Jersey [Mr. BRADLEY] would each vote ''aye.''

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

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—44

Akaka	Ford	Leahy
Baucus	Glenn	Levin
Biden	Graham	Mikulski
Bingaman	Gregg	Moseley-Braun
Boxer	Harkin	Moynihan
Breaux	Hatfield	Murray
Bryan	Hollings	Pell
Byrd	Jeffords	Reid
Conrad	Johnston	Robb
Daschle	Kassebaum	Rockefeller
Dodd	Kennedy	Sarbanes
Dorgan	Kerrey	Simon
Exon	Kerry	Wellstone
Feingold	Kohl	Wyden
Feinstein	Lautenberg	

NAYS—53

Abraham	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Nunn
Brown	Grassley	Pressler
Burns	Hatch	Roth
Campbell	Heflin	Santorum
Chafee	Helms	Shelby
Coats	Hutchison	Simpson
Cochran	Inhofe	Smith
Cohen	Inouye	Snowe
Coverdell	Kempthorne	Specter
Craig	Kyl	Stevens
D'Amato	Lieberman	Thomas
DeWine	Lott	Thompson
Domenici	Lugar	Thurmond
Faircloth	Mack	Warner
Frahm	McCain	

NOT VOTING—3

Bradley	Bumpers	Pryor

The amendment (No. 4048) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, the Democratic leader and I are continuing our negotiations with respect to the minimum wage issue. Therefore, in hopes of reaching some agreement with respect to this issue and other related matters, I now ask unanimous consent that no minimum wage amendment or legislation be in order prior to the hour of 1 p.m. today and, at 1 p.m, the majority leader be recognized so we can discuss this issue.

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

Mr. LOTT. I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 4049

Mr. BIDEN. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The business before the Senate is the Kyl-Reid amendment to S. 1745.

Mr. BIDEN. Mr. President, I ask unanimous consent I be able to proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, might I ask the Senator to yield for one moment so I may ask for the yeas and nays on the amendment which is pending?

Mr. BIDEN. Sure.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

THE ATTACK ON HARIS SILAJDZIC

Mr. BIDEN. Mr. President, I rise today to deplore in the strongest possible terms the brutal assault last Saturday on former Bosnian Prime Minister Haris Silajdzic.

For more than 4 years, I have protested the bloody aggression by Serbia and its Bosnian Serb proxies against the Republic of Bosnia and Herzegovina. Even today Senator LIEBERMAN, Senator LUGAR, and I are introducing a resolution calling upon our Government to give stronger support to the International War Crimes Tribunal in the Hague, including making it an urgent priority for IFOR to detain and bring to justice persons indicted by the tribunal.

But, Mr. President, it was not Bosnian Serbs under the direction of the war criminals Karadzic and Mladic who attacked Haris Silajdzic. Nor was it carried out by the notorious Bosnian-Croat thugs from Herzegovina.

No, the attack was carried out by Bosnian Muslims belonging to the ruling party of democratic action, the SDA, of Bosnian President Izetbegovic. Former Prime Minister Silajdzic was making an election campaign speech in the Bihac area of northwestern Bosnia when about 100 young toughs waving SDA flags reportedly began terrorizing citizens at the rally. Some of them struck Prime Minister Silajdzic on the head with a metal bar, opening a bloody wound on his temple. He was rushed off to a hospital.

Many of my colleagues and I regard Haris Silajdzic as the single best hope for a multireligious democracy in Bosnia. For years he has fought against the vicious tribalism that unscrupulous politicians have used to stir up hatreds, even as he has tirelessly struggled to keep his embattled country alive.

Undaunted earlier this year after he was forced out of the prime ministership, Haris Silajdzic founded the party for Bosnia and Herzegovina, a coalition of Bosnian Muslims, Bosnian Serbs, and Bosnian Croats whose vision rises above the pathetic provincialism of the ethnic and religious-based parties intent on fragmenting the country.

The reaction of the ruling SDA in Sarajevo was, sad to say, typical of people who learned their politics at the foot of the old Yugoslav league of Communists.

Mr. Silajdzic has been harassed at every turn. Knowing of his broad international contacts, the authorities made it impossible for him to place telephone calls abroad. For example, when I have wanted to talk with him during the past few months, I have had to phone his home from Washington. And our conversations are routinely cut off in mid-sentence.

This is the treatment that President Izetbegovic's government accords a former prime minister with a worldwide reputation for bravery and integrity.

Moreover, Haris Silajdzic's multi-religious party for Bosnia and Herzegovina has been systematically denied a level playing field in the campaign for national elections, which according to the Dayton accords must take place by September 14.

They have found it excruciatingly difficult to get television time with which to spread their message of tolerance and democracy. I have already described how the SDA hoodlums broke up their campaign rally last weekend.

Mr. President, I would submit that the Bosnian people have no better friend in this Congress than this Senator. But let me be absolutely clear: The patience of even the strongest supporters of Bosnian independence has limits.

President Izetbegovic and his party must understand that we have not sent young American fighting men and women at the head of an international force thousands of miles from home merely to make it safe for a power-hungry, narrow-minded Bosnian Muslim clique to mimic the vicious, anti-democratic behavior of their Bosnian Serb oppressors.

The clock is ticking on the implementation of the Dayton accords. There are still many fundamental problems to solve. Until now the record of the Bosnian Government, though far from perfect, has been better than that of Serbia and Croatia and their respective Bosnian proxies.

But this latest outrage against Haris Silajdzic is a terrible step in the wrong direction. I call upon President Izetbegovic to take heed: Either get your party to clean up its act, or the United States of America may have to reconsider its Bosnian policy.

I thank the Chair, and I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 4049

Mr. SIMON. Mr. President, I rise in opposition to the amendment offered by Senator KYL from Arizona. I knew our distinguished colleague from Arizona when he was in the House, but I did not know him well. I have come to have great respect for him as a legislator. He really is a legislator who works

on bills and does the nitty-gritty work that is so important. But I believe that an amendment to authorize the resumption of nuclear testing is very ill-timed.

First of all, we have had over a thousand nuclear tests in the last 50 years. We do not need additional nuclear tests. If we were trying to perfect some new nuclear weapon, then it makes sense. But that is not the policy of this Government.

But more important than that, India and Pakistan are reluctant to join in a comprehensive test ban. What we need now is for all nations with nuclear power to come aboard. China, apparently, is coming aboard. But India and Pakistan we do not know yet.

We should not do anything that is going to move a comprehensive test ban further away. We need it as soon as possible. It is in the interest of the United States, and it is in the interest of the world.

I think this amendment, and I know the motivation is good on the part of our colleague from Arizona, but I think it is an ill-timed amendment that is not in the national interest.

Mr. President, if no one else seeks the floor, 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. INHOFE. Mr. President, I ask unanimous consent that the quorum call in progress be vitiated.

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

Mr. INHOFE. Mr. President, I ask unanimous consent that I be able to proceed for up to 5 minutes as in morning business.

The PRESIDING OFFICER. The Senator from Oklahoma wishes to be recognized to speak as in morning business for 5 minutes. Is there objection? Without objection, it is so ordered.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 1885 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. INHOFE. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. THURMOND. Mr. President, I just want to say that we are sitting here waiting and doing nothing. Why? Because those who have amendments are not coming forward to present them. We are wasting the Government's time. We are wasting the Senate's time. Why do those who have amendments not come forward? I urge those who have amendments—hotline both sides and tell them anybody who has amendments to bring them. We want to get through this bill. We are supposed to finish this bill tonight. We may have to go until 3 or 4 o'clock in the morning. Let us get going now and finish this bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. NUNN. Mr. President, the amendment that will be presented in a few minutes by the Senator from Hawaii deals with the Army and Air Force Nurse Corps and the promotions of the nurses in that corps.

This amendment has been examined by our staff, and from the Democratic side of the aisle, we would recommend when it is presented that the Senate accept the amendment. That would be our position on the amendment.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. We can accept the amendment on our side.

Mr. INOUYE. Thank you very much.

Mr. NUNN. I say to my friend from Hawaii that we recommended the amendment be accepted. So we just wanted to let him know that.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Without objection, the pending amendment will be set aside.

AMENDMENT NO. 4050

(Purpose: To amend title 10, United States Code, to codify existing practices of the Army and Air Force regarding the grade of the Chief of the Army Nurse Corps and of the Chief of the Air Force Nurse Corps, and the minimum grade required for appointment to the positions of Chief and Assistant Chief of the Army Nurse Corps and to the positions of Chief and Assistant Chief of the Air Force Nurse Corps; and for other purposes)

Mr. INOUYE. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 4050.

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

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

The amendment is as follows:

At the appropriate place, insert:

SECTION 1. CHIEF AND ASSISTANT CHIEF OF ARMY NURSE CORPS.

(a) CHIEF OF ARMY NURSE CORPS.—Subsection (b) of section 3069 of title 10, United States Code, is amended—

(1) in the first sentence, by striking out ''major'' and inserting in lieu thereof ''lieutenant colonel'';

(2) by inserting after the first sentence the following: ''An appointee who holds a lower regular grade shall be appointed in the regular grade of brigadier general.''; and

(3) in the last sentence, by inserting ''to the same position'' before the period at the end.

(b) ASSISTANT CHIEF.—Subsection (c) of such section is amended by striking out ''major'' in the first sentence and inserting in lieu thereof ''lieutenant colonel''.

(c) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 3069. Army Nurse Corps: composition; Chief and assistant chief; appointment; grade''.

(2) The item relating to such section in the table of sections at the beginning of chapter 307 of title 10, United States Code, is amended to read as follows:

''3069. Army Nurse Corps: composition; Chief and assistant chief; appointment; grade.''.

SEC. 2. CHIEF AND ASSISTANT CHIEF OF AIR FORCE NURSE CORPS.

(a) POSITIONS AND APPOINTMENT.—Chapter 807 of title 10, United States Code, is amended by inserting after section 8067 the following:

''§ 3069. Air Force nurses: Chief and assistant chief; appointment; grade

''(a) POSITIONS OF CHIEF AND ASSISTANT CHIEF.—There are a Chief and assistant chief of the Air Force Nurse Corps.

''(b) CHIEF.—The Secretary of the Air Force shall appoint the Chief from the officers of the Regular Air Force designated as Air Force nurses whose regular grade is above lieutenant colonel and who are recommended by the Surgeon General. An appointee who holds a lower regular grade shall be appointed in the regular grade of brigadier general. The Chief serves during the pleasure of the Secretary, but not for more than three years, and may not be reappointed to the same position.

''(c) ASSISTANT CHIEF.—The Surgeon General shall appoint the assistant chief from the officers of the Regular Air Force designated as Air Force nurses whose regular grade is above lieutenant colonel.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after section 8067 the following:

''3069. Air Force Nurse Corps: Chief and assistant chief; appointment; grade.''.

Mr. INOUYE. Mr. President, I rise today to introduce an amendment that would put into law a designated position and grade for the chief nurses of the U.S. Army and the U.S. Air Force. To the credit of the past and present leadership of our Armed Services, they have appointed a chief nurse in the rank of brigadier general since the 1970's. However, for the Army and the Air Force, this practice has never been codified in law, although I am pleased to note that the Navy has designated their chief nurse as a rear admiral. Our military chief nurses have an awesome responsibility—a degree of responsibility that is absolutely deserving of flag officer rank.

You might be surprised at how big their scope of duties actually is. For example, the chiefs are responsible for both peacetime and wartime health care doctrine, standards, and policy for all nursing personnel. In fact, the chief

nurses are responsible for more than 80,000 Army and 26,000 Air Force nursing personnel. This includes officer and enlisted nursing specialties in the active, reserve and guard components of the military. If an executive officer in a large American corporation had this much responsibility, he or she would undoubtedly have a position title and salary at least comparable to that of a brigadier general, and would certainly have a seat at the corporate table of policy and decisionmaking.

You might wonder why it would be necessary to put these provisions in law since this practice is already occurring. Sadly, I am most concerned that without this official designation, these positions are vulnerable to being downgraded or even eliminated. In recent years, downsizing mandates and new ways of providing health care have led to many reorganization efforts. Unfortunately, reorganization has become a euphemism for eliminating positions—and health care reorganization has too often become an excuse to eliminate nursing positions, particularly senior and executive leadership positions.

There has been much discussion about the so-called glass ceilings that unfairly impact the ability of women to achieve the same status as their male counterparts. While I do not want to make this a gender-discrimination issue, the reality is that military nurses hit two glass ceilings: one as a nurse in a physician-dominated health care system and one as a woman in a male-dominated military system. The simple fact is that organizations are best served when the leadership is composed of a mix of specialty and gender groups—of equal rank—who bring their unique talents to the corporate table. For military nurses, the general officer chief nurse position is the only way for nurses to get to the corporate executive table.

Mr. President, I strongly believe that it is very important, and past time, that we recognize the extensive scope and level of responsibility the military chief nurses have and make sure that future military health care organizations will continue to benefit from their expertise and unique contributions.

Mr. President, as noted, the distinguished managers of the measure have both agreed to its adoption.

I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4050) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. THURMOND. Mr. President, we have been waiting here now a long time to act on these amendments. Again, I want to tell the Senators, if they have amendments, to come forward with them. I want to inform all Senators that I intend soon to ask unanimous consent that only amendments that have been offered will be in order on this bill. So it is important for them to come forward and offer their amendments, otherwise, they may not be considered. I urge all Senators who have amendments to come to the floor and offer them now—I repeat—now, not later.

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

Mr. KYL. Will the Senator withhold? I would like to discuss the pending amendment.

Mr. THURMOND. Certainly.

AMENDMENT NO. 4049

Mr. KYL. Mr. President, the pending amendment is the Kyl amendment, cosponsored by Senator REID from Nevada. The distinguished chairman of the committee spoke in support of this amendment last night when I offered it. Since then, there has been virtually no discussion of it. Several people have asked me questions, and I thought I would come to the floor and try to answer those questions because, for the life of me, I cannot understand why this would be a controversial amendment. I am advised that at least one Senator is awaiting instructions from the White House.

I suggest that this body can take the action that it deems appropriate. Certainly the White House will have its say in anything that we do on the Defense authorization bill. But this ought not to be that controversial. So let me attempt to explain again what I am trying to do with this amendment. Again, I thank the distinguished chairman of the Armed Services Committee for his support of the amendment.

Probably the best way I can do this, Mr. President, is to do it graphically. Above this line we have the status quo, the current law with respect to nuclear testing. Just to set the stage, we have not conducted nuclear tests for a long time. The tests that have been conducted in the last decade have been primarily to ensure safety and reliability of our nuclear stockpile. I might add that about a third of the problems that have been discovered with the stockpile were found as a result of safety testing.

I also make the point, in general, with respect to testing, that it has always seemed odd to me that while we hear speeches that we should fly before we buy, we should be sure that we test the equipment that we are going to buy for our military uses, we should make sure that we continue to maintain our equipment, understand how it works, and whether it might not work, and we want to make sure that all of the things that we are going to have to rely upon will in fact work, that the one thing that we do not want to test to see if it will continue to work is the most sophisticated weapon we have in our inventory, namely, our nuclear weapon.

On that we are going to close our eyes and say, ''Well, we tested these a long time ago. We maybe built these systems 20 years ago, but we're just going to hope that they continue to work if we ever have to use them.'' I submit that that is not an intelligent way for us to maintain our nuclear stockpile. But that is essentially where we are right now. The administration does not want to test, is not testing. We currently have the authority to test, if the President decides to do so.

That is what is indicated here. We have a test moratorium in our country, but we could test for safety reasons or to determine the reliability of a system. So that if, for example, the Department of Energy came to the President and said, ''Mr. President, we think we may have a problem with one of these systems. It seems to be acting funny. We obviously don't want to send it up in an airplane or put it on top of a missile if something might happen. Therefore, we need to conduct a test to determine exactly what's wrong here or how to fix it,'' the President could do that today.

But that authority will expire on September 30 of this year under existing law. The President will no longer have that capability.

That was done in order to anticipate the fact that a Comprehensive Test Ban Treaty, the so-called CTBT, would be entering into force. The problem is, it has not been ratified by this country. It is obviously not going to go into force for some time. Therefore, we are left with a hiatus, a period between September 30 of this year and whenever the CTBT comes into effect, if it comes into effect.

After the CTBT comes into effect, there are no tests except in a very extreme situation called supreme national interest which, in effect, would only exist if there was some grave emergency that existed where the country was threatened and there was some need to do so.

So what we are talking about is simply extending this September 30 date until the CTBT goes into effect. It is not anti-test-ban treaty. Anyone who favors a test-ban treaty should not be concerned about this. In fact, I would think they would be supportive because it would maintain the status quo until the CTBT goes into effect.

What actually changes? Two things. No. 1, we continue to require the administration to report to the Congress on the status of the stockpile. There is nothing wrong with that. I assume

there is no objection to that. So the test moratorium would continue and the reporting requirements would continue. But the President could still test for stockpile safety and reliability purposes beyond the September 30 date until some date in the future if and when the CTBT goes into force or when the U.S. Senate ratifies it.

The other difference is that under the test moratorium that will exist if we do not change the law, there is one circumstance under which the President can test. But it does not make any sense. The President could test if another country tests. We do not need to test just because China conducts a test or just because France conducts a test or Russia conducts a test. That is no reason for the United States to conduct a test. We are not testing in retaliation for what another nation does. There is no rational reason to base our testing on whether another nation tests.

Whether another nation tests will depend upon whether that nation believes it to be in that nation's interest to test. Likewise, whether the United States tests prior to the implementation of the CTBT, ought to be based upon whether it is in our national interest to do so. Just because France tests should not mean that the President should call for the United States to do so.

But by the same token, if the Department of Energy or the Department of Defense should discover a problem with one of our weapons, it is the height of irrationality for us to close our eyes and say, ''But we can't fix that weapon.''

Until this Nation has effective missile defenses and defenses against any other way in which a nuclear warhead would be delivered to the United States, we are relying upon our strategic retaliatory nuclear capability. That is a fact. Therefore, it has to work and it has to be safe. It makes no sense to say that we should not have the capability of ensuring that safety.

I doubt very seriously whether President Clinton would ever order a test, but why tell him that he cannot do so? For those who believe, well, maybe it will not be President Clinton next year, maybe it will be President Dole, and he is going to be irresponsible in this regard, my amendment also requires that the Congress not disapprove the decision. So Congress has a check on the President's actions. The President cannot unilaterally call a test.

I do not know what could be more reasonable, Mr. President. All we are saying is that the deadline that is going to expire on September 30 be continued—not the deadline—but that the ability to test be continued, the power of the President to call for a test. We are not saying he has to do anything. This has no relationship to the CTBT. We are simply saying, until the CTBT comes into effect, the President would have the ability to call for a test, but Congress would have to not disapprove it.

Let me read some statements, perhaps, that will give people a little sense of security in supporting this if they think there is some hidden meaning to it. There is not. The administration's testing policies, as articulated by the President himself, are totally consistent with what we are doing.

On August 11, 1995, the President gave his statement regarding the CTBT. He acknowledged that the possibility of future underground tests might be needed. In fact, there is a specific safeguard in his policy enumerated ''Safeguard F'' which reads as follows:

> If the President of the United States is informed by the Secretary of Defense and the Secretary of the Energy (DOE)—advised by the Nuclear Weapons Council, the Director of DOE's nuclear weapons laboratories and the Commander of the U.S. Strategic Command—that a high level of confidence in the safety or reliability of a nuclear weapon type which the two Secretaries consider to be critical to our nuclear deterrent could no longer be certified, the President, in consultation with Congress, would be prepared to withdraw from the CTBT under the standard ''supreme national interests'' clause in order to conduct whatever testing might be required.

That is the end of Safeguard F.

Mr. President, what we are proposing here is something far short of that. The President has made the point here that he needs a mechanism for conducting an underground test if it is in the supreme national interest to do so. We are simply saying until there is a CTBT, he should have that same authority. A fortiori, once the CTBT goes into effect, the President is saying he should still have that authority in the supreme national interest. I agree. It does not make any sense for that authority to exist at that time after this CTBT has already gone into effect, and not to have the authority before it goes into effect.

Following the President's own understanding of the potential need for an underground test to ensure safety and reliability of our weapons, we simply gave him that authority beyond the deadline that it would otherwise expire, and base it on what the President has said he would need to base it on; namely, safety and reliability, rather than on whether another nation tests. I cannot imagine anything more reasonable and more rational.

I will read a quotation from one of the President's top advisers in this entire area, former staff member for the distinguished ranking member of the Armed Services Committee, Bob Bell, in a speech at the National Missile Defense University Foundation. On May 8 of this year, Bob Bell, who is a member of the National Security Council, suggested that a key element of the administration strategy to defend America is deterrence, both conventional and nuclear deterrence. He said,

> The second line of defense against weapons of mass destruction is deterrence, both at the conventional and nuclear level. Any rogue nation foolish enough to contemplate using nuclear, chemical, or biological weapons against the United States, its Armed Forces or our allies must not be confused about how we would respond. As Secretary Perry stated, it would be ''devastating'' and ''absolutely overwhelming.''

Now, Mr. President, you cannot rely upon a nuclear deterrent that is not safe or does not work. You have to know that it is safe and it will work. That is why we have always maintained the ability, the right, to test these weapons, to make sure they will work and that they are safe. That is what the law provides today. That authority terminates on September 30. For the life of me, I do not understand why anyone would object to simply continuing the President's right to do what he said he needed to have the ability to do. Not that he would ever do it. I am sure everyone would acknowledge this President's inclinations would not be to do it, but as he himself said, if he were advised by the Secretary of Defense, the Secretary of Energy, the Nuclear Weapons Council, and the commander of the U.S. Strategic Command that they did not have a high level of confidence in the safety or reliability of a weapon type that was deemed critical for nuclear deterrent, then he would need that authority. If we are going to give him that authority after a CTBT goes into effect, why should he not have that authority before it goes into effect?

Mr. President, all I can do is continue to repeat the point that I wish somebody would challenge it, would argue it, would debate it. This amendment has been pending since last night. I said I am happy to explain it, to debate it, but can we not have a discussion on it, and then vote? I cannot imagine why anyone would oppose it.

Now, there have been two reasons suggested to me. One is that the Comprehensive Test Ban Treaty negotiations are in a delicate stage now and we do not want to do anything that might upset them. How would this upset them? It has nothing to do with the CTBT. Surely, people who want us to enter into the CTBT want us to do so with weapons that are safe and reliable. Surely, they do not want us to deny ourselves the ability to enter into the treaty, knowing we have safe and reliable weapons. Why would they want us to have a period of time where our weapons could deteriorate or become unsafe and we could not do anything about it, and then enter into a comprehensive test ban limitation? That would not make any sense.

We want to enter into the comprehensive test ban knowing that our weapons are in good shape. I guarantee you, Mr. President, other countries will make very sure that their weapons are in good shape before they enter into it. Look at the evidence. What did France do? France thumbed its nose at the international arms limitation community by saying, ''We are going to test until we are confident that our weapons are reliable and safe and they will do the job.'' They conducted their tests, notwithstanding opposition from

practically, it seemed like, everybody in the world. When they finally had concluded they had done enough testing and they were confident of their weapons, they said, ''Fine. Now we will join up.''

China, likewise, has been conducting tests. They just concluded one. They have said they are going to do another one. They have said, ''We think we have to do one more to make sure that our system is reliable, safe, and workable. After that, we will join up, or at least consider joining up.'' It may be that Russia has conducted tests. There have been reports of activity at their test site that may suggest that some kind of activity has occurred there. I submit that other nations will do the same thing if they believe their weapons are deteriorating or they need to do something to improve the safety or reliability. They will test to make sure that can be done.

All we are saying is the President of the United States ought to have the authority to do that, with Congress not overruling, to ensure that our nuclear deterrent, as Bob Bell said, is a meaningful deterrent. That is to say that countries of the world will know that it is workable, and that we, in fact, will employ it.

The argument that CTBT negotiations are underway does not suggest any reason why we should not proceed with this. Are those negotiations so touchy that if anybody talks about nuclear testing or continues authority that currently exists in law, that they somehow are going to full apart? I cannot imagine that. If that is the case, there is something drastically wrong. Are those negotiations dependent upon an elimination of our authority to test after September 30? That would not be good policy for the United States, and I cannot imagine that other countries of the world have made that a precondition. I have not heard any evidence to that effect. Just because the CTBT negotiations are going on does not mean that we cannot extend the President's authority beyond September 30. We are not telling him he has to test, he should test or anything of that sort. We are saying if he thinks it is necessary to test, as he himself pointed out, he should have the authority to do that, subject to Congress not saying no.

