cuts that are needed within the agency and thus will help reshape the agency for the future. Further, it is vital to provide for consistent administration of any incentive programs that prove necessary for different agencies, and to appropriately limit the time period for any incentive offers.

This initiative is based on the Executive Branch's experience with voluntary separation incentives under the Federal Workforce Restructuring Act of 1994. The Restructuring Act provided Federal civilian agencies with authority to offer voluntary separation incentives for a one-year period that ended

March 31, 1995. We believe that agencies generally used these incentives successfully to help avoid involuntary separations, and that the Restructuring Act provided a useful framework for consistent administration of incentive programs in many different agencies.

This proposal would provide an overall system for the limited use of voluntary separation incentives by Federal civilian agencies. When an agency head determines that employment in the agency must be reduced in order to improve operating efficiency or meet anticipated budget levels, the agency head may submit a plan to the Director of the Office of Management and Budget for payment of voluntary separation incentives to agency employees. The plan must specify how the planned employment reductions will improve efficiency or meet budget levels. The plan must also include a proposed time period for payment of incentives, and a proposed coverage for offers of incentives to agency employees on the needed organizational, occupational, and geographic basis. The Director of the Office of Management and Budget would approve or disapprove each plan submitted, and would have authority to modify the time period for incentives or coverage of incentive offers. We believe that these provisions for plan approval will ensure that any separation incentives are appropriately targeted within the agency in view of the specific cuts that are needed, and are offered on a timely basis. An agency's full-time equivalent employment would be reduced by one for each employee of the agency who receives an incentive.

The authority for separation incentives would be in effect for the period starting with the enactment of this Act and ending September 30, 2000. The amount of an employee's incentive would be the lesser of the amount that the employee's severance pay would be, or whichever of the following amounts is applicable based on separation in accordance with the agency plan: $25,000 in fiscal years 1996 and 1997; $20,000 in fiscal year 1998; $15,000 in fiscal year 1999; or $10,000 in fiscal year 2000. Any employee who receives an incentive and then accepts any employment with the Government within 5 years after separating must, prior to the first day of employment, repay the entire amount of the incentive to the agency that paid the incentive. The repayment requirement could be waived only under very stringent circumstances of agency need.

In order to further assist agencies in making needed cuts, the bill would authorize agencies, under appropriate conditions, to allow an employee to volunteer for separation in a reduction-in-force when this will prevent the involuntary separation of an employee in a similar position. In addition, in order to minimize the impact of reduction-in-force actions on employees, the bill provides that employees who are involuntarily separated in reductions-in-force can continue their health insurance coverage for 18 months while continuing to pay only the premium that would apply to a current employee.

The Administration believes that this proposal would provide a very useful tool to assist agencies in making needed cuts under appropriate controls and effective program administration.

The Office of Management and Budget advises that the enactment of this legislative proposal would be in accord with the program of the President.

Sincerely,

JAMES B. KING,
*Director.*●

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By Mr. MCCAIN (for himself, Mr. INOUYE, Mr. SIMON, and Mr. DOMENICI):

S. 1834. A bill to reauthorize the Indian Environmental General Assistance Program Act of 1992, and for other purposes; to the Committee on Indian Affairs

THE INDIAN ENVIRONMENTAL GENERAL ASSISTANCE PROGRAM ACT AMENDMENTS

Mr. MCCAIN. Mr. President, I rise today to introduce legislation to amend the Indian Environmental General Assistance Program Act of 1992. I am pleased to be joined by the vice chairman of the Committee on Indian Affairs, Senator INOUYE, and my colleagues, Senator SIMON and Senator DOMENICI as original cosponsors of this legislation.

Mr. President, the Congress enacted the Indian Environmental General Assistance Program Act over 4 years ago to correct a serious deficiency in Federal efforts to ensure environmental protection on reservation lands. Environmental problems on Indian lands were virtually ignored until the mid-1980's when the Congress adopted amendments to the Clean Water Act, Superfund and the Safe Drinking Water Act to authorize Indian tribes to obtain regulatory primacy under these Federal statutes. Despite these efforts to ensure that Indian lands enjoyed the same level of environmental protection as the rest of the Nation, there remain many serious environmental threats to Indian lands.

Some of the most severe environmental problems in the United States threaten our poorest communities. It has been reported that at least 600 solid waste landfills exist on Indian lands that do not meet Federal standards. Contamination from unsanitary landfills pose a daily hazard to the Pine Ridge reservation in South Dakota, which is located in one of the poorest counties in America. Mercury pollution on the Seminole Indian Reservation in Florida threatens fishing and the gathering of food. The Navajo Nation estimates that as many as 1,000 abandoned hazardous waste sites polluted with uranium mine waste contaminate its reservation land in New Mexico, Arizona, and Utah. In a 1994 inspector general report, the EPA estimated that at least 75 percent of the reported 530 leaking underground storage tanks on Indian lands have not been cleaned up and many more have not been identified. These additional conditions are intolerable and deserve our immediate action.

The Indian Environmental General Assistance Program Act authorizes the Environmental Protection Agency to award multimedia grants to Indian tribal governments for the purpose of developing tribal capacity to establish environmental regulatory programs. Before the Committee on Indian Affairs, Indian tribes have testified regarding the need for a diversified and flexible funding mechanism to allow for the development of tribal environmental programs across a wide range of media areas.

The General Assistance Program allows Indian tribes to tailor an environmental management approach that is flexible and allows for the allocation of limited resources pursuant to tribally identified environmental priorities. The minimum award for a general assistance grant is $75,000 per year. The act authorizes $15 million per fiscal year to be appropriated to the EPA to administer the General Assistance Program.

Despite these advances in Federal Indian environmental policy, many Indian tribal programs are barely in the infant stages of development. The General Assistance Program provides Indian tribal governments with the necessary technical and financial assistance to enable them to become better environmental managers.

The bill I am introducing is a simple amendment to the act that would authorize the appropriation of such sums as are necessary to implement the Indian Environmental General Assistance Program. This modification will provide greater flexibility to the Administrator of EPA to make awards to Indian tribes under the act and it will enable a greater number of Indian tribes to develop environmental programs.

In the 4 years since its enactment, less than one-fifth of the 557 Indian tribes and Alaska Native villages have been able to receive grant awards under this program. This modification will ensure that more tribal governments will be able to receive assistance to address the many severe environmental problems affecting reservation lands. In monetary terms, the funds that are needed to address these environmental problems are enormous and far exceed the scarce resources of most Indian tribes. Through this legislation, we will ensure that the Federal Government will afford Indian lands the same protection to a clean environment as the rest of the United States.

I am pleased to note that this legislation is strongly endorsed by Indian tribes and the EPA. The EPA has steadily increased its efforts over the past several years to support tribal authority to regulate environmental programs on reservation lands. EPA Administrator Browner expressed her commitment to improving environmental protection on Indian lands by elevating the needs of Indian tribes as a funding priority for the Agency. This commitment is a long overdue, but much welcome change for Indian country.

I urge my colleagues to support the passage of this legislation and join me in this effort to assist Indian tribes to improve environmental quality on Indian lands.

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By Mr. FEINGOLD (for himself, Mr. BRADLEY, and Mr. WELLSTONE):

S. 1835. A bill to expand the definition of limited tax benefit for purposes of the line-item veto; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, that

if one committee reports the other have 30 days to report or be discharged.

THE LINE-ITEM VETO ACT EXPANSION ACT OF 1996

Mr. FEINGOLD. Mr. President, I am pleased to introduce legislation to expand the Line-Item Veto Act to cover one of the largest and fastest growing areas of the Federal budget, tax expenditures.

I am especially proud to be joined in offering this legislation by two colleagues who have worked to ensure that tax expenditures receive the scrutiny that other forms of spending receive, my good friends, the Senator from New Jersey [Mr. BRADLEY] and the Senator from Minnesota [Mr. WELLSTONE].

In addition to our effort here in the Senate, I am pleased that my good friend, Congressman TOM BARRETT of Milwaukee, is spearheading this legislation in the other body. Both bills expand the Line-Item Veto Act which was signed into law recently, and which will take effect next January and remain in force for the next 8 years.

