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Senate

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

(Continued)

AMENDMENT NO. 4049

The PRESIDING OFFICER. The pending question is amendment No. 4049 offered by the Senator from Arizona, [Mr. KYL]. There are to be 90 minutes of debate, equally divided, on the amendment.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I ask unanimous consent that I and Senator MCCAIN be allowed to proceed as in morning business for a total of 10 minutes, 5 minutes each.

Mr. EXON. I object.

The PRESIDING OFFICER. Objection is heard.

Who yields time?

Mr. EXON. Mr. President, the reason I am objecting to the other time is that we have tried to put this vote off until tomorrow, but that was not possible. We are going to have a vote, and I think we have an obligation to use up the hour and a half equally divided on this very, very important amendment, and then have a vote. Then there will be ample time after that, as I understand it, for all the morning business that anybody wants. I think we have an obligation to this body to move ahead in an orderly fashion.

So, at this time, I will begin the debate. I yield myself what time I might need to begin the debate in opposition—and strong opposition, I might say—to the amendment offered by the Senator from Arizona.

Mr. President, I wish to submit for the RECORD three letters that I have from various important people representing important organizations in strong opposition to the amendment offered. Mr. President, the basic situation that confronts us is that the Kyl amendment, regardless of how well-intentioned, could not possibly be offered at a worse time, as it would adversely affect the nuclear test ban treaty that, right now, is being negotiated in very tense, tedious negotiations in Geneva. The nations of the world have set June 28, which is Friday, as the deadline to come to some kind of an understanding.

The President has left, or is about to leave, for a meeting of some of the heads of state of the important nations of the world. I would not be surprised at all if that would come up there. Here, back at the ranch, the U.S. Senate is trying to pass an amendment that is opposed by the President of the United States to give, supposedly, the President of the United States more power, if you will, more influence, if you will, with regard to resuming nuclear testing.

After the end of the negotiations in Geneva, which we hope and pray, for the good of mankind, will be successful and, hopefully, eliminate nuclear tests underground or otherwise, because if the world continues to rely primarily, as far as we can see into the future, on more and more nuclear tests, then I say that mankind will be living under a shadow of ever-increasing numbers of nations becoming nuclear powers. That is what the nuclear test ban treaty that is being renegotiated right now is all about.

So I simply say that regardless of how well-intentioned the amendment of the Senator from Arizona is, it could not possibly come at a worse time.

Mr. President, I reference a letter from the National Security Council of June 19. In that letter the National Security Council said:

DEAR SENATOR EXON: You have requested the Administration's views on the amendment offered by Senators Kyl and Reid concerning nuclear testing and the Comprehensive Test Ban Treaty (CTBT). The Administration is strongly opposed to this amendment.

We believe that the amendment could not come at a worse time. The States that are negotiating in the CTBT negotiations in the Conference on Disarmament (CD) in Geneva have set a deadline of June 28—next Friday—to complete this historic treaty. The amendment could be interpreted by some CD states as signaling a possible U.S. intent to conduct a round of nuclear testing after the CTBT is completed but before it enters into force. The Administration has no such plans or intentions, nor has it requested funding for any such tests. Moreover, the amendment would relax the existing legislative moratorium on U.S. testing just at the time the only remaining state still conducting nuclear tests, China, has announced that it will join the global moratorium in September.

I ask that the letter in its entirety be printed in the RECORD. It is signed by William C. Danvers, Special Assistant to the President for Legislative Affairs.

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

NATIONAL SECURITY COUNCIL,
Washington, DC, June 19, 1996.

Hon. J. JAMES EXON,
U.S. Senate, Washington, DC.

DEAR SENATOR EXON: You have requested the Administration's views on the amendment offered by Senators Kyl and Reid concerning nuclear testing and the Comprehensive Test Ban Treaty (CTBT). The Administration is strongly opposed to this amendment.

We believe that the amendment could not come at a worse time. The states that are negotiating in the CTBT negotiations in the Conference on Disarmament (CD) in Geneva have set a deadline of June 28—next Friday—to complete this historic treaty. The amendment could be interpreted by some CD states as signaling a possible U.S. intent to conduct a round of nuclear testing after the CTBT is completed but before it enters into force. The Administration has no such plans or intentions, nor has it requested funding for any such tests. Moreover, the amendment would relax the existing legislative moratorium on U.S. testing just at the time the only remaining state still conducting nuclear tests, China, has announced that it will join the global moratorium in September.

As you know, we are confident that our Science-Based Stockpile Stewardship will

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

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ensure that we can meet the challenge of maintaining the reliability and safety of our nuclear inventory absent nuclear testing. Nonetheless, because he considers this to be a supreme national interest of the United States, the President has pledged that after the CTBT enters into force, he would be prepared to withdraw from the Treaty in the event, however unlikely, that he was informed by the Secretaries of Defense and Energy that a high level of confidence in the safety or reliability of a nuclear weapon type critical to our nuclear deterrent could no longer be certified. There is concern on the part of the amendment's co-sponsors that if such a problem arose after September 30 but before the CTBT entered into force, current law would prohibit remedial testing.

If that were to occur, it is important to recognize that one or more years would be required to prepare for any resumption of nuclear testing at the Nevada Test Site. During this time, we would be able to obtain the necessary funding and legislative relief to carry out the necessary tests.

In short, the Administration believes that the Kyl-Reid Amendment is not only not necessary, but it also entails a genuine risk of delaying or derailing the CTBT negotiations just as we may well be poised to achieve a global ban on nuclear testing.

Sincerely,

WILLIAM C. DANVERS,
Special Assistant to the President for Legislative Affairs.

Mr. EXON. In addition to that, Mr. President, I have a statement from the Secretary of Energy, Hazel O'Leary, who has the immediate responsibility in the whole area of nuclear testing and nuclear weapons.

I quote from her statement:

The nuclear weapons testing moratorium instituted by the Hatfield-Exon-Mitchell amendment has made a significant contribution to U.S. nuclear non-proliferation efforts. During the duration of the moratorium, the US stockpile of nuclear weapons has remained safe and reliable. There is no requirement to resuming testing or even to plan to resume testing for safety or reliability or any other purpose, at this time. The Department of Energy, with the full support of the Department of Defense, has embarked on an ambitious stockpile stewardship program to ensure that the safety and reliability of the stockpile is maintained into the foreseeable future, without nuclear testing. One of the elements of stockpile stewardship is maintaining the readiness of the Nevada Test Site to resume testing if it is in the supreme national interest of the United States to do so. DOE is committed to maintaining this readiness, consistent with Presidential direction. DOE has confidence in the stockpile stewardship program and does not need the authority that this amendment would provide.

President Clinton has already outlined his commitment to maintain the safety and reliability of the nuclear stockpile under the existing moratorium and under a comprehensive test ban treaty. It is premature to make any statutory changes to the existing moratorium legislation. Any changes should be made only in the context of a negotiated and signed comprehensive test ban treaty. Any changes in the current statutory prohibition on underground nuclear weapons testing at this time certainly does not help the negotiation process, and could very well set it back. Achieving a comprehensive test ban treaty is a key to reducing the global nuclear danger including proliferation of nuclear weapons and the spread of nuclear terrorism.

Mr. President, I also have a very short letter that I am going to read from the U.S. Arms Control and Disarmament Agency, dated June 19:

DEAR SENATOR EXON: Special Assistant to the President for Legislative Affairs, William C. Danvers, has provided you the Administration's reasons for opposing the Kyl/Reid amendment to the FY 1997 Defense Authorization Bill.

As I represent the lead agency in the Comprehensive Test Ban Treaty (CTBT) negotiations in Geneva, I want to emphasize our belief that this amendment could undermine our efforts to negotiate a Treaty that would end nuclear testing for all time by suggesting a possible U.S. interest in resuming testing before a CTBT enters into force, that does not, in fact, exist.

Since the end of President Eisenhower's tenure, the United States has pursued a CTBT as a long-term goal. Now, when such a treaty is in hand, we urge the members of the Senate to oppose this amendment and to reaffirm our country's longstanding bipartisan efforts to achieve a CTBT.

Mr. President, I ask unanimous consent that the letters I have referenced be printed in the RECORD.

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

STATEMENT OF SECRETARY OF ENERGY HAZEL O'LEARY

The nuclear weapons testing moratorium instituted by the Hatfield-Exon-Mitchell amendment has made a significant contribution to U.S. nuclear non-proliferation efforts. During the duration of the moratorium, the US stockpile of nuclear weapons has remained safe and reliable. There is no requirement to resuming testing or even to plan to resume testing for safety or reliability or any other purpose, at this time. The Department of Energy, with the full support of the Department of Defense, has embarked on an ambitious stockpile stewardship program to ensure that the safety and reliability of the stockpile is maintained into the foreseeable future, without nuclear testing. One of the elements of stockpile stewardship is maintaining the readiness of the Nevada Test Site to resume testing if it is in the supreme national interest of the United States to do so. DOE is committed to maintaining this readiness, consistent with Presidential direction. DOE has confidence in the stockpile stewardship program and does not need the authority that this amendment would provide.

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U.S. ARMS CONTROL AND DISARMAMENT AGENCY,
Washington, DC, June 19, 1996.

Hon. J. JAMES EXON,
U.S. Senate.

DEAR SENATOR EXON: Special Assistant to the President for Legislative Affairs, William C. Danvers, has provided you the Administration's reasons for opposing the Kyl/Reid amendment to the FY 1997 Defense Authorization Bill.

As I represent the lead agency in the Comprehensive Test Ban Treaty (CTBT) negotiations in Geneva, I want to emphasize our belief that this amendment could undermine our efforts to negotiate a Treaty that would end nuclear testing for all time by suggesting a possible U.S. interest in resuming testing before a CTBT enters into force, that does not, in fact, exist.

Since the end of President Eisenhower's tenure, the United States has pursued a CTBT as a long-term goal. Now, when such a treaty is in hand, we urge the members of the Senate to oppose this amendment and to reaffirm our country's longstanding bipartisan efforts to achieve a CTBT.

Sincerely,

JOHN D. HOLUM,
Director.

Mr. EXON. Mr. President, I yield 5 minutes to the Senator from Washington.

Mrs. MURRAY. Mr. President, I rise to join the Senator from Nebraska in opposing the Kyl amendment. This amendment seeks to impede years of work to curb nuclear weapons proliferation and to ultimately resume the U.S. nuclear weapons testing program. The United States has not tested a nuclear weapon in the Nevada desert since late 1992; a nuclear silence of nearly 4 years. Thanks to the bipartisan leadership of Senator HATFIELD and Senator EXON, the United States has been able to play a leadership role in the international drive to negotiate a comprehensive nuclear test ban treaty at the Conference on Disarmament.

I want to commend Senator EXON for his statesmanship on this issue. Sometimes known as a defense hawk, the Senator from Nebraska took this issue on after careful study several years ago. As far as I know, Senator EXON is one of the few Senators to actually visit the Nevada test site. Few in this body known as much about our nuclear weapons program and the arguments for and against nuclear testing as Senator EXON.

