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Senate

(Legislative day of Monday, July 10, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. We have a guest chaplain, Father Stephen Leva, St. Ann Church, Arlington, VA. He is the guest of Senator JOHN WARNER.

PRAYER

The guest chaplain, Father Stephen Leva, St. Ann Church, Arlington, VA, offered the following prayer:

Let us pray:

Almighty and eternal God: You have revealed Your glory to all nations. God of power and might, wisdom and justice, through You, authority is rightly administered, laws are enacted, and judgment is decreed. Assist with Your spirit of counsel and fortitude these women and men that they may be blessed with an abundance of wisdom and right judgment. May they encourage due respect for virtue; execute the law with justice and mercy; and seek the good of all the people of the United States.

Let the light of Your divine wisdom direct their deliberations and shine forth in all proceedings and laws framed for our rule and government. May they seek to preserve peace, promote civic happiness, and continue to bring us the blessings of liberty and equality. We likewise commend to Your unbounded mercy all the citizens of the United States; that they may be blessed in the knowledge and sanctified in the observance of Your law. May we be preserved in union and that peace which the world cannot give; and, after enjoying the blessings of this life, be admitted to those which are eternal. In Your holy name. Amen.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The PRESIDING OFFICER (Mrs. HUTCHISON). Under the previous order, the Senate will proceed to consideration of S. 1026, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1026) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate proceeded to consideration of the bill.

Mr. THURMOND. Madam President, today the Senate begins consideration of S. 1026, the National Defense Authorization Act for fiscal year 1996. The bill we bring to the floor incorporates the Armed Services Committee's best judgments on the Nation's defense requirements. It is based on many long hours of testimony, analysis, debate, and consideration of opposing views.

I would like to thank the distinguished ranking member of the committee, Senator NUNN, for his outstanding leadership, and for his open, fair, and bi-partisan manner. I would also like to thank the members of the committee and the professional staff for their dedication and hard work.

It has been a privilege to work with Senator NUNN to bring this bill to the Senate. Although it is a good bill, not every Member, including me, is happy with every part of it. Throughout the past 6 months the committee worked in its traditional bipartisan manner because the security of the United States and the safety of our people are paramount. The bill reflects this cooperative effort, provides a clear direction for national security, and maintains a solid foundation for the defense of the Nation.

The committee's overarching intent was to revitalize the Armed Forces and enhance or preserve our national security capabilities. That is essential in this post-cold-war world in order to provide the leadership and stability which are critical to the growth of democracy. Our military must be capable and ready in order to provide our men and women in uniform the best possible chance to succeed and survive in every demanding situation. We were reminded recently, with the dedication of the Korean War Memorial, that freedom is not free. We must always remember that courage and sacrifice are the price of freedom.

This bill would fund defense at $264.7 billion in budget authority for fiscal year 1996. I have noted with interest some inaccurate reports in the press that the bill would increase defense spending, and I would like to set the record straight. The funding level in the bill we bring to the floor today is nearly $6.2 billion lower in real terms than last year's bill, and that represents a decline of 2 percent. Although it had been my hope to preserve funding at last year's level, this is the best the committee could do, given the budgetary pressures facing the Congress.

I have stated repeatedly that the administration is cutting defense too far, too fast. Most credible analysts conclude there is a shortfall of at least $150 billion in defense budget authority over the future years defense plan. Although the proposal contained in this bill represents a decline in defense spending, I would note that the funding level is still $7 billion higher than the administration's budget request. The administration requested a defense budget 5 percent lower than the fiscal year 1995 level, and that is simply unwise.

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

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Despite a decline in defense spending, the bill provides the resources to maintain substantial U.S. military power and the ability to project that power wherever our vital interests are at stake. An implicit theme in our bill is that any aggressor or potential adversary should know that our military services will remain the most effective and combat ready in the world.

National security is the most important responsibility of the Federal Government, and as we begin debate on this matter, I would like to explain the priorities which the committee kept in mind in crafting the bill, and highlight a few key decisions. The first objective was to ensure that forces remain viable, and manned at sufficient levels by people of the highest quality. Well-motivated, well-trained, and well-led soldiers, sailors, airmen, and marines are the bedrock of national security. Strong support for equitable pay and benefits, bachelor and family housing, and other quality of life measures are key elements in attracting and retaining high-quality people. Perhaps more importantly, this bill expresses the commitment of the Senate to our men and women in uniform and attempts to uphold our part of the implied contract.

Our second objective was to ensure the military effectiveness and combat readiness of the Armed Forces. We believe the funding levels we have recommended will be barely adequate to take care of current readiness if the Department of Defense manages resources wisely and carefully.

The quality of overall readiness essentially depends on adequate funding for both current and future readiness. Although this funding allocation is often described in shorthand as a balance, I would suggest it is a fundamental obligation of the Federal Government to provide adequate resources for both current and future readiness. However, the mix is important because a disproportionate allocation of scarce resources to operation and maintenance accounts would limit funds for the research, development, and procurement essential to modernization. We sought to achieve a reasonable balance. We also addressed multiyear procurement to avoid creating bow waves of funding requirements in subsequent years.

Department of Defense decisions to cancel or delay modernization programs create unrealistic modernization requirements for the future. The committee has addressed critical modernization needs by adding $5.3 billion in procurement and $1.7 billion in research and development accounts to offset some of these problems. We believe the Department of Defense must continue to fund procurement, and research and development, at similar inflation-adjusted levels in future budget requests.

Congress must also continue to provide sufficient funds for research and development to ensure the military's technological superiority in the future. If we do not, future readiness will be jeopardized. Unless the research and development, and procurement accounts are adequately funded from year to year, the services will not have the right weapons, in sufficient quantity, to be able to fight and win in the next decade. We must remember that the force we sent to war in Desert Storm was conceived in the 1970's and built in the 1980's. We must focus on the future.

Third, we addressed the proliferation of missile technology and weapons of mass destruction. We cannot stand by, idly watching, as an increasing number of foreign states develop and acquire long-range ballistic and cruise missiles. Many people do not realize that we currently have no defense whatsoever against any missile launched against the United States. None. Such missiles are capable of carrying nuclear, biological, and chemical payloads to any point in our country. We, in the Congress, will richly deserve the harsh judgment of our citizens if we fail to prepare for this clear eventuality.

It is our grave responsibility to ensure we develop the capability to defend both our deployed forces and our homeland. The committee provided direction and funds for both these requirements in the Missile Defense Act of 1995. This title of the bill initiates a new program for defense against cruise missiles, while funding robust theater missile defenses. It also mandates a national missile defense program which will lead to the limited defense of the United States by the year 2003. I remind my colleagues that the largest single loss of life in the Persian Gulf war was from one, crude, Iraqi Scud missile that was not even targeted for the building it struck. It is entirely reasonable to spend less than 1½ percent of the defense budget to meet this serious security threat.

The bill's ballistic missile defense provisions also address the administration's attempts to limit theater missile defenses by an inaccurate interpretation of the ABM Treaty. That treaty was intended to limit only defenses against strategic ballistic missiles, not theater defenses. Unless this distinction is enforced, we will end up building less-than-optimally capable systems which may not be effective against the highly capable missile threats emerging in the world's most troubled regions.