Mr. President, both Congressman BARRETT and I supported the new Line-Item Veto Act that was signed into law a few weeks ago. Though it isn't the whole answer to our deficit problem, I very much hope it will be part of the answer.

However, the new Line-Item Veto Act failed to address one of the largest, and fastest growing areas of Federal spending—the program spending done through the Tax Code, often called tax expenditures.

Citizens for Tax Justice estimates that over the next 7 years, we will spend $3.7 trillion on tax expenditures. In the coming fiscal year, it is estimated that we will spend more on programs through the Tax Code, nearly $480 billion, than we will on discretionary spending for defense, agriculture, the Commerce Department programs, education, the environment, health programs including medical research, housing programs, the Justice Department, transportation, veterans affairs, the space program, the entire Federal judiciary, and the entire legislative branch.

Mr. President, despite making up a huge portion of the Federal budget, tax expenditures are off the table with regard to the new Presidential authority which only extends to so-called limited tax benefits, defined in part to be a tax expenditure that benefits 100 or fewer taxpayers. Thus, as long as the tax attorneys can find 101 taxpayers—individuals, corporations, or both—who benefit from the proposed tax expenditure, it is beyond the reach of the new Presidential authority.

Mr. President, it may not even be necessary for the tax attorneys to find that one 101st taxpayer. If a tax expenditure gives equal treatment to all persons in the same industry or engaged in the same type of activity, it is exempt from the new Presidential authority no matter how few benefit from the special treatment.

Also, if all persons owning the same type of property, or issuing the same type of investment, receive the same treatment from a tax expenditure, that tax expenditure is beyond the reach of the President's new authority.

And, there are still more exceptions that make it even harder for a President to trim unnecessary spending done through the Tax Code. For example, if any difference in the treatment of persons by a new tax expenditure is based solely on the size or form of the business or association involved, or, in the case of individuals, general demographic conditions, then the new spending cannot be touched by the President except as part of a veto of the entire piece of legislation which contains the new spending.

Mr. President, we find none of these elaborate restrictions on spending done through the appropriations process or through entitlements. The new Presidential authority is handcuffed only for spending done through the Tax Code.

Mr. President, this raises several problems.

First, and foremost, it partitions off an enormous portion of the Federal budget from this new tool to cut wasteful and unnecessary spending. Citizens for Tax Justice estimates that we are spending over $450 billion through the Tax Code this year, nearly $480 billion next year, and a whopping $3.7 trillion over the next 7 years. If the authority established by the Line-Item Veto Act is to have meaning, it cannot be preempted from being used to scrutinize this much spending.

A second problem raised by the inability of the new Presidential authority to address new tax expenditures is that it creates an enormous loophole through which questionable spending can escape. The current Line-Item Veto Act power given the President formally covers discretionary spending and new entitlement authority. But a special interest intent on enacting its pork-barrel spending could still do so by avoiding the discretionary or entitlement formats, and instead transform their pork into a tax expenditure. As a tax expenditure, most special interest pork is beyond the reach of the Line-Item Veto Act.

Mr. President, this gaping hole is big enough to sink the entire ship.

No matter how powerful this new authority is with regard to discretionary spending and entitlement authority, it is virtually useless against tax expenditures, and thus invites special interests to use this avenue to deliver pork.

Mr. President, a further problem with the lack of adequate Presidential review in this area is the very real potential for inequities in the implementation of the new Line-Item Veto Act authority. These inequities arise in part from the progressive structure of marginal tax rates—as income rises, higher tax rates are applied. In turn, this means that many tax expenditures are worth more to those in the higher income tax brackets than they are to families with lower incomes.

In some instances, tax expenditures provide no benefit at all to individuals with lower incomes.

This is not the case with entitlement and discretionary spending programs—both areas covered by the Line-Item Veto Act. The benefits of those programs often are targeted to those with lower income.

The net effect is that the scope of the current Line-Item Veto Act covers programs that often benefit those with low and moderate income, while it is powerless with regard to programs that often benefit individuals and corporations with higher incomes.

Mr. President, tax expenditures have another feature that makes it especially important that we extend the new Line-Item Veto Act to cover them, namely their status as a kind of super-entitlement. Once enacted, a tax expenditure continues to spend money without any additional authorization or appropriation, and without any regular review. In fact, while even funding for entitlements like Medicare or Medicaid can be suspended in rare instances such as a Government shutdown, funding for a tax expenditure is never interrupted.

Tax expenditures enjoy a status that is far above any other kind of government spending, and as such, it should receive special scrutiny. Extending the Line-Item Veto Act to cover them will provide some of that needed review.

Mr. President, as I have noted, tax expenditures make up a huge portion of the budget. They will soon exceed the entire Federal discretionary budget. Citizens for Tax Justice reports that if all current tax expenditures were suddenly repealed, the deficit could be eliminated and income tax rates could be reduced across the board by about 25 percent.

Clearly, tax expenditures have an enormous impact on the deficit, and we need to pursue two tracks with regard to them. First, we must cut some of the $455 billion in existing spending done through the Tax Code. Any balanced plan to eliminate the deficit over the next few years must contain cuts to spending in this area.

And second, with so much of our budget already dedicated to this kind of spending, we must bring tax expenditures under the Line-Item Veto Act and give the President the authority to act on new spending in this area as he does in other areas.

Our legislation does just that by eliminating the highly restrictive language with respect to tax expenditures.

Mr. President, as with the recently enacted Line-Item Veto Act itself, this bill to extend that new authority is not the whole answer to our deficit problems, but it can be part of the answer, and I urge my colleagues to support this effort to put teeth into the new Presidential authority with respect to the tax expenditure portion of the Federal budget.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1835

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. AMENDMENT TO CONGRESSIONAL BUDGET ACT.**

Section 1026(9) of the Congressional Budget and Impoundment Control Act of 1974 (as added by the Line Item Veto Act) is amended to read as follows:

''(9) LIMITED TAX BENEFIT.—The term 'limited tax benefit' means any tax provision that has the practical effect of providing a benefit in the form of different treatment to a particular taxpayer or a limited class of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or class of taxpayers.''.

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By Mr. SANTORUM:

S. 1836. A bill to designate a segment of the Clarion River, located in Pennsylvania, as a component of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL WILD AND SCENIC RIVERS SYSTEM LEGISLATION

Mr. SANTORUM. Mr. President, I rise today to introduce a measure to add 51.7 miles of Pennsylvania's Clarion River to the National Wild and Scenic Rivers System. This bill, which Senator SPECTER has joined as an original cosponsor, is companion legislation to a measure being introduced in the House of Representatives today by Congressman BILL CLINGER.

Our bill designates segments of the main stem of the Clarion River from the Allegheny National Forest-State Game Lands No. 44 boundary to the backwaters of Piney Dam as part of the National Wild and Scenic Rivers System. This designation will help to preserve and protect the significant scenic and recreational values of these segments of the Clarion River.

This measure will conclude work begun by the late Senator John Heinz. It was his legislation to add a portion of the Allegheny River to the National Wild and Scenic Rivers System that also authorized the study of the Clarion River to determine its eligibility. The study was concluded earlier this year. And enactment of the bill that Senator SPECTER and I are offering today will bring Senator Heinz's efforts full circle.

Thank you, Mr. President. I ask unanimous consent that the full text of this bill appear in the RECORD.

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

S. 1836

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION OF THE CLARION RIVER.**

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

''( ) CLARION RIVER, PENNSYLVANIA.—The 51.7-mile segment of the main stem of the Clarion River from the Allegheny National Forest/State Game Lands Number 44 boundary, located approximately 0.7 miles downstream from the Ridgway Borough limit, to an unnamed tributary in the backwaters of Piney Dam approximately 0.6 miles downstream from Blyson Run, to be administered by the Secretary of Agriculture in the following classifications:

''(A) The approximately 8.6 mile segment of the main stem from the Allegheny National Forest/State Game Lands Number 44 boundary, located approximately 0.7 miles downstream from the Ridgway Borough limit, to Portland Mills, as a recreational river.

''(B) The approximately 8-mile segment of the main stem from Portland Mills to the Allegheny National Forest boundary, located approximately 0.8 miles downstream from Irwin Run, as a scenic river.