Strangely, as the July 28 deadline for reaching agreement on a comprehensive test ban treaty approaches, the U.S. Senate is considering an amendment to undo years of work to combat nuclear proliferation. Strangely, as President Clinton travels to the G–7 meeting in France to increase the pressure on our allies to reach agreement on a CTBT, the Senate is considering an amendment to undermine the President of the United States.

The proponents argue that their amendment will not interfere with negotiations. With all due respect, I strongly disagree with my colleagues claims regarding this amendment. The mere fact that the Senate is having this debate threatens the delicate talks now in the crucial final stages at the Conference on Disarmament. The proponents of this amendment did not support the Hatfield-Mitchell-Exon test ban moratorium legislation and I am sure they will lead the fight on the

Senate floor against Senate ratification of a comprehensive test ban treaty.

The Senate has debated this issue at length on numerous occasions. The arguments against resuming nuclear weapons testing are as valid today as they were when 57 Senators voted to impose the nuclear weapons testing moratorium.

The administration has sent clear messages to the Senate in opposition to the Kyl amendment. John Holum, the Director of the Arms Control and Disarmament Agency in a letter addressing the Kyl amendment states:

> I want to emphasize our belief that this amendment could undermine our efforts to negotiate a Treaty that would end nuclear testing for all time by suggesting a possible U.S. interest in resuming testing before the CTBT enters into force, that does not, in fact exist.

Hazel O'Leary, the Secretary of Energy, issued the following statement:

> The nuclear weapons testing moratorium instituted by the Hatfield-Exon-Mitchell amendment has made a significant contribution to the U.S. nuclear nonproliferation efforts. During the duration of the moratorium, the U.S. stockpile of nuclear weapons has remained safe and reliable. There is no requirement to resuming testing or even to plan to resume testing for safety or reliability or any other purpose, at this time.

Finally, let me share with my colleagues a quote from another letter on the Kyl amendment from the National Security Council. The NSC letter states:

> The Administration believes that the Kyl-Reid amendment is not only not necessary, but it also entails a genuine risk of delaying or derailing the CTBT negotiations just as we may well be poised to achieve a global ban on nuclear testing.

The United States has conducted more than 1,000 nuclear weapons tests. Our nuclear weapons program and technological superiority is unequaled anywhere in the world. There simply is no sound argument in my mind to approve the Kyl legislation and repeal important provisions of the existing nuclear testing moratorium legislation. It is a giant step backward into an era of nuclear expansion and nuclear uncertainty.

Mr. President, we should listen to the words of ACDA Director John Holum, chief U.S. negotiator at the Conference on Disarmament. Some time ago, while addressing the Conference on Disarmament, Director Holum eloquently stated:

> From the very first atomic blast at Alamagordo, mankind has been struggling to recapture the ferocious beast unleashed there. Since then, thousands of women and men of good will and intellect——

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

Mrs. MURRAY. I ask the Senator from Nebraska for 2 additional minutes to finish my statement.

Mr. EXON. I yield 2 more minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mrs. MURRAY. I continue the quote.

> Since then, thousands of women and men of good will and intellect have pursued—passionately, painstakingly—the compelling mission of our age. Working together, let us rededicate ourselves to this mission: To shepherd this beast back into its cage—to bring what was unleashed in a blinding blast of heat in the New Mexico desert to a fitting end in the cool atmosphere of reason in Geneva—to ensure that the first half century of nuclear explosions is the last.

Mr. President, in the next few days, this country may be in a position to celebrate the successful completion of more than 30 years of work to end nuclear testing worldwide. To do this, we must defeat the Kyl amendment. We must turn back the few in this country who continue to believe this Nation must go down the path of nuclear expansion and exploration. I strongly urge my colleagues to support the Hatfield motion to table the Kyl amendment.

Mr. President, I yield the remainder of my time to the Senator from Nebraska.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. I would just like about 2½ minutes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. THURMOND. I yield myself 2½ minutes.

Mr. KYL. I yield time to the chairman of the Armed Services Committee.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 3 minutes.

Mr. THURMOND. Mr. President, last week the Senator from Arizona proposed an amendment that would authorize the President to conduct underground nuclear weapons tests after October 1, 1996, if the Comprehensive Test Ban Treaty has not been ratified by the United States.

I want to emphasize once again, this amendment does not promote nuclear weapons testing. The amendment does not advocate opposition to concluding a comprehensive test ban. In order to conduct an underground nuclear test, the President would have to submit a report to the Congress detailing justification for the test and the Congress could take actions to stop any test.

Mr. President, at some future date, if the President were to determine sometime that he needed to conduct an underground nuclear test for reason of safety and reliability of the stockpile and withdrew from a comprehensive test ban treaty, he would not be able to conduct a test. I do not believe we should wait for a situation of that nature to arise and then try to pass legislation in the Congress.

Mr. President, I voted against the Exon-Hatfield-Mitchell legislation in August 1992. We must ensure that our aging nuclear weapons are safe and reliable. A moratorium on testing and certainly a comprehensive test ban will not guarantee the safety and reliability of our nuclear deterrent forces.

Once again, I support the amendment offered by the distinguished Senator from Arizona and urge my colleagues to adopt the amendment.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. KYL. Mr. President, let me take a moment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I thank the Chair.

I thank the distinguished chairman of the Armed Services Committee for that strong statement in support of our amendment. The chairman spoke in support of our amendment when we first laid it down a week ago, and his arguments, I thought, were very persuasive at that time. I very much appreciate his support, and I join him in hoping that our colleagues will defeat this motion to table.

The PRESIDING OFFICER. Who yields time? If neither side yields time, time runs equally off both sides.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Nebraska.

Mr. EXON. Mr. President, I yield 6 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 6 minutes.

Mr. LEVIN. I thank the Chair. I thank my friend from Nebraska.

Mr. President, the 37-member-nation conference on disarmament has been meeting in Geneva for 3 years to negotiate a verifiable comprehensive test ban treaty. This has long been the expressed goal of the United States and the world community as a whole.

The reason it is so important relates to the issue of proliferation of nuclear weapons. If we can stop nuclear testing, we will have struck a major blow against additional nations gaining nuclear weapons because they will be denied the ability to test and to verify the performance and capability of new weapons.

We have already tested the safety and the reliability and the performance and the capability of our weapons. But additional nations seeking to become nuclear weapons powers will be denied the weapons testing which we have had, and that will make it more difficult for other nations to become nuclear weapons States. That is a major blow against proliferation of nuclear weapons.

The signing of a comprehensive test ban treaty will be one of the most significant steps that we can take against a major threat which is emerging in this world, which is terrorist States gaining possession and control of weapons of mass destruction.

We are right on the verge of achieving this goal, and I think it is unthinkable for the Senate to take an action here tonight or any other time which would pull the rug out from under our

negotiators in Geneva, undermining our efforts to obtain something which has been long sought by this Nation, which is that comprehensive test ban.

How does this language do that? It does it because it says that between the signing of the agreement and the agreement entering into force, the President can submit a report to the Congress, and unless the Congress disapproves, then the President can undertake testing. What that does is put into place in American law an effort to test during the critical period between signing of the treaty and the treaty entering into force.

That action of looking for a possible way to undermine a treaty which has been signed violates article XVIII of the Vienna Convention of the law of treaties, which is that once a treaty is signed, nations are obligated to refrain from actions which would defeat the object and the purpose of the treaty prior to its entry into force.

That is article XVIII. We adhere to the provisions of the Vienna Convention. We adhere to that convention. And I want to repeat it because this is the nub of the issue. This language which is being offered puts us in the position of trying to find a way out from an agreement which we are about to sign, an agreement which has long been sought by the nations of the world, an effort to reduce the number of nuclear weapons in the world and particularly the number of new States having nuclear weapons.

We are obligated by international law once we sign that treaty, which we intend to do, to refrain from action—and I repeat, to refrain from action—which would defeat the object and the purpose of the treaty prior to its entry into force.

So here is the Senate being offered language which goes exactly in the opposite direction, which will make it easier for us to defeat the object of a treaty which we are about to sign. We are pleading with nations of the world to sign this agreement. We are pleading with India to sign this agreement. We have just persuaded China to sign this agreement. And now the Senate is being offered language which says, oh, but the United States is looking to find away around an agreement which we are trying to get other nations to sign. That is the problem with this amendment. That is why this amendment pulls the rug out from under our negotiators. It is why this amendment undermines the effort of this administration and others to gain a comprehensive test ban which will strike a major blow against the proliferation of nuclear weapons.

So let us not do that. Let us, instead, table this language and stay on the course we are on, which is to sign a comprehensive and verifiable test ban agreement and then to get other nations to sign the same agreement and, finally, to reduce the threat of nuclear weapons falling into the hands of States which would endanger the peace and security of the United States and the world.

I congratulate Senator EXON on the effort which he has put forth, Senator HATFIELD, and a number of other Senators, Senator MURRAY and others, who have so strongly and forcefully argued against the Kyl amendment. I hope it will be tabled.

Mr. President, I ask unanimous consent that editorials from a number of papers across the country be printed in the RECORD, including an editorial from the Portland Press Herald entitled ''Chance for Test Ban May Be Now or Never,'' an editorial from the San Francisco Chronicle, May 14, entitled ''Nuclear Test Ban Talks Enter the Home Stretch,'' an editorial from the Boston Globe entitled ''Toward the Test Ban,'' and editorials from the New York Times and the Washington Post entitled ''A Nuclear Test Ban Within Reach'' and ''40 Years Later.''

These editorials and many others across the country are urging us to stay on the course we are on to get a comprehensive test ban treaty signed. This amendment which is pending and which will hopefully be tabled, will undermine the effort that has been so brilliantly made over the years to try to reduce the threat of nuclear weapons.

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

[From the Portland (ME) Press Herald, May 13, 1996]

TODAY IN GENEVA—CHANCE FOR TEST BAN MAY BE NOW OR NEVER

It may be now or never for a Comprehensive Test Ban Treaty. The latest round of negotiations, beginning today in Geneva, is just that important. The 37-nation Conference on Disarmament no longer has the luxury of time in concluding what could be the most important arms control agreement of the past 50 years. Unless a consensus draft treaty is concluded by the time this session ends on June 28, the cruel reality is there may never be one.

The world will have stepped away from the nuclear brink with the end of the Cold War, then edged back up to the abyss. That would be tragic, with the negotiating nations so near agreement.

The delegates have only a narrow opening in which to complete their monumental work, putting an end to nuclear weapons testing in the air, under ground and in the sea. The support Russia now shows for ending ''all nuclear explosions,'' under President Boris Yeltsin, may not be there after the June presidential election. Fall elections in the United States and the current elections in India further complicate matters. China, meanwhile, is expected to detonate two or three nuclear devices sometime this year. (It says it will stop testing when the treaty is concluded.)

Two fortuitous developments may make concluding a treaty simpler that it might have been at the beginning of the year. First, the Australian government tried to cut through all the minor differences among the negotiating nations and present a model draft treaty to the session that ended March 29. Now, Jaap Ramaker of the Netherlands, Conference on Disarmament president, has composed a ''chairman's text'' for the current session intended to move delegates toward common positions.