Fourth, the committee was deeply concerned about maintaining the viability of the Nation's offensive strategic forces. According to the Nuclear Posture Review, the United States will continue to depend on its nuclear forces for deterrence into the foreseeable future. Safe, reliable, and effective nuclear weapons are at the core of deterrence. In this bill the committee directs the Department of Energy to meet its primary responsibility of maintaining the Nation's nuclear capability. This means the Energy Department must focus on a stockpile management program geared to the near-term refabrication and certification requirements outlined in the NPR. If DOE cannot or will not shoulder this responsibility, then another agency must be assigned the task. Unless steps are taken now to maintain a nuclear weapons manufacturing infrastructure and a safe, reliable nuclear weapons stockpile, we face the very real prospect of not being a first-rate nuclear power in 10 to 15 years.

The committee addressed the role of long-range, heavy bombers in projecting power. Although I regret the committee's vote not to fund the B–2 program, I understand the concerns of Members on both sides about the high cost of the program.

The committee is also concerned that the administration's budget request did not include funding for numerous operations which the Armed Forces are currently conducting, even though the administration knew when it submitted its budget request that these operations would continue into fiscal year 1996. We authorized $125 million to pay for these ongoing operations in order to avoid the kind of problems with curtailed training which emerged last year.

I caution the administration that one consequence of paying for these operations on an unprogrammed, ad hoc basis is ultimately to deny the funds necessary for readiness. Last year, the practice of paying for peacekeeping and other contingency operations without budgetary or supplemental funding was directly responsible for lower readiness ratings and curtailed training in some units. Unless the Department of Defense includes the funds for such operations in the budget request, it will be difficult if not impossible for Congress to assess the impact these operations will have on other accounts. The oversight responsibilities of Congress are hindered, if not usurped, when the Department does not budget for known requirements.

While I remain confident that this is a good defense bill under the present circumstances, I remain troubled. The defense budget trend over the past 10 years has been in constant decline, principally in response to budget pressures. The administration's request for procurement this year is at the lowest level since 1950, declining more than 71 percent in real terms since 1985. The defense budget is at its lowest level as a percentage of gross domestic product since 1940, just before a grossly unprepared United States entered World War II. Each successive budget since 1993 has continued to push recapitalization farther into the future. As a result, the Services have been forced to delay the fielding of critical modern systems while maintaining aging equipment at ever-increasing operating and maintenance costs.

The prospects of not having adequate defense funds in the coming years

should alarm us all. Despite the recommended fiscal year 1996 funding increase of $7.1 billion above the administration request, proposed future year budgets do not adequately fund the administration's Bottom-Up Review Force, which is itself barely adequate. These funding levels cannot meet known modernization needs and they do not even cover inflation. Shortfalls of the magnitude projected by the GAO and others will seriously impair the ability of the Department of Defense to field the combat-ready, modern forces essential to our national security. The limited progress reflected in this bill cannot be maintained unless future funding is increased.

As the Senate takes up this defense bill, some Members will no doubt argue that my concerns about steadily declining defense spending and emerging threats are misplaced. They will point out that the cold war is over and provide long lists of other programs that could absorb the money. Such criticisms always surface after a major victory, and just before the emergence of the next major threat. They are always shown in the long run to have been naive and shortsighted. They consistently fail to realize the usefulness of effective military power in shaping future events in ways that are favorable to us. They fail to recognize the instability and uncertainty of the times, and they fail to consider the future.

We cannot predict what challenges and dangers we will face in the future. We do not know with any certainty who will be our next peer competitor. I assure you, however, that a peer competitor will emerge and if such competitor believes there is an advantage because our military has been weakened, he will become bold and our challenge will be more significant. I encourage every Senator to keep this in mind as we debate this bill over the next few days.

I thank the Chair, and yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Madam President, as we begin debate on the National Defense Authorization Act for fiscal year 1996, I first want to congratulate Senator THURMOND and his staff on reporting together the first defense authorization bill that has been reported with Senator THURMOND as committee chairman. Although he has been a stalwart for many years on the committee and has helped prepare the bills in the past, this is his first bill as the official chairman of the committee.

The major themes of this bill reflect Senator THURMOND's longstanding and strong and effective support for our national security. It has been my great privilege and honor to have worked with Senator THURMOND in the Senate and on the Armed Services Committee for all of my 22 years, and for at least maybe slightly more than half of his time here in the U.S. Senate. His career—and his decorated service in World War II and unwavering support for strong national defense, and his devotion to the men and women of the Armed Forces—has served as a model and an inspiration to me, and to, I believe, his fellow members of the Armed Services Committee and the Senate.

The 18 to 3 vote in favor of the bill in the Armed Services Committee reflects the fact that the bill continues many bipartisan efforts initiated by our committee in recent years, such as improvements in military pay and benefits, modernization of weapons systems, and protecting, as Senator THURMOND laid out, military readiness and personnel quality. This bipartisan support also reflects the actions taken by the committee to address concerns raised by Secretary of Defense Bill Perry about a number of the provisions in the House bill. In contrast to the action taken by the House, for example, our bill provides full funding for the Nunn-Lugar Cooperative Threat Reduction Program, the program that is aimed at trying to prevent proliferation of nuclear, chemical, and biological weapons all over the globe. It also avoids micromanaging the Office of Secretary of Defense, as was done in the House bill, and we do not have unworkable restrictions on military operations as the Secretary of Defense specified very clearly he feared was being done in the House bill.

The bill before us provides $264.7 billion in budget authority, the amount specified in the budget resolution. This amount, which is $7 billion above the budget request, will enable us to fund the types of initiatives that have received bipartisan support in the past. This includes personnel programs such as the 2.4-percent pay raise for members of the Armed Forces and modernization programs from fighter aircraft such as the F–22 to unglamorous but essential items such as Army trucks. Most of the programs authorized by the committee reflect the administration's priorities as set forth in the current year budget request or in the future years defense program which covers the next 5 years. Dr. Perry, in his discussions with the committee, urged us to focus any additions to the budget on acquisition programs that are in DOD's future years defense program. The bill before us largely follows this recommendation.

And I believe as various Members may come to the floor and say that we do not now need this program or that program which is funded with the additional money that has been put in this bill that was provided in the budget resolution, I think it is very important for Members to keep in mind that these programs—most of them, not every, but most of them—that have been added are in the 5-year defense plan that Secretary Perry favors. And I think that is important for people to keep that in mind. That was the request that Dr. Perry made of this committee, and I think we have largely honored that request.

Madam President, this bill contains important legislative initiatives such as the authority to use innovative programs to finance military housing and housing for unaccompanied troops. This was a strong request and initiative by Dr. Perry and the Defense Department.

In addition, we establish a defense modernization account, which I sponsored and our committee supported, which for the first time that I have any knowledge about will provide incentives for savings in defense programs for use of those savings to modernize the equipment for our men and women in uniform.

In other words, Madam President, if the Army, Navy, Air Force, and Marine Corps can find savings, we will let them put those savings in a carefully monitored account that will have to be, of course, monitored by the Congress and will have to follow our normal procedures. But those savings will be able to be used for the most critical deficiencies we face in modernization. And modernization in the outyears, the years ahead, is the biggest challenge we face.

I think everyone would acknowledge that we are, even with the increases in this budget, underfunding the outyear modernization. When our equipment starts to wear out, which much of it will toward the end of this century, we are not going to have sufficient funding even with the increases in this bill to cover that.

So what we want to do in this defense modernization account—I know some Members will have some suggestions and concerns which we will certainly listen carefully to—but this account will be controlled by the Congress. It will be subject to the normal reprogramming and authorization and appropriation procedures which we have now.