''(C) The approximately 26-mile segment of the main stem from the Allegheny National Forest boundary, located approximately 0.8 miles downstream from Irwin Run, to the State Game Lands 283 boundary, located approximately 0.9 miles downstream from the Cooksburg bridge, as a recreational river.

''(D) The approximately 9.1-mile segment of the main stem from the State Game Lands 283 boundary, located approximately 0.9 miles downstream from the Cooksburg bridge, to an unnamed tributary at the backwaters of Piney Dam, located approximately 0.6 miles downstream from Blyson Run, as a scenic river.''.

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## ADDITIONAL COSPONSORS

S. 341

At the request of Mr. BROWN, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 341, a bill to extend the authorization of the Uranium Mill Tailings Radiation Control Act of 1978, and for other purposes.

S. 491

At the request of Mr. BREAUX, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 491, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient self-management training services under part B of the medicare program for individuals with diabetes.

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 1389

At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 1389, a bill to reform the financing of Federal elections, and for other purposes.

S. 1610

At the request of Mr. BOND, the names of the Senator from Washington [Mr. GORTON] and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

S. 1661

At the request of Mr. PRESSLER, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1661, a bill to specify that States may waive certain requirements relating to commercial motor vehicle operators under chapter 313 of title 49, United States Code, with respect to the operators of certain farm vehicles, and for other purposes.

S. 1703

At the request of Mr. MURKOWSKI, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 1703, a bill to amend the Act establishing the National Park Foundation.

S. 1729

At the request of Mrs. HUTCHISON, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 1729, a bill to amend title 18, United States Code, with respect to stalking.

S. 1731

At the request of Mr. CRAIG, the names of the Senator from Idaho [Mr. KEMPTHORNE] and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 1731, a bill to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes.

S. 1735

At the request of Mr. PRESSLER, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 1735, a bill to establish the United States Tourism Organization as a nongovernmental entity for the purpose of promoting tourism in the United States.

S. 1740

At the request of Mr. NICKLES, the names of the Senator from Mississippi [Mr. LOTT], the Senator from Alabama [Mr. SHELBY], the Senator from New Hampshire [Mr. SMITH], the Senator from South Carolina [Mr. THURMOND], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Pennsylvania [Mr. SANTORUM], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 1740, a bill to define and protect the institution of marriage.

S. 1743

At the request of Mr. BINGAMAN, the names of the Senator from Arizona [Mr. KYL], the Senator from South Dakota [Mr. PRESSLER], the Senator from Texas [Mrs. HUTCHISON], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 1743, a bill to provide temporary emergency livestock feed assistance for certain producers, and for other purposes.

SENATE CONCURRENT RESOLUTION 63

At the request of Mrs. KASSEBAUM, the names of the Senator from Missouri [Mr. BOND], the Senator from Texas [Mr. GRAMM], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of Senate Concurrent Resolution 63, a concurrent resolution to express the sense of Congress that the Secretary of Agriculture should dispose of all remaining commodities in the disaster reserve maintained under the Agricultural Act of 1970 to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by the prolonged drought conditions existing in certain areas of the United States, and for other purposes.

SENATE RESOLUTION 243

At the request of Mr. ROBB, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of Senate Resolution 243, a resolution to designate the week of May 5, 1996, as ''National Correctional Officers and Employees Week.''

## SENATE RESOLUTION 257—RELATIVE TO THE RACE FOR THE CURE DAY

Mr. FORD (for himself, Mr. BAUCUS, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BRADLEY, Mr. BRYAN, Mr. BUMPERS, Mr. COATS, Mr. COHEN, Mr. CRAIG, Mr. DASCHLE, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. EXON, Mr. FRIST, Mr. GRAMS, Mr. GRASSLEY, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mr. INHOFE, Mr. INOUYE, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LUGAR, Mr. MACK, Mr. MCCONNELL, Mr. MURKOWSKI, Mrs. MURRY, Mr. NUNN, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. SARBANES, Mr. SIMON, Mr. SMITH, Mr. SPECTER, Mr. THOMAS, Mr. THURMOND, Mr. WARNER, Mr. WELLSTONE, Mr. WYDEN, Mr. KERRY, Mr. GRAMM, Mrs. HUTCHISON, Ms. SNOWE, Mr. AKAKA, Mrs. FEINSTEIN, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 257

Whereas breast cancer strikes an estimated 184,000 women and 1,000 men in the United States annually;

Whereas breast cancer will kill 44,300 women in the United States alone this year;

Whereas breast cancer is the leading cause of death for women between the ages of 35 and 54;

Whereas death rates resulting from breast cancer could be substantially decreased if women were informed about the risks of contracting the cancer and if they received mammograms on a regular basis;

Whereas the Race of the Cure is dedicated to eradicating breast cancer through providing funding for research, education, treatment, and screenings for low-income women;

Whereas throughout the year, almost 340,000 participants in 65 cities across the United States (including the first-time host cities of Los Angeles, Las Vegas, Cheyenne, Sacramento, Battle Creek, Baton Rouge, and Louisville) will join together in Races for the Cure to demonstrate their commitment to fighting breast cancer;

Whereas the National Race for the Cure in Washington, D.C., is the largest 5 kilometer race in the country, with 35,000 walkers, runners, and in-line skaters expected to participate this year; and

Whereas the Seventh National Race for the Cure is to be held on Saturday, June 15, 1996, in Washington, D.C.: Now, therefore, be it

*Resolved,* That the Senate designates Saturday, June 15, 1996, as ''National Race for the Cure Day''. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate programs and activities.

## NOTICES OF HEARINGS

SUBCOMMITTEE ON INVESTIGATIONS

Mr. STEVENS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings regarding security in cyberspace.

This hearing will take place on Wednesday, June 5, 1996, in room 342 of the Dirksen Senate Office Building. For further information, please contact Daniel S. Gelber of the subcommittee staff at 224–9157.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Tuesday, June 11, 1996, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1010, a bill to amend the unit of general local government definition for Federal payments in lieu of taxes to include unorganized boroughs in Alaska, and for other purposes, S. 1807, a bill to amend the Alaska Native Claims Settlement Act, regarding the Kake Tribal Corp. public interest land exchange, and S. 1187, a bill to convey certain real property located in the Tongass National Forest to Daniel J. Gross, Sr., and Douglas K. Gross, and for other purposes.

Those who wish to testify or to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Presentation of oral testimony is by committee invitation. For further information, please contact Jo Meuse or Brian Malnak.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. KYL. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing on Tuesday, June 4, at 9:30 a.m., hearing room (SD–406) on S. 1730, the Oil Spill Prevention and Response Improvement Act.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 4, 1996, at 10 a.m. to hold a hearing.

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

COMMITTEE ON THE JUDICIARY

Mr. KYL. I ask unanimous consent that the Committee on the Judiciary be authorized to meet for a hearing on S. 1237, the Child Pornography Prevention Act of 1995, during the session of the Senate on Tuesday, June 4, 1996, at 10 a.m.

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

SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. KYL. Mr. President, the Finance Committee requests unanimous consent for the Subcommittee on International Trade to hold a hearing on the permanent extension of most-favored-nation [MFN] trade status to Romania on Tuesday, June 4, 1996, beginning at 2 p.m. in room SD–215.

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

## ADDITIONAL STATEMENTS

### A WEEKEND WITHOUT WAR OVER THE ABORTION ISSUE

● Mr. SIMON. Mr. President, the New York Times carried a story the other day about people in Wisconsin from the pro-life and pro-choice side of the abortion issues, to use the names each side uses, meeting together to talk about what can be done in a constructive way on the issue of abortion.

About 100 people met at this meeting. I commend them for doing it.

This is a meeting that I or some other Member of the Senate should have called a long time ago.

I remember when Cardinal Bernardin, the Roman Catholic prelate in the Chicago area, said that people of sincerity on both sides ought to be meeting and trying to work together on a common agenda.

For example, we know that girls and boys who drop out of high school are much more likely to be involved in teenage pregnancies. And a high percentage of those end in abortions.

If we have programs to encourage people to stay in high school, we are going to have fewer abortions.

That may not be as emotionally satisfying as carrying a picket sign or haranguing someone, but it does infinitely more constructive good and it is something that both sides could agree upon.

I applaud the leaders, Mary Jacksteit and Sister Adrienne Kaufmann, for what they are doing.