The United States, Great Britain and France agreed last fall a ''zero yield'' treaty, prohibiting nuclear weapons tests of any size, should be the goal. Russia added its agreement at the G–8 summit meeting in Moscow last month. Only China, of the five declared nuclear states, wants to continue to allow ''peaceful nuclear explosions,'' but is expected ultimately to yield on the point.

If the delegates can be persuaded to stick close to the Ramaker text, making major changes only as they feel compelled, a consensus draft can be concluded over the next seven weeks. If that were submitted to the U.N. General Assembly for initialing in September, a treaty could be signed shortly after.

Beginning today, let the world resolve this is an opportunity it will not let fail.

[From the San Francisco Chronicle, May 14, 1996]

NUCLEAR TEST BAN TALKS ENTER THE HOME STRETCH

One of the oldest, most ambitious goals of nuclear arms controllers, the 40-year-old dream of a comprehensive nuclear test ban treaty, is tantalizingly close to realization. After two years of negotiation, representatives of the 38-nation Conference on Disarmament regrouped in Geneva yesterday for the final six-week round of talks aimed at banning all nuclear tests, which would effectively halt the development and deployment of new, advanced nuclear weapons.

If approved and ratified by all nations, the 50-year-old race to build bigger and better nuclear weapons would be over; and membership in the nuclear weapons club would be closed.

Never before have so many nations been so close to agreement. Yet for the effort to succeed, the United States and the other nuclear weapons states—France, Britain, Russia and China—and several key ''threshold'' states, especially India, must focus extraordinary attention on resolving the final sticking points. Should they fail, this narrow window of opportunity could be lost for years to come—and lost with it would be the world's best hope for ending the global spread of nuclear weapons. At this point, four of the five declared nuclear powers (and virtually all the other states) support the Clinton administration's position on the question of what, exactly, the treaty would ban: all nuclear explosions of any size. The holdout is China, which insists on the right to conduct so-called peaceful nuclear explosions (PNEs), which are indistinguishable from weapons tests.

China has won no support from any quarter on the non-weapons-related tests and is thus considered likely to drop this condition. But China and some other states have also tied the question of when, and if, the treaty would enter into force to whether the threshold states—India, Pakistan and Israel—sign on. And India is stubbornly holding out on an unrealistic insistence that the treaty include a time-bound pledge of complete nuclear disarmament. There are a handful of other hurdles, but they are relatively minor compared to the Indian disarmament demand and the question of entry into force. Over the next six weeks, it is essential that President Clinton, personally, make resolution of these disputes a top policy priority.

The key is to persuade the holdouts that a complete nuclear test ban is in their self-interest because it constrains their neighbors as much as themselves and blocks the costly dynamic of regional nuclear arms races. Even Iran has bowed to this logic and become a key backer of the treaty.

Time is of the essence. When the conference chair tables a new draft text later

this month, everyone must give a little, take a little and climb on board.

[From the Boston Globe, June 6, 1996]

TOWARD THE TEST BAN

The sword of Damocles invoked by John Kennedy remained suspended throughout the Cold War. But since the superpower balance of nuclear terror has vanished, the first lines of defense against nuclear war have become the Nuclear Non-Proliferation Treaty and the Comprehensive Test Ban Treaty being drafted this month in Geneva.

After four decades of Herculean labors, a test ban treaty is on the verge of completion. A promising text drawn up by the chairman of the Ad Hoc Committee to negotiate a treaty, Dutch Ambassador Jaap Ramaker, effaces Beijing's disingenuous efforts to preserve the possibility of ''peaceful'' nuclear tests. The Ramaker draft also discards India's equally disingenuous attempt to make a test ban conditional on the prior achievement of complete nuclear disarmament by a given date. Both these loopholes would have had the effect of sabotaging a comprehensive test ban.

In the Ramaker test, however, there is one article that looms as a deal-breaker. It is called the entry-into-force provision, and it requires that 37 countries hosting key verification stations or laboratories must ratify the test ban treaty before it can enter into force.

This is a formula for granting veto power to at least 37 states. It would also create an incentive for those states to demand a price for ratification. In particular, it would bestow on India—the ''threshold'' country expected to balk at ratifying the treaty—an ability to prevent the test ban from ever being implemented.

A preferred solution would be to require a set number of ratifications—on the order of 60 or 65 as in the Chemical Weapons Convention—before the treaty enters into force. In this way, the possibilities for delay and blackmail would be removed, and instead of having veto power, India would come under international pressure to join a treaty that had already entered into force.

President Clinton, who has fought admirably for a test ban, should make an all-out effort to persuade the nuclear powers to clear the final hurdle.

[From the New York Times, June 7, 1996]

A NUCLEAR TEST BAN WITHIN REACH

For the past 40 years, diplomats have dreamed of negotiating a treaty that would ban all nuclear weapons tests. Such an accord could significantly slow the nuclear arms race, which has diverted hundreds of billions of dollars from civilian needs and heightened the risk of nuclear warfare.

That dream is now closer to realization than ever before. Yesterday China dropped its insistence on making an exception for so-called ''peaceful nuclear explosions.'' That means all five officially recognized nuclear powers—the United States, Russia, Britain, France and China—now support a complete test ban.

Other differences remain among the 38 nations negotiating in Geneva. They involve verification procedures, test site inspections and how many countries must ratify the treaty before it goes into effect. But acceptable compromises seem within reach before the June 28 negotiating deadline. The next three weeks will require an intensive push by the Clinton Administration, which deserves credit for pressing for completion of a treaty.

The move toward a test ban is part of a broader global bargaining process that last year produced an indefinite renewal of the treaty limiting the spread of nuclear weapons and technology. In exchange for permanently renouncing their own nuclear ambitions, nations without nuclear weapons wanted the nuclear powers to agree to cut back their weapons research. Accordingly, Washington and the other nuclear powers committed themselves to completing a total nuclear test ban treaty this year. If a text is agreed on in Geneva this month, it will be ready for signing at the United Nations General Assembly in September.

While the five nuclear powers agree on a complete ban, they differ on what kind of intelligence information should trigger a demand for on-site inspection and who should have the power to dispatch inspectors.

China and other third-world countries are uneasy about using satellite intelligence systems they have not yet developed, and want to rely on an international network of more common seismic, sound and radiation detectors. It may be possible to employ both types of intelligence.

The United States also would like inspectors to be dispatched as soon as treaty officials detect a possible violation, while China would prefer requiring that such decisions be approved by two-thirds of the countries monitoring the treaty. A compromise requiring a simple majority vote within 72 hours of an official request seems within reach.

The other remaining disagreement concerns when the treaty will become effective. After the 38-nation negotiating conference completes its work, the treaty will be offered to all nations for signature and ratification. The five nuclear powers, along with scores of other countries, are likely to sign on. But some countries considered capable of making a nuclear weapon may not. India strongly resists agreements, and if India stays out, Pakistan may also refuse to sign. It would be better if the two countries approved the treaty, but if they decline, other nations should proceed without them. The treaty and its verification provisions can be used to detect and publicize any violations by these and other holdout countries.

With China's important concession and other moves toward compromise, there is now a good chance for agreement by June 28. Washington should continue to fight for improved verification and inspection provisions, while preparing for reasonable compromises that may be necessary to secure this long-sought barrier to the nuclear arms race.

[From the Washington Post, June 14, 1996]

40 YEARS LATER

Forty years after the effort to halt nuclear testing began, a comprehensive test ban outlawing tests in the last permitted environment, underground, is at last coming into sight. The idea was so long in becoming reality because the five declared nuclear powers found it more urgent to improve than cap their arsenals, while others wanted to keep a nuclear option open. Only when the Cold War ended and the anxieties, alarms and ambitions feeding big-country bomb programs diminished did a test ban become possible.

For nuclear powers, a treaty—a prime American goal—amounts to restraint on qualitative weapons improvements: arms control. For undeclared nuclear powers (there are three: India, Pakistan and Israel) and for nuclear aspirants, a duly ratified and enforced ban will bottle up programs of their own: nonproliferation.

In the latest phase, the parties at Geneva found themselves with an unworkable text containing more than 1,000 national objections. Chairman Iaap Ramaker of the Netherlands broke the stalemate with his own text. The talks now going on are focused on the equal-opportunity bruises he thus inflicted. The aim is to complete a treaty by the end of June.

China did well to abandon its insistence on a loophole for ''peaceful'' tests. But China stood alone for that dodge, and it is making trouble by brazenly continuing underground tests even now and raising obstacles to future one-site inspections. Its readiness to blunt the vital enforcement edge of nonproliferation can only stir doubts about its purposes.

An even more difficult negotiating hurdle is the provision on the treaty's entering into force. The United States, eager to constrain the nuclear states' weapons, would have it go into effect once the five declared states and a good group of others are on board. But the other four declared states support the chairman's demand that India, Pakistan and Israel sign up right away. This proposal is worthy but impractical. The treaty can't do everything for everybody; it can't for instance, by itself ease the anxieties that animate those three undeclared nuclear states.

Testing was once widely thought of as the live fuse of an ''arms race'' that had to be slowed to ensure the planet's survival. Later, the idea of a test ban was set aside in a mutual Soviet-American reliance for safety on nuclear deterrence. The political agreements of the Reagan period finally diminished the great-power nuclear risks. But a test ban remains a useful tool for reducing the lingering risks, especially of those nuclear weapons in or potentially in irresponsible hands.

The PRESIDING OFFICER. Who yields time?

Mr. KYL. Mr. President, I advise my friend from Nebraska we only have two speakers on our side. We prefer to see what arguments are posited against the amendment and then respond to them at that time.

Mr. EXON. I thank my colleague. I was just trying to divide the time to go back and forth.

I yield 5 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 5 minutes.

Mr. GLENN. Mr. President, we have been dealing with this subject here in the Senate for a long time. We started to get some agreement on these matters back as far as 1972 with the Anti-Ballistic Missile Treaty, the SALT I interim agreements, START I and the START II Treaties, which came along a little bit later. These treaties first put a cap on the nuclear arms race.

These were followed by some other agreements. In 1974 President Nixon got the Threshold Test Ban Treaty through and President Ford accomplished the Peaceful Nuclear Explosives Treaty in 1976.

These were all great steps along the way. Many people thought, along the way, we would never get to a day when we would have a Comprehensive Test Ban Treaty, where all nuclear explosives would not be tested anymore, that we would cap things at that point. But here we are, about to achieve it, just about to achieve it. Will we be able to make it? I do not really know at this point. But I do know this, the final stages of negotiating are underway right now with the CTBT.

The administration has come out and given a very strong statement in a letter to Senator EXON that opposes this amendment because they feel, and I agree with them, that this amendment could not come at a worse time in these negotiations. The CTBT negotiations in the Conference on Disarmament in Geneva have a deadline of this Friday, the day after tomorrow, in which, by that time, we may be able to have a Comprehensive Test Ban Treaty for the first time since entering the nuclear age. It will, indeed, be a historic time if we accomplish that.

This amendment we are considering here this evening could be interpreted by some of those States that are negotiating over there now as maybe a little subterfuge, as maybe we are not quite meaning what we are negotiating in Geneva. In fact, they may believe that we are pulling the rug out from under our negotiators at Geneva by even bringing this up for a vote. If this would happen to be agreed to, it would really be a tragic thing for our negotiators over there, because it would call into real doubt our intentions for the long-term future.