Now, I do not know of any other reason, except one reason expressed to me by someone who said, ''Well, I have always been so much in favor of absolutely eliminating all nuclear weapons from the world that I would not want to do anything even to extend the ability of the United States to test until there is a CTBT. If we can stop it on September 30, boy, that is great.''

Mr. President, if all of the other nations in the world were as idealistic as this particular individual, I would not have a problem with that. As we have already seen, since the United States has stopped testing, since our moratorium, other nations, both friendly and unfriendly, have decided it is in their best interests to go ahead. We are not going to stop them from doing what they think is necessary and in their national interests, and particularly where it relates to safety, it seems to me, we ought to retain the ability to test. That should have very little to do with the argument of whether or not all the nations of the world will eventually agree to a comprehensive limitation.

One final point I make, Mr. President. When I served in the House of Representatives, I was the ranking member of the Department of Energy's nuclear facilities panel, along with Representative SPRATT from South Carolina. We had the jurisdiction, basically to deal with the Department of Energy programs, including the nuclear stockpile. During that time, it came to light that a very new and sophisticated and technical way of utilizing very new and powerful computers could actually help us understand the dynamics of nuclear weapons much better than we ever had before. This computer analysis seemed to suggest that there might be some vulnerability to certain of our weapons that we should look into.

Just to talk hypothetically, what we are talking about, if a nuclear weapon were to be dropped, for example, could that possibly trigger some kind of emission of radioactive material? In the past we had done a lot of telephoning and we said, ''No, we think it is very safe.'' This new computer technology suggested that maybe there would be a bit of a problem. So we caused a commission to be created called the Drell Commission. The members of the commission were very prominent nuclear scientists who studied for over a year whether there were safety or reliability problems with our weapons—primarily safety problems. They made recommendations to the Congress, which we have largely carried out, and which the military has largely carried out, that caused us to make some changes in the way that we handle our nuclear weapons. Some weapons were removed from active alert status on strategic bombers. Certain changes were made in the way that weapons were handled in their loading and unloading.

Without getting into too much technicality, or classified material, those recommendations demonstrated that we have to be constantly vigilant of the potential for accidents, because the last thing in the world that we want is an accident with a nuclear weapon. We know that there have been some, and we do not want that to ever happen and cause harm to anyone in the world. So safety has been a primary consideration—at least in recent years—with respect to our nuclear stockpile.

For the life of me, Mr. President, I cannot imagine that people who are interested in consumer safety, who are interested in the health, safety, and welfare of our citizens, who frequently support measures to protect us from all sorts of things that might cause damage to us, who are interested in reducing smoking by teenagers and adolescents, and I cannot imagine why people who are interested in protecting the American citizenry would say, however, when it comes to one of the most potentially devastating threats of all—not a threat that is likely to occur, but if it ever did occur, it would be very devastating—a release of radioactive material as a result of an accident with a nuclear weapon, and we are not going to do anything about that. We are just going to trust that weapons that are 20 or 30 years old, and that have not been tested for years, are going to continue to work all right, behave all right, and not pose any safety threat. We are going to close our eyes to the possibility that there could ever be a problem there, and we are going to legally prohibit the President from testing those weapons to see that they are safe—not to develop a new weapon; we are not talking about testing for new weapons. We are going to bind the President and say that, after September 30, he cannot test to determine the safety of a nuclear weapon anymore. I just, for the life of me, cannot understand how people would make that argument.

Now, Mr. President, there are Senators on the floor now who would like to enlighten me as to why this perfectly innocent amendment is not appropriate. I will conclude by simply reminding you of what it does. It simply says the power that the President has to test, which will expire on September 30, will continue until there is a CTBT. If the Congress does not approve a test, the President cannot do it.

I hope people who want to debate the issue will do that so I know what we are trying to respond to here because, right now, I cannot think of any arguments against this amendment. I hope we can quickly get a time agreement so that, as the distinguished chairman of the Armed Services Committee said, we can get on with this bill. This is a minor amendment in the overall scheme of things with this very important defense authorization bill. The chairman is right that we have to get on with it. I do not intend to take any time with this. If we can reach a time agreement for 10 minutes, that is fine with me.

I thank the chairman of the committee for supporting my amendment.

Mr. THURMOND. Mr. President, I want to again compliment Senator KYL for his detailed explanation of his amendment. This is a sound provision. It enhances the President's authority to ensure that the Nation maintains the capability to maintain a ready and safe nuclear stockpile. I do not understand the other side's reluctance to debate this amendment and agree to a time limit.

Again, I urge Members to come to the floor and let us go forward and make progress on this bill.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. I ask unanimous consent that the pending committee amendment be laid aside.

Mr. EXON. Mr. President, reserving the right to object, I inquire of the Senator from Minnesota, about how much time does he wish? There has been some talk about moving ahead on this matter. I prefer to move ahead on this matter, and I simply inquire, before I withdraw my right to object, about how much time the Senator from Minnesota feels he needs, and on what subject, before we set aside the pending business of the Senate.

Mr. GRAMS. I expect to take 10 minutes, and it relates to the closure of Pennsylvania Avenue.

Mr. EXON. With that understanding, I withdraw my objection. Is the Senator intending to propose an amendment?

Mr. GRAMS. It is a sense of the Senate.

Mr. EXON. Then, Mr. President, I object on the grounds that I am prepared to move ahead on the amendment before us. Certainly, I would like to accommodate the concerns of the Senator from Minnesota and his sense-of-the-Senate amendment. But I suggest that in order to try and move ahead on this matter, it would probably be best at this time to proceed with debate on the amendment that is before us rather than offering another amendment at this juncture. With that caveat, I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Minnesota has the floor, unless he chooses to yield the floor.

Mr. GRAMS. I ask the Chair, am I allowed to go ahead and offer my sense-of-the-Senate amendment?

The PRESIDING OFFICER. There must be approval to set aside the pending amendment and that has been objected to.

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

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I say to my friend from South Carolina, the chairman of the committee, which I have observed now for 18 years, and also my colleague from Georgia, the ranking member of the committee, that I understand the difficult position they find themselves in with regard to trying to move this bill along. I certainly am not here to cause any problems in that effort because, certainly, the defense authorization bill, which I voted for as it came out of the Armed Services Committee, is an important piece of legislation, and I think that we should move expeditiously ahead. Certainly, any Senator has a right under the rules of the Senate to offer any amendment.

But I would simply say that I intend to make some remarks at this time in strong opposition to the Kyl amendment, and then would plead to the managers of the bill—since the Kyl amendment nor nothing like it was included in the authorization bill that came out of the committee—that it would probably be best, in the interest of moving ahead with this bill, that the Kyl amendment be withdrawn and probably and possibly considered at some later more appropriate date. Mr. President, there could not possibly be a worse time, a more inopportune time, if you will, to consider the amendment offered by the Senator from Arizona.

Here we are, Mr. President, 9 days away from the self-imposed June 28 deadline by the multination negotiators now delicately moving toward hopefully an agreement for a comprehensive test ban treaty. And the deadline is June 28. That is 9 days from now. To be specific, that is a week from this coming Friday.

These are extremely delicate negotiations. I have talked on numerous occasions to our Ambassador who is involved in those detailed negotiations. I have been in close touch with the Secretary that has responsibility in this area, the Secretary of Energy. I have been in close touch with the White House, and the National Security Council. They all agree with myself, Senator MARK HATFIELD, and many others who will speak in opposition to this amendment, that there could not possibly be a worse time for the U.S. Senate to begin meddling in matters of this delicate nature 9 days ahead of the June 28 self-imposed date by the negotiators to try to come up with a comprehensive test ban treaty that in the opinion of this Senator, and in the opinion of most people who understand the procedure, would be to the greatest benefit of mankind for as far as we can see into the future.

What we are talking about here is whether or not we are going to have less reliance on nuclear weapons in the future. Since the end of the cold war we all have been working, and quite well, I might say, with Russia and the former states of the former Soviet Union to the point where we do not have nuclear warheads pointed at each other. Behind all of this is the attempted emergence of new nations to nuclear power.

If we can put in place and keep in place the nuclear test ban treaty that is now being delicately renegotiated in Geneva it would be the greatest boon to mankind and the safety of mankind that one could imagine. No. I suspect that none of us can see into future time when we will have not have nuclear weapons. But certainly we should be able to recognize and realize that the United States of America which is far ahead on the ability to test, which is far ahead on the ability to make tests with computers, which is far ahead in inventory of any other part of the world, it would seem evident to me that it would be not only in the national security interests of the United States of America but also the right thing to do to recognize that we should continue to be a leader in trying to end for all time, if we can, nations testing nuclear devices.

So, Mr. President, I speak now not only for myself but other Members of the U.S. Senate on both sides of the aisle in strong opposition to the Kyl-Reid amendment. It is being sold here just to give the President a little flexibility, and so forth and so on. If the U.S. Senate would pass the Kyl-Reid amendment, which I think it will not—I think I have been here long enough to have a pretty good understanding of the Senate and its rules—I say to the managers of the amendment, and I say to the managers of the bill that there could be long and delayed debate on this amendment. I think it has little chance of surviving the opposition that we will mount against it. I want to unmask, if I can, Mr. President, the feeling that this is a harmless amendment; that it is not going to hurt anything at all. I would simply say that regardless of what the intentions of the authors of the amendment are for the U.S. Senate to be even debating such a proposition 9 days ahead of the final deadline, whether we pass it or not, only gives the opposition around the world, wherever it is and for whatever reason, more chances of disrupting and eliminating any chance of a comprehensive test ban treaty based on negotiations—very delicate negotiations, I might say, Mr. President—in Geneva today.

Why is it that 9 days ahead of the deadline we have some Senators coming on the floor of the U.S. Senate trying to make changes in what we are going to do in the future with regard to nuclear tests? No one knows at this juncture.

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

Mr. EXON. I have not interrupted the Senator from Arizona. I will not yield. He will have ample time to make his points at a later time.

I simply say that this amendment is ill-timed. It is ill-advised. At least the authors should recognize and realize, if they are so certain that this amendment is all-important, that it would be more in line with reality and reason to at least wait until follow-on bills after the 28th day of June, a week from Friday, when we will know by that time whether or not the hard work and the delicate balance to try to reach an international comprehensive test ban treaty is successful.

I do not know what their motives are. It may well be that the authors of this amendment are totally in support, as I hope they would be in being behind our negotiators and our administration who fully recognize and realize the dangers that we are working with here; that the authors of this amendment would simply say, yes, this is probably not the best time and this amendment should not be offered.

Mr. President, this amendment, or something like it, was discussed by members of the Armed Services Committee before our markup and before

our hearings in the Armed Services Committee on the defense authorization bill. It was agreed unanimously that this is a matter that should not have been taken up at this time. And for that reason, and principally for that reason, there was no move inside the Armed Services Committee to make any such suggested changes. And I believe that the chairman of the Armed Services Committee knows and understands that full well. The chairman of the Armed Services Committee has every right to support this amendment, if he wants to, on the floor of the U.S. Senate. That was not the reasoning of his committee during those deliberations.

Mr. President, later on today I will insert into the RECORD statements by the White House, statements by the Secretary of Energy, and others in strong unqualified opposition to this amendment principally along the lines that I have outlined.

I cannot imagine anything I would oppose more than the Kyl-Reid amendment authorizing the resumption of nuclear testing beginning on October 1 this year under certain conditions. While proponents of the amendment contend that this change to the 1992 Hatfield-Exon-Mitchell law closes some sort of a loophole in the American nuclear testing policy and should have no impact on the comprehensive test ban negotiations now underway in Geneva, this simply is not—I emphasize, Mr. President, is not—the case. The Kyl-Reid amendment is the proverbial wolf in sheep's clothing, an innocent appearance cloaking a more sinister inner nature. Whether intended or not, passage of this meddlesome amendment would send a chilling ripple around the world that the Senate has pulled the rug out from under our Nation's treaty negotiators on the very eve of finalizing a landmark treaty designed to halt the global spread of nuclear weapons.

After decades of failed efforts and ineffectual agreements, the world's nuclear powers have finally made some progress in not only curbing the increase in the number of nuclear weapons States but also reducing the number of nuclear weapons systems targeted on population centers around the world. The INF Treaty, START I Treaty, and now START II are historic mileposts in the history of arms control in that they compel for the first time the destruction of nuclear delivery systems while still maintaining the geopolitical balance and the ability to deter an attack by a potential aggressor.

Defense and foreign policy experts agree that the most significant security challenge facing the United States and the rest of the world is curbing the proliferation of weapons of mass destruction, most dangerous of which is a nuclear warhead. Closing Pandora's box, as I have referred to these nonproliferation efforts in the past, is a formidable undertaking, but I believe history will judge the leaders of our era in great measure on how successful we are in meeting this challenge.

While the bipartisan Nunn-Lugar program has made remarkable progress in addressing the secure transportation, storage, and destruction of thousands of former Soviet nuclear weapons, another threat reduction effort designed to enhance our national security is close to agreement. That is the agreement I talked about that is hopefully scheduled to be agreed to in 9 days.

What in the world, whatever are their intentions, is the reasonableness of Members of the Senate coming in 9 days ahead of that formidable undertaking with an amendment that could only cause great mischief and possibly lead to further division of the nations that are having enough trouble already in coming to agreement in Geneva on the nuclear test ban treaty a week from this Friday—9 days away. I cannot imagine any Member of the Senate, Mr. President, I cannot imagine any Member of the Senate believing it would be wise, if they understood the possible consequences, for any Member of the Senate to endorse this amendment for the reasons that I have stated and very likely for other reasons as well.

For the past 3 years, the 37-member nation conference on disarmament has been meeting in Geneva to negotiate a verifiable comprehensive test ban or CTB Treaty. A CTB Treaty is an important linchpin in our efforts to prevent new nations from developing a nuclear weapons capability by depriving them of the ability to test and verify the performance and capability of the new weapons. In effect, the CTB Treaty, if realized, would go a long way in cutting off membership to the nuclear weapons club, depriving autocratic rulers and Third World rogue nations of the means to develop such weapons with confidence in the future.

After 40 years of effort, the world community is now 10 days away, hopefully, 10 days away, Mr. President, from its self-imposed negotiating deadline of June 28—that is this June 28—to finalize a CTB agreement. Not only are we in the last hours of the negotiations end game in the context of the historical debate on the test ban concept, we are in the final minute of this long and difficult endeavor. For this reason, it is no surprise that some opponents of the Comprehensive Test Ban Treaty and advocates of continued nuclear testing would look for ways to undermine an agreement.

I am not saying that the authors of this amendment necessarily fall into that category. I hope they do not. It might well be that some people pushing this amendment were not here in 1992 when Senator Mitchell, Senator EXON and Senator HATFIELD came about with a bipartisan agreement, stepped aside from political considerations and worked out an agreement that passed the Senate and has been the framework ever since and has been endorsed by the President of the United States and indirectly endorsed by other nations of the world and has resulted in the ongoing negotiations at Geneva.

In large part, the bipartisan Hatfield-Exon-Mitchell law of 1992 jump started American interest in joining the world's other nuclear powers in pushing for a comprehensive test ban treaty. By requiring that future U.S. nuclear weapons testing be linked to the correction of prospective safety and reliability problems, the Hatfield-Exon-Mitchell provision confirms what most scientists, military leaders, and policymakers understood: The United States has the safest, the most reliable nuclear weapons arsenal in the world.

Furthermore, after conducting over 1,000 nuclear tests, with the data resulting therefrom, at our test facility in Nevada, we have developed more advanced simulation technology than any other power in the world. The time was ripe for phasing out our testing program over 3 years and start seriously negotiating a comprehensive test ban agreement. Basically, Mitchell-Exon-Hatfield played a key role in that development. And I am astonished at this amendment because, however well intended, it is ill-advised as I have outlined.

Now, 4 years later, when we are on the verge of possibly reaching a comprehensive test ban agreement, a mere 9 days away from lowering the lid on the nuclear Pandora's box, it is in this context that the Kyl-Reid amendment should be judged. The Kyl-Reid amendment would authorize the President to seek authorization to resume nuclear testing after October 1 up until the time when a comprehensive test ban treaty is ratified by the Senate. Unlike the existing requirements of Hatfield-Exon-Mitchell, these tests could be for any reason, not necessarily to correct any safety or reliability problem. I should reiterate, there is no known safety or reliability problem with our nuclear weapons. It is worth noting that even if the President did seek to resume testing it would take approximately 2 years—let me repeat that, Mr. President—even if suddenly, today, the President of the United States should find that we have a serious problem with our nuclear deterrent, it would take approximately 2 years to reready the nuclear test site to conduct tests to verify if there is a problem and to help identify what would be necessary to correct it. If that should happen, I believe there is no question but the U.S. Senate would join in, would recognize and realize the serious threat, and take action as the President has outlined.

But that is not the case, and we should not be using or relying on that type of scare tactic to justify this ill-conceived and ill-timed amendment here on this date, late in June 1996, 9 days away from the final deadline in Geneva. According to the Department of Energy's best estimate, we would

have to take 2 years, if we needed it, to reready the test site in Nevada. In that context, the amendment before us is meaningless.

This reality raises the question of what is the true value of the Kyl-Reid amendment if it professes to give the President the means by which to resume testing up to a point of the Comprehensive Test Ban Treaty ratifications? The President of the United States is firmly against this. He does not need any additional authority at this time. The Secretary of Energy, who has prime responsibility under the President of the United States, and the National Security Council, are firmly opposed to this amendment, primarily for the reasons I have outlined. Even if there was a reason to test, and there is not, we would have to wait 2 years at least before detonation could take place and tests could be conducted even underground at the Nevada test site, far more time than the anticipated delay between signing the Comprehensive Test Ban Treaty and its subsequent ratification by the U.S. Senate.

In light of this, and the fact that there is no known safety or reliability reason to test, the question that needs to be asked is, Why is this amendment being proposed now, and what would the consequences be if the amendment was agreed to?

As I have stated, I am very fearful that they would be devastating. The prospects of a comprehensive test ban agreement by June 28 were greatly enhanced just recently when China agreed to join the rest of the world's declared nuclear weapons states in adhering to a testing moratorium and forsaking the right to test, ending all testing once an agreement is reached, which might be in the immediate future.

For the first time in history, all five permanent members of the Security Council are in agreement to adhere to a true zero yield test ban treaty. The Chinese decision clears the most difficult and significant hurdle in reaching agreement on a comprehensive test ban treaty text. What is more, the world's nonnuclear states, the potential new admissions to the nuclear club, are poised to sign on to a treaty relinquishing their right to develop or obtain these highly lethal and destabilizing weapons of mass destruction. If the United States were to approve the Kyl-Reid amendment on the eve of the Comprehensive Test Ban Treaty agreement, changing U.S. policy so as to authorize tests for any reason—for any reason, I emphasize, Mr. President, up until the time of Senate treaty ratification—the effect on our Nation's nonproliferation efforts in Geneva I am afraid would be devastating.

I am afraid, Mr. President, that under those circumstances the United States would become the pariah of the international arms control community and the reactions of condemnation from around the world would undoubtedly be swift, not unlike what occurred following the French and the Chinese weapons tests earlier this year.

My suggestion to Senator KYL and Senator REID is that this issue be withdrawn and reconsidered at some later date this year or maybe next year, or sometime after that when we will know whether or not the comprehensive test-ban negotiations were successful. While we have learned a great deal about all of these problems, with regard to reliability and safety of our nuclear weapons arsenal, and we have a lot to learn in the future, but there is no justifiable reason to resume testing now or in the foreseeable future. There is, however, a compelling reason to push hard in the final days of the comprehensive test-ban negotiations in Geneva, without having to bother with the uproar that is sure to follow if the Kyl-Reid amendment, regardless of how well intended, would be passed by the U.S. Senate or even considered and defeated under the rules that we have at our disposal in the U.S. Senate.

Mr. President, I urge my colleagues to stay the course and work in a positive way to halt the spread of nuclear weapons around the world. The Comprehensive Test Ban Treaty will do just that. Mr. President, the Kyl-Reid amendment regrettably would work to the contrary. Approval of this amendment by the Senate would be self-defeating and could very well snatch defeat from the jaws of victory, scuttling the Comprehensive Test Ban Treaty at a time 9 days—9 days away from possible success. Such a happening would undermine our own collective security and that of our allies by allowing nonnuclear states to potentially join what has been, up to now, an exclusive group of nations capable of killing millions with the push of a button. Rejection or withdrawal of the Kyl amendment would give us a chance—and I underline the word chance—of success at Geneva. I fear history will not judge this Senate kindly if our actions, whether intended or not, are instrumental in killing the Comprehensive Test Ban Treaty as it is prepared, hopefully, to be enacted and to join other landmark arms control agreements which have brought greater peace to all Americans and all people in the world, as we look not only just at today, but at tomorrow as well.

Mr. President, I urge my colleagues to reject the Kyl-Reid amendment. I will do everything that I can, within the powers that I and others have in the U.S. Senate, to see that this amendment does not prevail. There will be many other speakers who will follow me in opposition to the Kyl-Reid amendment. I emphasize only, again, in closing that, while this amendment may be well-intentioned, it is ill-conceived and the timing could not be worse. Those are the essential elements that the White House and the Secretary of Energy joined me on and, in my conversations with them, asked me to relate along with their strong opposition to this amendment.

I thank the Chair and I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Arizona.

PRIVILEGE OF THE FLOOR

Mr. KYL. Mr. President, I ask unanimous consent that Mr. Bob Perret, a congressional fellow in Senator REID's office, be provided privilege of the floor.

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

Mr. KYL. Mr. President, let me simply respond to the argument of the Senator from Nebraska with three quick points. I hope the Senator from Nebraska does not misunderstand what the amendment would do. He said there is no justifiable reason to test now. There is nothing in this amendment that calls for testing now. Nothing whatsoever. It merely continues the existing authority of the President to ask for a test. I have no reason to believe that the President would do so. It has nothing to do with engaging in any tests now.

Second. the Senator from Nebraska said, ''Why bring it up now?'' The answer is very simple: Because the distinguished chairman of the Armed Services Committee said if you have any amendments to the defense authorization bill bring them to the floor now. I am following the request of the distinguished chairman. And on the assumption that the bill is going to be dealt with within the next few days, we need to bring the amendment up now, not later.

But I offer to my colleague from Nebraska this good-faith offer: If the Senator from Nebraska would agree with me that we could vote on this amendment on June 29, the day after the 28th, which is the big date in the Senator's mind, I would be happy to enter into such a UC agreement. We have no reason to have a vote necessarily before or after the 28th. We are simply proposing the amendment at the time it is supposed to be proposed.

So if the Senator will agree to a unanimous-consent request to vote on the 29th, I would be delighted to enter into such an agreement with him.

The third point is that nowhere in the Senator's speech about how the timing could not be worse because it comes only 9 days before the 28th of June, which is the self-imposed deadline for the parties negotiating the CTBT to reach an agreement, nowhere in his discussion was any suggestion as to why this would somehow disrupt the agreement, why anybody would consider this relevant in the least, why they would object to it.

I understand that they have this self-imposed deadline to reach an agreement by the 28th. What we are doing here is absolutely irrelevant to that; it has no bearing on it. I cannot imagine somebody standing up and saying, ''Well, U.S. Negotiator, we can agree with you on the CTBT, but the U.S. Senate just considered this amendment

that allows the President to continue to test up to the time we have a CTBT.''

Every other country in the world has that right. I suspect the United States would be the only country in the world that as of September 30 will not have that right by law, because that is when the President's authority expires. Other countries that we are negotiating with can test right up to the time there is a CTBT. Why is that not disruptive?

There is no logic to the Senator's argument: ''We're going to have 9 more days to negotiate, so your amendment shouldn't be voted on.'' What is the connection? Why should anybody object to our amendment being voted on in these negotiations? Our amendment has absolutely nothing to do with this CTBT. It, by definition, only deals with the period of time up to the CTBT.

If we put the chart back up again, I will try to make it crystal clear. Graphic: The law allowing the President to test expires September 30. Up until the time that there is a CTBT, he would not be able to test for stockpile safety and reliability. We simply extend his ability to do so. That is all. How can anybody in the CTBT negotiations object to that? All of the other states will already have that right.

So, Mr. President, I heard the Senator from Nebraska, but I do not understand the logic of the argument.