There is a limit on how much can be accumulated. But for the first time we will be saying to each of the services, ''You will now have an incentive. If you figure out how to save money, it can go into an account. We are not going to grab that money and take it away from you as your punishment for saving it. We are going to let you spend it subject to the congressional oversight as outlined on the critical programs you need in the future.''

I believe this kind of initiative has real potential and promise in terms of giving people throughout the military services a real incentive to try to save money. We all know the horror stories of what we have heard for years, not just in the military but in all areas of Government where, when you get down toward the last couple of months of the fiscal year, there is money that has not been spent, and the people involved in those decisions decide that if the money is not spent, not only will it lapse but also they will have the budget cut the next year.

So there is almost a perverse incentive throughout Government now to take whatever is not spent and spend it so that you do not have your budget cut the next year. We want to reverse that psychology. This is at least a beginning along that line.

My outline of the bill's highlights should not, however, be viewed as representing unqualified support for all the provisions of this bill. The numerous rollcall votes during our committee markup reflect the serious concerns of many Members about inadequate funding of important programs as well as questions about some of the priorities reflected in this bill.

There is much in this bill that I support, and I do support the overall bill. But I do have serious reservations about those aspects of the bill that appear to head back without very much thought given to the period of the cold war.

For example, the proposed new Missile Defense Act of 1995 sets forth a commitment to the deployment of missile defenses without regard, without any regard for the legal requirements of the Anti-Ballistic Missile Treaty which we are a party to and which we signed and which is an international obligation of the United States of America, until changed or until we withdraw from the treaty under the terms of the treaty. That is our obligation. That is a law. That is a treaty. It is binding.

The same provision contains legally binding timetables in our bill for deployment of missile defense systems. For example, section 235 requires a multiple site national defense system to reach the initial operational capacity in 2003. These timetables are though exempt from adequate testing. I hope we can have a system by then. I hope we can have one that really works, and I hope it will be calibrated to meet the threat that we may have in those outyears. But since the applicable missile testing statutes that were in previous laws are repealed in this National Defense Act we have before us, what we have is a timetable for actual deployment stated as a part of the law and repealing the testing that would be required to determine if the systems are ready to deploy or whether they are going to be effective when they are deployed.

I do not think that is a good combination. Finally, there is an arbitrary—and possibly unconstitutional—restriction on the obligation of funds by the executive branch to enforce the terms of the ABM Treaty.

I invite all of our colleagues to look at those aspects where there is a demarcation definition between the theater ballistic missile and the national missile defense that is precluded except under certain conditions in the ABM Treaty. I have no quarrel with those definitions. I think they are sensible definitions, and I think we do have to have a demarcation point because clearly theater missile defenses are not intended to be covered under the ABM Treaty. They never were covered. They should not be covered now.

The problem is once this definition is set forth, the executive branch is barred from doing anything at all regarding the ABM Treaty in terms of its own negotiations, and I think that that goes way too far. In fact, the wording of the proposal we have before us is so broad that any Federal official including Members of Congress would be precluded, as that statute now would read, from doing anything contrary to that definition. I think that goes too far, and I do not think that is what we want. I hope we can work in a cooperative way to iron out some of those difficulties, which I believe can be done, while continuing the strong goal and endorsement of moving forward with defenses without doing so in a way that is counterproductive.

The Department of Energy portions of the bill contain provisions that direct the creation of new capabilities for the remanufacture of nuclear weapons.

Madam President, I have serious questions about whether this is a premature judgment at this time. The Department of Energy ''Stockpile Stewardship'' plan is only now under review by the Department of Defense. I know that Mr. DOMENICI, the Senator from New Mexico, and others have been in discussion with Senator THURMOND and his staff and Senator LOTT and his staff, Senator KEMPTHORNE, on these energy questions, and I hope we can work something out here that makes sense, that moves us in the right direction without making premature judgments that are not ripe for decision.

Madam President, these are important issues for discussion and debate. There are questions about the potential international implications of a number of these provisions. For instance, the Russian leadership and their Parliament have stressed repeatedly, both to this administration and to various Members of the Senate and House, both parties, the importance they attach to continued compliance with the ABM Treaty. They have indicated that should they judge the United States no longer intends to adhere to that treaty, then they would abandon their efforts to ratify the START II Treaty, which is now pending in the Russian Duma.

Further, they warned that they would stop further compliance with other existing treaties including the drawdowns mandated by START I. In my judgment, there is a real danger that the provisions of the Missile Defense Act will be considered by the Russians as what is known as ''anticipatory breach'' of the ABM Treaty.

Madam President, if this bill leads to that outcome, it will not enhance our national security. It will be adverse to our national security. Under START I and START II, the arms control treaties which have been entered into by Republican Presidents and adhered to by Democratic Presidents, the Russians are obliged under the terms of these treaties to remove more than 6,000 ballistic missile warheads from atop their arsenal of ICBM's and submarine-launched ballistic missiles. This includes the very formidable MIRV'd SS–18 ICBM's, the very ones that threaten our land-based Minuteman and MX missiles with first-strike possibilities.

These are not insignificant treaties, Madam President. They basically remove much of the first-strike capability that we spent 10, 15 years being concerned about and spending hundreds of billions of dollars trying to defend against.

They will also have to remove all of their MIRV'd SS–24 missiles and completely refit their ICBM force with single warhead missiles. These are goals that were worked on in a bipartisan fashion for several decades by both Democrats and Republicans with a lot of the leadership coming from Republican Presidents in the White House.

This removal of 6,000 warheads by treaty is a far more cost effective form of missile defense than any ABM system that the SDI Program has ever envisioned. I am not one of those who believes we ought to be so locked into every provision of the ABM Treaty that we do not believe it is a document that has to be improved, that has to be amended. I think it does. I do not think it is completely up to date. I think we need to take another look at it. I think we need to review it. I think there are changes that can be made and should be made in accordance with the provisions of the treaty.

Yet, this bill, if enacted, would create a very high risk of throwing away both the START II reductions which have not yet taken place, and the START I reductions which are taking place now. Because this bill, No. 1, acts as if the ABM Treaty does not exist; it does not even really acknowledge that there are any concerns. No. 2, it ignores the opportunity to negotiate sensible amendments with the Russians. And I think it is premature to believe that that effort cannot succeed. I do not think we have even started real serious efforts, and I think that those efforts at least have a strong possibility of success. And No. 3, this bill does not acknowledge that we can get out of that treaty. We can exit the treaty under its own terms if our national security is threatened.

If we are going to get out from under the ABM Treaty, if we are going to basically decide it no longer is in our national security interests, then we ought to get out of the treaty the way the treaty itself provides, which is our obligation under international law and our obligation under the treaty itself. We can serve 6 months' notice and exit the treaty if the Russians are not willing to make changes which we believe are necessary for our national security. That is the way to get out of the treaty. We should not get out of the treaty

by anticipatory breach with provisions of the law that we have not carefully thought through.

Indeed, Madam President, in this respect the actions proposed in the bill could be self-fulfilling. They could provoke Russia to stop its adherence to the START Treaties which would leave a huge arsenal of Russian missiles in place and we would then have to move from a thin missile defense to protect against accidental launch or to protect some kind of small nation, radical nation, or terrorist group launch, we would then have to start worrying about the SS–18's again.

Now, do we really want to do that? Do we want a self-fulfilling circle? We take action without regard to the ABM Treaty in this bill. The Russians react by not basically going through with START II. Then they decide they are not going to comply with START I. Then they decide they are not going to comply with the conventional forces reduction in Europe causing all sorts of problems there.