The administration has no such plans or intentions to circumvent the provisions that they are negotiating over there. So I hope the people with whom we are negotiating are under no illusions about this and are not led astray in their thinking because of any proposal such as this amendment on the floor.

The administration also has not requested any funding for any additional tests, so their intent is very clear. It is to go along with the way they have been negotiating in Geneva in good faith. Our allies and the people negotiating there should be assured of that. This has been in good faith.

This amendment would, in effect, also relax the existing legislative moratorium just at the time when the only remaining state still conducting nuclear tests, China, has announced it will join the global moratorium in September.

Three of us, Senator FEINSTEIN, Senator NUNN, and myself, were in Beijing in January of this year. We brought this up to President Jiang Zemin, President of the People's Republic of China. We talked to him about what their view was on the CTBT. He said they are still negotiating on it, but if it was negotiated and went into effect by the end of the year, China would—in effect, they would make it a point to have all of their nuclear tests done by that time. That is exactly what they are planning to do. Because China has announced it will join the global moratorium in September.

As to reliability of our stockpile, we are confident that, as they say in the letter from the White House, ''The Science-Based Stockpile Stewardship will ensure we can * * *''

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GLENN. Might I have 1 more minute?

Mr. EXON. I yield 1 more minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. GLENN. ''* * * meet the challenge of maintaining the reliability and safety of our nuclear inventory absent nuclear testing.'' They are convinced of that. These are our highest level people who deal with this.

But the President has also assured us if there was any doubt of this, and it was brought to his attention, what he would do is say we have to come out of the treaty if there was any doubt about the safety of our stockpile or the reliability of it.

With that kind of assurance, it seems to me the least we should do to show faith with our negotiators at Geneva is to make very, very certain we defeat this amendment tonight.

Continuing the letter:

> There is a concern on the part of the cosponsors of the amendment that, if such a problem arose after September 30 but before the CTBT entered into force, current law would prohibit remedial testing.

Mr. President, I do not accept such reasoning. We have quite a legacy of testing that gives us high confidence in our nuclear arsenal, a legacy backed up today and tomorrow by the Stockpile Stewardship program. And if we support our negotiators, rather than undercut them with initiatives that cast doubt on America's resolve to proceed with its commitment to a complete and total ban on all nuclear tests, our country's security will be all the better served.

> If that were to occur, it is important to recognize that one or more years would be required to prepare for any resumption of nuclear testing at the Nevada Test Site. During this time, we would be able to obtain the necessary funding and legislative relief to carry out the necessary test.
>
> In short, the Administration believes that the Kyl-Reid Amendment is not only not necessary, but it also entails a genuine risk of delaying or derailing the CTBT negotiations just as we may well be poised to achieve a global ban on nuclear testing.
>
> Sincerely,
>
> WILLIAM C. DANVERS,
> *Special Assistant to the President for Legislative Affairs.*

Mr. KENNEDY. Mr. President, I oppose the amendment offered by the Senator from Arizona. Today, in Geneva, delegations from 60 countries are assembled to negotiate an agreement that leaders from around the world have dreamed of and worked toward for nearly 40 years. The goal is a Comprehensive Test Ban Treaty to outlaw nuclear testing around the world, and it is well within reach at long last. This amendment would clearly undermine that all-important strategy, and it ought to be defeated.

The Kyl amendment also seeks to reverse the current U.S. moratorium on nuclear testing, which formed a solid basis for American leadership in the international effort to achieve a CTB. Our adoption of a moratorium convinced the four other declared nuclear weapons states that a Comprehensive Test Ban would serve their security interests. Britain, Russia, France, and China have all agreed in principle to a CTB that will ban all nuclear explosions, no matter how small.

This amendment would make a mockery of this unanimous commitment. The United States and many other nations are now poised to cross the threshold into a world free from nuclear testing. This amendment would be a classic case of snatching defeat from the jaws of victory at this critical moment in the nuclear era.

The proponents of the amendment claim that it gives the President the ability to ensure the safety and reliability of the U.S. nuclear stockpile. But the nuclear stockpile is already safe and reliable. The JASON panel, a group of our most eminent nuclear experts, states this fact in its March 1995 report to the Secretary of Energy. The panel concluded that the United States can rely on the Clinton administration's stockpile stewardship program—developed by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff—to maintain high confidence in the reliability and safety of our nuclear stockpile. No further testing is needed.

Thirty-three years ago, in his famous address at American University, President Kennedy called for the negotiation of a Comprehensive Test Ban, and ever since, Republicans and Democrats alike have worked to meet that great goal. Today, we are on the verge of success. Supporting the Comprehensive Test Ban is the single most important step the Senate can take to achieve a non-nuclear future. I urge my collegues to oppose the Kyl amendment.

The PRESIDING OFFICER. Who yields time? Time is running against both sides.

The Senator from Nebraska.

Mr. EXON. Mr. President, I have just checked with the Parliamentarian. I believe there are 40 minutes left on that side. I have a net of 3 minutes left because I am reserving 10 minutes for Senator HATFIELD under a previous arrangement.

I guess I have been in debates in the U.S. Senate for a long, long time, but the other side, who are proposing the amendment, do not seem to want to talk. I do not quite understand. It certainly is not fair, under the usual procedures that we follow here, for one side to use up its time and then the other side sit in deafening silence when their time comes to talk.

I suggest to the Chair, it would not be fair for the other side not to make their arguments for the proposition that they are trying to force on the United States of America.

When you enter into time agreements, you expect some fair assumption of the responsibilities of the managers of the bill on both sides. This Senator has been here on the floor.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I am delighted to take some time. As I informed the Senator from Nebraska earlier, we had only two speakers remaining on our side. I knew the Senator from Nebraska had several speakers. I, therefore, wanted to give those speakers an opportunity to present the arguments against our amendment, which I had already explained in great detail when we first laid it down a week ago. I have been on the floor twice explaining it. I will do it again. I am happy to do it, because we are asking for something that is very modest, yet very important. I hope all the Senators who are watching will appreciate the fact it is important to defeat the motion to table that will be laid down.

I think the easiest way to describe what this amendment does is to use this chart. If you go to the line above Kyl-Reid amendment, you see where we are today: the status quo, what the law provides with respect to nuclear testing. And that is what we are talking about today: the President's authority to conduct an underground nuclear test in the event that he should deem it necessary to do so.

That authority expires, Mr. President, on September 30 of this year. When some say, ''Well, we may not have that big of a problem with the amendment, but we're concerned about the timing because we're engaged in these delicate negotiations''—I will come back to that in a minute—but the reason we raised the amendment now is because the distinguished chairman of the Armed Services Committee said if you have amendments to the bill, lay them down now. Mine was the second amendment laid down, just following the instructions of the chairman.

Secondly, we have to do this before September 30. As you know, we are not going to have that much in the way of legislative time.

But third, I have already offered to the Senator from Nebraska, who I see now leaves the Chamber, but I made this offer before and I make it again. I am delighted to delay this vote until the evening of the 28th—long after the day in Geneva has expired—because I have no intention of having this amendment have any effect whatsoever on the negotiations. It does not, it cannot, there is no relationship whatsoever, but for those who thought it might, I was perfectly willing to delay the vote, and I am still willing to do that.

I will make that offer here again right now. Assuming we defeat the motion to table, I will be happy to have this amendment be the very last one considered before final action on the defense authorization bill, which I assume will be on Friday. Now let us go back to the explanation of the law.

On September 30, there is only one basis for the President to conduct a nuclear test, and that is if another nation tests. Over the last 12 months or so, we have seen France test, Russia may have tested—the intelligence is not clear on that—and China has conducted a test, and China has said it is going to conduct at least one more test.

So those tests would give the President of the United States the authority to conduct nuclear tests until such time as the Comprehensive Test Ban Treaty [CTBT] goes into force. That is what we have showing here. We do not know when that will be, if ever, but we presume it will occur, and so we just entered it on this line here.

At that point, as the Senator from Nebraska said, there will not be any nuclear test, except in the extraordinary event of what is called the supreme national interest, which is an event very unlikely, if at all likely, to occur.

So, in effect, the only thing that can cause the President to test after September 30 is if another nation tests.

Now, is that a logical basis upon which the United States would conduct nuclear testing? The answer, of course, is no. Because France tested, does that therefore provide a reason for the United States to test? No. Even China's tests do not provide a reason for the United States to test.

We have developed our nuclear arsenal. We have really only three reasons to test, Mr. President. The first is for the safety of our stockpile, to ensure that as weapons become 20 or 30 years old and begin to deteriorate—and they do deteriorate—that the safety of the weapons is not compromised, that the safety requirements of the people who handle the weapons is not compromised. I will return to that issue of safety in a moment.

The second reason is reliability. Will they still work, or, as a result of this deterioration, does there come a point in time when we cannot assure the reliability of the stockpile? At that point, we do not have an adequate return, obviously.

The third reason to test is to deal with a recent phenomenon: the problem of terrorism. We have just seen a terrible event occur in Saudi Arabia involving a bomb, and many people have suggested that perhaps the terrorist state's worst weapon is a nuclear bomb delivered by a truck. Today, we do not have a good way of dismantling that bomb, and the experts at our national laboratories believe that there may come a point in time when we have to understand how to dismantle such a weapon. We have to know how to do it, obviously, in advance, because we may have very little warning when the time comes.

Do you shoot a laser at it? Do you overpower it with electrical voltage? What can you do to disarm that bomb? We may have to conduct some kind of low-level test to find that out.

None of this, Mr. President, advances nuclear weapons in the world. As a matter of fact, it is all designed to reduce their use: the dismantling or disarming of a terrorist device, providing for total safety so no device would ever go off. These are defensive measures, if you will. We are not developing new nuclear weapons, and nobody is proposing to do that.

But, effectively, after September 30, our ability to test, unless another country tests, will have been eliminated, terminated by the law, and that is what we are trying to prevent.

What we are saying in our amendment is really very simple, and if you go below the line that says ''Kyl-Reid amendment,'' you will see what our amendment will do.

We simply extend this September 30 deadline until such time as a CTBT goes into effect. At that point, you have an entirely different set of rules, but until that time, we continue to have the option of testing for stockpile safety and reliability purposes. We would not have to wait for another nation to test to have the ability to test.

But importantly, we also added some other safeguards in our amendment. We provide in our amendment that the President will continue to report to the Congress on the stockpile and will provide a report on the necessity for any testing. Now, those reports are not required after September 30. And we provide that the President's authority to test after September 30 is subject to a veto by the Congress. If a majority of the Congress says ''no'' to a testing message by the President, then the President would not be allowed to test. So we tighten up the law after September 30, and I think that is a good thing for us to have done.

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

Mr. KYL. Quickly; yes, I will yield.

Mr. LEVIN. You said if a majority of Congress votes to disapprove the resolution——

Mr. KYL. That is correct.

Mr. LEVIN. Is it not true the President could then veto that resolution?

Mr. KYL. Mr. President, I believe the answer to the question is that a veto would lie in the event that a majority of the Congress voted to disapprove the President's action.

Mr. LEVIN. And if the President, in fact, submitted such a resolution, is it not very likely he would veto a resolution that a majority of the Congress passed?