I ask that the New York Times article be printed in the RECORD.

The article follows:

A WEEKEND WITHOUT WAR OVER THE ABORTION ISSUE

MADISON, WI.—In workshops and seminars, 100 people from both sides in the fight over abortion met here this weekend to talk about their beliefs without proselytizing or condemning each other.

At its first national conference, which ended today at the University of Wisconsin, a group known as the Common Ground Network for Life and Choice brought together community organizers, members of the clergy, writers and academics in an effort to defuse the rancor that often colors the abortion debate.

''Common Ground is trying to maintain a civil environment in which people can discuss the issues,'' said Mary Jacksteit, a former labor lawyer who co-founded the organization in Washington in 1993. ''This is the place for light instead of heat.''

The aim, Ms. Jacksteit said, is to ease the dispute over abortion and find points of commonalty that can be put into practice on a local level.

Critics say Common Ground members risk compromising their beliefs by fraternizing with their opponents. But Ms. Jacksteit said the group's focus was not necessarily on abortion.

Rather than developing a middle position, the organization favors exploring issues that can have a cause and effect bearing on abortion—like teen-age pregnancy, birth control, adoption and sexual responsibility.

Ms. Jacksteit and the group's other founder, Adrienne Kaufmann, a Benedictine nun, refrain from labeling themselves and decline to be pinned down on the beliefs.

''Neither one of us have been either pro-life or pro-choice activists,'' sister Kaufmann said. ''We do not have a hidden agenda.''

Many participants in the conference identified their position only by attaching colored stickers to their name tags, a green dot indicating support of abortion rights, a blue dot indicating opposition. One-third had blue dots, one-third had green dots and one-third had no sticker.

In a Friday workshop, groups of participants sat knee to knee in a circle of chairs, Planned Parenthood board members beside Operation Rescue organizers, a Baptist minister who supports abortion rights beside someone long active in social issues who opposes abortion.

''When President Clinton vetoed the late-term abortion bill, I was pleased,'' said the Mel Taylor, a Baptist pastor for Denver and a supporter of abortion rights. ''But I was also very aware of how my friends on the other side were grieving. What I can't do anymore is gloat.''

For the participants, a willingness to engage in dialogue did not mean conceding their beliefs.

''I don't feel like I have to give an inch at all,'' said Loretto Wagner, a veteran abortion opponent who started the Common Ground chapter in St. Louis. ''To learn to trust people does not demand any kind of compromise. But I don't have to stand on my principles with my chin thrust out in confrontation. The whole concept of Common Ground involves recognizing our similarities rather than our differences, and not coercing or forcing our agenda on someone.''

With 1,500 members in 21 states, Common Ground has tried such bridge-building in a number of communities, Ms. Jacksteit said. In Buffalo, Common Ground works with schools to combat teen-age pregnancy. In St. Louis, an abortion clinic gives prenatal care to women who decide not to terminate a pregnancy and refers them to a crisis pregnancy center run by opponents of abortion. These services were arranged by the directors of the clinic and the crisis center, who are members of Common Ground.

In 1995, after the announcement that two abortion clinics would be built in Davenport, Iowa, Common Ground members talked about ways to reduce the potential for violence.

In another workshop on Friday, participants critiqued their own sides in the abortion conflict.

''I think it's possible to disagree with somebody without calling them a baby killer or believing they are monsters of fiends,'' said Frederica Mathewes-Green, the author of ''Real Choices'' and an abortion opponent. The slogan ''It's a baby,'' popularized by abortion opponents, only deadlocks the debate, Ms. Mathewes-Green said. It perpetuates the misbelief that women and babies are on opposite sides of the issues, she added, and alienates women who face unplanned pregnancies.

Conversely, the slogan ''It's a woman's choice'' trivializes the death of the fetus, the author Naomi Wolf told participants at the Friday workshop. The death of the fetus has become ''the blind spot'' of the abortion-rights movement, said Ms. Wolf, who supports abortion rights and who last fall condemned the oratory of the abortion-rights movement in an essay in The New Republic.

''I think there is a great hunger in America for a discussion on this issue,'' she added. Most Americans ''want to preserve abortion as a legal right, but condemn it as a moral iniquity.''

Many Common Ground members said they were viewed with suspicion not by their adversaries but by their allies. They said their willingness to sit down and listen to the enemy was seen as a form of betrayal.

The apparent mistrust is not a surprise to Sister Kaufmann.

''We live in an adversarial society,'' she said. ''To be in a non-contentious conversation with someone is viewed as strange behavior.''●

## REPORT ON THE DEFENSE INVESTIGATIVE SERVICE MEMORANDUM

● Mr. MOYNIHAN. Mr. President, for over a year I have served as the Chairman of the Commission on Protecting and Reducing Government Secrecy. Among the Commission's concerns is the often corrupting nature of secrets. Undocumented allegations, sweeping generalizations, personal biases, and outright lies can all be wrapped in the protective cloak of secrecy and receive a level of credibility that they would quickly lose if their documentation and sources were subject to public scrutiny. In addition to the problem of formal classification, the Commission has witnessed examples of instances in which unclassified information gathered from open sources is given greater weight by restricting the distribution of such information to those who hold security clearances. We were recently witness to an example of this phenomenon.

In October, 1995, a counterintelligence profile by the Defense Investigative Service of the Defense Department was sent to 250 leading defense contractors warning of the danger posed by the State of Israel. Israel, the reader was warned, is a ''nontraditional adversary'' with a proven history of aggressive espionage against the United States, utilizing the strong ethnic ties to Israel present in the United States and the skilled exploitation of selective employment opportunities to infiltrate American industry.

These are serious allegations. They are substantiated with a reading list of three leading daily newspapers and four recent best-selling books about Israeli espionage. No specific citations, no references to pages, or even issues of the newspapers. No attempt to link the explosive statements in the memorandum to the list of sources that follow.

Before entering the Senate, I taught at both Syracuse and Harvard Universities. Had I received a term paper from a college freshman with such inadequate documentation I would have returned it without bothering to read the material.

But add the magic words counter-intelligence profile and send it out on a computer from the Defense Investigative Service and for 3 long months these ugly allegations festered unchallenged. For 3 long months none of the 250 defense contractors who had received this document raised a question in public. After all, who wanted to betray the contents of a Defense Department counterintelligence profile, albeit one adorned with a notation that the document did ''not necessarily represent the views of the Defense Investigative Service or the Department of Defense?'' Certainly not a defense contractor concerned that such action might raise suspicions of involvement in the pro-Israel cabal. Incidently, the very word ''cabal'' has its roots in the medieval suggestion that Jewish sages—students of the Cabala—were planning to subvert established European regimes.

The silence that greeted this outrageous memorandum is hardly the first time that people who knew better have been quiet in the face of similar ugly allegations.

A century ago the Czar's secret police crafted their own counterintelligence profile in response to the world's outrage at the government-sanctioned pogroms against Russian Jews. This document, the infamous Protocols of the Elders of Zion, purported to be proof of the international Jewish conspiracy bent on world dominance. After the First World War, the Protocols were translated into numerous languages and became popular in nativist and anti-Semitic circles in this country. Virtually everyone knew the Protocols were an ugly lie. But for much too long almost no one had the courage to say so in a clear and unambiguous voice.

The damage done by the Defense Investigative Service memorandum was real and the questions it raised could not be ignored. The loyalties and integrity of millions of American citizens

have been questioned in a report prepared at Government expense and released, in a manner which suggested it carried the authority of the Department of Defense, to a select group of corporations who were advised to be cautious about employees with strong ethnic ties to Israel.

When I learned of this memorandum in January, I spoke to Under Secretary of Defense John White to say that we need to have an affirmative statement of what the policy of the Department of Defense is. Which is to say that Israel is most assuredly not a nontraditional adversary and that defense contractors are in no way to consider ethnic origins in their employment practices. I subsequently met with Michael Waguespack, Director of the National Counterintelligence Center, and with John F. Donnelly, then the Director of the Defense Investigative Service. Both appreciated the implications and lessons of this incident. One hopes that no group of Americans, and no foreign country, ever has to endure similar allegations.●

## SALUTE TO TENNESSEE'S BICENTENNIAL

● Mr. FRIST. Mr. President, I rise today in recognition and celebration of Tennessee's 200th birthday. Two hundred years ago, when Tennessee's statehood was in its infancy, pioneers and frontiersmen banded together to forge a new future for the Southwest Territory. Though the road to statehood was filled with many obstacles, including land disputes with North Carolina and Presidential politics that held the territory's petition hostage, the spirit of Tennessee's founding fathers prevailed, On July 1, 1796—months after our forefathers called a convention and drafted a State constitution—President George Washington signed a bill into law and Tennessee became the 16th State in the Union.