Then, of course, we have to increase our defense. We have to go from the kind of system that President Bush wanted, which is an accidental launch type thin system that does not cost hundreds of billions of dollars, is achievable, that we can do. We could go to a much different kind of system. We are back in a spiral of action and reaction between the United States and Russia. I do not think we really want to go back into that atmosphere. That is one of the accomplishments we have had in the last 10 years. I do not think that is what the authors of these provisions in the bill really intend. But I think it has got to be thought about because those are the implications of where this bill will head.

Madam President, this leads me to pose several questions. Are we as a nation better off if the START I and START II treaties are abandoned than if they remain in force? If somebody thinks we ought to abandon them and we are better off without them, why do we not say so? Why do we not say so? We have got to stop legislating as if there are no consequences to what we legislate. Other people in the world react. I think that is the way we have legislated too many times on foreign policy. I see it increasingly taking place. We act as if we can take part of a cake, legislate, forget the consequences, and not even own up to what is likely to happen based on what we ourselves are doing.

The second question. Are we and our NATO allies better off if the Russians decline to be bound by the limits on deployments of conventional forces contained in the Conventional Forces in Europe Treaty? We have already drawn down our forces to 100,000. The allies are reducing significantly, in many cases more than we are. We are drawing down based on the CFE Treaty and based on the Russians' behavior because they have indeed dramatically reduced their forces. Do we really want to reverse that?

Of course, someone can say, well, the Russians cannot afford it now. They are not going to be able to build up. That is probably true. I think for the next 5 to 6 to 7 years, they will not be able to afford a conventional buildup. What they can do is start relying on their early use of nuclear weapons very quickly, like tomorrow morning. If they are going to decide they are going to give their battlefield commanders tactical nuclear weapons again, we are going to go right back to a hair trigger situation. That is what they can do. That is cheap. That is the cheap way. I do not think that is what we want. I do not think that is what the Russian leadership wants at this stage. But are we thinking about what we are doing?

Next question. What will be the effect on Russian cooperation with us in forums such as the U.N. Security Council if arms control agreements are abandoned, even if it is an inadvertent abandonment on our part?

Fourth question. What is the ballistic missile threat to U.S. territory that requires us to abandon compliance with the ABM Treaty and to abandon the pursuit of possible amendments to that treaty even when there is nothing whatsoever in that treaty that prevents us from taking every step we would otherwise take in the next fiscal year? Why are we doing this at this point in time? I think that is the question. If we were at a point where we had to make a decision, then I could understand some of the pressure in this regard. But there is nothing, according to all the testimony, there is nothing whatsoever in the ABM Treaty, even as now interpreted, that prevents us from taking every step we need to take in the next fiscal year. So why are we doing this? I do not have an answer to that.

Finally, what is the nature of the theater missile threat? And that is what I believe everyone would acknowledge is the greatest priority, the greatest threat we have now. It is not a future threat. It is a present threat, theater ballistic missiles. We already face those. As Senator THURMOND outlined in his opening statement, we faced those in the Persian Gulf war.

What is the change that has taken place? That basically would have us, as we are doing in this bill, have the money for developing and deploying no less than four overlapping-coverage missile defense systems to protect the rear area of the theater while leaving our U.S. forward-deployed ground troops totally unprotected from attack by existing enemy short-range missiles.

Madam President, I will have an amendment later in this process that will add back in the only program we have to protect our frontline troops from short-range missiles. Those are the threats we face right now. We have a program called Corps SAM that is aimed at making those systems that can protect frontline troops. That system has been totally zeroed out in this bill; $35 million has been taken out. I assume that was part of the money that went into the beef-up of $300 million for national missile defense. I think that is a reverse priority. We ought the deal with the most imminent threats first. The most imminent threat we face now is the theater ballistic missile threat, particularly the frontline effect on our troops from short-range missiles. So I will have an amendment that I hope we can get some attention to in adding back that program at a later point in this debate.

Madam President, I have a number of other concerns about the bill. First, our ability to monitor and control treaty-mandated strategic weapons reductions could be affected by the failure of the bill to fully fund the Department of Energy's arms control and nonproliferation activities. I am not certain whether that provision is part of the negotiation that is ongoing now with the Senator from New Mexico, Senator DOMENICI, and Senator BINGAMAN who has taken a great lead in this, but I am sure that will be the subject of some debate here on the floor.

The other provisions, I think there are questionable priorities, as mentioned for the missile defense programs. While the bill provides an additional $300 million in funding for the national defense program and $470 million for other missile defense programs which were not requested by the administration, the Corps SAM missile defense system, which is strongly supported by the war-fighting commanders. That program is terminating. We will have a letter from our war-fighting commanders showing that is one of their top priorities. It makes no sense to provide vast increases for long-range speculative programs that will require billions in expenditure before their validity can be assessed while denying funds for specific theater missile defense initiatives designed to protect our frontline troops which we have the possibility of securing in the very short-range distant future—in the very next few years.

Madam President, also, I am concerned that the bill fails to fund certain ongoing Department of Defense programs on the theory that the programs should be funded by other agencies, even though neither the budget resolution nor the committee bill makes any provision for any other agency to assume DOD's responsibilities. These include programs that have received bipartisan support for many years, such as humanitarian assistance, which was initiated by our former colleague, Republican Senator Gordon Humphrey; foreign disaster relief, which was initiated by another former colleague, Republican Senator Jeremiah Denton; and the civil-military cooperative action program, which was developed on a completely bipartisan basis by the Armed Services Committee.

Madam President, there are many good features in this bill, but there are a number of key areas where this bill can be improved during the consideration by the Senate. I look forward to working with Senator THURMOND, the other members of the committee, and the Senate in a cooperative fashion to move this bill along so we can complete our work in a timely fashion, and so that we can come out with a solid bill that will move our national security in the right direction.

Madam President, I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina, the President pro tempore.

Mr. THURMOND. Madam President, I wish to thank the able ranking member for his kind remarks and also thank him for his fine cooperation in getting this bill to the floor.

Madam President, I will now ask that the able Senator from Oklahoma [Mr. INHOFE] be recognized.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I do have an opening statement.

Madam President, before presenting my opening statement, I would like to yield momentarily to Senator KYL for the purpose of proposing an amendment.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. Is there objection?

AMENDMENT NO. 2077

(Purpose: To state the sense of the Senate on protecting the United States from ballistic missile attack)

Mr. KYL. Madam President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself and Mr. INHOFE, proposes an amendment numbered 2077.

Mr. KYL. I ask unanimous consent that the amendment be considered as read.

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

The amendment is as follows:

On page 371, below line 21, add the following:

SEC. 1062. SENSE OF SENATE ON PROTECTION OF UNITED STATES FROM BALLISTIC MISSILE ATTACK.

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

(1) The proliferation of weapons of mass destruction and ballistic missiles presents a threat to the entire World.

(2) This threat was recognized by Secretary of Defense William J. Perry in February 1995 in the Annual Report to the President and the Congress which states that ''[b]eyond the five declared nuclear weapons states, at least 20 other nations have acquired or are attempting to acquire weapons of mass destruction—nuclear, biological, or chemical weapons—and the means to deliver them. In fact, in most areas where United States forces could potentially be engaged on a large scale, many of the most likely adversaries already possess chemical and biological weapons. Moreover, some of these same states appear determined to acquire nuclear weapons.''.

(3) At a summit in Moscow in May 1995, President Clinton and President Yeltsin commented on this threat in a Joint Statement which recognizes ''. . . the threat posed by worldwide proliferation of missiles and missile technology and the necessity of counteracting this threat . . .''.