Two final quick points. We are going to have to change the law at some time, because when we enter into a CTBT, if we do, we are going to have to legislatively give the President the authority to test in the supreme national interest, as the President said he would need the authority to do, and I quoted the President's safeguard section (f) in that regard.

So if this law expires on September 30, that is not the end of it. We are going to have to legislate.

Second, I note that the administration itself has said that until three different countries—I think two of them were Pakistan and India—agreed to sign up that we are not going to be entering into a CTBT. I am just not at all sure this magic date of the 28th is all of that magic. It may well be we are not able to reach an agreement by that self-imposed deadline.

But it does not matter, because all my amendment does is to allow the President the authority he has today, subject to Congress saying, ''No, you can't test,'' allow him to call for a test up until the time the CTBT goes into effect. It has no effect whatsoever on the CTBT. It does not affect it in the least. Granted, the 28th date is out there, but I do not know what relevance that is as to what we are doing here today.

I did want to clear those up since the Senator had raised the question of our motives in bringing it up at this time. I know Senator REID and I both want to make it crystal clear—that was the point in my seeking recognition a moment ago—to assure the Senator from my home State of Nebraska that our motive was to simply comply with the distinguished chairman of the Armed Services Committee to get any amendment we had to this bill presented before the bill was taken from the floor.

That is why we brought it up today. We could have easily brought it up tomorrow or the next day. I think we are happy to agree to any unanimous consent request that the Senator would be agreeable to enter into to have a vote after the date of the 28th, if there is a concern doing it before then would be disruptive in Geneva.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I listened with great interest to my colleague from the State of Arizona. I will simply say to him that everything that I had just said in my statement in this regard is totally accurate, to the best of my knowledge.

With regard to his counterarguments that this is going to help the President of the United States, the President of the United States says he does not need help. ''Thanks, but no thanks.''

The President of the United States is simply saying that the timing of this amendment is so outlandish, regardless of how well-intentioned it might be, that it has the chance of doing a great deal of harm and little, if any, enhanced possibilities of success at Geneva.

I will certainly say to my friend from Arizona that I am very willing to try and work with him in the future when the time might or might not be right to do some of the things that he says his amendment is designed to do. But I must tell him that the White House, the negotiators at Geneva, most if not all of the experts in this area that I know of and have worked with over the years, feel that his is an especially ill-timed amendment, notwithstanding his intentions.

I, therefore, simply say to him that I am not in a position at this time to agree to any time certain for a time limit or a time certain for a vote on this matter on the defense authorization bill that is before us, and certainly it is not possible for me to make any commitments at this time as to some date certain in the future as to when I might agree to allow that to happen, other than to say I think the Senator from Arizona knows that this Senator is totally approachable, intends to be reasonable, and understands the other person's point of view.

I try very hard to walk in another's shoes, see both sides of the debate. I will not walk in the shoes of those that are trying to push ahead on this amendment that this Senator feels, and other Senators like me on both sides of the aisle feel, that this amendment at this time is a disaster from the standpoint of trying to reach a comprehensive test ban treaty at Geneva that I think is essential for the future of mankind. Mr. President, I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I ask unanimous consent that the current amendment and the pending committee amendments be laid aside.

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

AMENDMENT NO. 4052

(Purpose: To express the sense of the Senate regarding the reopening of Pennsylvania Avenue)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. Grams], for himself and Mr. ROBB, proposes amendment numbered 4052.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE.

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

(1) In 1791, President George Washington commissioned Pierre Charles L'Enfant to draft a blueprint for America's new capital city; they envisioned Pennsylvania Avenue as a bold, ceremonial boulevard physically linking the U.S. Capitol building and the White House, and symbolically the Legislative and Executive branches of government.

(2) An integral element of the District of Columbia, Pennsylvania Avenue stood for 195 years as a vital, working, unbroken roadway, elevating it into a place of national importance as ''America's Main Street''.

(3) 1600 Pennsylvania Avenue, the White House, has become America's most recognized address and a primary destination of visitors to the Nation's Capital; ''the People's House'' is host to 5,000 tourists daily, and 15,000,000 annually.

(4) As home to the President, and given its prominent location on Pennsylvania Avenue and its proximity to the People, the White House has become a powerful symbol of freedom, openness, and an individual's access to their government.

(5) On May 20, 1995, citing possible security risks from vehicles transporting terrorist bombs, President Clinton ordered the Secret Service, in conjunction with the Department of the Treasury, to close Pennsylvania Avenue to vehicular traffic for two blocks in front of the White House.

(6) While the security of the President and visitors to the White House is of grave concern and is not to be taken lightly, the need to assure the President's safety must be balanced with the expectation of freedom inherent in a democracy; the present situation is tilted too heavily toward security at freedom's expense.

(7) By impeding access and imposing undue hardships upon tourists, residents of the District, commuters, and local business owners and their customers, the closure of Pennsylvania Avenue, undertaken without the counsel of the government of the District of Columbia, has replaced the former openness

of the area surrounding the White House with barricades, additional security checkpoints, and an atmosphere of fear and distrust.

(8) In the year following the closure of Pennsylvania Avenue, the taxpayers have borne a significant burden for additional security measures along the Avenue near the White House.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should direct the Department of the Treasury and the Secret Service to work with the Government of the District of Columbia to develop a plan for the permanent reopening to vehicular traffic of Pennsylvania Avenue in front of the White House in order to restore the Avenue to its original state and return it to the people.

Mr. GRAMS. Mr. President, the legislation we debate today sets out the broad defense policy for the Nation. It affords us an opportunity to outline our defense priorities, and the opportunity to reflect on what role this Nation is to play in the defense of freedom worldwide.

What I have come to the floor to address today is the defense of freedom within our own borders, indeed, right here in the heart of our Nation's Capital. I rise, along with Senator ROBB, my colleague from Virginia, to offer an amendment seeking the reopening of Pennsylvania Avenue in front of the White House. Mr. President, the two-block section of Pennsylvania Avenue fronting the White House was closed to vehicular traffic on May 20, 1995, by order of the President.

I have been to the floor several times in the year since to voice my concerns that the loss of this historic roadway—which travels across one of the busiest sections of one of the busiest cities in the world—has had a devastating impact on the District of Columbia. I have talked about the damage the closing has done to Washington's business community. There are well-founded concerns that it is scaring off new jobs and prompting potential retail and commercial tenants to stay away from the downtown area. I have discussed the hardships caused by the closing for District residents, and anyone whose paycheck depends on access to the avenue, people like cab drivers and tour bus operators.

I have outlined the numerous problems the closing has created for the District itself, which had one of its major crosstown arteries unilaterally severed by the Federal Government without any consultation. At a time when this troubled city could least afford another blow, this has hit especially hard. I have discussed the inconvenience for the 15 million tourists who come to Washington each year, especially the elderly and disabled, many of whom are being deprived of a close look at the White House.

And I have talked about the cost for the taxpayers, which has already reached into the millions of dollars, and, if the National Park Service prevails, could rise by at least $40 million more.

Mr. President, I have raised each of those aspects of the closing because each is important. But there is another side to this issue that is easy to overlook amid all the other more obvious problems: the question of what the closing of Pennsylvania Avenue says to the American people, and what we give up as a free society when we give in to fear.

Generations of visitors to Washington would hardly recognize the stretch of Pennsylvania Avenue that has stood for nearly 200 years as America's Main Street. Today, it is a vacant lot, empty of any traffic. Gone is the thrill for visitors of driving by the White House for the first time—the concrete barricades have put an end to that.

Gone, too, is the sense of openness that inspired Americans to feel close to the Presidency and close to their Government when they visited the Executive Mansion. And 1600 Pennsylvania Avenue has become a Federal fortress, and the effect is unnerving.

In a city that boasts of such inspiring symbols of freedom as the marble of the Lincoln Memorial, the columns and porticos of the White House, the massive stones that lift the Washington Monument into the sky, and the great dome of the U.S. Capitol itself, the gray, concrete barricades of Pennsylvania Avenue are a national embarrassment.

How do we explain the blockades to our visitors, whose first glimpse of the home of their President is marred by the sight of a White House seemingly under siege? What do we say when those visitors are children, who have been taught how this Nation has fought for freedom and values it above all else, and yet find a different message along the now-empty stretch of Pennsylvania Avenue?

Mr. President, I must make this clear: in each conversation I have had about the future of Pennsylvania Avenue, everyone has been emphatic that the safety of the President must be our primary concern. So it is—without question. And because the need to ensure the safety and security of the President of the United States is paramount, there was little argument when Pennsylvania Avenue was closed in the weeks immediately following the bombing of the Federal building in Oklahoma City. At the insistence of the Secret Service, temporary restrictions on Pennsylvania Avenue seemed prudent, and because it was a temporary move, people went along.

But months passed, and then a year, and now, the National Park Service is moving ahead with plans to forever close ''America's Main Street'' to traffic in front of the White House. Because they are thorough and efficient and utterly dedicated to protecting the President, the Secret Service can't be blamed for pushing for the closing of Pennsylvania Avenue. They have been trying for 30 years to shut it down, beginning with the Kennedy administration and every President since. They have long seen Pennsylvania Avenue as a threat, and used Oklahoma City as the justification to move ahead with a plan they have been eager to put in place for more than three decades. If the Secret Service had its way, we would build a protective bubble around the President from which he'd never emerge. But that is not what being President is all about, especially when you are an outgoing, gregarious leader like President Clinton, who exposes himself to danger a thousand times a day inside and outside Washington, because he thrives on the public contact that comes with being President. Keep this President away from the people? Well, you would have better luck keeping Cal Ripkin away from the ballpark. And that is the way it should be. That is what people need their President to be. We cannot eliminate every risk, Mr. President, because that is the nature of a democracy. When we resort to the temptation to try, we start down a slippery slope. Turning these two blocks of Pennsylvania Avenue into a $40 million park will not hide the fact that we're wrapping the White House in another layer of protection and further insulating our leaders from the public.

Mr. President, an entire year has come and gone since the closure of Pennsylvania Avenue, and the circumstances have changed with time. A decision that seemed prudent a year ago now demands to be reexamined, and the sense-of-the-Senate amendment I introduce today offers us that opportunity. It simply calls on the President to direct the Secret Service—working alongside the Treasury Department and the District government—to develop a plan for the permanent reopening of Pennsylvania Avenue in front of the White House. It puts this Senate on record as saying we are not a nation that cowers to terrorists. My amendment—based on Senate Resolution 254, which 46 of my Senate colleagues agreed to cosponsor when I introduced it as stand-alone legislation last month—enjoys widespread, bipartisan support here on Capitol Hill, throughout the District of Columbia, and among the American people themselves. I am proud to have Senator ROBB join me as an original cosponsor. Many of his constituents deal every day with the closure of Pennsylvania Avenue. I am grateful our efforts have the added support of Congressmen DAVIS and MORAN and Congresswoman NORTON in the House, along with Senator LEAHY, as well, here in the Senate, and that we have been joined by Mayor Barry, the D.C. Council, and more than two dozen of this city's most influential business, civic, and historic organizations.

Mr. President, I ask unanimous consent that this list of supporters, the original cosponsors of Senate Resolution 254, and a resolution of support passed by the D.C. Council be printed in the RECORD.

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

WE SUPPORT THE SENATE RESOLUTION CALLING FOR THE REOPENING OF PENNSYLVANIA AVENUE IN FRONT OF THE WHITE HOUSE

District of Columbia Mayor Marion Barry.
DC Council Chairman David A. Clarke.
DC Councilmember Frank Smith.
DC Councilmember Jack Evans.
DC Councilmember Charlene Drew Jarvis.
AAA Potomac.
American Bus Association.
Apartment and Office Building Association of Metropolitan Washington, Inc.
Association of Oldest Inhabitants of DC.
Chamber of Commerce of the United States.
Citizens Against Government Waste.
Citizens Planning Coalition.
Committee of 100 on the Federal City.
DC Chamber of Commerce.
District of Columbia Building Industry Association.
District of Columbia Preservation League.
DuPont Circle Advisory Neighborhood Commission 2B.
Federation of Citizens Association.
Frontiers of Freedom.
Georgetown Kiwanis Club.
Greater Washington Board of Trade.
Hotel Association of Washington DC.
Interactive Downtown Task Force.
International Downtown Association.
Arthur Cotton Moore Associates.
National Capital Area Chapter of the American Planning Association.
Restaurant Association of Metropolitan Washington.
Washington Cab Association.
Washington DC Historical Society.

S. RES. 254

REOPENING PENNSYLVANIA AVENUE TO THE PEOPLE

Current cosponsors of S. Res. 254, which calls for the President to order the Secret Service to develop a plan for the permanent reopening of Pennsylvania Avenue to vehicular traffic in front of the White House:

Spence Abraham, John Ashcroft, Bob Bennett, Hank Brown, Richard Bryan, Conrad Burns, Ben Nighthorse Campbell, John Chafee, Dan Coats, Bill Cohen, Paul Coverdell, Larry Craig.

Al D'Amato, Pete Domenici, Lauch Faircloth, Bill Frist, Chuck Grassley, Judd Gregg, Orrin Hatch, Mark Hatfield, Jesse Helms, Jim Inhofe, Jim Jeffords, J. Bennett Johnston.

Nancy Kassebaum, Jon Kyl, Patrick Leahy, Dick Lugar, Connie Mack, John McCain, Mitch McConnell, Barbara Mikulski, Frank Murkowski, Don Nickles, Larry Pressler, Chuck Robb.

Bill Roth, Rick Santorum, Richard Shelby, Al Simpson, Bob Smith, Arlen Specter, Ted Stevens, Craig Thomas, Fred Thompson, Strom Thurmond.

RESOLUTION 11–382 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Resolved, by the Council of the District of Columbia, That this resolution may be cited as the ''Sense of the Council Pennsylvania Avenue Reopening Emergency Resolution of 1996''.

SEC. 2. The Council finds that:

(1) One year ago the United States Department of the Treasury closed Pennsylvania Avenue in front of the White House, the national symbol of an open democracy.

(2) The National Park Service has submitted a proposal to permanently close that portion of Pennsylvania Avenue, leaving the downtown disfigured and dysfunctional.

(3) Pennsylvania Avenue is the major east-west artery in the District of Columbia.

(4) The temporary closure of Pennsylvania Avenue has seriously affected the ability of District residents to navigate city streets and has greatly disrupted traffic patterns, commerce, and tourism.

(5) The permanent closure of Pennsylvania Avenue will exacerbate the serious financial and traffic problems that have been created by the temporary closure.

(6) Pennsylvania Avenue is not a park.

(7) The concern for heightened security is understandable. Nevertheless, with the technological capability of the United States, another solution can be found to address security interests without permanently damaging the District of Columbia.

(8) In this time of fiscal austerity at the local and national levels, it is neither desirable nor justifiable to spend the amounts proposed to permanently alter Pennsylvania Avenue.

(9) The proposal submitted by the National Park Service does not address the impact the closure will have on the residents and businesses of the District of Columbia.

(10) The future of Pennsylvania Avenue should be decided with the cooperation and approved of the elected officials and citizens of the District of Columbia.

SEC. 3. It is the sense of the Council that the United States Congress enact legislation requiring the reopening of Pennsylvania Avenue.

SEC. 4. The Secretary of the Council of the District of Columbia shall transmit copies of this resolution upon its adoption to the President of the United States, the Mayor of the District of Columbia, the District of Columbia Delegate to the United States Congress, the chairpersons of the committees of the United States Congress with oversight and budgetary jurisdiction over the District of Columbia, the Chair of the District of Columbia Financial Responsibility and Management Assistance Authority, the Secretary of the United States Department of the Treasury, the Secretary of the United States General Services Administration, the Secretary of the United States Department of Transportation, the Secretary of the United States Department of the Interior, the Chairman of the National Capital Planning Commission, the City of Administrator, the Assistant City Administrator for Economic Development, the Director of the District of Columbia Department of Public Works, and the Director of the District of Columbia Office of Planning.

SEC. 5. This resolution shall take effect immediately.

Mr. GRAMS. Mr. President, we have come together—Republicans and Democrats, without regard to party affiliation and without any political agenda—to ask the President to reverse a decision that has had widespread, unintended consequences. In the Capital City of a nation built ''of the people, by the people, and for the people,'' there is no room for fear, roadblocks, or barricades.

The American people agree, and I am heartened by their support. By mail and through the Internet, hundreds of them have urged me to continue this campaign to restore Pennsylvania Avenue to its historic use. I wish I could share each of their messages with you. I want to tell you, though, I have heard from military experts who tell me the present closure would do nothing to blunt a terrorist attack, former—even current—White House employees who are ashamed of what Pennsylvania Avenue has become, long-time residents and more recent transplants to the District, and Americans from every corner of the country. They have said it many different ways, but their message is the same and that is: give us back Pennsylvania Avenue.

This month, two former residents of 1600 Pennsylvania Avenue joined in the national discussion by speaking out against the closing. President Gerald Ford said, quote, ''There ought to be a better solution.'' President Jimmy Carter labeled it, quote, ''unnecessary and a mistake.''

There is one letter I keep coming back to, a letter that sums up more eloquently than any other the closing of Pennsylvania Avenue because it was written by a man who lived alongside the fear of terrorism for 444 days, yet still refuses to bow to it.

He urged me to continue my efforts, and sent me a copy of a letter he had printed in the Washington Post just days after the avenue's closure. It reads: ''By closing Pennsylvania Avenue, we have succumbed to the atmosphere of fear that terrorists—domestic and foreign—seek to foster among us.''

If there is any American who should fear the power of a terrorist, it is Minnesota native Bruce Laingen, the senior diplomat among the U.S. Embassy employees held hostage in Tehran beginning in 1979. If Bruce Laingen is not willing to give in to terrorism, then neither should we.

Mr. President, through almost 200 years of this Nation's colorful history, Pennsylvania Avenue survived, through assassinations, civil and world wars, political unrest, and events that have often led us to question what it means to live in a free society where risks are an inescapable part of our everyday life.

The transformation of Pennsylvania Avenue from a national symbol of freedom into a testament to terrorism is something average Americans tell me they cannot understand. It is time to reopen Pennsylvania Avenue, for our visitors, our business community, our commuters, our residents—for every American who celebrates freedom and will defend it at all costs. Kings live in castles, protected by moats. Dictators hide themselves away in the safety of bunkers. Presidents live alongside busy streets like Pennsylvania Avenue, close to the people who give them their strength.

I ask my colleagues to support the Pennsylvania Avenue amendment.

Mr. THURMOND. Mr. President, I rise to support the sense-of-the-Senate resolution offered by the distinguished Senator from Minnesota, Senator GRAMS. Judging from the number of cosponsors, this resolution has broad bipartisan support.

I would also like to associate myself with the Senator's remarks, particularly with his point that the White House has become a powerful symbol of freedom, openness, and citizens' access to their Government. This resolution informs the President that the Senate

believes the Department of the Treasury and the Secret Service should develop a plan to reopen Pennsylvania Avenue. I commend the Senator for his leadership in this matter.

Mr. GRAMS. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. COATS. Mr. President, I am tempted to move the question here because the Senator has presented his amendment, and he has presented his argument. There is no one on the floor to either argue against the Senator's amendment, to speak for the Senator's amendment, or to offer an amendment to the bill that we are debating.

Here it is now 12:30 p.m., and we are in this typical nothing-happens-during-daylight hours in the U.S. Senate. We have an important bill on the floor. We have amendments that we are aware of, but no one is here to offer those amendments.

I am not going to move for adoption of this amendment by voice vote yet, in deference to those that may want to speak against it or for the Senator's interest in getting a rollcall vote, but the bill before the Senate, the defense authorization bill for fiscal year 1997, is not being debated. The Senate is wasting a lot of time. Once again, we will find ourselves here late into the evening doing work that we ought to be doing during the day.

I urge colleagues who have an interest in this bill, who have amendments that they wish to offer to this bill, to notify the managers of their interest so that we can structure some time for them to do this. Without that, we are going to, at some point, come to the conclusion that no one is interested in amending the bill as it is presented, other than the amendment, the two amendments that are currently up, and we will have to move to some disposition.

Mr. COATS. 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. GRAMS. 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. GRAMS. Mr. President, I ask for the yeas and nays on my amendment I offered earlier, amendment No. 4052.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, if I could direct a question to Senator GRAMS, who offered the pending sense-of-the-Senate resolution. It is my understanding—and I have not been on the floor—that this would be a sense-of-the-Senate resolution that would indicate that Pennsylvania Avenue should be reopened; is that true?

Mr. GRAMS. That is correct.

Mr. REID. Mr. President, I believe that we should proceed with caution on something as serious as this. I know my friend from Minnesota has probably been inconvenienced, as has this Senator. I have had to change one of my routes to my residence in Washington as a result of the closure of Pennsylvania Avenue. It has been inconvenient for me. I went to a meeting at the White House yesterday, however, and pulled into Pennsylvania Avenue and the guards were there. I was very impressed as to what was going on on Pennsylvania Avenue, the part of it that has been closed. Vehicular traffic is stopped, but foot traffic is heavier than ever. In fact, out in front of the White House on Pennsylvania Avenue, they had a street hockey game going on—in fact, several of them.

Now, every one of us here on the Senate floor, Members of the Senate, have access to what goes on in the Intelligence Committee. I think it would be constructive for every Member of the Senate to have a briefing on why Pennsylvania Avenue was closed. When I came here 14 years ago, all these entrances coming into the Capitol complex were open—those that now have these big cement flower pillars there. They were open when I came here. You could come in and out at your leisure. There was no security of any consequence on those routes.

The first year that I was in the House of Representatives the Nevada State Society had a meeting over here in the Rayburn Room. And it ended sometime in the evening at 8 o'clock or so. Shortly after the Nevada people left that room there was a huge explosion that took place that did damage in here and did tremendous damage in the Rayburn Room, and all out through there.

The security slowly but surely has tightened up, and it has not been done just as a whim of the Capitol Police. They are short handed like everyone else. They have had to beef up their security in an effort to make the Capitol complex safer—safer for the Senators and Congressmen but also for the millions of people who visit this building and the office buildings surrounding the Capitol complex.

I think it would be bad policy for the U.S. Senate to start handling security for the White House. I think it would be bad public policy for the U.S. Senate to start handling security of the Capitol complex, especially without congressional hearings.

Simply to walk in here and say, ''In 1791, George Washington commissioned L'Enfant to draft a blueprint for America's new Capital City; they envisioned Pennsylvania Avenue as a bold, ceremonial boulevard physically linking the U.S. Capitol Building and the White House, and symbolically the legislative and executive branches of Government.''

In over 200 years things have changed. There were no automobiles, of course, then.

The Senate resolution goes on to say:

> An integral element of the District of Columbia, Pennsylvania Avenue stood for 195 years as a vital, working, unbroken roadway, elevating it into a place of national importance as America's Main Street.

No one would dispute that.

> 1600 Pennsylvania Avenue, the White House, has become America's most recognized address and a primary destination of visitors to the Nations Capital; the People's House is host to 5,000 tourists daily, and 1,500,000 annually.

It would be more than that. As we all know, they are limited to a small facility to the numbers of people that can go there. Those people we want to be safe also.

> As home to the President, and given its prominent location on Pennsylvania Avenue and its proximity to the people, the White House has become a powerful symbol of freedom, openness, and an individual's access to their Government.
>
> On May 20, 1995, citing possible security risks from vehicles transporting terrorists bombs, President Clinton ordered the Secret Service, in conjunction with the Department of the Treasury, to close Pennsylvania Avenue to vehicular traffic for two blocks in front of the White House.
>
> While the security of the President and visitors to the White House is of grave concern and is not to be taken lightly, the need to assure the President's safety must be balanced with the expectation of freedom inherent in a democracy; the present situation is tilted too heavily toward security at freedom's expense.

Mr. President, I think that we are really lurching into an area here that deserves a little caution. A year ago the Secretary of the Treasury, Robert Rubin, directed the Secret Service to close a segment of Pennsylvania Avenue—it is not all closed—to vehicular traffic following the conclusion of the White House security review. The review of security to the White House is the most extensive ever conducted. Pennsylvania Avenue remains accessible to visitors, and the area will be converted to a pedestrian park, which I think people coming to visit Washington will certainly be well served by rather than the traffic jams we have had there since I can remember.

This sense-of-the-Senate resolution says:

> It is the sense of the Senate that the President should direct the Department of the Treasury and the Secret Service to work with the Government of the District of Columbia to develop a plan for the permanent reopening to vehicular traffic of Pennsylvania Avenue in front of the White House in order to restore the Avenue to its original state and return it to the people.