Mr. KYL. My guess is, if a majority of Congress voted that way, it would send a message to the President. This, in any event, is a restriction that does not exist under current law. Today, the President can simply say, ''I am going to test because France tested.''

I just ask my friend from Michigan, is it not better to have some way for Congress to express itself in opposition, and if we adopt the resolution of disapproval, it does not happen, as opposed to the existing situation of which we have no ability to say to the President, ''No, you can't do it''?

Mr. LEVIN. For the reason I gave you a few moments ago, this would be

a very unsettling decision for Congress to make now that we are on the verge of achieving that test ban. My good friend from Arizona said a majority of Congress could vote to disapprove the resolution. I want to clarify, this is a joint resolution of disapproval, I believe, that is in the language, and that means the President could veto it, and any President who submitted such a resolution would presumably veto it, so it would, indeed, as a practical matter, take two-thirds of Congress to overturn such a resolution; would my friend agree with that?

Mr. KYL. I appreciate the point the Senator makes. My only point is, any action by the Congress to disapprove the decision by the President to test in our amendment is more than the existing law, which is zero after September 30.

Mr. President, I say to my friend from Michigan, we are trying to do what we can to allay concerns that a rogue President would simply decide to do something very foolish and Congress would not have any ability to deal with it.

Let me go to some of the arguments that have been made. The first is the one that questions our timing here. I must say that I am baffled by this because, as I said, I made the offer to have the vote on this amendment after June 28.

But let us look at that date June 28 again. According to the Washington Post and other news sources—I quote from the June 21 editorial entitled ''Treaty in Trouble.'' I am not sure if this treaty is going to be approved on this Friday in any event, regardless of what we do. The editorial begins by saying:

> The bleak possibility arises that negotiations on a test ban treaty may fall into a deepening deadline or—an even more bitter prospect—produce a treaty that will languish and not be put into effect.

They point out this is because of a deadlock of the several nations of the world that do not have or may not have nuclear capability and are putting demands on the countries that do. They say, ''We will not sign up unless you disarm yourself totally.'' This is the country of India. Pakistan says, ''If India does not sign up, we do not sign up.'' So there is a significant question as to whether or not this treaty is going to be approved on Friday in any event. But let us assume that, in any event, it is voted on by Friday and is approved. I have already indicated that I am perfectly happy to have the vote on our amendment subsequent to that time.

Third, and most important, this amendment has nothing whatsoever to do with the CTBT. Again, referencing the chart will make that point clear, we say that at such point in time as the CTBT enters into force, that is what controls. But we fill this hiatus after September 30, when the President cannot test for safety and reliability, by continuing the authority for the President to do that, again, unless Congress disapproves.

For the life of me, I cannot understand why someone would want to tie our hands in this regard particularly where safety is concerned. We test everything else for safety, from the pistol that is issued to the troops to the airplanes that fly, to the ships and everything else. We test all of our other weapons all the time for safety and reliability. But we are saying we want to cover our eyes and not know whether the most complex and devastating weapons in the world are safe?

Mr. President, what if we were talking about chemical weapons here, and there was a suggestion that a chemical or biological warhead was beginning to leak. Would we have a statute here that says, no, we do not want to worry about that because we want to do away with all chemical weapons? That is the same argument being made here. We want to do away with nuclear weapons, so we're not even going to test them, even if we conclude they might not be safe. It does not make sense. This amendment does not do anything to the CTBT. It simply continues the existing law until there is a CTBT.

There is a letter from one of the administration officials that says, well, this could signal a possible intent to conduct tests. How? The administration has already said it is not going to conduct tests. No funding has been requested. It disclaims any interest in conducting tests. That ought to answer that.

But in any event, if we had a dangerous weapon, would somebody in Britain—why should they be opposed to our testing to make sure that we could ensure the safety of our weapons, so that our personnel would not be irradiated, for example? What is so wrong with ensuring that we have that element of safety?

Finally, I find a bit of an irony here with people who are commending the Chinese for joining the family of nations that want to do away with testing. The Chinese have already said that they are going to conduct another test.

They are going to conduct another test. Let us say it is after September 30, 1996. The fact is, they can conduct a test until the CTBT goes into effect. There is nothing to prohibit the British from conducting a test or the French or the Russians. We would be the only nation of the declared nuclear powers that is saying, we alone will not test after September 30, no matter how long it takes to get to the CTBT. What if we do not have a CTBT for 10 years or 15 years? We and we alone would be prohibited from testing for safety purposes. How does that make any sense?

More importantly, how could that cause people in Geneva to worry? They have the right to conduct tests. If we simply consider an amendment that would extend the President's authority beyond September 30, that is going to somehow give people concern that they should not sign the treaty because maybe the United States is going to begin conducting tests again, when they have that very right? It does not seem to me that is a very sound argument, Mr. President.

Finally, there was the suggestion that we have our stockpile stewardship program, it can handle the situation, we do not need to test, and that is what we are relying on. The problem is, this administration, while they say they do not need to test, that we can rely upon this stockpile stewardship program—which is essentially trying to, through computer analysis, determine if there are any problems with the stockpile, examine them from time to time, and otherwise try to take care of them in a way that they will not deteriorate, although they do deteriorate—but notwithstanding that being our policy, the administration is not funding it adequately. As a result, one wonders whether or not these weapons really are going to continue to be safe and reliable.

If you are going to use the stockpile stewardship argument in opposition to the possibility of ever testing, then you darn well better have a good stockpile stewardship program. But this administration is not doing that.

Hazel O'Leary, the Secretary of Energy, is responsible for the program. In testimony to the Strategic Forces Subcommittee on April 16, the Secretary had this to say about the outyear funding for the stockpile stewardship:

> I think we all have reason to be concerned about the outyears. It is in that area where I have no quarrel with their concern. [The laboratory directors had expressed concern for years.] I think we need to work together to address that.

The point had been made earlier that the funding that had been requested as the minimum level necessary, according to C. Bruce Tarter, of University of California's Lawrence Livermore Laboratories, was $4 billion a year. Yet the President's request for this year is $3.7 billion. So it would be nice to rely upon the stockpile stewardship; it would be even nicer if the administration, which allegedly opposes our amendment here, would properly fund the stockpile stewardship. I do not have a lot of confidence in that in that event.

I am going to conclude at this point, Mr. President, by saying our amendment has no hidden agenda behind it. We are not seeking to engage in testing. It should not have any impact on the discussions that are occurring. As I said, I am willing to have the vote after that anyway. The only thing we are trying to do is preserve the ability of the President in that kind of emergency where he may need it to engage in some kind of low-level, underground testing to preserve the safety and reliability of our stockpile up until such time as the CTBT should go into force.

I urge, Mr. President, that our colleagues who are watching and listening here support the chairman of the Armed Services Committee in his request that we vote no on the motion to table.

Mr. KEMPTHORNE addressed the Chair.

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

Mr. KYL. Mr. President, I am happy to yield whatever time the distinguished Senator from Idaho, a member of the Armed Services Committee, needs.

Mr. KEMPTHORNE. Thank you very much, Mr. President.

I want to acknowledge the expertise of the Senator from Arizona.

To me it is quite clear-cut and straightforward what the Senator is offering. The explanation that he has gone through, I think, has laid it appropriately before us. This amendment does not require or even foresee the need for the United States to begin testing nuclear weapons in the near future.

What it does is put the United States on a level footing with the other signatory nations to the Comprehensive Nuclear Test Ban Treaty, or the CTBT. This amendment does nothing more than provide the President with the ability to resume testing if and only if he deems that the supreme national interest dictates such action.

So what does this amendment do and what does it not do? It does not undermine ongoing CTBT negotiations. It does not require the United States to resume testing. It does not even encourage the resumption of testing.

It does place four additional requirements on the President that must be met before testing could be reinitiated, four additional requirements.

This amendment also clarifies a discrepancy between existing U.S. law and the treaty language regarding what is and what is not considered to be a nuclear test. Without this clarification, the treaty, when signed, would be in conflict with U.S. law.

This amendment also gives the President authority that he says he needs to ensure our national defense.

In his August 1995 statement regarding the CTBT, President Clinton identified the conditions that would cause the United States to resume nuclear testing. This amendment provides the President the flexibility to respond to such conditions should they arise, the conditions which the President outlined.

This amendment is very narrow. It provides the United States rights that are equal to those of other CTBT signatory nations. It clarifies ambiguities in existing U.S. law. It reinstates important congressional reporting requirements, and it provides the President with the flexibility he says he needs to ensure our national defense. It does not promote the resumption of nuclear testing. It does not undermine the current negotiations. This is a prudent, I believe, a much needed provision.

I ask the Senator from Arizona if he would respond to a question or two.

Mr. KYL. I am happy to respond.

Mr. KEMPTHORNE. I ask the Senator from Arizona if he would clarify the key date of September 30 of this year. It is my understanding that on September 30 the provisions provided in the Hatfield-Exon measure expire.

Mr. KYL. That is correct.

Mr. KEMPTHORNE. Now, there are what are termed ''declared nuclear states,'' and there are five of those, one of which is China. The Senator has indicated, and I have seen it elsewhere, that China has indicated that it is going to test again.

What happens if they test after September 30? What happens if the Kyl-Reid amendment is in effect? What happens if the Kyl-Reid amendment is not in effect?

Mr. KYL. This is an illustration of why this amendment would be useful. Without the Kyl amendment, first of all, the President would be able to conduct an unlimited number of underground nuclear tests just because China conducted a test. Second, the President has no obligation to inform the Congress, certainly not to get our consent. The Congress does not have any authority to disapprove of any such tests, and we would no longer after September 30, receive the reports on the safety and reliability of the stockpile that the President has always been required to send to the Congress.

Conversely, if our amendment is adopted, first of all, the President is required by law to submit an annual report to the Congress that outlines the need for any underground nuclear test. We would have 90 days to disapprove of that request, and we would indefinitely be entitled to receive reports on the safety and reliability of the stockpile.

At a minimum, it seems to me, Mr. President, that Congress, if it is going to rely upon the stockpile stewardship program, should want to continue to receive reports from the President on the viability of the stockpile. Under existing law, that would cease to exist. Under our amendment, the President would be required to submit the reports.

Mr. KEMPTHORNE. Is it fair to say and is it accurate to say that with the Kyl-Reid amendment in place it is more restrictive on the conditions for nuclear testing?

Mr. KYL. Yes, clearly it is, because without the Kyl-Reid amendment, if China tests, the President can test, period, end of story.

Mr. KEMPTHORNE. Without any involvement of Congress?

Mr. KYL. Without any involvement by Congress or without any report.

Under our amendment, Congress has the ability to say no, and the President would have to continue to submit a report to us and he would have to report to us on the necessity for an underground nuclear test. The requirement for the test would have to be based upon a stockpile stewardship issue—safety and reliability—rather than the mere fact that another nation decided to test, which obviously has no relationship to our stockpile.

Mr. KEMPTHORNE. I thank very much the Senator from Arizona for the clarification. Again, I think he has done a fine job of just laying it out in a very straightforward manner so we can understand what this is all about.

I yield my time back to the Senator from Arizona.