With a chain of mountains separating them from their eastern neighbors and a vast wilderness to their west, Tennessee's new citizens continued to rely on their frontier skills. It was that pioneer determination that laid the rock-solid foundation for growth and prosperity in the State of Tennessee. It wasn't long before the population grew. Settlers from Virginia, North Carolina, South Carolina, and Pennsylvania quickly moved in—first to mountainous east Tennessee and then went to the hills of middle Tennessee and on to the banks of the Mississippi. Today, Tennessee's population is as rich and diverse as our native soil and our three grand regional divisions.

In the last 200 years, Tennesseans have become President and Vice President of the United States; they have fought—sometimes brother against brother—in bloody battles in the War Between the States and have given their lives on foreign soil in World Wars; they have toiled in hot fields and on hot city streets; they have founded some of the finest colleges and universities around; they have built music and entertainment industries; and they have helped develop the technology that will advance Tennessee into its third successful century. And Mr. President, they have all—in one way or another—contributed to the fortune of our State and Nation.

Mr. President, as Tennessee looks back proudly on the accomplishments of its first 200 years, let us also recognize the bright future that lies ahead for my home state. The volunteers of Tennessee are no longer living on the frontier, but their pioneering minds and spirits continue to drive them toward success. So Mr. President, I rise today to celebrate with my fellow Tennesseans as we all look forward to the prosperous growth and bountiful success that the next 200 years of Tennessee history will behold.●

## THE SILLY SEASON

● Mr. SIMON. Mr. President, I felt like cheering as I read Tom Friedman's column in the New York Times on the gasoline tax, which I ask to be printed in the RECORD after my remarks.

Frankly, no tax cut makes any sense when we are still running a huge deficit. Tax cuts are pandering at their worst.

But of all the tax cuts the one that makes the least sense is the 4.3-cent-a-gallon cut in the gas tax.

Even our neighbors in Canada, who have much greater distances to cover with a sparser population, have a gasoline tax roughly double our gasoline tax.

No country outside Saudi Arabia has a gas tax lower than ours.

We illustrate over and over again the need for doing what Thomas Jefferson first suggested—having a constitutional amendment to restrict Government borrowing.

For most of the first two centuries of our country's existence that was not a huge problem, but we are so motivated by polls and gimmicks that we are doing a great disservice to our country.

If President Clinton had stood up and said this is wrong, he would have picked up support both in conservative circles as well as generally.

It is interesting that after we had passed the 4.3-cent-a-gallon tax increase, I did not have a single person among the 12 million people in Illinois object to that tax increase.

I talked to a western Senator where you might expect greater sensitivity, and he told me he had the same experience.

The article follows:

[From the New York Times]

THE SILLY SEASON

(By Thomas L. Friedman)

WASHINGTON.—I have a confession to make: Even before the old Bob Dole became the new Bob Dole, our family station wagon wasn't exactly plastered with his bumper stickers. But last week I returned from an overseas trip to find that Mr. Dole was proposing to repeal the 4.3-cent-a-gallon gasoline tax, and I've changed my mind about the old guy. Yes, sir, scrapping the gasoline tax. That's the sort of leadership America needs; that's the sort of spirit of sacrifice the country's been missing: a President who's ready to sacrifice the budget, to sacrifice the environment, to sacrifice energy conservation, to sacrifice oil reserves in order to save the American people 4.3 cents a gallon. And when Mr. Dole's sidekick Dick Armey, the House majority leader, suggested that we consider cutting the education budget to make up for the lost gas-tax revenue, well, then and there I knew I was a Dole man. I mean, cutting education to save Americans a few pennies a gallon at a time when their gas is already the cheapest in the world—that's the kind of thinking that will keep us the world's most competitive nation in the 21st century. I sure hope the Japanese don't get that idea.

Are we out of our minds? Raising the gas tax has been one of the few smart things we've done in recent years. It promotes energy conservation, it helps protect the air, it encourages development of alternative energies, it promotes national security by reducing U.S. dependence on foreign oil supplies—*and* it reduces the budget deficit. That 4.3-cent-a-gallon tax raises $5 billion a year. It is one of the reasons the deficit has been cut in half since 1993.

Any proposal to repeal the gas tax should be hooted out of Congress with scorn. Unfortunately, that's not what President Clinton did. Instead he's trying to trade his support for this idiotic gas-tax repeal for a Republican endorsement of his proposal to raise the minimum wage—the worst sort of election-year poker. Mr. Clinton is saying to Mr. Dole: ''I see your foolishness and I raise you one.''

It is hard to believe that the Dole proposal for repeal of the gas tax is effective even as political pandering. How many people are really going to change their votes from Clinton to Dole over 4.3 cents a gallon? Moreover, how can Republicans argue that a balanced budget and deficit reduction are the two most urgent priorities in American politics and then, when gas prices go up a bit due to seasonal factors, simply discard the gas tax without regard for the long-term budget implications? ''It only makes sense politically if it is part of a broader Dole strategy for lowering taxes,'' says Bill Kristol, editor of the conservative Weekly Standard. And then for Mr. Armey to even hint that we might pay for this giveaway by cutting education—that takes your breath away. For a cheap political high with the shelf life of a dead fish, a House Republican leader is ready to cut $5 billion a year from education? How could such a thought even cross Mr. Armey's mind? Forget about what a Dole Presidency would be like; if this keeps up I'm not sure we can afford a Dole candidacy.

The truth is we shouldn't be lowering our gas taxes. We should be raising them. Gasoline is probably the best bargain commodity in the U.S. marketplace. The latest blip aside, the real price of gasoline in the U.S. has been falling for 15 years (and if the Iraqi oil sanctions are eased by the U.N. soon, gas prices in the U.S. will likely resume that downward trend). In France and Italy, gas goes for $4.50 a gallon; in Japan it costs $3.75. Most of the difference between their prices and ours is taxes that those Governments use to finance public services. We could put a 50-cent-a-gallon tax on U.S. gasoline, get rid of the deficit and still have a huge competitive edge over the Europeans and Japanese. ''This is one of the easiest and most attractive ways of raising tax revenue, and we're just giving it away,'' says the oil economist Vahan Zanoyan, of the Petroleum Finance Company.

In his speech announcing his resignation from the Senate, Mr. Dole insisted that: ''My campaign for the President is not merely about obtaining office. It's about fundamental things, consequential things, things that are real. My campaign is about telling the truth, it's about doing what is right.''

If that's true, then I can't wait for the Dole campaign to begin.●

## L.W. HIGGINS HIGH SCHOOL, MARRERO, LA

● Mr. JOHNSTON. Mr. President, I rise today to congratulate Jamie Staub's civics class from L.W. Higgins High School in Marrero, LA, winners of the Louisiana competition of the We the People . . . the Citizen and the Constitution Program. These exceptional young people were participants in the national finals held in Washington, DC on April 27, through April 29, 1996.

The distinguished members of the team are: Stephen Deffner, Khai T. Duong, Kim Evans, Mary Rose Hollywood, Liliane Thuy Huynh, Danielle S. James, Ashley Huong Kha, Julie Larue, Christina Magenta Lindsay, Lauren Elizabeth Mo, Cathy Thuy Nguyen, Michelle Thuy-Trang Nguyen, Traci Hong Pham, Shaun Adrian Posey, Hoai X. Tran, Mary M. Tran, Euriah Marie Walters, and Donald Alexander Winchester, Jr.

I would also like to recognize Jamie Staub, their outstanding teacher, who can be credited with much of the team's success. The district coordinator, Jane Wilson, and the State coordinator, Catherine St. Amant, also devoted a great deal of time and were integral to the team's achievement.