I say with as much respect as I can that this is not a good sense-of-the-Senate resolution. I think it should be defeated. I do not think it prudent national security policy that, absent hearings, we take this measure up on the floor of the Senate. This resolution

has no business in the Defense authorization bill. There have been no hearings held on this. There are committees with jurisdiction to handle matters dealing with intelligence.

I personally feel for my Government that it is better that it be closed. I have not heard a single person from the State of Nevada—and a lot of them come back here—complain because that area has been blocked off. I have heard people who complain it is harder to get home now. There is no question that it is. The Secretary of the Treasury has the legal authority to restrict vehicular traffic on Pennsylvania Avenue. As long as he, the Secretary of the Treasury, and the head of the Secret Service continue to determine that as a factual matter—doing so is necessary to protect the President—I am going to go along with that.

Based on information from the Secret Service, the closure is necessary to protect the President and all those who work at and visit the White House every day. The Department of Treasury remains committed to that decision. This, Mr. President, is not a decision to protect President Clinton. It is a decision to protect the President of the United States and those thousands of people that work in, and have contact with, the White House on a daily basis.

Closure was necessary because the White House security review was not able to identify any alternative to prohibiting vehicular traffic on Pennsylvania Avenue that would ensure the protection of the President and others in the White House complex from explosive devices carried in vehicles near the perimeter.

Mr. President, an explosive device in the trunk of a car out on Pennsylvania Avenue would do significant damage to the White House, its property, and the people in the White House.

The Secretary of Treasury's review recommended a number of things, and his recommendations were not done alone. They were not done by him alone. He made the final decision. But the review recommendations were fully endorsed by an independent, bipartisan advisory group which included former Secretary of Transportation William Coleman and the former Director of the CIA and the FBI, Judge William Webster. The review consulted with numerous experts on public access, architecture, and the history of the White House. He stated that a pedestrian park had numerous advantages other than security.

Someone coming from the State of Nevada to look at the White House would certainly be more impressed with an open park atmosphere rather than honking cabs back-to-back with smoke puffing out of the cars. A pedestrian mall concept is consistent with President Washington's vision for the White House similar in identity, and which Mrs. Kennedy endorsed more than a generation a ago.

At President Clinton's direction, the Department of Interior's National Park Service has been working with a preexisting committee on a comprehensive design plan for the White House; a design for a pedestrian park.

On Wednesday, May 22 of this year, the Director of the National Park Service was in the process of announcing the design plan for Pennsylvania Avenue and, Mr. President, we are confident that when this plan is completed the area will be much more inviting than it was when that area was not blocked off. It will be an important public space. We would look back with derision to an amendment like this to create and maintain a roadway for vehicular traffic through the front of the White House.

The Department of Transportation's Federal Highway Administration is continuing its work with the District of Columbia Department of Public Works on short- and long-term traffic plans to alleviate traffic problems for the area.

Although closing Pennsylvania Avenue has had an impact on traffic, it has not had a negative impact on the public's access to the White House. People who were driving in front of the White House with rare exception were people who were not coming to see the White House. They were there because they were doing business in and about that area.

It has not prevented public access to the White House. Tours have continued. They have continued uninterrupted. Visitors can now enjoy walking, as I indicated, rollerblading, participating in street hockey, and other games out in front of the White House, and they are biking down Pennsylvania Avenue without the noise and danger of passing motorists. The White House, Mr. President, does remain the people's house.

Mr. President, I hope that we would not have to vote on this sense-of-the-Senate resolution. I think that we are really stepping out of where we are supposed to be by trying to micromanage security at the White House. With all the problems we have had in this country and around the world, with leaders being assassinated, bombs being placed in cars, I just think that this is the wrong way to go, and I certainly hope that this sense-of-the-Senate resolution would not have to be voted on, and if we do I hope that we would not pass it. I think it should be defeated.

Mr. President, I feel that there are a lot of things we should be talking about on this defense bill but one of them is not how to micromanage security at the White House. Should we pass a sense-of-the-Senate resolution overriding what the Capitol Police do around the Capitol complex? Should we amend this sense-of-the-Senate resolution—I ask in the form of a question to my friend from Minnesota, would the Senator be willing to modify his amendment to provide for the opening of all the streets around the Senate Office Buildings and the Capitol?

The PRESIDING OFFICER (Mr. CAMPBELL). Under the previous order, at the hour of 1 p.m., the majority leader was to be recognized.

Mr. REID. I certainly cannot interfere with a unanimous-consent request that has previously been entered, but I hope that I would not lose the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, if the Senator will yield at this time, we did have a commitment to notify the Members of the progress that was being made at 1 o'clock and get a unanimous-consent agreement as to how we would continue to proceed. And then, of course, we would go right back to where the Senator is, and we would have an opportunity to work together on that, so I will be very brief.

Mr. President, for the information of all Senators, the Democratic leader and I have just concluded another meeting to further discuss the possibility of an agreement with regard to the minimum wage and the small business tax package. Both leaders will now be contacting various Members to continue to clear the agreement, and I thank all Members at this time for their cooperation. I hope to be able to resolve this matter by the close of business today. We are being very careful because we want to make sure all Members know exactly what is involved, and before we agree to any further step we both go back to our Members to discuss it with them further. In the meantime, I urge Members who have amendments to the DOD authorization bill to come to the floor and be willing to accept reasonable time agreements with respect to their amendments.

I ask unanimous consent now that no minimum wage amendment or legislation be in order for the remainder of today's session.

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

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

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. We want to certainly cooperate with the majority leader and our minority leader as well on the issue of the minimum wage and to try to work out an adequate procedure by which the Senate will have an opportunity to address this issue. I had understood at a previous time that that negotiation had been in process and that they in effect were in agreement with the exception of the notification on the particular language that was going to be offered, one by the Republicans, one by the Democrats, on the minimum wage, and then one by Republicans and Democrats on the various tax provisions; and that there would be then a conclusion of the results on it and we would go to the conference.

That was I thought pretty well understood or announced on Sunday. I heard my friend and colleague from

Mississippi talking on a national program about the desire to work that out. It is Wednesday now at 1 o'clock.

The way it had been initially outlined seemed to me to be a way that made the most sense in proceeding, to try to do the defense authorization and then to move off the dime.

Could the Senator give us some idea as to where these negotiations are, because I think I am one of many who believe that we have been back and forth on this issue of the minimum wage for some period of time. It does not seem to be an enormously complicated question to try to work out and a process and procedure which should be satisfactory to the majority and the minority. But I am wondering if he could give us some idea about where we are at this time. We are all being asked about this by the press. I think the public ought to have at least some understanding. I know that the leaders have to work these measures through in terms of a variety of considerations, but I should like to inquire as to where we are because we are giving up the opportunity to address this. We are only in 1 more week prior to the Fourth of July recess and, as the Senator knows, one of the factors of the Fourth of July was that was to be the time when the minimum wage was supposedly increased. That was to be the triggering year for the increase of the 40 cents. So it is of interest, I imagine, to millions of Americans who wonder whether we are going to do this before the Fourth and to try and get some action so that they might be able to participate in an increase or whether they are not and what the circumstances are about it.

Mr. LOTT. Mr. President, if I could respond——

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. To the comments of the distinguished Senator from Massachusetts, I want to emphasize that this involves a lot more than the minimum wage. It does involve a package of small business tax amendments that could be very helpful to small businesses in America, where most of the jobs are created in America anyway, or the majority of them and particularly where most of the entry-level people are working. And so that is a part of this package. The gas tax issue, whereby there would be a repeal of the 4.3-cent-a-gallon gas tax, has been involved in all of this. The issue of the taxpayer bill of rights is involved, as well as the TEAM issue which had been offered earlier, so that we could have cooperation between employees and employers.

As our colleagues know, this issue took on more and more issues as it languished for 1 month or 6 weeks and every time it came up there was another angle to it. So that is point No. 1. Second, I think we were very close to having an agreement between Senator DASCHLE and myself last night, or late yesterday afternoon, one that was not universally appealing on our side of the aisle or on the other side of the aisle, but then I believe Senator DASCHLE found there were some concerns on your side of the aisle with what we were trying to get an agreement on.

We have met subsequently, and we have discussed other ways that maybe that can be dealt with. But we are being extra careful because we want to develop a relationship that is one of trust and respect. We are making sure that when we talk about something, I understand what he is saying and he understands what I am saying. We are trying to reduce it to writing with our staff working on both sides. We have just come through a meeting which I pointed out in which we came up with some suggestions as to how amendments, for instance, on gas tax provisions, would be allowed, how many, because there are some Senators on that side who want to have more than one and there are some Senators on our side who would like to have more than one on the small business tax provision. I am sorry; I misspoke myself—on the small business portion of it. So, we are being extra careful to make sure that we understand each other and that colleagues on both sides can live with it. But what we are trying to do is to deal with this matter in absolutely a fair way, an open way, so that we can deal with other business that is very important for our country—Department of Defense authorization, campaign finance reform next Monday, we have the Federal Reserve Board nominees. We are going to vote on those Thursday.

So this Gordian knot that has been tied up here, we are trying to take it one string at a time, and we are making progress. But we ask—I ask our colleagues here, give us a little more time. We are working in good faith and we are very close to something, I think, that would be fair, understandable, and we could all agree with. I think we are going to try very hard to have that done by the close of this session.

Mr. KENNEDY. Just further reserving the right to object, just to make a brief comment, Mr. President, I am unpersuaded by the Senator's position that this is a Gordian knot and that it has been languishing here. The reason it has been languishing is those who for over a year and a half have denied this body the opportunity to vote when we have been able to demonstrate in previous votes a majority of the body will vote for an increase in the minimum wage.

I reject, also, the suggestion that it is our side of the aisle that has somehow complicated these negotiations. I have privity to those, and when the Senator talked about what was going to happen or not happen with regards to the TEAM Act on Sunday and said that was not going to be called up this year and then had a change of mind, trying to add other things to these negotiations which had been tentatively agreed to, it was not this side of the aisle that was complicating the negotiations. It was his side of the aisle.

Now, the American people are enormously interested in these provisions on small business. As I understand it, it is 12 or 13 billion dollars' worth. They are interested, the taxpayers, in the gas tax; I am sure in the TEAM Act. But I think it is a very simple issue. We are asking an up-or-down vote on minimum wage, which we have historically voted on seven different times at other times in our history. That is something we are being denied, even though the time has been moving on and the triggering time for the increase in the minimum wage is July 4.

So, I must say to my friend and colleague, I will not object at this time. But I, quite frankly, am enormously troubled by the failure to make it very clear whether we are going to have the opportunity to vote on this measure in a way the Members can know when it will be called up and to vote on it, and just have this continuously dragged through. We have a right to offer this on different measures. The reason that we do is because we are denied the opportunity to vote on it as a separate bill. As long as the majority refuses to give us that opportunity to vote on a separate bill, then we are going to be required to use any particular device.

I do not object at this time, but I certainly hope we would conclude these negotiations through the afternoon and all Members will have a chance to look at what is actually going to be proposed on a unanimous consent. Because otherwise this minimum wage is going to be right on the defense authorization before this week ends.

Mr. LOTT. Mr. President, I renew my request for the unanimous consent.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. LOTT. If I could just claim some leader time, perhaps, to comment further on that. First of all, I might just say that in the proposal we have, the Senator will have an opportunity to have a clear vote on his amendment the way he wants to do it. So the opportunity is there. I think it is only fair that we have an opportunity to have our version of that issue.

As far as the time that you have been delayed, you had 2 years when you were in the majority when you did not offer a minimum wage increase. To now say you are being blocked from that, I just wonder why you did not offer it in those earlier 2 years. But having said that——

Mr. KENNEDY. Do you want an answer?

Mr. LOTT. We are trying to find a way to get the job done, and I am working at that diligently.

I want to say this. As far as the TEAM Act, saying I was not going to call it up this year, I did not say that. I said we were trying to work up an agreement that would not have the TEAM Act in as a part of the minimum wage and small business tax relief.

That is the direction we are working in. But I did not mean to imply and I did not say we were not going to call it up this year. That is an issue a lot of people feel very strongly about. The American people, I think, would agree with it. So I want to make that clear.

The other thing I must say, the problem is not on the Democratic side of the aisle alone. We have people over here who do not like this very much either. So there is an equal grumbling about it. But as leaders here, we are trying to find a way to get everybody just unhappy enough that they do not like it but they will not object to it. And we are about to get there. So give us that latitude, and I think we will get an agreement that will work.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada [Mr. REID] is recognized.

Mr. REID. Mr. President, I had the floor. I wanted——

Mr. KERRY. Does the Senator from Nevada yield for a question?

Mr. REID. I will be happy to.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KERRY] is recognized.

Mr. KERRY. I wanted to ask my colleague how long he might be proceeding and whether he thinks there might be time, since Senator MCCAIN and Senator SMITH are here, for a quick interlude to act on an amendment that has been agreed upon and restore the floor to the Senator from Nevada.

Mr. REID. We should not be long. I have a few questions.

The PRESIDING OFFICER. The Senator from Nevada [Mr. REID] is recognized.

AMENDMENT NO. 4052

Mr. REID. The first question I ask my friend from Minnesota is: Would the Senator think it would be appropriate to modify this sense-of-the-Senate resolution to provide for the opening of streets around the Capitol, the House office buildings and Senate office buildings and the arteries in and out of the Capitol?

The PRESIDING OFFICER. The Senator from Minnesota [Mr. GRAMS].

Mr. GRAMS. I wanted to remind the Senator from Nevada, last year I did make that recommendation, talking about removing barriers as well around the Senate office buildings that have been enclosed at the same time as Pennsylvania Avenue, so I would have no objection to so move and make those modifications to this amendment.

Mr. REID. So the Senator from Minnesota feels that the proper way to determine security of the Capitol complex and the White House is on the floor, without congressional hearings of any kind? Any kind of hearings?

Mr. KYL. We do have hearings that are planned for the Government Affairs Committee. The amendment has been cleared with Senator STEVENS and also the chairman of the D.C. Subcommittee, Senator COHEN. Both have assured me that this amendment complements their efforts regarding the reopening of Pennsylvania Avenue, and they plan to hold hearings regarding this.

But I would also remind the Senator from Nevada that there were no hearings, there were no consultations with anybody, when Pennsylvania Avenue was closed because it was an imposed closure, only temporary, and then that has evolved into a permanent closure. Now the only option being offered is to keep it closed. We do not think that is correct either. So we have asked this. Again, I remind the Senator from Nevada, this is only a sense of the Senate to move ahead with this.

Mr. REID. I hope the American public, on this interchange between the distinguished Senator from Minnesota and the Senator from Nevada, would not think this is how we do business all the time; that is, take legislative action and then hold hearings later. It seems to me we should reverse that order, hold the hearings and determine the legislative action necessary.

I also hope there is no one of the opinion that, regarding the security of the President and the visitors who come to the White House, the people who work there, and this Capitol complex, any time the Capitol police or Secret Service want to make a decision, they would have to have congressional approval to do so. Knowing how slowly we have moved on most things around here, there would not be much action taken, especially if it involved the security of the President or people around the Capitol complex.

I ask my friend from Minnesota another question, through the Chair to the distinguished Senator from Minnesota. Would the Senator consider an amendment to the resolution that, after the word ''people,'' which is the last word in the sense-of-the-Senate resolution, we add the words, ''provided that the Secretary of the Treasury and the Secret Service certify that such a plan protects the security of those who live in and work in the White House''?

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. I have to apologize to the Senator from Nevada, I could not hear him very well.

Mr. REID. I am sorry. After the word ''people'' there would be a comma or semicolon and we would say ''provided that the Secretary of the Treasury and the Secret Service certify that such a plan protects the security of those who live in and work in the White House.''

Mr. GRAMS. No, I would not accept that as a substitute for the amendment.

Mr. REID. The Senator would not.

Mr. GRAMS. No.

Mr. REID. Can this Senator direct another question to the Senator from Minnesota and ask why?

Mr. GRAMS. Because, again, this is the same situation we are in now. This decision was made arbitrarily by these individuals, and we feel there should have been an open process.

In fact, there are laws on the books, I believe, that say before the Federal Government can permanently close any street in the District of Columbia, it has to have full consultation with the District and open hearings for the public. That was never done as well.

Mr. REID. Mr. President, I hope that the decisions that were made for the President's security, whether that President be a Democrat or Republican, or people who work in the White House, people who visit the White House, people who are elected officials to serve in the Capitol complex, in the House and the Senate, people who work here and visit here, I hope that when there is something involving security as a result of terrorist threats that are picked up through intelligence efforts, that we certainly will not have to go through a congressional review process as to whether or not they could close a road or walkway.

Mr. President, I move to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent that this vote be delayed until the hour of 2:15.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The vote will be delayed until the hour of 2:15.

The PRESIDING OFFICER. The Senator from Arizona [Mr. MCCAIN].

Mr. MCCAIN. Mr. President, I see the Senator from Massachusetts is on the floor. I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KERRY] is recognized.

Mr. KERRY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The vote on the Grams amendment has been postponed until 2:15, so the Senator may offer an amendment.

Mr. KERRY. I thank the Chair.

AMENDMENT NO. 4055

(Purpose: To provide for the Secretary of Defense to make payment to Vietnamese personnel who infiltrated into North Vietnam to perform covert operations as part of OPLAN 34A or its predecessor)

Mr. KERRY. Mr. President, I send an amendment to the desk on behalf of myself, Senator MCCAIN, BOB KERREY, BOB SMITH, LARRY PRESSLER, CHUCK ROBB, TOM DASCHLE, and PAT LEAHY.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Mr. MCCAIN, Mr.

KERREY, Mr. SMITH, Mr. PRESSLER, Mr. ROBB, Mr. DASCHLE, and Mr. LEAHY, proposes an amendment numbered 4055.

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

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

The amendment is as follows:

At the end of subtitle E of title VI add the following:

SEC. 643. PAYMENT TO VIETNAMESE COMMANDOS CAPTURED AND INTERNED BY NORTH VIETNAM.

(a) PAYMENT AUTHORIZED.—(1) The Secretary of Defense shall make a payment to any person who demonstrates that he or she was captured and incarcerated by the Democratic Republic of Vietnam after having entered into the territory of the Democratic Republic of Vietnam pursuant to operations conducted under OPLAN 34A or its predecessor.

(2) No payment may be made under this Section to any individual who the Secretary of Defense determines, based on the available evidence, served in the Peoples Army of Vietnam or who provided active assistance to the Government of the Democratic Republic of Vietnam during the period 1958 through 1975.

(3) In the case of a decedent who would have been eligible for a payment under this section if the decedent had lived, the payment shall be made to survivors of the decedent in the order in which the survivors are listed, as follows:

(A) To the surviving spouse.

(B) If there is no surviving spouse, to the surviving children (including natural children and adopted children) of the decedent, in equal shares.

(b) AMOUNT PAYABLE.—The amount payable to or with respect to a person under this section is $40,000.

(c) TIME LIMITATIONS.—(1) In order to be eligible for payment under this section, the claimant must file his or her claim with the Secretary of Defense within 18 months of the effective date of the regulations implementing this Section.

(2) Not later than 18 months after the Secretary receives a claim for payment under this section——

(A) the claimant's eligibility for payment of the claim under subsection (a) shall be determined; and

(B) if the claimant is determined eligible, the claim shall be paid.

(d) DETERMINATION AND PAYMENT OF CLAIMS.—(1) Submission and Determination of Claims. The Secretary of Defense shall establish by regulation procedures whereby individuals may submit claims for payment under this Section. Such regulations shall be issued within 6 months of the date of enactment of this Act.

(2) Payment of Claims. The Secretary of Defense, in consultation with the other affected agencies, may establish guidelines for determining what constitutes adequate documentation that an individual was captured and incarcerated by the Democratic Republic of Vietnam after having entered the territory of the Democratic Republic of Vietnam pursuant to operations conducted under OPLAN 34A or its predecessor.

(e) AUTHORIZATION OF APPROPRIATIONS.—Of the total amount authorized to be appropriated under section 301, $20,000,000 is available for payments under this section. Notwithstanding Sec. 301, that amount is authorized to be appropriated so as to remain available until expended.

(f) PAYMENT IN FULL SATISFACTION OF CLAIMS AGAINST UNITED STATES.—The acceptance of payment by an individual under this section shall be in full satisfaction of all claims by or on behalf of that individual against the United States arising from operations under OPLAN 34A or its predecessor.

(g) ATTORNEY FEES.—Notwithstanding any contract, the representative of an individual may not receive, for services rendered in connection with the claim of an individual under this Section, more than 10 percent of a payment made under this Section on such claim.

(h) NO RIGHT TO JUDICIAL REVIEW.—All determinations by the Secretary of Defense pursuant to this Section are final and conclusive, notwithstanding any other provision of law. Claimants under this program have no right to judicial review, and such review is specifically precluded.

(i) REPORTS.—(1) No later than 24 months after the enactment of this Act, the Secretary of Defense shall submit a report to the Congress on the payment of claims pursuant to this section.

(2) No later than 42 months after the enactment of this Act, the Secretary of Defense shall submit a final report to the Congress on the payment of claims pursuant to this section.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KERRY. Mr. President, this is an amendment that seeks to address yet another painful chapter in the long legacy of painful chapters with respect to Vietnam, and it specifically addresses what some might characterize as our own form of a bureaucratic Phoenix Program that sought to eliminate from existence a group of commandos who served faithfully during the war under our organizational effort and command effort.

This amendment would reimburse this group of commandos for their years of incarceration in North Vietnamese prisons while they served in the mutual cause with us in the war in Vietnam.

What the amendment seeks to do is to authorize $20 million for payment to Vietnamese personnel who infiltrated into North Vietnam to perform covert operations during the Vietnam era and who were captured and incarcerated by the Democratic Republic of Vietnam.

Under the amendment, a lump-sum payment of $40,000 would be provided to each claimant determined eligible by the Secretary of Defense, and I am pleased to say that the administration has worked very closely in designing this amendment and in signing off on it and now fully supports it, as do, I believe, the chairman of the Armed Services Committee and the ranking member of the Armed Services Committee.

Those of us who offer this amendment recognize that the United States worked with many Southeast Asian forces during the Vietnam war, but our intent here is to only single out for recognition the Vietnamese commandos who participated in a specific program, in OPLAN 34A and its predecessor, and who sought under that program to infiltrate into North Vietnam, who were captured and who were incarcerated in the process.

In designing guidelines for proof of eligibility for payments under this amendment, the Secretary of Defense is to take into account that these claimants, because of the war and the incarceration, may not have complete documentation proving eligibility. But it is our intent that the standard of proof here be set low enough to do justice in this situation.

Mr. President, 30 years ago, Vietnam presented us with a host of questions and difficult contradictions, and now in this situation, we find a new chapter that is a surprise for all of us. In many ways, this chapter is old because we have always known through the centuries that war is cruel. On the other hand, it is new because, as Americans, none of us have ever expected that we would allow something to happen that purposefully or inadvertently attacks or diminishes our own sense of honor.

The truth is that we sent heroic Vietnamese commandos into North Vietnam to do our bidding, risking their lives and even their families' lives, and then we left them there, denied their existence, and walked away leaving them to be imprisoned, tortured or killed.

So we are here today simply to right a wrong, to pay for an injustice and to seek fairness and put this still another disturbing chapter about Vietnam behind us.

These are the quick facts, and I will just run through them very, very quickly.

In the early days of the war, the United States and South Vietnamese Governments initiated a joint covert intelligence-gathering operation against North Vietnam, and recruited were commandos from among Vietnamese civilians and the Armed Forces of the Army of the Republic of Vietnam.

The United States, through the CIA and later through the Defense Department, provided training and funding, including salaries, allowances, bonuses, and death benefits. Together, the United States and South Vietnamese officials determined where and when the commandos, who were organized into teams, would be infiltrated into North Vietnam. Many were dropped by parachute, but some were inserted by land or sea. Some also conducted counter-intelligence activities against North Vietnam and against Laos.

ARES, the first team, was inserted in early 1961. By the early 1970's, there were 52 teams comprising nearly 500 commandos who had been inserted behind enemy lines. Initially, the mission was confined to intelligence gathering, but subsequently it grew to include sabotage and psychological warfare.

From the very beginning, Mr. President, it was clear that this operation was a failure. Recently, declassified Defense Department documents show that the teams were killed or captured very shortly after landing and that the CIA and the Defense Department, which took over the operation in early 1964, knew it at that time.