Mr. KYL. I inquire how much time remains.

The PRESIDING OFFICER. The Senator from Arizona has 16 minutes remaining and the Senator from Nebraska has 14½ minutes.

Mr. EXON. Mr. President, I yield 3 minutes to the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise in strong opposition to this amendment. This is a very critical time in the history of the world. Whether we are going to be able to stop the proliferation of nuclear weapons is the most critical question that we face. We must work to provide for sanctions for those that do develop weapons. In order for us to have credibility, we have to be willing to accept the fact that we should not test. Otherwise, it is very difficult for us to convince others that they should not test.

There has been a fair amount of discussion about the technical details of nuclear testing, both pro and con. I will not go over that ground, but I would like the Senators to step back and examine the big picture for a moment.

The real question here is national security. One of the greatest threats to our national security is the proliferation of nuclear weapons. We have been spending a lot of time recently discussing whether we should build extremely expensive systems that might in the distant future protect a fraction of the United States from a nuclear attack. We also know that it would be very hard to protect U.S. forces abroad from a nuclear attack.

If nuclear capabilities proliferate to rogue nations, we will be very hard pressed to guarantee the safety of all Americans in the event of a nuclear attack. Clearly, the best way to prevent such an attack is to prevent the spread of nuclear weapons in the first place. That goes to the heart of this amendment.

The administration is currently engaged in very sensitive negotiations to achieve a Comprehensive Test Ban Treaty. Successful completion of a strong test ban treaty would do more to protect Americans from nuclear attack than any space shield currently being envisioned. The best way to make sure we are not a target of a nuclear weapon is to prevent the development of nuclear capabilities by more nations. That is what a Comprehensive Test Ban Treaty will do and attempt to do for us.

Passage of the Kyl-Reid amendment would send exactly the wrong signal at a very sensitive time. The amendment says to the rest of the world that we are ready to consider a resumption of testing, just when we finally have

agreement among the major nuclear powers that it is time to put an end to nuclear tests.

I urge my colleagues to resist this effort to overturn the Hatfield-Mitchell legislation enacted 4 years ago, and to keep this country on the safer course of steady progress toward a comprehensive test ban.

I yield the floor.

Mr. EXON. Mr. President, I yield myself 3 minutes.

Mr. President, there is obviously some serious misunderstanding here, because Senator KYL has not correctly stated the existing law by suggesting that any other nuclear state could conduct a nuclear test after September 30, and before the Comprehensive Test Ban Treaty is entered into, but the United States could not. This is simply not true.

If any nation tests after September 30, the law stipulates that all restrictions on U.S. testing are limited. It is a basic tenet of the Hatfield-Mitchell-Exon law. The only effect of the law is that the United States will not be the first nation to test after September 30.

Would Senator KYL agree with this correction? I ask him to do it on his time because I am almost out of time.

Senator KYL has also said that his amendment would allow for a resumption of testing for ''safety and reliability'' reasons only. I say to my friend from Arizona, if he can show me where in his amendment it states the testing would have to be done for ''safety and reliability'' only. I have looked and I cannot find it.

The way I read his amendment, a resumption of U.S. testing could be for any reason whatever.

I reserve the balance of my time.

Mr. KYL. Mr. President, let me see if I can answer the question posed by the Senator from Nebraska who said I misstated the law. I have the law right here. I will quote it directly. This is Public Law 102–377: ''No underground test of nuclear weapons may be conducted by the United States after September 30, 1996 unless a foreign State conducts a nuclear test after this date, at which time the prohibition on United States nuclear testing is lifted.'' That is precisely what I said. After September 30, the only basis upon which we could conduct a test is unless another nation tests—exactly as it is stated up here.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. Ten minutes.

Mr. EXON. I ask the Senator from Oregon as to how much time he feels he will need.

Mr. HATFIELD. About 4 minutes.

Mr. EXON. I yield 4 minutes to the Senator from Oregon, Mr. HATFIELD.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 4 minutes.

Mr. HATFIELD. Mr. President, I thank the Senator from Nebraska for yielding. I want to also say the Senator from Nebraska, Senator EXON, has been carrying the burden, pretty much, here on the floor on this issue of the Kyl amendment. I want to express my deep appreciation to the Senator for assuming that role. I am sorry I have not been able to be more helpful, but other duties have precluded me from engaging in more activity until now.

Mr. President, our negotiators in the Comprehensive Test Ban Treaty conference are on the brink of success from many perspectives. The conference concludes at the end of this month, so in 3 days we will know if the goal that we have worked toward for 40 years will come to fruition. I am speaking of the Comprehensive Test Ban Treaty, which has been a goal of mine for many years. When we passed the current moratorium on nuclear testing in 1992, we provided significant momentum toward the CTBT.

I am very concerned that the amendment pending is characterized as a minor change in policy and a clarification of the original moratorium of testing which is current law. Let me be clear that this is not a simple change. This amendment will have the effect of completely undermining the baseline agreement reflected in that moratorium created in 1992 and the momentum for a CTBT. I think it sends a signal that somehow we are backing out or changing our mind on that moratorium—one that I worked 27 years to achieve.

The current U.S. moratorium is a critical show of good faith to other countries with whom we are negotiating this treaty. To change our testing policy now, I think, will send shockwaves through the international arms control community at the most critical time of the CTBT negotiations.

Not only is this amendment untimely, it is also, I believe, unnecessary. The President has extended the 1992 testing moratorium because he and his military advisers concluded that our nuclear arsenal is safe and reliable. Not even the scientists involved in nuclear testing are calling for underground tests to resume.

More importantly, the President already has the ability to resume testing if he determines that it is in the Nation's supreme national interest. If we have a severe safety and reliability problem, even I would agree with the President in exercising this option.

It seems to me that this debate would be more appropriate after the Conference on Disarmament concludes. The Senate will have the opportunity to debate this issue fully when the CTBT is presented to the Senate for ratification. And if the negotiations do fall apart and we are not able to get a treaty this year, the Congress can debate this issue then, or any time following.

Any action now seems to me to be premature. For these reasons, I strenuously oppose the Kyl-Reid amendment and urge my colleagues who believe in the nonproliferation goal of achieving a Comprehensive Test Ban Treaty in 1996 to join me in opposing this amendment.

At an appropriate time, I believe the authors of this amendment are aware that I will make a motion to table the amendment.

I yield the floor.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the vote on or in relation to the Kyl amendment occur at the hour of 8:40 this evening, with Senator EXON in control of his previously allotted time, and any remaining time until 8:40 under the control of Senator KYL.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KEMPTHORNE. To clarify for all Senators, we will vote this evening at 8:40, and that is now set.

Mr. NUNN. How much time is on each side? I did not get that.

The PRESIDING OFFICER. Six-and-a-half minutes controlled by the Senator from Arizona, and 5 minutes controlled by the Senator from Nebraska.

Mr. NUNN. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. EXON. Mr. President, I yield 1 minute to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I want to associate myself with the remarks made by the Senator from Nebraska, Mr. EXON, and the remarks just made by Senator HATFIELD from Oregon. I could not agree with them more. This is a critically important issue.

This is exactly the wrong proposal. It is exactly the wrong time even to consider this proposal. What we have done in recent years to try to make certain that we do not see continued nuclear testing has just set the right course for the world, and the wrong vote tonight would send exactly the wrong signal at a time when so many countries are sitting down and hoping that by Friday we will achieve the result of never again seeing nuclear testing in this world.

So I appreciate the leadership of the Senator from Nebraska and the others who have spoken against the Kyl amendment. I hope the Senate will support the motion to table.

The Kyl amendment is part of a continuing assault on arms control. I would urge my colleagues to recall what has happened in this Congress.

Recall that the Foreign Relations Committee stalled on the START II Treaty until the Senator from New Mexico, Senator BINGAMAN, began to filibuster an unrelated bill in order to force action on the treaty.

Recall that the Senate majority throughout this Congress has been intent on building a star wars missile defense system that would violate the ABM Treaty. The ABM Treaty is the cornerstone of our arms control regime—which may be why the majority

desperately wants to knock that cornerstone out of the foundation.

Recall that we still do not know when the Senate will act on the chemical weapons convention, which would break new ground by banning the use, production, and stockpiling of an entire class of weapons of mass destruction. That Convention has been on the Senate calendar for over 50 days now. I hope the majority leader will soon give us an indication of when the Senate will vote on that historic treaty.

And we now have the Kyl amendment. Mr. President, 4 years ago Senators HATFIELD, Mitchell, and EXON worked very hard to enact a law restricting nuclear testing by the United States. Hatfield-Exon-Mitchell set us on a path to a moratorium on nuclear testing—which the law will prohibit after September 30, 1996. The only loophole under which the President can resume testing after then is if another nation tests first.

The Kyl amendment would overturn the Hatfield-Exon-Mitchell law. It would permit the President to start nuclear testing after September 30. The only loophole—the only way the President would not be allowed to resume testing—is if the Congress tells him not to.

It's bad enough that the Kyl amendment would repeal a moratorium on nuclear testing that is now in the law. However, the international repercussions of this amendment are even worse.

Mr. President, I hope the American people realize that American negotiators are literally working around the clock in Geneva as we speak in order to reach agreement on a Comprehensive Test Ban Treaty. There are 37 countries around the table at the Conference on Disarmament in Geneva, all trying to hammer out a nuclear test ban treaty. The planet has set itself a goal of agreeing on this treaty by this Friday, June 28. These talks are in their final, most sensitive stage.

What is so stunning about the Kyl amendment is that it suggests that we allow renewed nuclear testing. And the Senator from Arizona is making this suggestion 2 days before the planet's self-imposed deadline for achieving a treaty to ban nuclear testing for all time.

This treaty has been a goal of American foreign policy since the Eisenhower administration, and the Kyl amendment is urging that we allow nuclear testing again. As several of my colleagues have already observed, leaving aside the policy implications of the amendment, it is impossible to conceive of a worse time for this amendment to be offered.

Mr. President, the United States has been working to lead the world toward a test ban agreement. Since 1993, when President Clinton decided to extend a testing moratorium, we have been leading by example. We have refrained from testing nuclear weapons. We have developed an ambitious stockpile stewardship program, which will ensure that our nuclear arsenal remains the safest in the world without testing.

It is not difficult to picture the reaction of other nations if the Kyl amendment is approved. They will wonder why our arms control negotiators are urging them to compromise on a treaty in Geneva while at the same time the U.S. Senate is allowing the President to resume nuclear testing. How would we like it if the parliament of another country at the negotiating table began to consider loosening that country's restrictions on nuclear testing? We'd begin to question that country's sincerity at the talks. We'd begin to wonder whether that country intended to live up to its commitments. Well, that's how other nations are going to feel if this amendment passes.

I urge my colleagues to vote to table the Kyl amendment.

The PRESIDING OFFICER. The time of the Senator from North Dakota has expired.

The PRESIDING OFFICER. Who yields time?

Mr. EXON. I yield such time as he may need to the Senator from Georgia.