(4) At least 25 countries may be developing weapons of mass destruction and the delivery systems for such weapons.

(5) At least 24 countries have chemical weapons programs in various stages of research and development.

(6) Approximately 10 countries are believed to have biological weapons programs in various stages of development.

(7) At least 10 countries are reportedly interested in the development of nuclear weapons.

(8) Several countries recognize that weapons of mass destruction and missiles increase their ability to deter, coerce, or otherwise threaten the United States. Saddam Hussein recognized this when he stated, on May 8, 1990, that ''[o]ur missiles cannot reach Washington. If they could reach Washington, we would strike it if the need arose.''.

(9) International regimes like the Non-Proliferation Treaty, the Biological Weapons Convention, and the Missile Technology Control Regime, while effective, cannot by themselves halt the spread of weapons and technology. On January 10, 1995, Director of Central Intelligence, James Woolsey, said with regard to Russia that ''. . . we are particularly concerned with the safety of nuclear, chemical, and biological materials as well as highly enriched uranium or plutonium, although I want to stress that this is global problem. For example, highly enriched uranium was recently stolen from South Africa, and last month Czech authorities recovered three kilograms of 87.8 percent-enriched HEU in the Czech Republic—the largest seizure of near-weapons grade material to date outside the Former Soviet Union.''.

(10) The possession of weapons of mass destruction and missiles by developing countries threatens our friends, allies, and forces abroad and will ultimately threaten the United States directly. On August 11, 1994, Deputy Secretary of Defense John Deutch said that ''[i]f the North Koreans field the Taepo Dong 2 missile, Guam, Alaska, and parts of Hawaii would potentially be at risk.''.

(11) The end of Cold War has changed the strategic environmental facing and between the United States and Russia. That the Clinton Administration believes the environment to have changed was made clear by Secretary of Defense William J. Perry on September 20, 1994, when he stated that ''[w]e now have the opportunity to create a new relationship, based not on MAD, not on Mutual Assured Destruction, but rather on another acronym, MAS, or Mutural Assured Safety.''.

(12) The United States and Russia have the opportunity to create a relationship based on trust rather than fear.

(b) SENSE OF SENATE.—It is the sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballstic missile attack.

Mr. KYL. Madam President, I just wanted to propose this amendment now, since the Senator from Oklahoma, the coauthor of this amendment, is making his opening statement now because perhaps some of the remarks he will make in his opening statement will also reflect on the amendment, which we want to be considered next.

So I yield to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I thank the Senator from Arizona.

Madam President, I am pleased today to speak on behalf of the Fiscal Year 1996 Defense Department Authorization Act. I urge my colleagues to preserve it in its somewhat inadequate but present form.

Mr. FEINGOLD addressed the Chair.

Mr. INHOFE. Since the 1991——

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. Would the Senator yield?

Mr. INHOFE. I would be glad to yield after the statement.

Mr. FEINGOLD. I ask unanimous consent that at the conclusion of the Senator's statement, I be permitted to make an inquiry of the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. FEINGOLD. Madam President, I made a unanimous-consent request.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Does he yield for that request?

Mr. FEINGOLD. Madam President, the Senator from Oklahoma indicated he had a statement. I merely ask unanimous consent that I be recognized for the purposes of that inquiry at the conclusion of the remarks of the Senator from Oklahoma.

Mr. INHOFE. I would like to ask the Senator to repeat his unanimous-consent request, please.

Mr. FEINGOLD. I ask unanimous consent that at the conclusion of the Senator's remarks, I be recognized for the purposes of making an inquiry of the Chair.

The PRESIDING OFFICER. Does the Senator yield for that request?

Mr. INHOFE. Yes.

Mrs. BOXER addressed the Chair.

I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. INHOFE. I thank you.

Mrs. BOXER. I have a parliamentary inquiry.

Mr. INHOFE. I do not yield.

The PRESIDING OFFICER. I am advised by the Parliamentarian that the Senator from Oklahoma has the floor. If he does not yield, there is no ability to request a parliamentary inquiry.

Does the Senator from Oklahoma yield the floor?

Mr. INHOFE. I do not yield until the conclusion of my opening statement.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. FEINGOLD. Madam President, does the Senator object to my unanimous-consent request? I ask unanimous consent that at the conclusion of his remarks I be recognized for purposes of making a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor. If he

yields for a unanimous-consent request, it is his prerogative to do so. Does the Senator from Oklahoma yield the floor?

Mr. INHOFE. Not at this time, Madam President.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from——

Mr. FEINGOLD. The Senator indicated he would not object to my simply taking the floor to make a unanimous-consent request of the type I indicated. That is all I am asking at this time.

Mr. INHOFE. Madam President, let me continue my opening statement from the top again.

I am pleased to speak on behalf of this fiscal 1996 defense authorization bill. Although I believe it is still inadequate, I think it is as good as we could pass at this time.

Since the 1991 Persian Gulf war, the military has been cut, misused, neglected, and otherwise distracted from its ultimate purposes—protecting and preserving America's vital interests. This bill, with its House counterpart, represents a first step towards strengthening America's Armed Forces.

One of the most important messages which voters delivered in 1994 was the need to restore the strength of America's defenses. With this bill, the Senate has clearly had enough of the Clinton administration's weak hand in the national security arena. We have added $7 billion to the administration's request.

It has become fashionable in some circles to assert that now that the cold war is over, there is no longer a threat out there. But history has told us that most wars come with little or no warning. From the attack on Pearl Harbor to the invasion of Korea to the invasion of Kuwait, few could have predicted the size and scope of American military involvement which became necessary in the wake of these unexpected events. The lesson learned the hard way in Pearl Harbor remains true today: We must always be prepared.

President Reagan reminded us many times that we, as Americans, never have the luxury of taking our security for granted. It is up to each generation to take the steps necessary to preserve and pass on the legacy of freedom to the next. With this bill, we are beginning to take up that challenge.

As we look to the future, all we can predict with certainty is that there will be more surprises. What there will be we cannot be sure, but we can make some educated guesses. For instance, the gulf war taught us the growing importance of stealth, of space, and of ballistic missiles. As we look to the future, it is clear that technology will be playing a key role, both in shaping the threats we will be facing and the defenses that we will need.

Madam President, it was not long ago that the former CIA Director Woolsey estimated that there are somewhere between 20 and 25 nations that currently have or are developing weapons of mass destruction, either nuclear, chemical, or biological, and they are also developing the means with which to deliver those.

Today, we are going to have an amendment, the Kyl-Inhofe amendment, which will be addressing that, so I will not elaborate on that at this time but will seek time during the consideration of that amendment.

This is a good bill, but I must express my deep concern with the Senate's failure to support further funding of the B–2 bomber. The House, in its bill, had $553 million. America is reducing her military presence around the world. Budget constraints and the end of the cold war are naturally causing us to pull back our forward deployed forces overseas. But as a world leader, our continuing ability to project power around the world will be critical. Unfortunately, our ability to immediately respond in a crisis is going to be diminished unless we are able to use our technological advantages wisely.

This is why the revolutionary B–2 Stealth bomber is so important for our future arsenal. From bases within our own country, these aircraft can quickly deliver devastating payloads to virtually any target on Earth without refueling. They can penetrate the toughest air defenses with minimal risk to our pilots.

The B–2 multiplies mission cost-effectiveness. Today, the standard bombing run package using escorts, air defense suppression aircraft, refueling tankers, and bombers requires up to 67 aircraft and 132 crew members. The same mission can be completed with only two B–2's and four crew members.