It is now apparent that the missions were compromised and that Hanoi ran

a counterespionage operation against us and our South Vietnamese ally by forcing our commandos to radio back the information that they, Hanoi, wanted us to hear.

The preponderance of the evidence that has come to light in the last year leaves little doubt that the United States Government at that time continued to insert Vietnamese commandos behind enemy lines, knowing full well that it was sending them on near impossible missions with little chance of success.

The Defense Department then compounded this tragedy by writing off the lost commandos as dead, apparently in order to avoid paying their monthly salaries.

An example: A six-man team, called Attila, was dropped into Nghe An province on April 25, 1964. The team was immediately captured. Two months later on July 16, Radio Hanoi announced the names and addresses of the six team members, the dates they were captured, and the start of their trials.

Declassified Defense Department documents indicate that we knew the team had been captured, but, nevertheless, by the beginning of 1965, only months later, the Defense Department had declared the entire team dead and paid small death benefits to their next of kin. The process of declaring the commandos dead on paper was reaffirmed in 1969 by the colonel in charge of the operations for MACSOG, the Military Assistance Command Studies and Observations Group. He said:

> We reduced the number of dead gradually by declaring so many of them dead each month until we had written them all off and removed them from the monthly payrolls.

So, Mr. President, after sending these men on these extraordinary missions, after cutting off their pay, we then committed the most egregious act of all. We made no effort to obtain their release, along with the American POW's, during the peace negotiations in Paris. As a result, many of these brave men, who fought alongside us for the same cause, spent years in prison, more than 20 years in some cases.

After their release from prison in the 1970's or 1980's, a number of the commandos made their way to the United States. They are now seeking acknowledgement from our country for their service and payment from the U.S. Government for their period of incarceration.

In a lawsuit, they have asked for $2,000 a year for an average of 20 years spent in captivity. We believe, those of us supporting this amendment, that the United States owes these men a debt that can never be repaid. We can at least give them the recognition that they deserve and the small amount of compensation that they were promised three decades ago.

Speaking for myself, I am not here, nor do I think any of us are here, to try to point fingers at people individually, nor even to find scapegoats or scalps. I do not think any purpose is served by that. But we do want people to understand what happened 25, 30 years ago so that it will not happen again. We are here also to do the right thing. It is clearly important not to compound judgments that were wrong 25 and 30 years ago with judgments that are wrong today. It would be wrong to avoid executing our responsibility today.

So, Mr. President, we can honor their service and make it clear to those who might join us again at any time, now or in the future, in the struggle for freedom and democracy, that we are big enough in our country to admit mistakes when they are made and to move to rectify them, and that while sometimes people may make mistakes, a great country will always honor and thank those who fight with us in a common cause.

Mr. President, I believe the amendment that we are offering today will help to provide that recognition, and I urge its adoption.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, the amendment requires the Secretary of Defense to make payments to Vietnamese nationals who were trained and commanded by the United States Government to fight behind enemy lines during the war.

The amendment purposely creates a low standard of proof to be met by the commandos, and it is our intention and hope that it be interpreted liberally. All that those men must prove in order to receive payment for their services is that: First, they entered North Vietnam during the war under an operation called OPLAN 34A or its predecessor; and second, they were captured and incarcerated by the Democratic Republic of Vietnam as a result.

For approximately 7 years, beginning in 1961, the United States apparently contracted with South Vietnamese nationals to conduct covert military operations in North Vietnam. At first under the authority of the CIA and later under the authority of the Defense Department, hundreds of commandos were sent into North Vietnam, and more than 450 were killed or captured.

Those captured were convicted of treason and remained in captivity until 1979, when they began to be released. At a minimum, each served 15 years at hard labor. Many of them suffered through more than 20 years of imprisonment.

A recently declassified study done in 1970 by the Joint Chiefs of Staff, which oversaw the commando program, indicates that the commandos were funded by DOD and that the majority of them were captured alive and taken prisoner by North Vietnam.

More recently, only weeks ago, 80 boxes of documents were discovered in the National Archives related to the employment of these brave men. These documents, 240,000 in total, include DOD payroll rosters for the commandos and records of death gratuities.

To address this injustice, the amendment provides the commandos with $20 million in back pay, approximately $40,000 each. As the Senator from Massachusetts pointed out, this amounts to about $2,000 for each year each commando spent in prison. We have chosen as the number of commandos the outside estimate of 500. The cost may ultimately be as low as $11 million, but because the number of eligible Vietnamese veterans may increase as time goes by, we thought it important to give the Secretary the spending authority to meet the contingency of more claims.

The administration, until very recently, citing an 1875 Supreme Court case, maintained that it had no obligation to these men because they were employed under a secret contract. I am pleased to report, however, the commandos now have the support of the administration. Senator KERRY and I and Senator SMITH, Senator ROBB, and other Senators have worked very closely with the administration in formulating this amendment.

The CIA began the program, but later turned it over to the Department of Defense, at which time the numbers of teams and individuals sent into North Vietnam approximately doubled. The late former CIA Director, William Colby, who in 1961, as the chief of the Agency's Far Eastern Division, was tasked with directing the commando program, indicated his support for the commandos' claims and specifically endorsed a legislative solution.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the current acting CIA Director, George Tenet, also supporting a legislative solution to the problem, and in addition, a letter to me from John F. Sommer, Jr., Executive Director of the American Legion, and a letter to me from Paul A. Spera, Commander in Chief of the Veterans of Foreign Wars.

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

CENTRAL INTELLIGENCE AGENCY,
Washington, DC, June 18, 1996.

Hon. ARLEN SPECTER,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Director, I welcome the opportunity to provide our views with respect to an amendment to provide relief to those who have come to be called the ''Lost Commandos.''

This Administration supports an amendment recognizing the hardships endured by those of the Lost Commandos who were captured and incarcerated during the Vietnam War. Although many of our Vietnamese allies suffered during and after the war, the mission of these Commandos and the suffering they have endured set them apart and make them uniquely deserving of recognition. Whether or not the mission of these Commandos was a mistake is not relevant to our moral obligations to them now. The creed of the Central Intelligence Agency, then as now, is to protect, defend, and compensate its assets for the sometimes mortal risks they take on our behalf. That is the

only credible position for a secret intelligence service to take if it is to win and hold the loyalty of its assets. We strongly believe that, in the case of these commandos, the United States Government has a similar, morally based obligation.

Congress, not the courts, is the proper forum for the recognition of such an obligation. I must note that the United States Government is currently the defendant in a lawsuit brought by 281 persons claiming to be among these Lost Commandos. Our position is that their claims are not justiciable and in fact are in the wrong forum. Accordingly, the Government has filed a Motion to Dismiss. Our Motion is based in major part upon the principle, first enunciated in *Totten* v. *United States*, that an intelligence service cannot exist if its secret assets—actual or imagined—can sue it publicly for money or benefits. That principle was upheld in 1988 in *Vu Duc Guong* v. *United States*, an earlier suit by an individual claiming to be a Lost Commando.

The Totten principle is vital to the ability of this Agency to obtain secrets, run assets, and conduct operations without the threat of blackmail of public exposure through lawsuits for money. Underlying that principle is the necessity that CIA administer its assets fairly and fulfill its obligations meticulously. This we do. I would be pleased to provide any appropriate level of detail on this point in closed session. Underlying the Totten principle as well is the recognition that Congress, not the courts, has oversight responsibility for the conduct of our operations.

I regret that I am unable to provide factual information in an open session to assist in the preparing of an amendment. Doing so, I am advised, could jeopardize the Totten principle and impede the transfer of this issue from the courts to the Congress, where it belongs. Let me repeat, however, that I am pleased to support legislative relief for these brave, deserving men. That relief will be more than a measure of their suffering: It will be a measure as well of our commitment to our former allies.

Sincerely,

GEORGE J. TENET,
Acting Director.

THE AMERICAN LEGION,
Washington, DC, June 19, 1996.

Hon. JOHN MCCAIN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR MCCAIN: The American Legion most certainly supports the amendment to provide payments to former South Vietnamese Commandos or their survivors. America's obligation to the commandos, who were written off by our government, must be fulfilled to recognize their honorable service, their commitment to the principles of freedom and their personal sacrifices.

History has shown that the wages of war go on long after the guns are silenced, the treaties are signed and the parades are over. This issue warrants serious reexamination of America's national policy on service personnel who are prisoners-of-war and missing-in-action. If our government places young men and woman in harms way, it has a moral and ethical obligation for the repatriation of each and every one of them. Equally as important is the fact the families of these military personnel must be cared for by a grateful Nation.

The American Legion applauds the purpose of this amendment, as it reflects a good-faith effort to recognize the sacrifices of our former allies. However, nothing can erase this terrible chapter of the Vietnam War. We trust there are lessons learned from this travesty of justice.

Sincerely,

JOHN F. SOMMER, JR.,
Executive Director.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, June 19, 1996.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: I am writing in support of your amendment to the National Defense Authorization Act seeking back pay for Vietnamese commandos captured and interned by the Vietnamese.

We believe, as you do, that these Vietnamese who performed dangerous and covert operations as part of our secret war in Indochina and who suffered as a consequence of these operations should be recompensed for their service and sacrifice.

For too long, these brave men, once declared dead by our Government, lived in limbo, unrecognized for their achievements and their hardships.

Now we find out that our own Government, knowing they were in captivity, systematically wrote them off as dead in order to avoid paying them their salaries. In good conscience, we believe this was wrong and strongly support your amendment to provide back pay to these brave men.

Please advise your colleagues in the Senate of our strong support for the Kerry-McCain Amendment.

Sincerely,

PAUL A. SPERA,
Commander-in-Chief.

Mr. MCCAIN. I point out, Mr. President, the amendment has the support of the Veterans of Foreign Wars and the American Legion.

All of the details and legalities aside, one thing is clear; these men sacrificed for a cause, the same cause for which all veterans of the Vietnam war sacrificed—a free Vietnam. And they suffered horribly for their commitment. For many years United States immigration policy has provided programs which ease the process for those Vietnamese associated with the United States war effort. We do so because it is our obligation to our wartime allies. All that the cosponsors of this amendment are asking is that we similarly honor the full extent of our obligations to the commandos and correct this gross injustice.

One of the commandos is quoted in Saturday's New York Times as saying, ''They didn't want to remember us because we represent the failure of the United States in Vietnam.'' I have always made the case that as a nation, and as individuals, we must put the Vietnam war behind us. To continue to deny the service of these men is not the way to do it.

I also strongly subscribe to the words of President Reagan who said it as succinctly and coherently as possible when he stated that: ''The Vietnam veterans who served, served in a noble cause.'' I repeat, ''a noble cause,'' as did these South Vietnamese commandos.

Mr. President, we send a bright signal by passing this legislation today: The United States of America lives up to its agreements with its friends because it is a nation of honor and a nation of laws.

Mr. President, I strongly urge the adoption of this amendment. I yield the floor.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I am very pleased to join with my colleagues in cosponsoring this particular amendment. The case for support has been eloquently stated by the distinguished Senator from Massachusetts, the distinguished Senator from Arizona, and could be made by others. I will not repeat it.

I will simply say that what was done in the name of the United States in the instance of these particular commandos is appalling and unconscionable. This is clearly the right thing to do to atone for the actions that were taken some time ago and without the knowledge of apparently very many people in the Government at that particular time. In any event, I applaud my colleagues for taking this particular action.

AMENDMENT NO. 4052

Mr. ROBB. Mr. President, while I have the floor for just one moment, the last amendment that was debated, and on which the yeas and nays have been ordered, and which was temporarily set aside for a vote at 2:15, I would like to just say—as I was prepared to say at that time, but could not—that I am a cosponsor of that particular amendment. I reiterate for my colleagues, particularly on this side of the aisle who may not have heard the arguments, this is simply a sense-of-the-Senate resolution which is attempting to deal with a very difficult problem here in the Nation's Capital.

It does not direct the President or the Secretary of the Treasury or the Secret Service to do anything. It is a sense-of-the-Senate resolution that asks them, in effect, to work together to try to solve the problem. I hope my colleagues will join in this case in opposing the motion to table when we vote on it at 2:15.

Mr. REID. Mr. President, would the Senator from Virginia yield for a question?

Mr. ROBB. Mr. President, I am happy to yield to the Senator.

Mr. REID. Mr. President, I say to my friend, it is a sense of the Senate that the President should direct, and lists a number of people.

Mr. ROBB. Mr. President, I respond to my friend that it is a sense of the Senate. We are simply expressing the sense of the Senate that that is what we hope the President will do in that particular instance. It is not statutory. It does not require that particular action.

I might also say, Mr. President, when the distinguished Senator from Minnesota initially drafted the particular piece of legislation and sent it to my

office, there was some language I felt could easily be interpreted as partisan in nature. I did not think it was appropriate. I asked him if he would be willing to make some concessions in that regard, which he was kind enough to do, so we would approach it on a bipartisan basis and attempt to deal with the problem in a way that involved the various agencies of Government that have some responsibility for this particular action.

Again, I agree wholeheartedly with my distinguished friend from Nevada that the floor of the U.S. Senate is not the place to debate or make a decision. This is simply a request to go through the kinds of procedures that I think will lead to a proper decision.

More importantly, this is the best solution to this particular problem. No one wants to place either the First Family of the United States or others in particular jeopardy. I agree with the Senator from Minnesota that any inclusion of some of the additional street closings would also be appropriate for study and consideration.

I ask unanimous consent a letter from the president of the U.S. Chamber of Commerce be printed in the RECORD as part of that debate.

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

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, June 19, 1996.

MEMBERS OF THE U.S. SENATE: The U.S. Chamber of Commerce—the world's largest business federation, representing 215,000 businesses, 3,000 state and local chambers of commerce, 1,200 trade and professional associations, and 76 American chambers of commerce abroad—urges your support for Senator Rod Grams' resolution calling for the reopening of Pennsylvania Avenue, which will appear as an amendment to the Defense Appropriations Bill for FY97.

A little over a year ago, Pennsylvania Avenue was closed between 15th and 17th Streets. The U.S. Secret Service requested this action be taken following the bombing of the Murah Federal Building in Oklahoma City. At the time, it was said to be a temporary measure. Interestingly, two former presidents—Gerald Ford and Jimmy Carter—have said the closure was requested during their presidencies as well, but was rejected. The National Park Service has since released a plan to turn the ''temporarily'' closed portion of Pennsylvania Avenue into part of Lafayette Park at a cost of $45 million. The U.S. Chamber does not feel this is an expense that should be spent on a ''temporary solution.'' Furthermore, an unfair burden of economic loss and traffic congestion has been placed on the local residents of the park and this city without appropriate consultation.

The U.S. Chamber of Commerce has been a resident of historic Lafayette Park since 1924. Now with H Street a main east/west thoroughfare, the northern boundary of the park has been damaged. This boundary is represented by historic buildings such as the Decatur House, St Johns Church, the Madison House, and the Hay-Adams Hotel.

The closure of Pennsylvania Avenue has taken away one of the main symbols of democracy and American freedom. While the President's safety is of the utmost importance, according to security experts the closure of Pennsylvania Avenue does not make the White House complex significantly more secure. It will, however, result in having one of our symbols of freedom and democracy become more distant from the people. We have allowed fear to dictate our actions. Returning Pennsylvania Avenue to the people will restore the freedom for which it stands.

Now, with the June 28th deadline approaching for public comment on the proposed closure, we must work together to give Pennsylvania Avenue back to the people. We urge you to support this amendment.

Sincerely,

RICHARD L. LESHER.

AMENDMENT NO. 4055

Mr. ROBB. Mr. President, it is my understanding with respect to the amendment before the Senate, there is no objection from either side. The Senator from New Hampshire may wish to comment. If he does not, I ask that the Senate proceed to take action on that amendment by voice vote at this time.

The PRESIDING OFFICER. The Senator from New Hampshire, Mr. SMITH, is recognized.

Mr. SMITH. There is no objection on this side, and we have no objection to voice voting. I do have a few remarks I will make. Subsequent to that, we can proceed to do that.

Prior to that, Mr. President, in regard to the previous unanimous consent for a vote at 2:15, there are some Members who apparently are tied up at a White House meeting. I ask unanimous consent that the vote which was previously scheduled for 2:15 now occur at 2:30 today.

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

Mr. SMITH. Mr. President, I am pleased to join the Senator from Massachusetts, Senator KERRY, the Senator from Nebraska, Senator KERREY, and the Senator from Arizona, Mr. MCCAIN, in offering this amendment. It is an amendment that needs to be offered. It is one of those very painful chapters in American history that occasionally we have to deal with. It is a great tribute, I think, to America that when we find a wrong, that we do have the capacity to admit that wrong and to right it.

Over 35 years ago, the United States Government asked the Republic of Vietnam to provide some South Vietnamese military personnel for special commando missions into North Vietnam. The best figures that we have, and there is some variation here, but approximately 350 of these commandos were trained by U.S. Government agencies.

They were inserted into North Vietnam by our military forces, and, as has already been said, they were captured by the Communist forces and forced to spend the next 20 to 30 years in reeducation camps. The term ''reeducation camp'' does not really, Mr. President, accurately define what exactly these men went through. We know they were tortured. So reeducation is hardly the correct word.

For the record, Mr. President, it is clear that these commandos knew what they were doing. They knew they were taking great risks. Indeed, many of their fellow comrades died during these very operations, and some died after the missions while they were in North Vietnam. They also knew what was at stake with the Communist aggression if we did not contain the Communist aggression in Southeast Asia.

More importantly, the United States certainly was aware of the dangers involved with these missions. That is why I believe a solemn commitment was made to these commandos and their families that they would be compensated for the sacrifices they made.

It is interesting, these Vietnamese worked for the CIA and the United States military in, basically, a doomed effort to infiltrate North Vietnam between 1961 and 1969. They were dropped behind enemy lines by parachute. Some secretly swam ashore after being taken there in speedboats, and then they were captured.

It is clear that as we stand here now, the United States has yet to live up to that commitment that was made to these South Vietnamese commandos in the 1960's. In point of fact, a cold and uncaring bureaucracy was allowed to write these men off, literally, as dead three decades ago, even though there was convincing evidence that many had been captured. To put it bluntly, their families were told they were dead when, in fact, they were alive.

It is a documented historical fact that in 1969, in then secret testimony before the Joint Chiefs of Staff, a DOD official stated: ''We reduced the number of commandos on the payroll gradually by declaring so many of them dead each month until we had written them all off and removed them from the monthly payroll.''

It is really bizarre to think these kinds of things do happen in our Government, but, as I said earlier, the fact that we right these wrongs is perhaps a better comment about what America is like. The families were paid a very small token of death gratuity, and that was it. Knowing these men were alive, the DOD official told the Joint Chiefs of Staff that we were writing them off as dead, and the widows and surviving family members were paid a small stipend and then informed that these people were dead when, in fact, we knew they were not.

The majority of those men had put their lives on the line for the United States' national interests. They were not Americans, but they put their lives on the line for America, and they were shackled in North Vietnamese prisons, and our Government knew it and our Government never told the families.

The amendment that my colleagues are offering today, along with me, will authorize back pay, very simply, for the men who participated in these daring missions. It is a bit late, for sure, but it comes out to about $2,000 per commando for each year spent in North Vietnamese prisons. It is the least we can do.

I note as a comparison that our distinguished colleague from Arizona and

many others who were captured by the North Vietnamese and imprisoned and tortured, they received full pay, as they should have, during the time they were in Communist activity. So there is certainly a well-established precedent for this amendment. There is nothing dramatic about it. It is just the right thing to do.

Let me also point out after a year of fighting this case in U.S. claims court, the administration has decided that granting this back pay to these commandos is the right thing to do. I think we should give credit to National Security Adviser Tony Lake, because he has been very supportive and very helpful in getting this done.

I think that the tragedy which befell these commandos was only made worse by the initial attitude of the Justice Department and DOD and the CIA in the claims court. Again, we had to drag them kicking and screaming in to right the wrong, but the wrong is righted. I commend, again, Tony Lake for reversing this attitude and coming out in support of the amendment.

Finally, Mr. President, as we continue to seek answers about the fate of our own missing American servicemen from the Vietnam war, I think it is imperative for the administration to assure that each of these South Vietnamese commandos has been interviewed for any information they might possess on any missing American, dead or alive. This is very important. Some of these men have been in prison in North Vietnam for 20 years. Who knows what they might know. They all should be debriefed thoroughly. This would include making arrangements to speak to all of them who are reportedly still in Vietnam awaiting approval for departure to the United States.

Let me commend my colleagues, again, who served with me on the Senate committee in 1992, including the Senator from Virginia, who is here on the floor, for working with me on this amendment. We were all concerned when we saw the news accounts, and we were all committed to doing something about it. We reacted quickly. I am proud to be an original cosponsor, and I urge all of my colleagues to support it.

Mr. President, I might say that there is no one on our side that I know of who wishes to speak on the amendment. I yield to the Senator from Virginia to move the amendment.

Mr. ROBB. I know of no one else who has requested an opportunity to speak on this amendment. I, therefore, urge adoption of the amendment.

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

The question is on agreeing to the amendment.

The amendment (No. 4055) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada, Mr. REID, is recognized.

Mr. REID. Mr. President, what is the order of business now before the Senate?

The PRESIDING OFFICER. Under the previous order, the Grams amendment has been postponed until 2:30.

AMENDMENT NO. 4052

Mr. REID. Mr. President, I will give some general statements. We have been called upon to vote on a motion to table at 2:30 today. There being no other business here on the Senate floor, I will talk a little bit about that amendment and the motion to table that sense-of-the-Senate resolution.

Mr. President, it seems unusual to me that, with all the many problems we have in America today—and there are significant problems—such as minimum wage, problems dealing with health care reform, significant problems dealing with the environment, we are here today talking about a block of Pennsylvania Avenue.

The loudest complaints we hear about Pennsylvania Avenue being blocked off for the security of the people that live in, work in, and visit the White House, come from lobbyists. Most of the lobbyist offices are downtown, on the 18th Street corridor, down that way. It makes it difficult for them to travel back and forth. It is very difficult for many of them to maneuver their limousines through some of the small, closely packed District of Columbia streets with the big pot holes. But that is not what we should be debating here.

We should be talking about whether or not, if someone has health insurance and they leave a job, they can take it with them, or whether or not someone who has a son or a daughter with a preexisting condition, when they graduate from college, can they still get insurance someplace, or someone is injured on a job and, for whatever reason, loses that job and now wants to get insurance for them and their family. Under present conditions, most times they cannot do that because of preexisting condition restrictions that insurance companies place on obtaining insurance. I have spoken to people in the insurance industry. They are hoping that this is debated to a finality and that there is a decision made.

So I hope the motion to table is agreed to. If it is not, there is going to be a series of amendments offered to improve the amendment that is now before the body.

Mr. President, in the break that we have had, I went back to the cloakroom and received a call from the Secretary of the Treasury. The Secretary of the Treasury, who is head of the Secret Service, wanted me to inform the U.S. Senate—and these are his words, not mine—that ''It is imperative that that street remain blocked off.''

We cannot be sending a message to terrorists around the world, or to anyone else, that we are going to ease up on our security. I served for several terms as chairman of the Legislative Branch Appropriations Committee, where we funded the Capitol Police force. We had hearings on their important duties and how they have changed as a result of international terrorism.

Mr. President, we all know how weaponry has changed. No one now needs to drive a tank next to the White House to blow it up, or on Pennsylvania Avenue. You can have a vehicle loaded with plastic explosives that would blow up the White House. This is an issue that we should not be involved in.

It is difficult for me to understand, with all of the priorities we have, how we can be debating for the people of Nevada whether or not a block of Pennsylvania Avenue should be closed. What I would like to be talking about is minimum wage, as an example. Minimum wage, as you know, is not just for teenagers flipping hamburgers at McDonald's. The fact of the matter is that 60 percent of the people who draw minimum wage are women, and for 40 percent of those women, that is the only money they get for their families. That is one of the issues we should be talking about.

There is talk that the Treasury Department decision to close Pennsylvania Avenue in front of the White House was nothing more than a knee-jerk reaction to fear. Well, the fact is, it was done under very strong consultation. And, also, Mr. President, what we have to appreciate is that the Treasury Department came to Capitol Hill and briefed the leadership of both the Senate and the House, the Republican and Democratic leadership, and told them what they were going to do. There was no objection from any of the leadership.