The We the People . . . the Citizen and the Constitution Program is the most extensive educational program in the country developed specifically to educate youth about the Constitution and the Bill of Rights. The 3-day national competition simulates a congressional hearing in which students' oral presentations are judged on the ability to apply constitutional principles to both historical and contemporary issues.

Administered by the Center for Civic Education, the We the People Program, now in its ninth academic year, has reached more than 70,400 teachers and 226,000 students nationwide. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers.

This outstanding program provides an excellent opportunity for students to gain an informed perspective on the significance of the U.S. Constitution and its place in history and in our lives. I am very proud of the students of L.W. Higgins High School and look forward to their continued success in the future.●

## ANNOUNCEMENT OF POSITION ON VOTES

● Mr. LIEBERMAN. Mr. President, on Wednesday, May 22, because of obligations in my State, I was absent for two rollcall votes, rollcall Nos. 145 and 146.

Had I been present, I would have voted ''yea'' on rollcall No. 145 and ''nay'' on rollcall No. 146.●

## BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through May 24, 1996. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1996 concurrent resolution on the budget, House Concurrent Resolution 67, show that current level spending is above the budget resolution by $15.5 billion in budget authority and by $14.3 billion in outlays. Current level is $79 million below the revenue floor in 1996 and $5.5 billion above the revenue floor over the 5 years 1996–2000. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $260.1 billion, $14.4 billion above the maximum deficit amount for 1996 of $245.7 billion.

Since my last report, dated May 2, 1996, there has been no action to change the current level of budget authority, outlays, or revenues.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, June 3, 1996.*

Hon. PETE V. DOMENICI,
*Chairman, Committee on the Budget,*
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The attached report for fiscal year 1996 shows the effects of Congressional action on the 1996 budget and is current through May 24, 1996. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1996 Concurrent Resolution on the Budget (H. Con. Res. 67). The report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report, dated May 2, 1996, there has been no action to change the current level of budget authority, outlays or revenues.

Sincerely,

JUNE E. O'NEILL,
*Director.*

### THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1996, 104TH CONGRESS, 2D SESSION, AS OF CLOSE OF BUSINESS MAY 24, 1996

[In billions of dollars]

| | Budget resolution (H. Con. Res. 67) | Current level | Current level over/ under resolution |
|---|---|---|---|
| ON-BUDGET | | | |
| Budget Authority[1] | 1,285.5 | 1,301.1 | 15.5 |
| Outlays[1] | 1,288.2 | 1,302.5 | 14.3 |
| Revenues: | | | |
| 1996 | 1,042.5 | 1,042.4 | −0.1 |
| 1996–2000 | 5,691.5 | 5,697.0 | 5.5 |
| Deficit | 245.7 | 260.1 | 14.4 |
| Debt Subject to Limit | 5,210.7 | 5,041.5 | −169.2 |
| OFF-BUDGET | | | |
| Social Security Outlays: | | | |
| 1996 | 299.4 | 299.4 | 0.0 |
| 1996–2000 | 1,626.5 | 1,626.5 | 0.0 |
| Social Security Revenues: | | | |
| 1996 | 374.7 | 374.7 | 0.0 |
| 1996–2000 | 2,061.0 | 2,061.0 | 0.0 |

[1] The discretionary spending limits for budget authority and outlays for the Budget Resolution have been revised pursuant to Section 103(c) of P.L. 104–121, the Contract with America Advancement Act.

Note.—Current level numbers are the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

### THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996, AS OF CLOSE OF BUSINESS MAY 24, 1996

[In millions of dollars]

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| ENACTED IN PREVIOUS SESSIONS | | | |
| Revenues | | | 1,042,557 |
| Permanents and other spending legislation | 830,272 | 798,924 | |
| Appropriation legislation | | 242,052 | |
| Offsetting receipts | −200,017 | −200,017 | |
| Total previously enacted | 630,254 | 840,958 | 1,042,557 |
| ENACTED IN FIRST SESSION | | | |
| Appropriation bills: | | | |
| 1995 Rescissions and Department of Defense Emergency Supplementals Act (P.L. 104–6) | −100 | −885 | |
| 1995 Rescissions and Emergency Supplementals for Disaster Assistance Act (P.L. 104–19) | 22 | −3,149 | |
| Agriculture (P.L. 104–37) | 62,602 | 45,620 | |
| Defense (P.L. 104–61) | 243,301 | 163,223 | |
| Energy and Water (P.L. 104–46) | 19,336 | 11,502 | |
| Legislative Branch (P.L. 105–53) | 2,125 | 1,977 | |
| Military Construction (P.L. 104–32) | 11,177 | 3,110 | |
| Transportation (P.L. 104–50) | 12,682 | 11,899 | |
| Treasury, Postal Service (P.L. 104–52) | 23,026 | 20,530 | |
| Offsetting receipts | −7,946 | −7,946 | |
| Authorization bills: | | | |
| Self-Employed Health Insurance Act (P.L. 104–7) | −18 | −18 | −101 |
| Alaska Native Claims Settlement Act (P.L. 104–42) | 1 | 1 | |
| Fishermen's Protective Act Amendments of 1995 (P.L. 104–43) | | (1) | |
| Perishable Agricultural Commodities Act (P.L. 104–48) | 1 | (1) | 1 |
| Alaska Power Administration Sale Act (P.L. 104–58) | −20 | −20 | |
| ICC Termination Act (P.L. 104–88) | | | (1) |
| Total enacted first session | 366,191 | 245,845 | −100 |
| ENACTED IN SECOND SESSION | | | |
| Appropriation bills: | | | |
| Ninth Continuing Resolution (P.L. 104–99)[2] | −1,111 | −1,313 | |
| District of Columbia (P.L. 104–122) | 712 | 712 | |
| Foreign Operations (P.L. 104–107) | 12,104 | 5,936 | |
| Offsetting receipts | −44 | −44 | |
| Omnibus Rescission and Appropriations Act of 1996 (P.L. 104–134) | 330,746 | 246,113 | |
| Offsetting receipts | −63,682 | −55,154 | |
| Authorization bills: | | | |
| Gloucester Marine Fisheries Act (P.L. 104–91)[3] | 14,054 | 5,882 | |

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996, AS OF CLOSE OF BUSINESS MAY 24, 1996—Continued

[In millions of dollars]

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| Smithsonian Institution Commemorative Coin Act (P.L. 104–96) | 3 | 3 | |
| Saddleback Mountain Arizona Settlement Act (P.L. 104–102) | | −7 | |
| Telecommunications Act of 1996 (P.L. 104–104)[4] | | | |
| Farm Credit System Regulatory Relief Act (P.L. 104–105) | −1 | −1 | |
| National Defense Authorization Act of 1996 (P.L. 104–106) | 369 | 367 | |
| Extension of Certain Expiring Authorities of the Department of Veterans Affairs (P.L. 104–110) | −5 | −5 | |
| To award Congressional Gold Medal to Ruth and Billy Graham (P.L. 104–111) | (1) | (1) | |
| An Act Providing for Tax Benefits for Armed Forces in Bosnia, Herzegovina, Croatia and Macedonia (P.L. 104–117) | | | −38 |
| Contract with America Advancement Act (P.L. 104–121) | −120 | −6 | |
| Agriculture Improvement and Reform Act (P.L. 94–127) | −325 | −744 | |
| Federal Tea Tasters Repeal Act of 1996 (P.L. 104–128) | | | (1) |
| Antiterrorism and Effective Death Penalty Act (P.L. 104–132) | | | 2 |
| Total enacted second session | 292,699 | 201,740 | −36 |
| ENTITLEMENTS AND MANDATORIES | | | |
| Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted | 11,913 | 13,951 | |
| Total Current Level[5] | 1,301,058 | 1,302,495 | 1,042,421 |
| Total Budget Resolution | 1,285,515 | 1,288,160 | 1,042,500 |
| Amount remaining: | | | |
| Under Budget Resolution | | | 79 |
| Over Budget Resolution | 15,543 | 14,335 | |

[1] Less than $500,000.
[2] P.L. 104–99 provides funding for specific appropriated accounts until September 30, 1996.
[3] This bill, also referred to as the sixth continuing resolution for 1996, provides funding until September 30, 1996 for specific appropriated accounts.
[4] The effects of this Act on budget authority, outlays and revenues begin in fiscal year 1997.
[5] In accordance with the Budget Enforcement Act, the total does not include $4,551 million in budget authority and $2,458 million in outlays for funding of emergencies that have been designated as such by the President and the Congress.