Many Americans have been persuaded that sophisticated weaponry, such as the B–2, are relics of the cold war. They have been told that we can easily discard such systems without diminishing our security in the current world environment. They have been told that there are more important and immediate priorities. It is an easy argument to sell, but I do not buy it, and I plan to make my support for more B–2's clear as the deliberations go on.

For 8 years, Ronald Reagan gave us a policy of ''peace through strength,'' a policy which invested wisely in defense needs with a special emphasis on America's inherent leadership in advanced technology. I believe proven success of that policy should continue to guide our defense posture. This is why, despite my reservations regarding the B–2, I support this bill. It will help save lives and protect our vital interests in the future.

I congratulate Chairman THURMOND and Senator NUNN for the solid effort, united effort they put forth. I urge my colleagues to support it. I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Madam President, I would like to begin by complimenting both the chairman, Senator THURMOND, and Senator NUNN, for their work, and all the members of the Armed Services Committee for presenting a very good bill to the Senate this year. I do not have the honor of serving on the Senate Armed Services Committee. I did serve on the House Armed Services Committee for 8 years. Frankly, I am very pleased with the product that has come out of the committee this year.

I, second, want to associate myself with the remarks the Senator from Oklahoma just made. I believe they help to set the stage for a good debate on what we need to do to provide for the defense of the United States.

Third, Madam President, I want to begin a discussion of the amendment which Senator INHOFE and I have laid down and which I think deals with one of the key parts of the bill that has been presented this year. It is the issue of missile proliferation, and the question of what the United States ought to do about it.

Given the fact that there is some difference of opinion about exactly what the nature of the threat is and when we ought to begin to deal with that threat, it seemed to Senator INHOFE and me that we should add something to the bill in the way of findings and a sense of the Senate which expresses our belief that the American people should be defended from ballistic missile attack.

There are very fine findings currently in the bill. We all agree that those findings are a proper predicate for what follows in the bill. But we also believe that there are some other things that should be added as findings and that the Senate should go on record expressing its sense that Americans should be protected from either accidental, intentional, or limited ballistic missile attack.

Madam President, let me read the portions of the findings of the amendment which we believe help to lay the predicate for further action the Senate will be taking with respect to the protection of American people from ballistic missile attack. We say, first of all, that the Senate finds the proliferation of weapons of mass destruction and ballistic missiles present a threat to the entire world.

This threat was recognized by Secretary of Defense William J. Perry in February of this year in the annual report to the President and the Congress, which states:

> Beyond the five declared nuclear weapon states, at least 20 other nations have acquired, or are attempting to acquire, weapons of mass destruction—nuclear, biological, or chemical weapons, and the means to deliver them. In fact, in most areas where the United States forces could potentially be engaged on a large scale, many of the most likely adversaries already possess chemical and biological weapons. Moreover, some of these same states appear determined to acquire nuclear weapons.

We think this is an important finding because of this question that has been posed: Why should we be preparing some of the things that we are preparing now? Why should we be testing and

developing capable theater missile defenses and beginning to plan for the day when we would develop and eventually deploy a national missile defense system? It is because of the concern that has been expressed in this year's report to the President and Congress by the Secretary of Defense, among others.

Also, recently, in May of this year, at the summit in Moscow, President Clinton and President Yeltsin commented on this threat in a joint statement which recognizes:

. . . The threat posed by worldwide proliferation of missiles and missile technology and the necessity of counteracting this threat.

At least 25 countries may be developing weapons of mass destruction and the delivery systems for such weapons. We further find that at least 24 countries have chemical weapons programs in various stages of research and development. Approximately 10 countries are believed to have biological weapons programs in various stages of development. And, finally, at least 10 countries are reportedly interested in the development of nuclear weapons.

Several countries recognize that weapons of mass destruction and missiles increase their ability to deter, coerce or threaten the United States Saddam Hussein recognized this when he stated on May 8, 1990:

Our missiles cannot reach Washington. If they could reach Washington, we would strike it if the need arose.

Madam President, we further find in the preliminary findings to the sense-of-the-Senate resolution that international regimes like the nonproliferation treaty, biological weapons convention and the missile technology control regime, while effective, cannot by themselves halt the spread of weapons and technology.

On January 10, 1995, Director of the CIA, James Woolsey, said, with regard to Russia:

We are particularly concerned with the safety of nuclear, chemical and biological weapons, as well as highly enriched uranium or plutonium, although I want to stress this is a global problem. For example, highly enriched uranium was recently stolen from South Africa, and last month Czech authorities recovered 3 kilograms of 87.8 percent-enriched uranium in the Czech Republic—the larger seizure of near-weapons-grade material to date outside the former Soviet Union.

That is former CIA Director James Woolsey.

We further find in this resolution that the possession of weapons of mass destruction and missiles by developing countries threatens our friends, allies, and forces abroad, and will ultimately threaten the United States directly. On August 11, 1994, Deputy Secretary of Defense, John Deutch, now Director of the CIA said:

If the North Koreans field the Taepo Dong 2 missile, Guam, Alaska, and parts of Hawaii would potentially be at risk.

(Mr. THOMPSON assumed the chair.)

Mr. KYL. Mr. President, these are not hypotheticals for other countries, other places in the world. This is the United States and our territory. The former Deputy Secretary of Defense says that they would potentially be at risk.

We further find, in finding 11, that the end of the cold war has changed the strategic environment facing and between the United States and Russia. That the Clinton administration believes the environment to have changed was made clear by Secretary of Defense William Perry on September 20, 1994, when he stated:

We now have the opportunity to create a new relationship, based not on MAD, not on Mutual Assured Destruction, but rather on another acronym, MAS, Mutual Assured Safety.

The United States and Russia have the opportunity to create a relationship based on trust rather than fear.

That is the final finding in this sense-of-the-Senate resolution. As a result of all of these findings, these factors, of these statements made by the key representatives of this administration, it is the sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballistic missile attack.

Let me focus a moment on that simple one-sentence statement of what the sense of the Senate would be. We should be protected from accidental launch of ballistic missiles. I cannot think of anyone who would disagree with that sentiment. It does not take a star wars or a strategic defense initiative to protect against such an attack. We have the capability to develop, and ultimately deploy, a system which would provide that protection. Inherent within this bill is the beginnings of the development and deployment of such a system.

It is the sense of the Senate that all Americans should be protected from intentional ballistic missile attack. Obviously, if there is an intentional attack, we want to be protected from that. We mentioned the Taepo Dong 2 missile under development by the North Koreans. Should they decide to launch an attack against Alaska, for example, who among us would argue that we should not be prepared to meet that threat? Indeed, the mere threat that such an attack could be launched inhibits the conduct of our foreign policy because of the potential of blackmail by a country like North Korea.

To digress a moment to further elaborate on this point, one of the reasons that we have such a difficult time dealing with North Korea today is that North Korea does pose an offensive threat to millions of South Koreans and thousands of American troops against which we have no real defense, because of the proximity of Seoul, Korea to the long-range artillery of North Korea, and because of the deployment of North Korean forces. It is very clear that if there were a North Korean attack or bombardment from their artillery, literally millions of South Koreans and thousands of Americans would be killed before the United States had an opportunity to respond. We simply do not have a defense against that kind of an attack, unless everybody from Seoul, Korea could move back about 30 miles. That is obviously not going to happen.