I also say that we have to understand that any Member of the U.S. Senate can have a briefing. If they had a briefing, I am sure they would be enlightened as to how little it takes to do a lot of damage. For us to stand on the Senate floor and say, well, this resolution really is only a sense-of-the-Senate resolution, it does not mean anything, I respectfully suggest that it does mean something. The U.S. Senate is going on record and saying it is the sense of the Senate that the President should direct the Secret Service to develop a plan for the permanent reopening of vehicular traffic on Pennsylvania Avenue in front of the White House. That is about as direct as you can get and about as assertive as you can get. I think it is wrong that we would even consider doing something like that.

Mr. President, in fact, earlier this month, the directors of the U.S. Secret Service stated, the Secret Service ''remains steadfast in its belief that the threat to the White House complex by explosive-laden vehicles is genuine, and that given an opportunity, an attack will occur.''

That is about as direct as you can get, Mr. President. The Secret Service ''remains steadfast in its belief that the threat to the White House complex by explosive-laden vehicles is genuine, and that given the opportunity, an attack will occur.'' That is not some kind of bureaucratic jargon where you have to read between the lines. It is direct and to the point.

The avenue in front of the White House should be closed to vehicular traffic. The decision to close Pennsylvania Avenue was, in part, based on the recommendation of the Advisory Committee of the White House Security and Review, a nonpartisan distinguished panel of experts. The committee was impaneled following several security incidents at the White House, most notable being the air crash on the south grounds.

Do not forget, also, colleagues and Mr. President, that the White House was sprayed with gunfire within the past year. Someone came to the front of the White House and Pennsylvania Avenue and simply sprayed the White House with gunfire. This was not a knee-jerk reaction. The recommendation was based on a thorough technical analysis. Concerns about the vulnerability of the White House were heightened by the truck bombing of the U.S. Marine barracks in Beirut—we all remember that—and confirmed by the bombings of the World Trade Center in New York and the Murrah Federal Building in Oklahoma City. It was only about 2 weeks after the White House was closed and Pennsylvania Avenue was closed to vehicular traffic that the Federal building in Oklahoma City was destroyed and 140 people were killed.

So we have heard it from the head of the Secret Service. We have heard it from the Secretary of the Treasury, and his words I repeat. ''It is imperative that the area be closed.''

On this defense bill we are dealing with billions and billions of dollars of taxpayers' money that will be spent during this next year for the security of this Nation, and hopefully the peace and security of the rest of the world—very important, weighty issues. I personally, respectfully suggest that our talking about a block of Pennsylvania Avenue closed to vehicular traffic that has caused some inconvenience to lobbyists and some of the people trying to get home at night should not be what we are spending our time about here. I believe we should be talking about doing a better job of balancing the budget. I think we should be talking about doing something about the delivery of health care to the people across America. I think we should be talking about doing something to make sure that we have clean air and clean water, and that our cities are areas where there is job growth rather than job drought. We talk about the drought happening all across the United States. We have had a drought of jobs. We need to get involved.

I do not think we should be worrying about Pennsylvania Avenue. I think we should leave that to the experts. I do not believe we should be micromanaging what the Secret Service says.

The general scheme of things, it seems to me, is that we should not be concerned about a block of sidewalk when we should be talking about minimum wage, welfare reform, and health care reform. We could come on the Senate floor and talk about some of the good things that are happening. There are good things happening, too. It is not all bleak. It will be the fourth year in a row where we have had declining deficits—not declining enough in my mind and in the minds of others. But for the fourth year in a row, we have had declining deficits.

For the first time since the Civil War years, we have had 4 years in a row of declining deficits, and the lowest unemployment and the lowest inflation in some 40 years. Job creation: Over 9 million jobs, and 60 percent of them are high-wage jobs. We are doing some good things. We should be talking about that rather than the sidewalk in front of the White House that is the travel route for the lobbyists in their limousines.

If I thought in good faith that we are going to have a sense-of-the-Senate resolution directing the President to open Pennsylvania Avenue to vehicular traffic, should we not at least say that we should be letting the Secretary of the Treasury and the Secret Service tell us that it protects the people who live in the White House and who work in the White House?

We have problems with welfare. If there is an issue that the people in Nevada would like to hear some conversation about here on the Senate floor, it should be welfare reform. I cannot guarantee the viewing audience much, but I can guarantee that the viewing audience would rather we were talking about welfare reform than whether or not the street in front of the White House is closed.

What about Medicare? We know that Medicare is something that we should be talking about here. And Medicaid we need to talk about.

So I hope that my colleagues will see this sense-of-the-Senate resolution for what I respectfully suggest it is. It is something that we should not be involved in. Whether or not the White House is secure or not cannot be decided here on the Senate floor.

I heard an astounding remark from the question I asked of my colleague. ''Well, we are going to hold hearings later.'' Well, I have served in legislative bodies for many years in my life. I believe we should hold the hearings first and then do our voting later. There are ways we can determine if, in fact, the vehicular traffic in front of the White House should be cut out.

On this east front of the Capitol of the United States, when the Presiding Officer and I came to Washington, as you will remember, this was a parking lot. Hundreds and hundreds of cars were parked out here. Because of security threats, those cars were eliminated.

What are we going to do out here? We are going to build a beautiful mall. We are going to have a visitors center where people who come and want to visit the Capitol do not have to do it in the blaring sun with the humidity of the summertime in Washington or the terrible winters we have here on occasion. But we will have a visitors center where people can come in out of the elements and come in order into the Capitol, one of the most sought after places in America. That is the same thing they are basically going to do at the White House. As indicated, there are institutions which are now studying the best way to do that.

Mr. President, I hope when this matter is voted on at 2:30 that my colleagues will support the motion to table. This should not be a partisan issue. The security of the White House and the Capitol complex should not be a part of this issue. We should, on a bipartisan basis, vote to table this sense-of-the-Senate resolution, which I think is ill-placed, ill-timed, and really something that we should not be debating here. I believe this is something that should be done in the security offices throughout this Government. I think the two intelligence committees of the House and Senate can give us all the vision as to why it is important that we have security.

I think on this defense bill we should get to the many issues that are now going to take up days of our time. The ranking member of the full committee indicated in the meetings that we had yesterday that we are going to have a very hard time with the schedule that is now before us to complete this bill next week. I am paraphrasing what he said. But it is going to be almost impossible to finish this bill within the next day or two.

So, Mr. President, I hope that we will join together, join hands and table this sense-of-the-Senate resolution. If we do not, then the Senator from Nevada—and I am sure others—will offer amendments to, in effect, not let the U.S. Senate micromanage what the Secret Service and the Capitol Police do, and put us back in the business we should be in—and that is legislation.

The PRESIDING OFFICER. Who seeks recognition?

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I just want to take a couple minutes to talk a little bit about the pending vote coming up and that is on the question of Pennsylvania Avenue. I know and I agree with my colleague from Nevada that there are many, many important issues before the Senate and that we could debate them if we had the opportunity. Many of those issues have been brought to the floor, and we have never had the opportunity to debate those. But that does not take away from the question that we have at hand, or the issue that we are facing.

I know there is a concern about whether there has been hearings held or whether we should wait for hearings. I should like to remind my colleague from Nevada and others that the House has already held an entire day of hearings, having witnesses from all sides of this issue. And what came out of those hearings already was an overwhelming support for this amendment, and that is just to ask the President to reopen Pennsylvania Avenue.

Now, the committee chairman in the Senate has also said that he plans on holding hearings, and he has told me that this sense-of-the-Senate resolution is complementary to what he plans to do in holding these hearings. So this sense-of-the-Senate by no means is going to interfere with gathering more information and being able to listen to the public and get an idea of their feelings.

By the way, we have a web page on the Worldwide Web asking the people from around the country. The Senator from Nevada says the people in Nevada are not that concerned about this, but they should be. On our Worldwide Web, over 3,100 people have contacted our web page in just over 2 weeks, and the overwhelming number, nearly 85 percent—this is people from around the country, not just the nearly 100 percent of the residents in this area—want this street reopened but for many reasons. The people around the country see the same concern, that you cannot put a wall around freedom; you cannot give in to the terrorists by erecting walls in front of the White House.

Now, the question was raised about whether we should or not. I do not think alternatives have been fully explored. And we talk about closing off Pennsylvania Avenue, that it would eliminate some of the problems that have already happened, such as snipers and a plane crashing into the south lawn of the White House. Closing Pennsylvania Avenue would have done nothing to prevent that type of activity.

When you talk about whose opinion is this, this is not only my opinion or the opinion of many others as well, but two former residents of the White House have come out in support of reopening Pennsylvania Avenue. Former President Jimmy Carter said closing the avenue was a mistake. Every President since John F. Kennedy has been given the same briefings by the Secret Service with their same reasoning for closing off Pennsylvania Avenue, to provide more protection to the President, but each one of those Presidents—John F. Kennedy, Lyndon Johnson, Richard Nixon, Gerald Ford, Jimmy Carter, Ronald Reagan, George Bush—has said no, after hearing those same briefings from the same Secret Service with those same reasons. They have all said not on my watch, we are not closing what Thomas Jefferson called America's Main Street.

Now, this is not Tiananmen Square. Is not Red Square. We cannot wait for the Park Service to put in $40 million worth of mall before we make some kind of a decision, or at least ask the President to reconsider. Are we going to spend $40 million, are we going to allow the Park Service to railroad this through, to impose this edict as they have not only on the District of Columbia but the entire country as well and we are going to stand back and say, well, go ahead, spend $40 million and make a park out of this and then what, tear it up? There are a lot of things that are done when you have a bureaucracy with a right hand that does not know what the left hand is doing.

I just think this is not out of order. I think this is complementary to the process that is going forward, that we should at least ask the President and the Secret Service and the Treasury to open hearings on this to the public. Let the public voice their concerns. They have not done that. The only comments they are taking now are, what kind of park do you want? That is not a very good alternative.

Mr. FORD. Mr. President, will the Senator yield for a question?

Mr. GRAMS. Yes.

Mr. FORD. On the Worldwide Web the Senator is talking about, that you got 1,300 responses, and so forth, did they respond to your explanation of Pennsylvania Avenue or were they responding to the Secret Service's explanation of closing it?

Mr. GRAMS. We have posed the question of what has happened and what can be done, and their response has been by 83.9 percent to reopen Pennsylvania Avenue.

Mr. FORD. So, Mr. President it has been the response of what you put on the web not what the Secret Service put on the web and therefore is a political grandstand.

Mr. GRAMS. No, Mr. President, it is not. The only response that the Park Service is taking is something they believe is their grandstand, and that is to say, what kind of park do you want? They are not opening their web page. They are not opening their comment period to any individual to voice their opinion, only to comment on the Park Service opinion.

Now, I do not think that is very democratic. I do not think that is an open process. In other words, I think the decision has been made on their part and they are going to drive it no matter what it takes. They are not asking people whether it should be opened or reopened. They are just saying, well, we are going to do this and what color do you want it.

I do not think that is fair either. All we are asking is to give this some open air. Let the people decide. Have some public input. In fact, that is the way the process should have worked. And the only reason people allowed the street to be closed to begin with without raising an uproar is because it was posed to them as a temporary closure of Pennsylvania Avenue in the wake of Oklahoma City, and then they were going to determine what would be the best course of action in the future.

Well, there have been no talks. There has been no discussion, no public hearings or anything. So I am not trying to say that the Secret Service is not well intended, and they are taking this job of theirs very seriously. But again, they have used the same arguments for the last 35 years and not one President in that period of time has taken those arguments and said, yes, I need this additional security to protect myself.

I think they provide adequate security for the President. I think they have done a great job. I think right now this President decided that he would listen to the arguments, and that is fine—on a temporary basis. But we should have an opportunity, before it is permanently closed and before this is done, for the people to have a chance to make that decision. Again, the decision to close it a year ago might have been prudent, on a temporary basis, until we could stand back, look at it, look at the alternatives to see how we can, first and foremost, keep the avenue open and then provide absolute security.

Closing Pennsylvania Avenue is not going to remove 100 percent of the risks. This is a democracy. We have risks every day. And there are many, many other opportunities. This is a President who likes to jog up and down The Mall. He wants to be near the public. I do not know why closing Pennsylvania Avenue is the only alternative.

So I urge my colleagues when they come to the floor to at least consider that. Give democracy a chance to work a little bit. Get some input and have hearings. And I think if you listened to the hearings that were held in the House just last week, all the comments that were made, the vast, vast majority of the people who were there supported reopening Pennsylvania Avenue.

Now, you might say, well, it does not matter much here, and the people in Nevada might not care, but I would pose it, in my city of Minneapolis-St. Paul, if we would close one of our major streets such as Hennepin Avenue, what would that do to the downtown. I think you would have a lot of complaints. And in Las Vegas, if you closed off the strip because of possible dangers to some of the people there, I do not think you would be able to go for a couple minutes without hearing an outcry from the businesses and public in general.

So to impose this on a main street, America's main street, and a vital artery in one of the major cities in the world and to say it will have no impact, I do not think is logical.

Again, I urge my colleagues when they come to the floor to take that into consideration, and I hope they vote to override the motion to table and give us a chance to have a vote on this.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Las Vegas Strip, as important as it is, is not the center of Government of this country. The White House and the Capitol complex is. I would also say to people within the sound of my voice, in the statement of Director Bowron of the U.S. Secret Service, about a week ago, June 7, in a House committee he testified:

The Secret Service also identified a need to quantify the vulnerability of the complex to explosive detonations outside the perimeter. Southwest Research Institute, one of the oldest and largest independent, nonprofit research organizations in the United States, was selected to conduct this classified study. Their methodology involved obtaining structural data on the White House and selecting likely explosive detonation points on the streets surrounding the complex.

The Director went on to explain how you can use fertilizer to blow up huge buildings, like they did the building in Oklahoma City. He went on to say:

The Secret Service is committed to the use of technology in furtherance of our protective and investigative missions. Alternatives to closing Pennsylvania Avenue were examined without success.

It is not that they walked in and said, ''We are going to close Pennsylvania Avenue.'' The President did not want Pennsylvania Avenue closed. He told me and told many others that. The advisory committee required full explanations of all the possible options and why the options would not work before they concurred that the avenue should be closed. The panel had concluded that the closing was justified, even before the bombing in Oklahoma City. Their decision was made before that bombing. It was not a knee-jerk reaction to Oklahoma City. The bombing occurred after Pennsylvania Avenue was closed—I should say a portion of it. The Director went on to say:

Although specific intelligence information cannot be discussed in an open forum, it is known that members of certain foreign and domestic terrorist groups operate within the United States. Those terrorist and extremist groups have demonstrated a propensity for mounting their attacks to coincide with symbolic dates or at symbolic targets. The White House is one of the most symbolic targets in the United States. There is every reason to believe that given the opportunity, these groups will strike. This matter does not only concern the protection of the President and other government officials and a national landmark—it is a tremendous public safety issue with respect to individuals in and around the complex. Devices similar to those used at the World Trade Center and in Oklahoma City can cause destruction as much as five blocks away from the target. The fact of the matter is—the people who would undertake that type of act are present in this country. The means and ability to carry out this type of act are available. The only thing that is preventing the terrorist or extremist from mounting an attack is the lack of access. If you open Pennsylvania Avenue—they can, and at some point, they will destroy the White House.

If we have people around the country who are burning churches, do you think there is not someone going to try to blow up the White House? They have already tried to blow up the White House. We know that. We talk about our Government being open and free. You still have access to the White House. You just do not have the traffic jam in front of it, mostly taxicabs and lobbyists. That is all you eliminate. And you make it inconvenient because some of the other streets are a little more crowded.

But this is going to make the White House, in the opinion of most, better. It is going to be a nice mall, park out there. The Park Service is working on it now. Just the same as we are going to do out here at the east front of the Capitol. We are going to remove the asphalt. We are trying to raise the money. It is a private-public partnership.

I just have to say access to the White House is not harmed in any way. I spoke to Secretary Rubin within the past hour. These are his words, not mine: ''It is an imperative that that short piece of Pennsylvania Avenue be closed.'' What are we doing here today? We are being asked to vote to open Pennsylvania Avenue without a congressional hearing. Remember, the Secret Service, the Treasury Department came up here and briefed us all, they briefed all the leadership, Republican and Democrat, House, Senate, said they were going to close it. There was not a single objection.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Kentucky is recognized.

Mr. FORD. Mr. President, this amendment bothers me and many of my colleagues very much. As my friend from Nevada has said, we were briefed. After that briefing, there was no objection whatsoever. Now we want, without any other consideration—many of us not having had the opportunity to hear the briefing—to vote to open up Pennsylvania Avenue. I think it has been important that, in the years that I have been here and when we have had to make hard decisions, we err on the side of safety. I do not want any of those living or working in the White House to be exposed.

There are a lot of things the Secret Service has told us that cannot be public. The Senator from Minnesota knows that. He will not reveal that because he cannot. One of the reasons that Pennsylvania Avenue was closed was because of that unavailable information.

If you want to take the blood on your hands and say, ''We want to open up that 800 feet of pavement up there,'' and something occurs after that, then you are not going to do it with my vote. I want the safety of the First Family. I want the lives of those people who work there day and night to be as safe as possible.

I do not understand what is going on here. I really do not understand it. Oh, I can go back in history. I can quote Henry Clay. I can do lots of things. But today is today, not history. Today we have the problems. Today we have terrorists operating in this country. They will tell you that much. I have been there when we had to put out agents in many of the ports, waterways, and airways to check on people departing other parts of the world.

To say we want to take an opportunity here this afternoon to possibly eliminate the safety of the First Family? If President Bush had been reelected and he made this decision, the Senator from Minnesota would not be standing. He would not be standing making this effort today. It is because another President is in the White House he is making this decision. This is grandstanding.

I read the articles in Minnesota. They say he is more interested in 800 feet of pavement in Washington, DC, than he is the big issues of Minnesota. That is in his papers. I just paraphrase it. But why do we want to possibly jeopardize the lives of the people that are running this country? That is No. 1. I suspect, if those people who had answered him on the web had the ability to listen to the Secret Service and their briefing of the leadership of this Senate, they would change their minds. So I encourage my colleagues not to vote for this. Let us have another briefing. Let us try to do the right thing. Let us not expose people, particularly the President and his family and those who have the responsibility of leading this country.

So, Mr. President, I am hopeful the Senator will be kind enough to withdraw this amendment and let us sit down and try to understand the problems that are there. You cannot tell the American people all the problems that were given to us by the Secret Service. There are a lot of things you just do not do. And the decision was made based on that.

I am one who believes, after you weigh the facts, you err on the side of safety. So I believe the right vote here today is to table the amendment of the Senator from Minnesota and let us have an opportunity, if there is a need for it, to have more scrutiny, more input, and do the right thing.

I was there yesterday afternoon, along with leadership from both sides.

I did not see anybody protesting. I did not see anybody walking up and down Pennsylvania Avenue with signs saying, ''Open this street.'' I saw people enjoying it, walking back and forth across the street, looking at the White House, not being interfered with at all, did not have to worry about the traffic, were enjoying the park. I thought it was a right congenial group. There was no one there protesting the closing of Pennsylvania Avenue, and they were there from all across this great land of ours and foreign countries.

So, Mr. President, I encourage my colleagues to table this amendment.

The PRESIDING OFFICER. The time of 2:30 p.m. having arrived, by previous agreement, the motion to table the Grams amendment is subject to a vote. The yeas and nays have been ordered.

The question is on agreeing to the motion to lay on the table the Grams amendment. Those in favor of tabling the Grams amendment will vote ''aye; those opposed will vote ''no.'' The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New York [Mr. D'AMATO] is necessarily absent.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS] is necessarily absent.

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

The result was announced—yeas 39, nays 59, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—39

Akaka	Feinstein	Levin
Baucus	Ford	Lieberman
Biden	Glenn	Moseley-Braun
Bingaman	Gorton	Murray
Boxer	Harkin	Pell
Byrd	Heflin	Pryor
Cochran	Hollings	Reid
Cohen	Hutchison	Rockefeller
Conrad	Inouye	Sarbanes
Daschle	Kassebaum	Simon
DeWine	Kennedy	Warner
Exon	Kohl	Wellstone
Feingold	Lautenberg	Wyden

NAYS—59

Abraham	Graham	McConnell
Ashcroft	Gramm	Mikulski
Bennett	Grams	Moynihan
Bond	Grassley	Murkowski
Bradley	Gregg	Nickles
Breaux	Hatch	Nunn
Brown	Hatfield	Pressler
Bryan	Helms	Robb
Burns	Inhofe	Roth
Campbell	Jeffords	Santorum
Chafee	Johnston	Shelby
Coats	Kempthorne	Simpson
Coverdell	Kerrey	Smith
Craig	Kerry	Snowe
Dodd	Kyl	Specter
Domenici	Leahy	Stevens
Dorgan	Lott	Thomas
Faircloth	Lugar	Thompson
Frahm	Mack	Thurmond
Frist	McCain	

NOT VOTING—2

Bumpers	D'Amato

The motion to lay on the table the amendment (No. 4052) was rejected.

The PRESIDING OFFICER. The Grams amendment is still the pending business before the Senate.

AMENDMENT NO. 4056 TO AMENDMENT NO. 4052

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], proposes an amendment numbered 4056 to amendment 4052.

At the end of the amendment add the following: ''*Provided*, That the Secretary of the Treasury and the Secret Service certify that the plan protects the security of the people who live and work in the White House.''

Mr. REID. Mr. President, this amendment to the sense-of-the-Senate resolution now pending would state simply that prior to opening the street to vehicular traffic, the Secretary of the Treasury and the Secret Service would certify that the plan protects the security of the people who live and work in the White House.

It seems to me if we are not willing to adopt this amendment, then this body will go on record saying that there should be vehicular traffic on Pennsylvania Avenue in front of the White House, whether the people who live and work there are safe or not. I do not think we should go on record stating that.

As I indicated, Mr. President, the record is clear that the Secret Service is very concerned about opening this avenue in front of the White House. The Secret Service has said closing the avenue was not a unilateral Secret Service decision, but rather was the recommendation of the Advisory Committee to the White House Security Review, a nonpartisan distinguished panel of experts. This committee included former directors of both the FBI and the CIA, former chairmen of the Joint Chiefs of Staff, and others. The proposal to close the avenue was made before the Oklahoma City bombing. The panel had concluded, prior to Oklahoma City, that closing of the avenue was, indeed, justified.

Historically, people focus on security features after significant events. For example, ValuJet Airlines. Now we hear a lot about oxygen canisters in cargo holds. It is better we do something before. That is, in effect, what we did at the White House. The Treasury Department said, as previously stated on the record here, that there are terrorists who simply are waiting around for an opportunity to blow up the symbol of the American people.

Mr. President, during the last vote, some people told me, ''Well, people can walk in and blow up the White House.'' Not true. We are told that you need the trunk of a car to put the explosives in. You cannot put enough explosives on a bicycle or on the back of a skateboard or whatever gets in there now. You need a vehicle. You need access to a large area to blow up the White House. But if you did have the trunk full of explosives, and they simply pulled up in front on Pennsylvania Avenue, you would damage and destroy the White House.

What this amendment does is ask the Secret Service to certify that the plan protects the security of the people who live in and work in the White House. That does not seem like that is too outlandish. There have been many alternatives considered and suggested, but the options have simply been deemed unworkable. The panel required full explanation of all possible alternatives and why these would not work before concurring to close the avenue. Closing the avenue was something that was done as a last resort. In addition, physical barriers such as walls and berms were not viable for a number of obvious reasons.

Mr. President, in the last 4 years, studies have revealed that 45 percent of terrorist incidents have included the use of explosives. What greater symbol is there in the United States than the White House? I guess the second greatest symbol would be the Capitol complex here. For terrorists, vengeance is a motive, and the White House is a symbolic target.

The means are available to attack the White House if the avenue remains open. It does not have to be a sophisticated apparatus. An abundance of explosive materials is available to the public with an ease of delivery and destruction of a target. You need a vehicle to do it. In fact, the World Trade Center conspirators were convicted of conspiracy to blow up symbolic targets. Not only the World Trade Center, which they blew up, but the Holland Tunnel and the FBI office in New York.

To illustrate the effect of an incident to the American people, 33 years after President Kennedy was assassinated, this country continues to deal with the ramifications from that incident. It is impossible to have a public debate on the issues prior to the closure of the avenue. This would have created a window of opportunity. Therefore, the information was held to a small group of people. In fact, since closure of Pennsylvania Avenue, more information is available than the Secret Service would like with respect to the vulnerability of the White House.