Mr. NUNN. Mr. President, I will take a short time here. I will support the tabling motion on this amendment. I think this is not a necessary provision at this moment. I think it is certainly not timely. Senator EXON and Senator HATFIELD offered their amendment in 1991. It is the law of the land. It prohibits further U.S. underground nuclear testing unless, after September 30 of this year, another country conducts an underground nuclear test. If another country does it, the Exon-Hatfield provision automatically expires.

Moreover, the administration is in the final throes of negotiating a CTBT. President Clinton pledged that if there were problems with the U.S. weapons stockpile, he could exercise the supreme national interest clause in the treaty in order to take the necessary steps to protect our security.

If adopted, it is my belief that this amendment, particularly with the timing, could make the negotiations of the CTBT harder rather than easier to conclude.

So I urge my colleagues to support the Hatfield tabling motion when it is made.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, let me make what may be my concluding remarks.

The Senator from Oregon, who will make a motion in just a moment, had two primary points. I would like to respond to both of them.

The first is, he said we do not want to change our testing policy now. I know that is the thing that animates him most in this debate.

I want to state to everybody here that there is no intention to do this. This amendment does not do it. It is the President who establishes a testing policy. There is not a word in this amendment that suggests that we ought to test, how we ought to test; nothing whatsoever. All we do in this amendment is to preserve existing law. So we are not going to change our policy by this law. We are going to preserve it. We are going to say that after September 30 the ability of the President to test, if he thinks it is necessary, would continue to exist until there is a CTBT. That will expire unless we extend his authority.

There is one condition under which we would be allowed to test in the future, as the Senator from Nebraska has pointed out; that is, if another nation tests. That does not have anything to do with whether we ought to test unless we are trying to develop a new weapon, and nobody is suggesting that we would test for that reason.

Listen to the words that I read of the President of the United States, Bill Clinton. Here is what he said he would need the authority to do under a test ban regime.

August 11, 1995, his statement regarding the CTBT, his safeguard F specifically says:

> If the President of the United States is informed by the Secretary of Defense and the Secretary of Energy, advised by the Nuclear Weapons Council, Directors of the DOE's Nuclear Weapons Laboratories, and the Commander of the U.S. Strategic Command that a high level of confidence in the safety and 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 standards of the Supreme National Interest Clause, if in order, to conduct whatever testing might be required.

That is the authority that President Bill Clinton says he will need to have in the future. He will have that authority under the Convention, the Comprehensive Test Ban Treaty, but he will not have that authority, ironically, prior to that time.

So, ironically, the authority that he requests after the CTBT goes into effect, which would exist at this point, does not exist in the interim period of time after September 30. He would not have the ability to test for the reasons that he indicated in his statement.

All we are trying to do by this amendment is to continue the existing law to give him that authority and to require that he report to the Congress. We add one thing and one thing only. Congress has a right to disapprove of his action by a majority vote of both Houses of the Congress. We thought that was a good thing, not a bad thing, if people are concerned about the President. But this President, Bill Clinton, has said he needs the authority to test.

We simply continue that authority until the CTBT takes effect. It would be ironic, indeed, for the President to request the authority after the CTBT goes into effect but not before then.

The second point made by the Senator from Oregon is the same point

that others have made. They wish that we did not have to debate this right now and have a vote on it prior to the 28th.

I have said over and over again—I renew my offer to the distinguished ranking member of the Armed Services Committee, and to the Senator from Nebraska—I would be delighted to have a vote on my amendment. If we do not table it here, we can have a vote on this amendment after those negotiations in Geneva are concluded. They are to be concluded in Geneva on the 29th, by Friday. By the time we vote on Friday it would be nighttime in Geneva.

Therefore, I would be pleased to enter into a unanimous-consent agreement that our vote be postponed until that time.

I do not know what more I can do to demonstrate that we are not trying to influence what is going on over there. I understand that is the argument that has been brought up. But I fail to appreciate why our offer is not going to be accepted as a result of that.

I reserve the remainder of my time. Those are my comments with respect to the Senator from Oregon.

The PRESIDING OFFICER. Who yields time?

Mr. EXON. Mr. President, how much time does the Senator from Nebraska have remaining?

The PRESIDING OFFICER. Two minutes fifty seconds.

Mr. EXON. I yield myself that time, and then the Senator from Oregon will be in to offer the tabling motion.

I want to take just a moment and thank my dear friend and colleague from Oregon, Senator HATFIELD, for all of the staunch support and leadership that he has given. We have worked on this matter because we have a total joint understanding of just how critical the end to nuclear testing can be for mankind. It is absolutely essential that the United States continue to provide leadership in this area. Thanks once again to my friend from Oregon.

Both the Senator from Oregon and the Senator from Nebraska will conclude our careers in the U.S. Senate this year. Somebody else will have to take up from there if we are to continue. If we have not reached a Comprehensive Test Ban Treaty, that is still a must.

I simply say, Mr. President, that the U.S. President says the act is not needed now; the National Security Council, I have entered a letter to that effect; the U.S. Arms Control and Disarmament Agency says it is not necessary; the Secretary of Energy says it is not necessary; not only is it not necessary, but it could not come up at a worse time.

I just hope that we will put this matter over by the tabling motion that is going to be offered.

I would simply advise the Senate that, if for any reason the tabling motion does not prevail, there is going to be long and extended debate on this particular amendment.

With that, Mr. President, I simply say put this off, keep mankind informed, do something about it next year and not now. It has no adverse effect whatsoever on the national security interests of the United States, or the safety and reliability of our nuclear arsenal.

I thank the Chair. I yield back any time I have remaining.

The PRESIDING OFFICER. All time of the Senator from Nebraska has expired.

Mr. KYL. While we are waiting for the Senator from Oregon to arrive, Mr. President, I will conclude by saying that in an entire week of debate here, there has not been a new argument raised. The two primary arguments are that it would be good to put this vote over until the 28th, which I would be happy to do; and, second, that the administration has not asked for this authority.

But as I just quoted from the President of the United States, Bill Clinton, he explicitly said that he would have to have the authority to test if his advisers came to him and said that it was in the supreme national interest that he do so, as a result of which there will be a clause in the CTBT which allows the President to test under that circumstance.

I have simply said that it would be ironic for us to have the ability to do that today, to have that ability under the CTBT but not to have that authority during the interim period of time, when the other declared nuclear nations do have that ability—mentioning one, for example, the nation of China, which has already indicated its intent to conduct just such a test.

So it seems to me that nations that might be concerned about what the United States is doing ought to focus their energies more on a country like China. It is still developing its arsenal. We would only test, as the President himself has said, for the purpose of ensuring the safety and reliability of our stockpile.

So this amendment does nothing more than extend the authority of the President up until the time there is a CTBT. It has no other effect than that.

I urge my colleagues not to support the motion to table and to vote ''no'' on the motion to table that I assume is about to be entered.

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

The PRESIDING OFFICER (Mr. JEFFORDS). The Senate is awaiting the arrival of Senator HATFIELD to make a motion to table.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I simply say I know the Senator from Oregon is about to come into the Chamber. In deference to the Senator from Oregon and his long service to this body, I would like to ask unanimous consent that we delay temporarily until the Senator from Oregon is able to come on the floor to offer the tabling motion.

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

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

PRIVILEGE OF THE FLOOR

Mr. NUNN. Mr. President, I ask unanimous consent the privileges of the floor be granted to Mr. Zack Davis, of my staff, for the time during which this measure is pending.

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

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I move to table the Kyl amendment, and 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 PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon to lay on the table the amendment of the Senator from Arizona. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS] and the Senator from New Mexico [Mr. BINGAMAN] are necessarily absent.

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

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—53

Akaka	Glenn	Lieberman
Baucus	Gorton	Mikulski
Bennett	Graham	Moseley-Braun
Biden	Grassley	Moynihan
Boxer	Harkin	Murray
Bradley	Hatfield	Nunn
Byrd	Heflin	Pell
Chafee	Hollings	Pressler
Conrad	Inouye	Pryor
D'Amato	Jeffords	Robb
Daschle	Kassebaum	Rockefeller
Dodd	Kennedy	Sarbanes
Domenici	Kerrey	Simon
Dorgan	Kerry	Specter
Exon	Kohl	Stevens
Feingold	Lautenberg	Wellstone
Feinstein	Leahy	Wyden
Ford	Levin	

NAYS—45

Abraham	Frahm	McCain
Ashcroft	Frist	McConnell
Bond	Gramm	Murkowski
Breaux	Grams	Nickles
Brown	Gregg	Reid
Bryan	Hatch	Roth
Burns	Helms	Santorum
Campbell	Hutchison	Shelby
Coats	Inhofe	Simpson
Cochran	Johnston	Smith
Cohen	Kempthorne	Snowe
Coverdell	Kyl	Thomas
Craig	Lott	Thompson
DeWine	Lugar	Thurmond
Faircloth	Mack	Warner

NOT VOTING—2

Bingaman	Bumpers

The motion to table the amendment (No. 4049) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

TRICARE

Mr. WARNER. Mr. President, I rise in support of the subcommittee language regarding the TRICARE program and the alternative financing mechanism requested by DOD. I appreciate the cautious approach the subcommittee has taken. This alternative financing mechanism may have significant merit and it should be thoroughly tested and evaluated before it is fully implemented.

The Tidewater area of Virginia, which is part of TRICARE Region 2, has long been the premier test site for DOD health care programs. The TRICARE Tidewater Demonstration Project ran from October 1, 1992 to September 30, 1995, and all of its initiatives continue to the present under the new TRICARE regulations that went into effect nationwide in October of 1995. A TRICARE Service Center has operated in Portsmouth, VA since October of 1992. A managed mental health program has been in place for at least a decade. TRICARE Extra has been in place since the beginning of the demonstration project and TRICARE Prime began to phase in during December of 1994. Today, more than 60,000 people are enrolled in TRICARE. It is significant to note that this has been accomplished without a Managed Care Support Contract.

The lead agent for region 2 is the Portsmouth Naval Hospital, and all three services are well represented in the region, which also includes Langley AFB, Ft. Bragg, and Camp LeJeune. Their invaluable experience as the test bed for incorporating new ideas in DOD health care makes region 2 the ideal candidate for testing DOD's new funding approach to TRICARE. We should proceed cautiously with this new approach, as we endeavor to improve TRICARE. In this light, I would urge DOD to consider developing benchmarks by testing alternative methods of financing in region 2 in its current environment without a managed care support contract, and I will work toward this outcome in conference.

Mr. COHEN. Mr. President, I too support the intent of the subcommittee language. DOD's alternative financing methods for the TRICARE Program may have significant merit, however, I also share Senator WARNER's concerns that this new concept be fully tested and developed before it is implemented. Region 2 is obviously the most experienced and therefore the best qualified region to operate this test and I support Senator WARNER's recommendation.

BRAC MILITARY CONSTRUCTION OF UNACCOMPANIED ENLISTED HOUSING AT FT. LEONARD WOOD, MO

Mr. INHOFE. Mr. Chairman, when the 1995 Base Realignment and Closure Commission [BRAC] recommended closure of Fort McClellan, AL, and relocation of Fort McClellan's Military Police and Chemical Schools to Fort Leonard Wood, MO, that decision was based in part on the Defense Department's recommendation to the Commission that basic training being conducted at Ft. Leonard Wood be moved elsewhere in order to make room for the additional personnel and activities associated with MP and chemical training.