Because of the nature of this threat, we are in a position to be blackmailed by North Korea. We cannot go in and deal with North Korea as we would like to because they do have a means of inflicting great harm and damage on us and on the people of South Korea. We literally have no way to stop it. The only way to respond to that is by some kind of massive military action that would hopefully roll them back. But the damage would already be done.

That is the same thing with respect to missiles. A missile can be either used for blackmail in the conduct of one country's foreign policy, to push its weight around, or to actually launch against another country in a time of war, in order to either create chaos and inflict damage on civilian populations, or to be launched against military targets. And in order to prohibit that from inhibiting the conduct of our foreign policy, we have to have a way of defending against it. If you do have a way of defending against it, you can essentially say you can build the missiles if you want, deploy them if you want, but you cannot be effective in using them, so we are not going to be bullied.

If you do not have an effective missile defense—and as I quoted, we do not—then we are susceptible to that negative influence of bullying by a country like North Korea. That is why it is important for us to have the means of defending ourselves and our allies, whether troops are deployed abroad, or whether it is the defense of the American homeland—in this case, Alaska—by a threat from the North Koreans.

Finally, it would be the sense of the Senate that all Americans should be protected from limited ballistic missile attack.

The reason we state it that way, Mr. President, is because we are concerned here about a limited attack. We do not believe that there is currently existing a threat of massive, strategic attack of intercontinental ballistic missiles by a country such as Russia, and possibly China, which are the only countries today that could pose that kind of threat to the United States. We do not believe that circumstances warrant the development of a system that would provide a protection against such an attack.

That is why there is no longer an effort to develop a strategic defense, such as was contemplated during the Reagan administration when the cold war was a very real threat to the United States, and when the Soviet Union then was quite belligerent with the United States, and when such a threat actually existed. That is what not we are trying to do.

Now, that is why all we are saying here is that it is the sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballistic missile attack.

That is the sense-of-the-Senate resolution. Those are the findings. Let me finish my presentation with a couple of other quotations that I think would not necessarily be properly included within the findings, but which I think help to make the case that this is not some hypothetical, this is not something that only paranoid people are concerned about, it is something that at the highest councils in our Government, our intelligence, and the Defense Department, there is concern.

The first reason is because it is not necessarily the development of an indigenous capability by a country that is of concern here. We are concerned about North Korea developing the missiles that could eventually reach the United States. As a matter of fact, the missile that could reach the United States is not even shown on this chart here which illustrates some of the other missiles that are in development, or already developed, and their capabilities.

The CSS–2, for example, is a Chinese missile that has been sold to the Saudi Arabians. It has a range of about 3,000 kilometers. That obviously poses a threat to countries in the Middle East, as well as some European countries.

It is not just the indigenous threat, but the possibility of a sale of one of these missiles to another country. I mention this missile, because this missile was sold by the Chinese to the Saudi Arabians. Saudi Arabians are obviously allies of the United States, and we do not fear that missile would be launched against us by this regime. We also did not fear during the regime of the Shah of Iran that Iran would ultimately be unfriendly to the United States. Of course, that is the situation that exists today.

A country that acquires a weapon like this today, if there should be some instability or other circumstance that changes its government, obviously, it could effectively, and perhaps not in the long-distance future, pose a threat to the United States.

We are first concerned about the indigenous threat, but second, we are concerned about a purchase. That is where the time element comes in. We can give an estimate of how long it takes a country like North Korea to develop a No Dong. It could be another 5 years to develop that. But they could sell a country with great capability in a matter of days or weeks, and the deployment could be a threat to us in a very short period of time.

A third aspect, in addition to the indigenous development and the sale of missiles to be used for military purposes, is, of course, the sale of satellite launch capable missiles. This has been done throughout the world, as well. There is absolutely nothing to prevent the interchange of a satellite to be launched into space for weather prediction, for example, and a warhead of mass destruction, a chemical or biological warhead, or even a nuclear warhead in such a missile.

These missiles are proliferating around the world. Even though they have a peaceful purpose, they can very quickly be used for military purposes, and therefore, for us to base predictions on the fact that an adversary of ours will take a long time to indigenously develop a weapon, again does not adequately and accurately state the intelligence threat to the United States.

We have to be prepared to accept the fact that nations will buy either weapons or buy space launch capable missiles for use as weapons, and that can be done in a very short period of time. We only have to look at previous examples to know it has been done.

As a matter of fact, Iraqi Scuds were purchased from another country and then modified by the Iraqis.

It is not just the indigenous development but the purchase of the weapons and the purchase of satellite delivery missiles that also create part of the problem here.

Mr. President, let me ask unanimous consent that other material be printed in the RECORD at this point, and allow me to reach a conclusion of my statement in support of this amendment for a sense-of-the-Senate statement.

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

THREAT AMENDMENT

Proliferation is a real concern:

(A) At their summit in Moscow in May of 1995, President Clinton and President Yeltsin commented on the threat posed by proliferation when they released a Joint Statement recognizing ''. . . the threat posed by worldwide proliferation of missiles and missile technology and the necessity of counteracting this threat. . . .''

(1) In a March 1995 report, The Weapons Proliferation Threat, the Central Intelligence Agency's Nonproliferation Center observed that at least 20 countries-nearly half of them in the Middle East and South Asia-already have or may be developing weapons of mass destruction and ballistic missile delivery systems. Five countries—North Korea, Iran, Iraq, Libya, and Syria—pose the greatest threat because of the aggressive nature of their regimes and status of their weapons of mass destruction programs. All five already have or are developing ballistic missiles that could threaten U.S. interests.

(2) The missile proliferation threat, even to the U.S. homeland with long-range missiles, is real and growing. Third World nations are advancing their missile programs through indigenous development, the purchase of missile components, and the purchase of space launch vehicles for reportedly peaceful purposes.

(3) While space launch vehicles can be used for peaceful purposes, such as launching communications satellites, they also give would-be proliferants an inherent missile capability. Every four years another country develops space launch capability.

(4) The Clinton Administration is overestimating how long it could take for Third World countries to develop nuclear missiles that could hit the American homeland. The Clinton Administration claims that missile attack threats from potentially dangerous Third World nations to the U.S. homeland will not arise for at least ten years. No one can possibly know that—much less depend on such a guess.

(5) This estimate is based on the assumption that the states acquiring missiles will develop them indigenously. While it is questionable whether it will take ten years for Third World countries to develop missiles on their own, it is clear that proliferants could purchase long-range missiles and nuclear warheads at any time, with little or no advance warning.

(6) Indeed, Saudi Arabia purchased the 2,000-mile range CSS–2 missile from China several years ago. Others, such as Iran and Syria, have purchased shorter range ballistic missiles from North Korea. There is evidence, including from Russian General Victor Samoilov, who was charged with maintaining control over nuclear weapons, that nuclear warheads have disappeared from former Soviet sites.

(7) There are also reports that nuclear weapons have been sold abroad covertly, particularly to Iran.

(8) The key to estimating how long the United States has to respond to a missile threat is not, as is currently the practice, to determine how long it takes a rogue state to produce ICBMs once it has decided to do so. Rather, U.S. planning should be based on how long a rogue state needs to field missiles once the intelligence community has convincing evidence that either their development or purchase is under way.

(9) The evidence, as reported by the Heritage foundation, thus far is troubling indeed. For example:

''(a) Iraq tested a booster with potential intercontinental range in 1990, only months after the U.S. intelligence community discovered what it was doing. After the Gulf War, it was discovered that Iraq had been pursuing an extensive, undetected, and covert program to develop nuclear warheads for its ballistic missiles. By authoritative accounts the Iraqis were within 18 months of having the bomb.