In recent years, other official residences of heads of State have closed off vehicular traffic in proximity to their facilities. We know that canines remain the best source of explosive detection. We are not talking about a perceived threat, Mr. President. The threat is a real threat. I repeat again, the Secretary of the Treasury said within the last hour and a half that it is imperative that area remain blocked off.

There are terrorists here in this country, and it is everyone's responsibility to limit the opportunity for them to carry out their evil acts. The closing of Pennsylvania Avenue contains a real public safety issue. If you provide access to the target, then you are endangering the public and both those who work in and around the White House.

Mr. President, I do not think we should consider this giving in to terrorists because we blocked off Pennsylvania Avenue.

I do not think we should consider it a victory for terrorists because we have closed off Pennsylvania Avenue. Rolling up the White House would be a victory for the terrorists, not limiting their access to it. If this is perceived as giving in to terrorism, then what about people at night when they lock their doors before they go to sleep? Are they giving into the unlawful elements of our society? When you leave your home to go shopping or go to work and you lock your door, are you giving in to the unlawful elements of your community?

I think, Mr. President, that we should not allow the sense-of-the-Senate resolution to be adopted, unless we put this simple amendment on it, saying let us at least have the Secret Service certify that it is safe, whatever

plan we come up with, whether it is vehicular traffic or otherwise.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I want to back the statement of the Senator from Nevada. There has been no committee hearing on this. This bill is pending before the Governmental Affairs Committee. We have not had the hearing, we have not had the Secret Service people up, and we have not had testimony on what the danger is. Much of it, as I understand it, is classified. So we can have closed hearings, and everybody would know then what we are doing.

If we want to be this cavalier about how we are treating people at the White House, let us take all the flower pots out that protect the Capitol here, which prevent vehicular traffic here; let us take them out. I was amazed to find out that L'Enfant and George Washington did not somehow think it was nice to have a Capitol like this. But George Washington and L'Enfant did not have to deal with things like the Oklahoma bombing, the Unabomber, and everything else.

We have not had the first hearing on this, and here we are voting to take this off from in front of the White House after danger has been assessed, and it is done by a bipartisan group—Coleman and Webster were both on that. We are so cavalier about the White House, why do we not include this and have a second-degree amendment and take off all the protection all over the Nation's Capital, including at the Capitol right here—if we are so brave about this. Let people pull their vans up beside the Russell Building, which is blocked off, and behind the Hart Building, where my office happens to be.

We have very good reasons for thinking some of these protections are necessary and so does the White House. I think this vote was ridiculous. If we are going to take it off at the White House, take it off here and let us face the same danger together. Otherwise, let us agree with the people that have made this assessment, who were on this review committee, and say, yes, we need to assess this very carefully. We are about to do, with legislation, here what we should not be doing unless we have a very thorough hearing and understanding of the White House personnel.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise in support of the measure of the Senator from Nevada. I would like to put it in a certain context. The first thing to know, if we are talking about our original plans, is that the L'Enfant plan connects what was termed the ''Congress' House'' with the ''President's House,'' at either end of Pennsylvania Avenue. It is the center of the plan. It is in a sense a diagram of the Constitution—the separation of powers in a unified Government.

Pennsylvania Avenue, in that original plan, comes to the Capitol Grounds, stops at the west end, and then resumes at the east end. That is the present arrangement on Capitol Hill. The identical arrangement was to be found at the west end of the avenue. The avenue moved up to the Presidential grounds, then stopped and resumed further west. That was before the Treasury Building was built, and before any roads were built. The city, at that point, was still very much a marshland, with this magnificent plan still to be realized.

I have been working for 35 years on the redevelopment of Pennsylvania Avenue, from the time President Kennedy, in his inaugural parade, looked to his left and to his right, south and north, at the avenue and found it was being abandoned. The center of the city, as the center of many cities, was just falling down. The city was moving out Wisconsin Avenue, out Connecticut Avenue. The Federal triangle was unfinished on the south side, which had begun under Andrew Mellon and President Hoover, following the McMillan plan of 1900, which gave us Union Station. It got the railroads off The Mall, for example. To the north, the Avenue was all but abandoned—two- and three-story buildings were empty, except for the occasional storefront selling firecrackers.

President Kennedy proposed redevelopment of the avenue. A commission was established. Nathaniel Owings was Chairman. Presidents Johnson, Nixon, Ford, Carter, Reagan, Bush, and now President Clinton, have worked on it with great care. We are just about completed. The Ronald Reagan Building, now three-quarters completed, will finish the Federal triangle. That site, sir, was cleared in 1928. So you cannot say we have been in any great rush to do this. And now just as we finish the route to the White House, we have this security problem.

I say to my friend from Nevada that President Clinton did a fine thing in establishing a committee headed by Roger Kennedy, who is the Director of the Park Service, an architectural historian of great talent. His works are incomparably intelligent. Orders From France, is but one example.

The committee has come up with a plan, which would extend the park northward in the manner envisioned by L'Enfant. But it need not be a barrier to the movement of people and vehicles along the avenue. An underpass could be completed that would serve this purpose. It is just so important that we not define ourselves as a beleaguered, besieged nation. Suggestion has been made by the ranking member of the Governmental Affairs Committee, the distinguished Senator from Ohio, that we get rid of the pots and barriers around the Capitol. Fine. We could extend the Capitol park down the western side of the Russell Office Building, add to that whole park complex, do everything that is desired, without putting up what look like emergency barriers.

That is not the message we want to send to ourselves and to the world. We can also do what is necessary for security at the White House without declaring us to be a nation under siege. We are not, and we should not say so. We are the most powerful nation on Earth. With equanimity and care we can take care of these difficulties. I hope we do.

Mr. REID. Will the Senator yield?

Mr. MOYNIHAN. I yield the floor.

Mr. REID. Before the Senator leaves the floor, Mr. President, through you to the distinguished Senator from New York, I want the RECORD to be spread with the fact that because of his diligent work—I do not know of anyone who is more responsible for driving down Pennsylvania Avenue today and seeing beautiful buildings and structures. The Pennsylvania Avenue Development Corporation in itself was a work of art.

One of the first things I did upon coming here on the Appropriations Committee was sit in on occasion for the distinguished senior Senator from West Virginia and conduct those hearings on the Pennsylvania Avenue Development Corporation and listen to the enthusiasm of the people on that corporation and what they were going to do. Now you drive down the street, and it has been done.

I further want the RECORD to be spread with the fact that I serve on the Public Works Committee with the distinguished senior Senator from New York. I can remember when we legislated a building on that ugly Federal triangle, a blank piece of dirt that was there. Now you drive by there and you see the thriving work that is there and that building which will add to the beauty of our Nation's Capital.

So I appreciate the Senator and what the Senator from New York said. But I also want to make sure to say some things that the Senator could not say for himself. But for him, we may still be where we were when President Kennedy had his inaugural parade. It is a beautiful parkway.

I also will read something that I think the Senator from New York would agree with. This is from a tour magazine which people get when they come to the Nation's Capital. L'Enfant had hoped that the grass ''* * * would serve as an extension of the White House grounds.''

So the original vision of L'Enfant was to have that whole area as an additional containment of the White House. Jefferson decided that was not the thing to do at the time.

But I just want to make sure that the Senator from New York knows and appreciates that the people will know, when the history books are written, about the work which he has done to make this city beautiful as the Nation's Capital.

Mr. MOYNIHAN. Mr. President, I am very grateful to the Senator from Nevada.

Might I close with just one line? In President Kennedy's proposal for the redevelopment of Pennsylvania Avenue, which we are talking about, he said the avenue ''should be lively, friendly, and inviting, as well as dignified and impressive.''

I think we can achieve that in the immediate environs of the White House. It is just the next challenge. Let us go forward and do it in good spirit and unity.

I thank again the Senator from Nevada.

Mr. NUNN. Mr. President, it is my understanding that the Senator from Nevada has a second-degree amendment now pending. Is that correct?

Mr. REID. Yes. I received word, I say to my friend, the ranking member, from one of the managers of this bill. I understand from what the note said that they will accept the amendment.

Mr. NUNN. I believe we are willing to accept the amendment on both sides who favor the original amendment. So I would suggest that the Senator might call the question on this amendment, and we can move on.

I hope on Senator BINGAMAN's amendment on ASAT, we can get a time agreement, if that is satisfactory to the Senator from South Carolina. Then it is my understanding that Senator MURRAY has an amendment on abortion in overseas hospitals. If we can get a time agreement on both of those, I believe we can move both of those along in the next couple of hours. I would like Senator BINGAMAN to be notified that we are prepared to take up his amendment on ASAT and also enter into a time agreement that is satisfactory to him.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Virginia.

Mr. ROBB. Mr. President, as the Senator from Georgia just indicated, those of us who are cosponsoring the amendment are entirely prepared to accept the language proposed by the distinguished Senator from Nevada. Indeed, the language is entirely consistent with the intent of the sponsors of this particular amendment. At the conclusion of the consideration of this amendment, I am going to propose a motion to change one word in the amendment, and then I hope we will be able to take up the matter on final passage. But the language that the Senator from Nevada has suggested is not only consistent but entirely appropriate. I fully support it. I believe the distinguished Senator from Minnesota shares that same opinion.

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

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I wanted to concur with what the Senator from Virginia said. Without objection, we are willing to accept the second-degree amendment of the Senator from Nevada. We would like to go ahead with a voice vote on that.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I am willing to lend my encouragement to end this debate. But I do not want to close it without a brief statement. I have an amendment that I was about to send to the desk that said, if we think that we can expose the White House with the infrastructure and the President of the United States and the people who work in the facility to passersby, then I think we should do the same thing out here on the Capitol Grounds. I think we ought to say that no life here is worth more than a life there and nothing that goes on here is more important than what goes on in the White House in the executive offices of this country. I am willing to forgo it. But, Mr. President, I want to make the point, before we close the debate as far as this Senator is concerned, that ''do unto others'' is not an admonition that ought to pass by here. I think we ought to treat this facility no differently than we treat the White House.

If we are going to open up that street, I assure you that I will be here with an amendment that says open up the whole plaza here. Let of the traffic come through. Let them park cars, vans, whatever they choose. Let them park at the Hart, Dirksen and the Russell Buildings. I love this picture that says for the American people we are going to protect the Capitol, protect the Senators, and protect the Congressmen, but the President, let him beware.

That is the conclusion of my remarks. Mr. President, I congratulate the Senator from Nevada for his amendment to this proposition. Thank you.

The PRESIDING OFFICER. The question is on the second-degree amendment of the Senator from Nevada.

The amendment (No. 4056) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 4052, AS AMENDED, AS MODIFIED

Mr. ROBB. Mr. President, the amendment was never designed to be partisan nor to attack, certainly, the President. I would never have been a part of it. It was designed to try to clarify something that has been very troubling to many of the people who are directly involved, both for symbolic reasons as well as for practical reasons, in terms of the traffic flow of the Nation's Capital. I have lived in and around this area for 40 of my 57 years, or most of the last 40 of my 57 years. I am quite familiar with the traffic patterns and the inconvenience to those who have to traffic the area every day. I am very conscious of the symbolism of our Nation's Capital, and particularly the President's house.

I have discussed with the chief sponsor of the amendment the changing of one word that I think might make our intention even clearer. That would be to substitute the word ''request'' for the word ''direct'' which is contained on page 3, line 18. It would then read that it is the sense of the Senate that the President should request the Department of the Treasury and the Secret Service to work with the government of the District of Columbia to develop, et cetera.

I think there have been connotations that this is attempting to micromanage, or to take action that would be inappropriate. I fully respect those who have spoken and those who have concerns. It ought to be considered appropriately by the committees of jurisdiction. But we need to have a resolution of this question.

I applaud the Senator from Minnesota for bringing the question to our attention.

I move, Mr. President, to strike the word ''direct'' and insert the word ''request'' on line 18, page 3.

The PRESIDING OFFICER. Is there objection to modifying the amendment?

Mrs. BOXER. Mr. President, reserving the right to object, and I shall not object.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I shall not object. I would like to make an observation. I would like to wait until other Senators have spoken.

What is the parliamentary situation at the moment?

The PRESIDING OFFICER. A unanimous-consent request is pending to modify the existing amendment.

Mrs. BOXER. Let me just make a very brief remark reserving my right to object, if I might, which is this: I am going to support this amendment. I am glad there is agreement. But I really wonder sometimes where I am around here, if this is the city council or if this is the Senate of the United States of America.

I think it is very important that we address the issue of security for the President. We are in this amendment. And that we look at how we can make Pennsylvania Avenue work. But I have to say, Mr. President, and the reason I reserve my right to object, it is awfully frustrating to someone who would like to see us raise the minimum wage and to someone who would like to see us get to the issue of health care that we are on the defense bill and we are talking about Pennsylvania Avenue. With all due respect, I would not object at this time, but I do hope we can move forward and get on with this bill and others to make life better for people.

I yield the floor.

The PRESIDING OFFICER. Without objection, the modification is made.

The amendment, as amended, as modified, is as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE.

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

(1) In 1791, President George Washington commissioned Pierre Charles L'Enfant to draft a blueprint for America's new capital city; they envisioned Pennsylvania Avenue as a bold, ceremonial boulevard physically linking the U.S. Capitol building and the White House, and symbolically the Legislative and Executive branches of government.

(2) An integral element of the District of Columbia, Pennsylvania Avenue stood for 195 years as a vital, working, unbroken roadway, elevating it into a place of national importance as ''America's Main Street''.

(3) 1600 Pennsylvania Avenue, the White House, has become America's most recognized address and a primary destination of visitors to the Nation's Capital; ''the People's House'' is host to 5,000 tourists daily, and 15,000,000 annually.

(4) As home to the President, and given its prominent location on Pennsylvania Avenue and its proximity to the People, the White House has become a powerful symbol of freedom, openness, and an individual's access to their government.

(5) On May 20, 1995, citing possible security risks from vehicles transporting terrorist bombs, President Clinton ordered the Secret Service, in conjunction with the Department of the Treasury, to close Pennsylvania Avenue to vehicular traffic for two blocks in front of the White House.

(6) While the security of the President and visitors to the White House is of grave concern and is not to be taken lightly, the need to assure the President's safety must be balanced with the expectation of freedom inherent in a democracy; the present situation is tilted too heavily toward security at freedom's expense.

(7) By impeding access and imposing undue hardships upon tourists, residents of the District, commuters, and local business owners and their customers, the closure of Pennsylvania Avenue, undertaken without the counsel of the government of the District of Columbia, has replaced the former openness of the area surrounding the White House with barricades, additional security checkpoints, and an atmosphere of fear and distrust.

(8) In the year following the closure of Pennsylvania Avenue, the taxpayers have borne a significant burden for additional security measures along the Avenue near the White House.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the President should request the Department of the Treasury and the Secret Service to work with the Government of the District of Columbia to develop a plan for the permanent reopening to vehicular traffic of Pennsylvania Avenue in front of the White House in order to restore the Avenue to its original state and return it to the people.

At the end of the amendment add the following: *Provided*, That the Secretary of the Treasury and the Secret Service certify that the plan protects the security of the people who live and work in the White House.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from Minnesota and the Senator from Virginia.

The amendment (No. 4052), as amended, as modified, was agreed to.

AMENDMENT NO. 4057

(Purpose: To express the sense of the Senate that the United States-Japan Semiconductor Trade Agreement should be renegotiated)

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I ask unanimous consent that the Kyl amendment and the pending committee amendments be laid aside for the purpose of offering an amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for himself, Mr. BINGAMAN, Mr. KEMPTHORNE, Mr. BAUCUS, Mr. BURNS, Mr. DORGAN, Mrs. FEINSTEIN, Mr. HATCH, Mr. LEVIN, Ms. SNOWE, Mr. MURKOWSKI, Mrs. BOXER, and Mr. COHEN, proposes an amendment numbered 4057.

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

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

The amendment is as follows:

At the end of subtitle F of title X, add the following:

SEC. . SENSE OF SENATE REGARDING THE UNITED STATES-JAPAN SEMICONDUCTOR TRADE AGREEMENT.

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

(1) The United States and Japan share a long and important bilateral relationship which serves as an anchor of peace and stability in the Asia Pacific region, an alliance which was reaffirmed at the recent summit meeting between President Clinton and Prime Minister Hashimoto in Tokyo.

(2) The Japanese economy has experienced difficulty over the past few years, demonstrating that it is no longer possible for Japan, the world's second largest economy, to use exports as the sole engine of economic growth, but that the Government of Japan must promote deregulation of its domestic economy in order to increase economic growth.

(3) Deregulation of the Japanese economy requires government attention to the removal of barriers to imports of manufactured goods.

(4) The United States-Japan Semiconductor Trade Agreement has begun the process of deregulation in the semiconductor sector and is opening the Japanese market to competitive foreign products.

(5) The United States-Japan Semiconductor Trade Agreement has put in place both government-to-government and industry-to-industry mechanisms which have played a vital role in allowing cooperation to replace conflict in this important high technology sector.

(6) The mechanisms include joint calculation of foreign market share, deterrence of dumping, and promotion of industrial cooperation in the design of foreign semiconductor devices.

(7) Because of these actions under the United States-Japan Semiconductor Trade Agreement, the United States and Japan today enjoy trade in semiconductors which is mutually beneficial, harmonious, and free from the friction that once characterized the semiconductor industry.

(8) Because of structural barriers in Japan, a gap still remains between the share of the world market for semiconductor products outside Japan that the United States and other foreign semiconductor sources are able to capture through competitiveness and the share of the Japanese semiconductor market that the United States and those other sources are able to capture through competitiveness, and that gap is consistent across the full range of semiconductor products as well as a full range of end-use applications.

(9) The competitiveness and health of the United States semiconductor industry is of critical importance to the overall economic well-being and high technology defense capabilities of the United States.

(10) The economic interests of both the United States and Japan are best served by well functioning, open markets, deterrence of dumping, and continuing good cooperative relationships in all sectors, including semiconductors.

(11) A strong and healthy and military and political alliance between the United States and Japan requires continuation of the industrial and economic cooperation promoted by the United States-Japan Semiconductor Trade Agreement.

(12) President Clinton has called on the Government of Japan to agree to a continuation of a United States-Japan Semiconductor Trade Agreement beyond the current agreement's expiration on July 31, 1996.

(13) The Government of Japan has opposed any continuation of a government-to-government agreement to promote cooperation in United States-Japan semiconductor trade.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) it is regrettable that the Government of Japan has refused to consider continuation of a government-to-government agreement to ensure that cooperation continues in the semiconductor sector beyond the expiration of the Semiconductor Trade Agreement on July 31, 1996; and

(2) the President should take all necessary and appropriate actions to ensure the continuation of a government-to-government United States-Japan Semiconductor Trade Agreement before the current agreement expires on that date.

(c) DEFINITION.—As used in this section, the term ''United States-Japan Semiconductor Trade Agreement'' refers to the agreement between the United States and Japan concerning trade in semiconductor products, with arrangement, done by exchange of letters at Washington on June 11, 1991.

Mr. CRAIG. Mr. President, I will keep my remarks brief because it is my understanding that the amendment I have just sent to the desk has, in fact, been cleared by both sides.

Mr. President, as we surf the Net, drive our car to work, or complete a training mission in our F–16 fighter, we do not ask ''How is this possible?'' We simply go about the task at hand.

However, there is a common thread that drives technology in our lives, the everpresent semiconductor. Semiconductors are an increasingly pervasive aspect of everyday life, enabling the creation of the information superhighway and the functioning of everything from automobiles to advanced medical equipment.

Semiconductors are also the linchpin of our national defense capabilities. For example, the current design of the F–16 fighter includes 17,000 electronics components.

Mr. President, that is why I am offering an amendment today, with Senator BINGAMAN and 11 of our colleagues, that express the sense of the Senate that the United States-Japan Semiconductor Trade Agreement should be renegotiated.

The United States-Japan Semiconductor Trade Agreement is due to expire in July of this year. This trade agreement has a successful track record in opening Japanese markets and discouraging the dumping of semiconductor products by Japanese companies in the United States.

Mr. President, the United States and Japan have had a long history of difficulty in this area of trade relations. In 1986, when the first United States-Japan Semiconductor Agreement was signed, foreign share in the Japanese semiconductor market averaged only 8.4 percent annually. In the mid–1980's, the International Trade Commission determined that Japanese companies had dumped DRAM's, a commodity memory chip, into the United States market in an attempt to gain market share through predatory pricing. As a result, 9 of 11 American DRAM manufacturers were driven out of the market.

The United States-Japan Semiconductor Trade Agreement has made significant progress in countering these unfair trade practices. The agreement has opened the Japanese semiconductor market to foreign producers, with foreign market share growing to 25 percent in 1995.

The agreement has also discouraged dumping practices by requiring Japanese firms to have appropriate data regarding costs available on a standby basis. This allows the Department of Commerce to conduct a fast track investigation, so that there is a swift imposition of a remedy if dumping is found, or ends the possibility of litigation if there is no evidence of dumping.

Mr. President, the agreement has been very effective in easing the problems associated with this area of United States-Japan trade relations.

Earlier this week, the United States Trade Representative's office announced that the foreign share of Japan's semiconductor market increased during the first quarter of 1996 to a record high of 30.6 percent.

Acting USTR Charlene Barshefsky responded in a written statement, that this improvement ''demonstrates the progress that can be achieved when the United States and Japan work together in a cooperative spirit and is a tribute to strenuous efforts that both sides have made to improve market access and strengthen industry cooperation under the United States-Japan Semiconductor Agreement. It is essential that we preserve and continue this effort.''

Mr. President, this, and other recent developments are positive news. However, they provide added incentive to ensure that this important trade agreement be renewed. Given the range of trade issues currently being addressed between the United States and Japan, it would not be in our interest for another area of contention in trade to develop.

There is some evidence that the worldwide semiconductor industry may now be entering into a period when supply will exceed demand. Renewal of the United States-Japan Semiconductor Agreement has become even more important because of the recent drop in DRAM memory semiconductors. Prices, which have fallen by over 70 percent since the beginning of the year, are now at levels which are below many producers' costs.

This kind of dumping has thrown the market into uncertainty and has injured U.S. producers. This type of injury and uncertainty is what the agreement is designed to address, and has done so successfully for years.

If current trends continue, the United States-Japan agreement becomes even more vital to our national interest, since the protection it provides is doubly necessary to discourage dumping in a period of oversupply.

American semiconductor manufacturers are among the most efficient in the world, but they cannot be expected to compete against unfair trade practices.

More important, it is vital to our defense interests, because we cannot afford to lose this important industry as a result of predatory dumping, similar to what existed prior to the agreement.

In his speech at the Semiconductor Industry Association's annual awards dinner, Secretary of Defense William Perry noted the importance of this industry in meeting our defense and security needs.

In short, the competitiveness and health of the U.S. semiconductor industry is of critical importance to the overall economic well-being and high technology defense capabilities of the United States.

THE CASE FOR RENEWAL OF THE AGREEMENT

The purpose of both the 1986 and the 1991 United States-Japan Semiconductor Agreements is to allow foreign manufacturers equitable access to the Japanese semiconductor market, and to discourage Japanese dumping in the United States market. In short, the goal of the agreement is to open the Japanese market to the point where sales generally occur without respect to the nationality of the supplier.

U.S. semiconductor manufacturers are extremely competitive in all open markets across a wide range of applications and a wide range of products. However, there remains a sharp disparity, between the market share United States manufacturers account for outside the United States and Japan, and the share they account for inside Japan.

In the world market, excluding the United States and Japan, American manufacturers accounted for 40 percent of all semiconductor sales in 1995. United States semiconductor makers accounted for only 18 percent of sales in the Japanese market that same year.

The significant disparity between United States sales outside Japan and sales inside Japan indicates that sales in that country are not always made solely on the basis of market forces such as technology, price, quality, service, and delivery.

It is important to note that the disparity is not explained by the argument that the United States industry does better in the United States and the Japanese industry does better in Japan.

A comparison of the 40-percent share United States firms earn in world markets outside both the United States and Japan with the 18-percent share United States firms have in Japan demonstrates that a significant gap remains. But there is only a small difference between the 23-percent share Japanese firms have in the United States market and the 27-percent share they have in world markets outside both the United States and Japan.

KEY POINTS FOR A RENEWED AGREEMENT

Mr. President, as I already mentioned, the current semiconductor agreement expires July 31, 1996. It is essential that a new government-to-government agreement be negotiated with Japan before that time.

The Japanese electronic industry has proposed an industry-to-industry agreement with no government involvement as a replacement for the current agreement. An industry-level agreement is completely unacceptable. It would not ensure continued progress in increasing foreign market access in Japan, nor would it provide the necessary guarantee against Japanese dumping in our market.