Note.—Detail may not add due to rounding.●

## WORLDWIDE GAMBLING BOOM IS CAUSE FOR CONCERN

● Mr. SIMON. Mr. President, a friend of mine, Robert Luken, sent me an article from the Catholic Times, the Springfield, IL, diocesan newspaper with a story by John Thavis that was distributed by Catholic News Service under the title ''Worldwide Gambling Boom Is Cause for Concern,'' which I ask to be printed in the RECORD at the conclusion of my remarks.

It contains not only good moral advice but good common sense that we must keep in mind as we approach a decision on whether or not to have a Federal commission to look at the huge growth of gambling in our country.

I urge my colleagues to read the article.

The article follows:

[From the Springfield Catholic Times, Apr. 21, 1996]

WORLDWIDE GAMBLING BOOM IS CAUSE FOR CONCERN

(By John Travis)

VATICAN CITY.—A worldwide boom in gambling—increasingly sponsored by the state—is raising moral concerns among Vatican officials, theologians and Catholic social scientists.

Gambling is not a new issue for the church. Bingo has been a parish mainstay for decades. Local churches have raised money through raffles or other take-a-chance offerings.

But this small-scale ''social'' gambling has given way to a more aggressive form that, according to church experts, has a corrosive effect on individuals, families and the entire social fabric. In the U.S., nearly $500 billion is wagered legally every year.

''Gambling is obviously reaching alarming proportions. I think it represents a menace to the basic institution of the family and to the community at large,'' said Jerzy Zubrzycki, a member of the Pontifical Academy of Social Sciences, who has spent years researching the effects of gambling.

Gambling ''is a search for a quick fix, like the drug culture. It's escapism instead of facing one's problems and trying to grow,'' said U.S. Jesuit Father John Navone, a theologian at Rome's Gregorian University.

For Swiss Dominican Father Georges Cottier, Pope John Paul II's in-house theologian, the spread of gambling is no less than a sign of a ''social disease.'' The house never loses, but the weak and their families often do, he said.

Yet, surprisingly to many, the church's official teaching on gambling is quite tolerant. According to the ''Catechism of the Catholic Church,'' games of chance and betting are not in themselves evil or unjust.

They become morally unacceptable when they ''deprive someone of what is necessary to provide for his needs and those of others.'' The catechism also rejects unfair wagers or cheating; but there's no explicit mention of the state's role in promoting lotteries, casinos or ''scratch-and-win'' tickets.

The Vatican has not examined the finer moral points of state-sponsored gambling in any comprehensive way, and the Congregation for the Doctrine of the Faith declined to answer questions about the issue. Church officials are, however, tracking recent statements against gambling by bishops in the U.S., Canada and Australia.

''The state, instead of being a brake or a guide on this issue, is playing the game itself. Unfortunately, this is part of the crisis of values in society,'' said Franciscan Father Pier Giuseppe Pesce, a Rome theologian who advises the Vatican.

Mary Ann Glendon, a U.S. lawyer and a member of the Pontifical Academy of Social Sciences, said state-sponsored gambling often appears a painless way to produce much-needed revenues. But really, it's a ''regressive tax'' that hits the poor hardest.

What she especially finds objectionable is that the state ''imitates the private operators of casinos, in trickling in this little wins'' to keep people coming back. It's ''very cynical and very exploitative,'' she said.

Father Cottier said he thought the Vatican should take a closer look at the morality of all this. One way in which the issue might be advanced, he said, is for a bishop to pose formal questions for response by the doctrinal congregation.

But none of those interviewed was proposing a ban on gambling. The question is more complex than that, they said.

As Glendon said, ''When we address the moral issue we have to make sure that we are not trying to eliminate things that make life pleasant and fun.''●

## CELEBRATING 50 YEARS OF THE NATIONAL SCHOOL LUNCH PROGRAM

● Mr. MCCONNELL. Mr. President, 50 years ago this June, President Harry Truman signed the National School Lunch Act into law declaring ''Nothing is more important in our national life than the welfare of our children, and proper nourishment comes first in attaining this welfare.'' This created the modern School Lunch Program operated through the U.S. Department of Agriculture.

By the end of its first year about 7.1 million children were participating in the National School Lunch Program. Today, over 25 million children receive a nutritious lunch under the program.

The National School Lunch Program is administered by Food and Consumer Service, an agency of the U.S. Department of Agriculture. At the State and local levels, the program is usually administered by the State education agency in cooperation with local school districts.

Throughout my career, I have been a strong supporter of child nutrition programs. We in public service have no greater responsibility than to ensure the health an well-being of our Nation's children. I pledge my commitment to continue to support the tremendously successful School Lunch Program.

Studies confirm and teachers readily agree, that there is a clear link between sound nutrition, learning ability, and the behavior of children. The best education programs we can devise will have little effect if children are simply too hungry to concentrate.

The School Lunch Program is a vital ingredient in the recipe to provide nutritious meals for America's children. For many of our Nation's children, the meals they receive through the various nutrition programs, especially the School Lunch Program, are the only nutritious foods they eat all day. Over 93,000 schools and residential child care institutions participate in the National School Lunch Program. The program is available in 95 percent of all public schools, representing 97 percent of all public school children.

Today, we not only celebrate the 50th anniversary of the School Lunch Program but also salute the women and men who contribute to the success of this program. I also want to thank the American School Food Service Association and their members for providing high-quality, low-cost meals to children across the country.

The School Lunch Program is an investment in our kids, an investment in our Nation's future. Happy anniversary and congratulations on a job well done.●

## IN MEMORY OF IVAN FRANK KARDOS

● Mr. WELLSTONE. Mr. President, I rise to pay tribute to Ivan Frank Kardos, an attorney, formerly of Washington, DC, who died in his home in Grove, OK, April 2, 1996, with his family and friends in attendance, after a 2½-year battle with cancer. He was cremated and his ashes were inurned in a ceremony on May 21, 1996, at Arlington National Cemetery with full military honors.

Mr. Kardos, born August 2, 1920, in Budapest, Hungary, was the son of William and Olga Kovacs Kardos, who preceded him in death. The family emigrated to New York City when Frank was 2 years old.

He graduated from New York University Law School in 1948. His bar admissions included New York, Maryland, District of Columbia, Oklahoma, U.S. Court of Appeals for the 2d, 10th, and District of Columbia Circuits, U.S. district courts for the Southern District of New York, Northern, Eastern and Western Districts of Oklahoma, and for the District of Columbia, U.S. Courts of Military Appeals, U.S. Court of Claims, and the U.S. Supreme Court.

His legal career in the public sector included service with the United States Postal Service, United States Army Corps of Engineers in New York and Washington, DC, and Karachi, Pakistan. He was the Principal Deputy to the General Counsel of the U.S. Postal Service, responsible for writing and administering the Department's Code of Ethical Conduct and Conflicts of Interest Programs.

He was liaison with the Department of Labor for the Service Contract Act of 1965 and other labor requirements under Federal contracts and was also liaison with the Department of Justice concerning various criminal matters and the Public Information Act, and with the then Civil Service Commission for Inter-Agency Committee for Procurement. He served as a legal advisor concerning equal opportunity employment, and administered on behalf of the general counsel the Release of Information Program under the Freedom of Information Act.

Frank's Military service began in the ROTC in 1937. He was on active duty with the United States Army in the armored branch when Pearl Harbor was bombed and served 42 months in the Southwest Pacific theater, including the Philippines and New Guinea. In 1980, he retired from the military with the rank of lieutenant colonel.

In addition to his successful professional career in public service, Frank also was generous with his time in the private sector. He strongly believed in giving back to society by being actively involved with such organizations as SCORE, the American Legion, Masonic Bodies, and Literacy Programs.