Subsequent to the adoption by Congress and the President of the BRAC '95 recommendations, the Army changed its position and has now opted to keep basic training at Fort Leonard Wood. In this regard, I am concerned that the FY97 Defense Authorization bill contains $58 million in BRAC IV military construction funds for ''unaccompanied enlisted housing'' at Fort Leonard Wood, one of four projects totaling $118 million in similar BRAC IV funding for that post. While it is possible that some of these funds are necessary to accommodate BRAC-directed moves, it is my understanding that this $58 million project is being undertaken partly to enable Fort Leonard Wood to continue to accommodate its existing basic training load.

Mr. NICKLES. I would like to compliment my colleague from Oklahoma for his diligent attention to this issue, and make clear to the distinguished Chairman that I share his concerns. I would respectfully remind the Chairman that the Defense Department's recommendation to the Commission on this matter was based on the Army's stated intention to decrease the basic training load at Fort Leonard Wood and increase basic training at Fort Jackson, SC; Fort Knox, KY; and Fort Sill, OK. According to the Department's recommendations to BRAC, each of these installations was to receive 1,400–1,500 basic trainees from Fort Leonard Wood, approximately one basic training battalion each.

Mr. INHOFE. Mr. President, I ask that a copy of a letter from myself and Senator NICKLES to GAO dated 20 June 1996 be printed in the RECORD at this point.

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

U.S. SENATE,
Washington, DC, June 20, 1996.

Mr. RICHARD DAVIS,
Director, National Security Analysis, National Security and International Affairs Divisions, U.S. General Accounting Office, Washington, DC.

DEAR MR. DAVIS: The 1995 Defense Base Closure and Realignment Commission's (BRAC) recommendations to close Ft. McClellan, AL and move its Military Police (MP) and Chemical Schools to Ft. Leonard Wood, MO, was based on the Defense Department's recommendation that basic training activities at Ft. Leonard Wood be moved elsewhere in order to make room for the additional personnel and activities associated with MP and Chemical training.

Subsequent to the adoption of the BRAC 95 recommendations, the Army changed its position and has now opted to keep basic training at Ft. Leonard Wood. Specifically, at the time of the BRAC decision, it was the Army's stated intention to close out basic training at Ft. Leonard Wood and divide that basic training among Forts Jackson, Knox, and Sill, each receiving one basic training battalion of 1,400 to 1,500 soldiers.

We are concerned that the FY97 Defense Authorization bill contains $58 million in BRAC IV military construction funds for ''unaccompanied enlisted housing'' at Fort Leonard Wood. It is our understanding that this $58 million project is being undertaken partly to enable Ft. Leonard Wood to keep its basic training mission, even though the three posts referred to above have existing capacity to accommodate Ft. Leonard Wood's basic training student load. We ask that you review this project against other alternatives available to the Army at lower cost. Specifically, we ask that you:

Review a complete list of the military construction projects approved for or anticipated at Ft. Leonard Wood during the five fiscal years beginning with FY97.

Identify the current shortfall in unaccompanied enlisted housing at Ft. Leonard Wood.

Identify the current basic training student load at Ft. Leonard Wood.

Identify the number of unaccompanied enlisted housing spaces that would become available at Ft. Leonard Wood if its current basic training student load were to be relocated, in whole or in part as originally proposed by the Department of Defense.

Review the number of personnel to be transferred from Ft. McClellan to Ft. Leonard Wood in accordance with the BRAC 95 recommendations.

Compare the number of unaccompanied enlisted personnel to be transferred pursuant to such recommendations with the number of unaccompanied enlisted housing spaces to be constructed at Fort Leonard Wood using the $58 million presently authorized by the FY97 Defense Authorization bill.

Evaluate the availability of unaccompanied enlisted housing at each of the posts identified by BRAC 95 as potential locations for basic training currently being conducted at Ft. Leonard Wood.

Identify any military construction costs, if any, associated with the transfer of a basic training battalion to Forts Knox, Jackson, and Sill, respectively.

Because the Joint Conference on the FY97 DOD Authorization is likely to conclude by the end of next month, we need to receive your report not later than July 20, 1996. Please direct any questions to John Luddy of Senator Inhofe's staff, at 202–224–1390. Thank you very much for your prompt consideration of this matter.

Sincerely,

JAMES M. INHOFE,
U.S. Senator.
DON NICKLES,
U.S. Senator.

Mr. INHOFE. Mr. President, would the chairman support my request that the General Accounting Office review this project, including the questions I have raised in this letter, and report back to this committee and to the House National Security Committee within 30 days?

Mr. MCCAIN. Like my colleague on the Armed Services Committee, I am a firm supporter of the BRAC process, and I am concerned that the Army's recommendations to the Commission may have caused it to make a decision based on false assumptions. I am particularly troubled that American taxpayers may be paying for unnecessary military housing when, as my colleague and the Department itself has

indicated, there is similar housing available at other installations. I would urge the chairman to lend his support to this inquiry.

Mr. THURMOND. I thank the Senators for bringing this matter to my attention, and I also appreciate Senator MCCAIN's interest. I support this inquiry and would add that it is the committee's desire to receive a report from GAO within 30 days specifically to allow us to resolve this matter to our satisfaction prior to conference and final passage of the fiscal year 1997 DOD authorization bill.

Mr. INHOFE. May I ask of the Armed Services Committee chairman and the Readiness Subcommittee chairman, respectively, if they will agree to consider modifying or eliminating this project during the joint conference on the fiscal year 1997 Department of Defense authorization bill, if the GAO's conclusions indicate that doing so would be in the best interest of the American taxpayer?

Mr. THURMOND. I assure the Senator from Oklahoma that I will support such actions if warranted by the conclusions of General Accounting Office report.

Mr. MCCAIN. I concur with Senator THURMOND. I will look carefully at the results of the GAO study before agreeing to fund this project.

Mr. BOND. Mr. President, the subject of Senator INHOFE's GAO request will be the unaccompanied noncommissioned officers barracks. This project was planned, programmed, and funded to house NCO's who will come to Fort Leonard Wood as a result of the BRAC decision to move the chemical warfare training school and military police school to Fort Leonard Wood from Fort McClellan which is scheduled to close.

Current barracks space at FLW is designed for basic training students living four to a room with gang latrines—not for senior NCO's.

Any connection between the new barracks and the totally separate issue of basic training housing is irrelevant since the BRAC was aware of the need for the new barracks when it made its decision.

Even if there were space to renovate current barracks rather than build new barracks, the Corps of Engineers has already studied that option and deemed the extensive renovations required would not be cost effective.

The result of this report for all its good intentions will be to subvert the decision of the BRAC Commission and will set an unacceptable precedent.

MILITARY TRAFFIC MANAGEMENT COMMAND'S PERSONAL PROPERTY REENGINEERING PROGRAM

Mr. STEVENS. Mr. President, I applaud the efforts of the Senate Armed Services Committee to reform the Military Traffic Management Command's personal property reengineering program. I am concerned that MTMC's plan does not adequately address the concerns of the small moving companies, which comprise most of the industry. The Senate Armed Services Committee initiative establishes a working group of military and industry representatives to develop an alternative pilot program and requires the Government Accounting Office to review this revised plan.

Mr. BOND. I also share Senator STEVENS' concerns about the Department of Defense proposal to reengineer the personal property program and its associated impact on the small business community. While I support the Department's goals of improving the quality of personal property shipment and storage services to members of the military and their families, it should not be done at the expense of the small businesses which make up most of the moving industry.

Mr. THURMOND. Thank you very much for your comments regarding this initiative. We included this provision because of concerns about how this reengineering proposal would cause a major restructuring of the moving industry. As you know, the majority of movers in the communities near our military bases are small businesses. My primary goal is to improve the quality of service that service members and their families receive when they move.

Mr. STEVENS. I support reforming the current system to improve the quality of service and achieve cost reductions. However, I believe that the moving industry needs to participate in these discussions in a meaningful way. I believe that the fiscal year 1997 Defense authorization language will facilitate that process.

Mr. BOND. I agree that reforming the current system can lead to improvement of service to our military members and their families and a reduction in costs to the Government. I am sure that the reforms to the Military Traffic Management Command's personnel property reeningeering program as instituted by the Senate Armed Services Committee will ensure that our military enjoys flexible, rapid, and efficient service as can only be found in a competitive environment.

VANCE AFB MILITARY CONSTRUCTION PROGRAM

Mr. INHOFE. Mr. President, Vance Air Force Base continues to be the preeminent pilot training base within the Department of the Air Force. Unfortunately, the Department of the Air Force has historically underfunded this installation in its military construction request. I have brought to your attention three projects which will assist Vance in meeting its infrastructure needs in the future. These projects include a base engineering complex, a consolidated logistics complex, and a project to add to and alter the Physical Fitness Training Center. It is my belief that planning and design funds for these projects, if identified, will allow the Department of the Air Force and Air Education and Training Command to consider these projects for inclusion in the fiscal year 1998 budget request.

I might point out to the distinguished chairman that these projects have wide support elsewhere in Congress. The Senate Committee on Appropriations' fiscal year 1997 military construction appropriations bill directs that not less than $1,695,000 be made available for design of these projects from the ''Military Construction, Air Force'' account. Moreover, the House National Security Committee's fiscal year 1997 Defense authorization bill ''directs the Secretary of the Air Force [to] conduct planning and design activities for the following projects: $288,000 for a physical fitness training center at Vance Air Force Base, OK; and $512,000 for a consolidated logistics complex at Vance Air Force Base, OK.'' Finally, the House Appropriations Military Construction Subcommittee's markup of the fiscal year 1997 appropriations bill directs the Air Force ''to report to the committee on the need for these projects and its plans for construction by September 16, 1996.''

Can the Chairman assure me that he will work with me to ask the Air Force to consider identifying funds for reprogramming in the coming months for planning and design purposes for these projects, which are so crucial to the future of Vance Air Force Base?

Mr. THURMOND. I can assure my colleague that I will work with him to urge the Air Force to consider identifying sufficient funds through reprogramming to meet the planning and design requirements for the three projects you have identified at Vance Air Force Base. I would also urge the Department of the Air Force to reexamine these projects for inclusion in the 1997–2001 FYDP and subsequently the fiscal year 1998 budget request. I am fully aware of the unique nature of Vance Air Force Base operations and applaud their continued efforts in achieving taxpayer savings through efficient training of our Nation's future aviators.

QUADRENNIAL DEFENSE REVIEW

Mr. BOND. Mr. President, along with Senator FORD as cochairman of the National Guard Caucus. I rise to address my concerns over the amendment to provide for a quadrennial defense review and the independent assessment of alternative force structures for the Armed Forces.

While I applaud and appreciate the specific inclusion of the Reserve and National Guard components in the review. I would be remiss if I did not raise my concerns over the qualifications of the independent members of the National Defense Panel. I believe that for the panel to be truly independent it must be diverse and must include collectively, members knowledgeable in all components of the Nation's Armed Forces.

I am concerned because of historical precedent set by the makeup of prior panels when composed of Secretariat designees. It is my understanding that when the Commission on Roles and Missions initially conducted its work,