Important features of a new government-to-government semiconductor agreement are:

It should provide for joint United States-Japanese Government calculation and publication of foreign market share in Japan;

And, it should provide for regular government-to-government consultations to assess progress in increasing foreign market access. These provisions regarding the governments' oversight roles are critical to ensuring continued progress.

Market access in Japan is critical for the continued growth and strength of the United States semiconductor industry. In 1995, the Japanese semiconductor market was $39.6 billion. It is expected to grow to $57.1 billion by 1999. Every percentage point increase in United States market access in Japan is therefore worth hundreds of millions of dollars in increased United States exports, thousands of additional jobs in the United States, and a stronger domestic industry to meet our growing national security and defense needs.

STATUS OF NEGOTIATIONS

Mr. President, bilateral talks are expected to begin this week. There is reason to be cautiously optimistic about

this development; however, it is imperative that the Japanese Government be prepared to discuss in good faith the role that government must continue to play in deregulating the Japanese semiconductor market and continuing the process of opening that market.

Mr. President, the deadline for the expiration of the United States-Japanese Semiconductor Agreement is fast approaching. No new progress toward renegotiation of this important trade agreement has been made. Meetings have now occurred, which is certainly a step in the right direction. However, Japanese and American officials just ended 12 days of unofficial semiconductor trade talks yesterday in Tokyo that yielded little progress. The next step will be a sub-Cabinet-level meeting held here in Washington tomorrow and Friday between MITI Vice Minister of International Affairs Yashihiro Sakamoto and Ira Shapiro, Ambassador in Charge of Japan and Canada at the Office of the United States Trade Representative.

Mr. President, these current events emphasize the importance of the message being sent today by the Senate, and that is that the United States-Japanese Semiconductor Agreement should be—and, most importantly, must be—renegotiated. Given the range of trade issues currently being addressed between our two nations, it would not be in either of our interests for another area of contention in trade to develop. Therefore, it is essential that a new government-to-government agreement be negotiated with Japan before the current agreement expires on July 31.

Mr. President, I have no further comments on this amendment.

Mr. HATCH. Mr. President, I want to add my support to the amendment regarding the United States-Japan Semiconductor Agreement.

The United States-Japan Semiconductor Agreement, first concluded in 1986, and renewed in 1991, has led to tremendous progress in opening the Japanese market. It has provided the framework for discussing trade issues before they became problematic and has been the catalyst for increasing cooperation between United States semiconductor makers and Japanese semiconductor-consuming industries. It has also promoted fair trade in the marketplace and, at least until recently, has helped to avoid situations of injurious dumping.

The current agreement expires at the end of July. It must be renewed. Moreover, both governments must play a significant role in any renewed agreement. Government-to-government involvement provides essential support and encouragement to all industry efforts, and permits the collection of relevant data regarding the calculation of market share. The agreement will not work unless this data can form the basis of the accountability in product pricing that can avoid antidumping actions.

Renewal of the United States-Japan Semiconductor Agreement has become even more important because of the recent dramatic price declines for memory chips. Average sales prices have fallen by over 70 percent in recent months. These prices are so low, in fact, that the specter of significant injurious dumping is again a reality. Dumping throws markets into a panic. This type of uncertainty and disruption must not take place again. I urge the President to use all the means at his disposal to conclude a renewed agreement before the current one expires on July 31.

Mr. KEMPTHORNE. Mr. President, I rise today in support of an amendment to express the sense of the Senate that the United States-Japan Semiconductor Trade Agreement be renegotiated. The current semiconductor agreement expires July 31, and it is essential that a new government-to-government agreement be negotiated with Japan prior to the expiration date.

The importance of semiconductors should not be underestimated. They are an increasingly pervasive aspect of everyday life, enabling the creation of the information superhighway and the functioning of everything from automobiles to advanced medical equipment. Semiconductors are also the fulcrum of our national defense capabilities. U.S. semiconductor manufacturers employ 260,000 people nationwide. Their products are the driving force behind the nearly $400 billion U.S. electronics industry, which provides employment for 2.5 million Americans. Our semiconductor industry is the world's largest and it has habitually been the market leader. U.S. sales, last year, totaled $59 billion, representing almost 41 percent of the $144 billion global market.

It is anticipated that the world semiconductor market will double by the year 2000, with projected sales of over $300 billion. Market access in Japan is critical for the continued growth and strength of the United States semiconductor industry. In 1995, the Japanese semiconductor market was $39.6 billion. It is expected to grow to $57.1 billion by 1999. It is well accepted that every percentage point increase in United States market access in Japan is worth hundreds of millions of dollars in increased United States exports and approximately thousands of additional jobs in the United States.

In 1986, President Reagan vigorously sought and concluded a 5-year agreement with the Government of Japan to grant foreign access to its semiconductor market. The primary purpose of the 1991 United States-Japan semiconductor agreement, like the 1986 agreement which preceded it, is to allow foreign manufacturers equitable access to the Japanese semiconductor market. The objective of the agreement is to level the playing field and open the Japanese market to the point where sales generally occur without respect to the nationality or origin of the supplier. The semiconductor agreement has led to tremendous progress in opening the Japanese market. Foreign share increased from 8.5 percent in 1985 to 25.4 percent in 1995. Of this 25.4 percent foreign share, the U.S. industry has 18 percent market share.

It is quite apparent that U.S. semiconductor manufacturers are extremely competitive in all open markets across a wide range of applications and a wide range of products. There remains a sharp disparity, however, between the share United States manufacturers account for in the neutral world markets outside the United States and Japan and the share they account for inside Japan. In the world market, excluding the United States and Japan, American manufacturers accounted for 40 percent of all semiconductor sales in 1995. United States semiconductor makers accounted for only 18 percent of sales in the Japanese market that same year. This huge difference in United States sales outside Japan and sales inside Japan is further evidence that sales in that country are, unfortunately, still not always made solely on the basis of market forces such as technology, price, quality, service, and delivery.

Statements that attempt to rationalize the inability of American manufacturers to gain adequate access to the Japanese semiconductor market tend to focus on the belief that it is purely natural that the United States industry does better in the United States and the Japanese industry does better in Japan—this is simply not true. A comparison of the 40 percent share United States firms earn in world markets outside both the United States and Japan with the 18 percent share United States firms have in Japan demonstrates that significant gap remains. But there is only a small difference between the 23 percent share Japanese firms have in the United States market and the 27 percent share they have in world markets outside both the United States and Japan.

This week, acting-U.S. Trade Representative Charlene Barshefshy is in Tokyo to hold inform bilateral talks. Although, I am cautiously optimistic about this development, it is imperative that the Government of Japan understand and be prepared to discuss in good faith the role that government must continue to play in deregulating the Japanese semiconductor market and continuing the process of opening that market. The Government of Japan must also resist efforts by its electronics industry to install an industry-to-industry agreement with no government involvement as a replacement for the current agreement. Such an industry-to-industry agreement would not ensure continued progress in increasing foreign market access in Japan and is totally unacceptable.

A government-to-government semiconductor agreement will provide for joint United States-Japan Government calculation and publication of foreign

market share in Japan and that it provide for regular government-to-government consultations to assess progress in increasing foreign market access. These provisions regarding the governments' oversight roles are critical to ensuring continued progress and are totally within the true spirit of competition.

Mrs. FEINSTEIN. Mr. President, I rise in support of the Craig-Bingaman amendment, urging the renewal of our semiconductor agreement. The agreement has reduced trade friction and promotes private sector cooperation. It is essential that a new government-to-government agreement is negotiated with Japan before the current agreement is allowed to expire on July 31.

The United States and Japan have a significant stake in trade harmony in this important economic sector. The current $100 billion world market for semiconductors is expected to grow to $300 billion by the year 2000. The semiconductor industry is the basis of our electronics industry and an increasingly pervasive part of our everyday life.

This agreement, first signed in 1986, creates a regular framework for business and government leaders to meet and review trade issues and business trends. This framework has helped build smooth, steady growth in the industry, defused potential disputes, and promoted trade harmony, rather than the hostility that has characterized other trade sectors.

As a replacement, the Japanese electronics industry proposes an industry-to-industry agreement with no government involvement. This industry agreement is unacceptable.

It would take no action to ensure continued progress to increase foreign market share in Japan. Without an agreement, in a market downturn, United States producers could be cut out of segments of the Japanese market.

A strong government oversight role is fundamental to enforcing the integrity of the semiconductor market under the agreement. The government-to-government semiconductor agreement must be renewed in order to provide for the gathering and publication of market share data and provide for the regular meetings of industry leaders to review market and industry issues.

Market access in Japan is critical for the continued growth and strength of the United States semiconductor industry. The $39 billion Japanese semiconductor market is expected to grow to $57.1 billion by 1999. Each percentage point increase in United States market access in Japan represents hundreds of millions of dollars in increased sales and United States jobs.

Representatives of the United States semiconductor industry recently met in Hawaii with their Japanese counterparts to try to reach agreement on future United States-Japan cooperation on semiconductor issues. During the meetings, the Japanese company executives submitted a confidential proposal to continue cooperation in semiconductors, but refused to discuss the role of the Government in ensuring the agreement.

At the same time, the Japanese Government insisted it could not discuss the agreement with the United States Government unless and until an industry level agreement is reached. This rigid insistence appears deliberately designed to deadlock discussions until the current agreement expires in July.

The United States industry—in close consultation with USTR—has decided that it cannot and will not continue to meet with Japanese company leaders under these circumstances, but will respond to proposals put forth by the Japanese companies.

Mr. President, the purpose of the 1991 agreement, like the 1986 agreement which preceded it, is to allow foreign manufacturers equitable access to the Japanese semiconductor market. The agreement seeks to open the Japanese market to the point where sales generally occur without respect to the nationality of the supplier.

The semiconductor agreement has been a tremendous success and must be continued. Under the agreement, the foreign share of the Japanese increased from 8.5 percent in 1985 to 25.4 percent in 1995. Of this 25-percent share, the U.S. firms have an 18-percent market share.

The United States semiconductor manufacturers, many of them based in my State of California, make the best product in the world and are extremely competitive in all open markets across the full range of applications and products.

However, United States manufacturers have been less successful in the Japanese market than in the neutral world markets outside of the United States and Japan.

In neutral markets, American manufacturers represent 40 percent of all semiconductor sales last year.

In Japan, United States semiconductor makers accounted for only 18 percent of 1995 sales, a gap consistent across the full range of semiconductor products and applications.

By contrast, there is only a small difference between the 23-percent share Japanese firms have in the United States market and the 27-percent share they have in neutral markets.

The disparity between United States sales outside and inside the Japanese market suggests semiconductor sales in that country are, unfortunately, still not always made solely on the basis of market forces such as technology, price, quality, service, and delivery. Current market conditions require the continuation of the United States-Japan agreement.

Mr. President, the United States-Japan semiconductor agreement reduces trade friction and promotes private sector cooperation, rather than Government enforcement. For both countries, the extension would represent an opportunity to continue the current, mutually beneficial relationship and should not to be allowed to slip by.

The Clinton administration deserves credit for endorsing renewal and raising this issue during bilateral meetings. However, the Japanese Government should understand very clearly that the desire to extend the agreement is shared by Congress as well. I am pleased to support the amendment.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, we favor the Craig amendment on this side, and I recommend it be accepted.

Mr. THURMOND. Mr. President, we favor the Craig amendment and recommend it be accepted.

Mr. CRAIG. Mr. President, I urge adoption of my amendment.

The PRESIDING OFFICER. The question now occurs on agreeing to the Craig amendment.

The amendment (No. 4057) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. I ask unanimous consent that the time on the Bingaman amendment be limited to 40 minutes equally divided in the usual form, that no amendments be in order, and that following the use or yielding back of time, the Senate proceed to vote on or in relation to the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 4058

(Purpose: To strike out provisions that predetermine the outcome of an ongoing Department of Defense study on space control and to provide a framework for space control decisions to be made)

The PRESIDING OFFICER. The Senator from New Mexico.

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

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

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 4058.

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

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

The amendment is as follows:

Beginning on page 32, strike out line 22 and all that follows through page 33, line 21, and insert in lieu thereof the following:

SEC. 212. SPACE CONTROL ARCHITECTURE STUDY.

(a) REQUIRED CONSIDERATION OF KINETIC ENERGY TACTICAL ANTISATELLITE PROGRAM.—

The Department of Defense Space Architect shall evaluate the potential cost and effectiveness of the inclusion of the kinetic energy tactical antisatellite program of the Department of Defense as a specific element of the space control architecture which the Space Architect is developing for the Secretary of Defense.

(b) CONGRESSIONAL NOTIFICATION OF ANY DETERMINATION OF INAPPROPRIATENESS OF PROGRAM FOR ARCHITECTURE.—(1) If at any point in the development of the space control architecture the Space Architect determines that the kinetic energy tactical antisatellite program is not appropriate for incorporation into the space control architecture under development, the Space Architect shall immediately notify the congressional defense committees of such determination.

(2) Within 60 days after submitting a notification of a determination under paragraph (1), the Space Architect shall submit to the congressional defense committees a detailed report setting forth the specific reasons for, and analytical findings supporting, the determination.

(c) REPORT ON APPROVED ARCHITECTURE.—Not later than March 31, 1997, the Secretary of Defense shall submit to the congressional defense committees a report on the space control architecture approved by the Secretary. The report shall include the following:

(1) An assessment of the potential threats posed to deployed United States military forces by the proliferation of foreign military and commercial space assets.

(2) The Secretary's recommendations for development and deployment of space control capabilities to counter such threats.

(d) Funding.—(1) The Secretary of Defense shall release to the kinetic energy tactical antisatellite program manager the funds appropriated in fiscal year 1996 for the kinetic energy tactical antisatellite program. The Secretary may withdraw unobligated balances of such funds from the program manager only if—

(A) the Space Architect makes a determination described in subsection (b)(1); or

(B) a report submitted by the Secretary pursuant to subsection (c) includes a recommendation not to pursue such a program.

(2) Not later than April 1, 1997, the Secretary of Defense shall release to the kinetic energy tactical antisatellite program manager any funds appropriated for fiscal year 1997 for a kinetic energy tactical antisatellite program pursuant to section 221(a) unless—

(A) the Space Architect has by such date submitted a notification pursuant to subsection (b); or

(B) a report submitted by the Secretary pursuant to subsection (c) includes a recommendation not to pursue such a program.

Beginning on page 42, strike out line 15 and all that follows through page 43, line 9.

Mr. BINGAMAN. Mr. President, this is a very simple amendment. It proposes to delete two provisions that have been included in the bill. The effect of the provisions that are in the bill is that they would prejudge an ongoing study that the Pentagon is doing on space control and antisatellite weapons. These provisions that I am proposing to delete would impose on the Pentagon a kinetic energy antisatellite weapon which is generally referred to as KE–ASAT, which may well be one of the least attractive options available to the Pentagon for space control.

My amendment instead sets up a process whereby the Pentagon can complete its analysis of the ongoing space control architecture study and fund the KE–ASAT, the kinetic energy ASAT, only if the Secretary of Defense decides that it is a desirable option.

My amendment was defeated in the committee when I offered it by an 11-to-10 vote. I hope that we can succeed on the floor because we simply should not be imposing a technical solution to a complex problem on the Pentagon before they have told us what their space control architecture will be.

Mr. President, this is a fairly esoteric subject. There is no doubt that our military forces deployed overseas will be made more vulnerable by the proliferation of foreign military commercial satellite imaging capabilities in the coming years. I have been among several here in Washington and around the country pointing to that threat and urging the administration to develop diplomatic and military options to deal with the threat.

The Pentagon's own April 1996 report, ''Proliferation Threat and Responsibilities,'' pointed to the growing availability of satellite imaging and noted—and here is a quote from that report:

Iraq, for example, might have used such capability to discover that coalition forces had shifted their positions prior to ground operations in Operation Desert Storm. Obviously, such a discovery by Iraq could have cost many allied lives. A future General Schwarzkopf may not have absolute dominance of the space above the battle area that the real General Schwarzkopf enjoyed during Desert Storm as a result of the U.N. sanctions on Iraq.

To deal with this threat, a threat that the Pentagon does take seriously, the Pentagon has launched a space control architecture development effort under the Pentagon's space architect, Maj. Gen. Robert Dickman. The results of the study may be available as early as this fall, according to the testimony that was received in the Armed Services Committee. Unfortunately, instead of waiting for this study, section 212 of this bill, this defense authorization bill that we are considering today—section 212 of the bill takes all funding away from the space architect unless the Secretary of Defense includes the kinetic energy ASAT in the space control architecture being developed. Section 221(c) denies all funding for technical analysis, that is $35 million, denies all that funding to the Under Secretary for Acquisition and Technology unless the kinetic energy ASAT Program is pursued.

Mr. President, this is, I believe, the first example I have seen of a sort of double mandate being put into law, where we are saying not only will we deny all funds to the space architect in the Department of Defense if they do not come to the conclusion we want in this study, but we will also deny this $35 million to the Under Secretary for Acquisition and Technology unless they decide to pursue this particular option.

In my view we should not be using such a mandate to influence the outcome of an ongoing Pentagon study. The real reason for this mandatory language, I am afraid, is that many are concerned that the kinetic energy ASAT option will prove to be a very poor alternative in this ongoing study. Most previous studies of antisatellite capabilities have pointed toward directed energy options as preferable to the kinetic energy ASAT mandated by the bill. For example, the Air Force Science Board, in its ''New World Vistas'' study in air and space power for the 21st century earlier this year recommended both ground-based lasers and high-powered microwave systems over the kinetic energy ASAT systems. Here is a quote from that ''New World Vistas'' study. It says:

Kinetic energy systems . . . are expensive. The vehicles are complex, and tracking and guidance must be precise. Most of the cost, however, is the result of maintaining readiness to launch within an acceptable time.

Mr. President, I am not opposed to the Pentagon's developing antisatellite capabilities to deal with the proliferation of foreign high-resolution imaging satellites. But we have to understand that these capabilities will be in the hands of a limited number of nations for the next 10 to 15 years, nations such as France, Russia, Israel, China, possibly India, and Japan. Would we really use a kill capability—which is what the kinetic energy ASAT is? This kinetic energy ASAT capability would collide with the satellite which it is directed against at very high speed. Would we really use this ability against one of those nations which I just listed, simply because they were making imagery available to a potential foe, such as Saddam Hussein, during a regional confrontation? Would our national leadership not prefer a capability that would disable or jam such a satellite when it was over our deployed forces but which would not permanently damage it?

The Air Force Science Board study to which I referred earlier points out that high power ''microwave systems could be attractive because they have the potential to produce electronic upset without damaging the structure of a threat satellite.'' Similarly, a mobile ground-based laser system might be developed that can only damage a threat satellite if its shutters were open, not if it were in a shutdown mode. Such systems would provide our military commanders a military option to ensure the dominance of space by this country above the battle area, which General Schwarzkopf enjoyed during Desert Storm, without resulting in the escalation of a regional conflict.

The ideal space control capability is not one that destroys a foreign imaging satellite by colliding with it at high velocity and creating a diplomatic crisis that broadens a conflict as well as a cloud of space debris that will have adverse effects on peaceful space activities.

Mr. President, if there are more cost effective and more diplomatically effective approaches to space control,

should we not allow the Pentagon to pursue those? The amendment I am offering leaves the $75 million in the bill which is presently there for tactical ASAT technology, without specifying what technologies we might be using it for. It eliminates the mandate forcing the use of the kinetic energy ASAT by the Pentagon. The amendment instead directs that the kinetic energy ASAT option be explicitly evaluated by General Dickman for the space control architecture, but it leaves the choice of whether to fund that option to the Pentagon. The Pentagon must also give Congress the results of its space control study by March 31, 1997.

This is the way in which we normally proceed when the Pentagon defines a threat, as they have in this case, and launches an effort to deal with that threat. We do not impose our solution to a highly complex problem before we have heard the Pentagon's own recommended solution.

Mr. President, the only testimony which the Senate received this year on this whole issue was from Gil Decker, the Assistant Secretary of the Army for Research and Acquisition, who told the Armed Services Committee that this is not an Army priority. This funding did not appear on any service wish list. This is hardly the basis for imposing this kinetic energy ASAT system on the Pentagon.

I urge my colleagues to support the amendment. That concludes my statement in support of it and I yield the floor.

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

Mr. COATS. Mr. President, it is my understanding the Senator from New Hampshire will be seeking some time to respond to the Senator from New Mexico and will be available to speak shortly. Let me just state we appear, now, to be making some progress on the bill. Relevant amendments are being debated and discussed and time limits are being sought. To the extent Members with amendments can notify us of their amendments and we can work out a time agreement, that would be preferable to keep us working late into the night.

REMOVAL OF INJUNCTION OF SECRECY—INTERNATIONAL NATURAL RUBBER AGREEMENT OF 1995, TREATY DOCUMENT NO. 104–27

Mr. COATS. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on June 19, 1996, by the President of the United States.

International Natural Rubber Agreement of 1995, which is Treaty Document No. 104–27.

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

Mr. COATS. Mr. President, I further ask the treaty be considered as having been read for the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the International Natural Rubber Agreement, 1995, done at Geneva on February 17, 1995. The Agreement was signed on behalf of the United States on April 23, 1996. The report of the Department of State setting forth more fully the Administration's position is also transmitted, for the information of the Senate.

As did its predecessors, the International Rubber Agreement, 1995 (INRA), seeks to stabilize natural rubber prices without distorting long-term market trends and to assure adequate rubber supplies at reasonable prices. The U.S. participation in INRA, 1995, will also respond to concerns expressed by U.S. rubber companies that a transition period is needed to allow industry time to prepare for a free market in natural rubber and to allow for the further development of alternative institutions to manage market risk. The new Agreement incorporates improvements sought by the United States to help ensure that it fully reflects market trends and is operated in an effective and financially sound manner.

The Agreement is consistent with out broad foreign policy objectives. It demonstrates our willingness to engage in a continuing dialogue with developing countries on issues of mutual concern and embodies our belief that long-run market forces are the appropriate determinants of prices and resource allocations. It will also strengthen our relations with the ASEAN countries, since three of them—Malaysia, Indonesia, and Thailand—account collectively for approximately 80 percent of world production of natural rubber.

Therefore, I urge the Senate to give this Agreement prompt consideration and its advice and consent to ratification to enable the United States to deposit its instrument of ratification as soon as possible.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 19, 1996.*

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana retains the floor.

AMENDMENT NO. 4058

Mr. COATS. Mr. President, I wonder if I can inquire from the Senator from New Hampshire what amount of time he requests we yield on this?

Mr. SMITH. I believe under the request I had 20 minutes. Probably very close to that amount of time.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. Mr. President, may I just make a unanimous-consent request before the Senator makes his statement? I ask unanimous consent that Linda Taylor, a fellow in my office, be given the privilege of the floor during the pendency of S. 1745.

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

Mr. COATS. Mr. President, I yield 20 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire has 18 minutes remaining.

Mr. COATS. I yield all time remaining to the Senator from New Hampshire.

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

Mr. SMITH. Mr. President, some things are very predictable around here. One of the most predictable is that somebody every year gets up there in the authorization debate and tries to kill the ASAT Program. This is not a harmless amendment. This is a very serious amendment that can do damage to the national security of the United States.

I might say very bluntly and honestly, I do not have any parochial interest in this. I have a national interest in this. There is not anybody working on this in my State. It is not a jobs issue in my State. This is a national security matter, and year after year I stand up and engage in debate on this, and in committee, as the opponents continue to go after this program.

This amendment is designed to kill ASAT, to kill the kinetic energy program plain and simple. That is exactly what it is designed to do. That is what they are trying to do. We have invested $245 million in this program. We have 2 years left, at approximately $75 million a year, to complete this program. This technology works. It has already been tested. It works. We are going to throw it down the tube, throw it away.

What is ironic to me is that some of the things that Senator BINGAMAN has said on this issue are reasonable. In fact, I offered to work with the Senator in committee to address his concerns over the section dealing with the space architect. But, we could not reach a compromise. There was no interest in having a compromise. He wants the whole thing. He wants to defeat it.

So here we are again, rather than simply addressing the concerns that he has over the space architect issue, the Senator from New Mexico now is going after the entire program—all or nothing.

The truth is, this amendment circumvents the authorization and appropriations process totally. It allows the space architect to singlehandedly decide if the Pentagon spends the money that has been authorized and appropriated in both 1996 and 1997 for ASAT.