A man of great intellect who lived his life with integrity and honesty, he will be sorely missed by his family and friends. He is survived by his wife, Bettie Crumpler Kardos of Grove, OK; sons Christopher and his wife Sherry and their son Jonathan of Cedar Rapids, IA; Michael and his wife Kay of Austin, TX, Gregory and his wife Brenda with their daughter Kelly and son, Scott of Farmington, NM, and daughter, Pamela Kardos-Gordon and her husband, Wayne Gordon, of Upper Marlboro, MD.●

## REPUBLIC OF ITALY'S 50TH ANNIVERSARY

● Mr. LEVIN. Mr. President, 1996 marks the 50th anniversary of the establishment of the Republic of Italy. Fifty years ago, Italy escaped the dark hold of fascism and began the process of becoming the important democratic nation it is today. Modern Italy was created out of the tumultuous aftermath of World War II. The system of governing for the new republic received its mandate from the people of Italy, and it has continued in that fashion for the past 50 years. On May 9, 1946, Victor Emmanuel III gave up his claim to the Italian throne. On June 2, 1946, Italians officially replaced the monarchy with a republic when Italy held its first free elections in 20 years. The purpose of the Constituent Assembly that was elected was to prepare a new democratic constitution to guide a free Italy in the future. The Assembly adopted a new constitution 1 year later. As Italy's democratic tradition has grown stronger and older over the years, the nation has continued to exert its leadership in world affairs. Today, Italy is a respected ally of much of the industrialized world and a leader in many of its organizations. I know that my Senate colleagues join me in celebrating the great strides that the Republic of Italy has made over the past 50 years.●

## CONGRATULATING STEVE STRICKER'S 1996 KEMPER OPEN VICTORY

● Mr. KOHL. Mr. President, I rise today to congratulate Edgerton, WI, resident, Steve Stricker, on winning the 1996 Kemper Open. Known to many on the Professional Golfers Association (PGA) tour as the best player not to have won on tour, Stricker shed that distinction with his commanding 3-stroke victory at the Tournament Players Club (TPC) at Avenel in nearby Potomac, MD.

Stricker demonstrated the skill and confidence of a champion throughout the 72-hole tournament. Whether it was a 5-foot par putt to maintain his lead, or the decision to attack the par 5 sixth hole rather than hold back, Steve's long hours of practice and overall commitment to excellence paid off, literally.

Steve Stricker was not alone on the damp and drizzly 7,005 yard, par 71 course, however. Stricker's caddie, Nicki, who also happens to be his wife, was there every step of the way, encouraging him to be aggressive, yet acting as a steadying presence over any anxious moments during the tournament. A competitive golfer in her own right, Nicki's wise counsel and experience added to the victory, making it truly a team effort.

Those of us who have followed his short career know that this is just the tip of the iceberg for Steve Stricker. With his exceptional work ethic and dedication to making himself the best, Steve's successes have only just begun. With this in mind, I congratulate Steve Stricker on his 1996 Kemper Open victory and look forward to more of the same.●

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. DOLE. Mr. President, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations en bloc, on today's Executive Calendar: Calendar Nos. 482, 521 through 528, 530, 554 and 555.

I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, that any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF LABOR

Pascal D. Forgione, Jr., of Delaware, to be Commissioner of Education Statistics for a term expiring June 21, 1999.

DEPARTMENT OF STATE

Lawrence Neal Benedict, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cape Verde.

The following-named Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period:

J. Stapleton Roy, of Pennsylvania

Harold Walter Geisel, of Illinois, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mauritius and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal and Islamic Republic of The Comoros.

Aubrey Hooks, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Congo.

Robert Krueger, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana.

David H. Shinn, of Washington, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ethiopia.

AFRICAN DEVELOPMENT FOUNDATION

Ernest G. Green, of the District of Columbia, to be a Member of the Board of Directors

of the African Development Foundation for a term expiring September 22, 2001. (Reappointment)

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Lottie Lee Shackelford, of Arkansas, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1998. (Reappointment)

AFRICAN DEVELOPMENT FOUNDATION

Henry McKoy, of North Carolina, to be a Member of the Board of Directors of the African Development Foundation for a term expiring February 9, 2002.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Ronnie Feuerstein Heyman, of New York, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

Terry Evans, of Kansas, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

## ORDERS FOR WEDNESDAY, JUNE 5, 1996

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:15 a.m. on Wednesday, June 5; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be retained their use later in the day, there then be a period for morning business until the hour of 11 a.m. with Senators permitted to speak for up to 5 minutes each with the following exceptions: Senator ROTH, 30 minutes; Senator BRADLEY or designee, 40 minutes; Senator GRASSLEY, 5 minutes.

I further ask at 11 a.m. the Senate begin debate on House Joint Resolution 1, the balanced budget amendment. I further ask the time for debate on Wednesday be equally divided with the portion of time under the control of the Democrats divided as follows: Senator HOLLINGS, 2 hours; Senator DORGAN, 1 hour; Senator EXON, 30 minutes; further, I ask the time between 1:30 p.m. and 3:30 p.m. be under the control of Senator THOMAS.

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

Mr. DOLE. So, I would say for the information of all Senators, tomorrow will be dedicated to debate on the balanced budget amendment.

## UNANIMOUS CONSENT AGREEMENT—HOUSE JOINT RESOLUTION 1

Mr. DOLE. I ask unanimous consent a motion to proceed and the motion to reconsider be agreed to, and the vote occur on passage of House Joint Resolution. 1 at 12 noon on Thursday, June 6, 1996, with the last 40 minutes of debate under the control of the two leaders with the majority leader in control of the closing 20 minutes.

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

## SENATE CONCURRENT RESOLUTION 63

Mr. DOLE. Mr. President, it had been my hope tonight, on behalf of Senator KASSEBAUM, to pass Senate Concurrent Resolution 63. We were going to ask that the Committee on Agriculture be discharged from further consideration of that resolution and that the Senate then proceed to its immediate consideration. I understand there may be an amendment on the other side of the aisle. As I understand, the person who may have the amendment is not now available.

Let me indicate what the resolution will do. We have been promised that maybe by tomorrow morning sometime we can resolve any problem. I hope that is the only reason. There may be another reason that sort of crosses my mind as I stand here.

This resolution will express the sense of Congress that the Secretary of Agriculture should dispose of all remaining commodities in the disaster reserve maintained under the Agricultural Act of 1970 to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by the prolonged drought conditions existing in certain areas of the United States, and for other purposes. The amendment indicates that, in light of the prolonged drought conditions existing in certain areas of the United States, the Secretary of Agriculture promptly dispose of all commodities in the disaster reserve maintained under section 813 of the Agricultural Act of 1970, 7 USC 1427 (a) to relieve the distress of livestock producers whose ability to maintain livestock is adversely affected by the prolonged drought. And that is true.

In some parts of America, including my home State of Kansas, we have had a long drought. In fact, in Texas, I think it is the worst drought they have had, in some parts of Texas, in over 50 years.

So I hope we can move on this quickly. It is a sense-of-the-Senate resolution. It may be that the administration has decided to move without passage of the resolution. That will probably be known later.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Washington, I suggest the absence of a quorum. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

## ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. DOLE. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:24 p.m., adjourned until Wednesday, June 5, 1996, at 9:15 a.m.

## NOMINATIONS

Executive nominations received by the Senate June 4, 1996:

DEPARTMENT OF STATE

MADELEINE MAY KUNIN, OF VERMONT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWITZERLAND.

## CONFIRMATIONS

Executive Nominations Confirmed by the Senate June 4, 1996:

DEPARTMENT OF LABOR

PASCAL D. FORGIONE, JR., OF DELAWARE, TO BE COMMISSIONER OF EDUCATION STATISTICS FOR A TERM EXPIRING JUNE 21, 1999.

DEPARTMENT OF STATE

LAWRENCE NEAL BENEDICT, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAPE VERDE.

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD:

J. STAPLETON ROY, OF PENNSYLVANIA

HAROLD WALTER GEISEL, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MAURITIUS AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL AND ISLAMIC REPUBLIC OF THE COMOROS.

AUBREY HOOKS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE CONGO.

ROBERT KRUEGER, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOTSWANA.

DAVID H. SHINN, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ETHIOPIA.

AFRICAN DEVELOPMENT FOUNDATION

ERNEST G. GREEN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2001.

HENRY MCKOY, OF NORTH CAROLINA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING FEBRUARY 9, 2002.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

LOTTIE LEE SHACKELFORD, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1998.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

RONNIE FEUERSTEIN HEYMAN, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2000.

TERRY EVANS, OF KANSAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2000.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.