''(b) U.S. intelligence in early 1994 discovered that the North Koreans were developing a long range missile dubbed the Taepo Dong 2. Then Deputy Secretary of Defense John Deutch testified on August 11, 1994, that the Taepo Dong 2 may be able to strike U.S. territory by the end of this decade. If so, this capability will have arisen only five years after its discovery.''

(10) Once the basics of missile technology are mastered, adding more range to the missile is not a great technical challenge. It can be accomplished by adding more thrust and rocket stages. Further, it can be accomplished under the guise of developing space launchers. Every booster capable of placing satellites in orbit can deliver a warhead of the same weight to intercontinental range. And missile sales can create a new missile threat very quickly.

(III) Others will argue that if the United States were threatened by a nuclear weapon, it would be in the form of a suitcase bomb, or errant aircraft, or fashioned like the Oklahoma City bombing.

(A) Each scenario represents a possible method of attack. But, why is that an argument against BMD? We make great strides to cope with these and other kinds of threats. We have anti-aircraft weapons to shoot down hostile aircraft. We suspend commercial flights from potentially dangerous countries. The immigration and customs services monitor people and goods coming to the United States. Law enforcement agencies seek to identify terrorist groups before they act. Our tools may be woefully inadequate,

but we make considerable efforts. Not so in defending the country against ballistic missile attack.

(IV) Moreover, the ballistic missile is the weapon of choice in the Third World. Ballistic missiles signify technological advancement, and are thus a source of prestige in the developing world. Missiles have become symbols of power, acquiring a mystique unrelated to their capabilities. Regional powers that have acquired these weapons can threaten the security of global powers and extend influence throughout the region.

(A) Jasit Singh, Director of the Indian Institute for Defense Studies and Analysis, has pointed out that ''the element which is tending to rapidly enhance the strategic value of ballistic missiles . . . is there is yet no credible defense against them.''

(V) Others may argue that the arms control regimes will protect us from threat from ballistic missiles. Not so.

(A) The Non-Proliferation Threaty (NPT), provides a useful barrier to discourage the transfer of technology concerning weapons of mass destruction. It is not, however, leak proof, and should not be relied upon as a primary element of American and allied security. The NPT, for example, failed to prevent Iraq or North Korea from developing their nuclear weapons programs.

(B) The Missile Technology Control regime (MTCR), founded by Ronald Reagan in 1987, again, has admirable goals, but can only slow the transfer of missile technology until more effective measures can be developed. The MTCR is a weak agreement that has no monitoring agency or enforcement mechanism, does not incorporate all the world's missile producers (most notably China), and cannot forbid technologies that have civil uses.

(C) Former CIA Director James Woolsey said on January 10, 1995, that, with regard to Russia, ''. . . we are particularly concerned with the safety of nuclear, chemical, and biological materials, as well as highly enriched uranium or plutonium, although I want to stress that this is a global problem.

(D) We simply cannot rely on arms control to do the job.

(VI) The Kyl/Inhofe amendment expresses the Sense of the Senate that Americans should be defended—whether in foreign lands or here at home.

We can argue about how to do it: but we should not begin this debate without at least agreeing on the basic premise that Americans should be protected. Surely we can all agree with that.

There is nothing threatening about defenses. Missile defense destroys only offensive missiles.

Mr. KYL. These missiles are, unfortunately, becoming the weapon of choice of bullies in the world. Because they are relatively inexpensive, they can be used to great effect for blackmail purposes. The Iraqis demonstrated how even an errant launch, as the chairman of the committee noted in his eloquent opening statement, can cause great damage.

Mr. President, 20 percent of all United States casualties in the Iraqi war were from one Scud missile attack, which killed 28 Americans with one missile, because we did not have the capability of defending against that.

A question has been asked here, why now? Why are we so concerned about this now? Well, I did not realize until this morning, when radio reports carried the story, that it was 5 years ago today that Kuwait was invaded by Iraq. I think it is an anniversary worth reflecting on for a moment.

One could easily ask what has changed, knowing that this kind of threat can materialize almost overnight; knowing that we need to be prepared to deal with it; knowing that 28 Americans at one time died from a Scud missile attack—20 percent of all of our casualties came from that—knowing of the destruction that the Scuds directed on the State of Israel; and knowing of our great concern about that, because we could not locate the missile.

The only way we had to deal with it was to try to shoot it down, and finally, knowing after the fact that our Patriot missiles, designed to shoot down aircraft, not missiles, though pressed into action for that purpose, were really only effective to interdict about 30 percent of the Scuds that came their way.

Knowing all of these things, one would imagine that 5 years later, we would have made great strides to protect ourselves against the threats that are posed. The fact of the matter is that virtually nothing has changed. Other than a slightly upgraded investigation of the Patriot missile, we do not have a missile defense. This is 5 years later, a period of time in which we should have been able to develop and deploy an effective missile defense against a weapon like the Scud. We have not done so.

Just taking the theater context and forgetting for a moment the potential threat to the United States, it is clear that we have not adequately pursued a defense against this weapon of choice by the troublemaker nations of the world.

We have not developed and deployed a new sensor. We have not developed and deployed a new missile. We have made some strides in the research, but part of the reason we have not done this is because there has been no clear national mandate, no clear national instruction, to get about the business of doing this. There are all kinds of reasons why.

The fact of the matter is, we need to get on with the business of getting this done. That is why I compliment Senator NUNN and Senator THURMOND for much of what they have included in the bill this year.

We have some small differences we will perhaps need to work on. One thing on which we can all agree at this beginning point of the debate is that there is a threat to be concerned about, and that we do need, as we begin this debate, to at least express the sense of this body that Americans need to be protected against an accidental or a limited ballistic missile attack.

Mr. President, if we cannot agree on that, I suspect the American people would rightly question whether we are the body in which to repose confidence about their future security. I am confident that we can agree to this. Based upon that, we can make some sensible decisions about both the policy embodied in this year's defense bill and the expenditures inherent in the authorization bill.

I look forward to working with the chairman, Senator NUNN, and other members of the committee, and other Members of this body, in working through this bill based on an understanding there is a threat to the United States from ballistic missile attack, and to our forces abroad, and our allies, and it is against this threat we should be protected.

I hope when the time comes, Mr. President, my colleagues here will see fit to support the Kyl-Inhofe amendment, which expresses the sense of the Senate.

AMENDMENT NO. 2078 TO AMENDMENT NO. 2077

Mr. NUNN. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] proposes an amendment numbered 2078 to amendment No. 2077.

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

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

The amendment is as follows:

On page 5, beginning with ''attack,'' strike out all down through the end of the amendment and insert in lieu thereof the following: ''attack. It is the further sense of the Senate that front-line troops of the United States armed forces should be protected from missile attacks.

''(c) FUNDING FOR CORPS SAM AND BOOST-PHASE INTERCEPTOR PROGRAMS.—

''(1) Notwithstanding any other provision in this Act, of the funds authorized to be appropriated by section 201(4), $35.0 million shall be available for the Corps SAM/MEADS program.

''(2) With a portion of the funds authorized in paragraph (1) for the Corps SAM/MEADS program, the Secretary of Defense shall conduct a study to determine whether a Theater Missile Defense system derived from Patriot technologies could fulfill the Corps SAM/MEADS requirements at a lower estimated life-cycle cost than is estimated for the cost of the U.S. portion of the Corps SAM/MEADS program.

''(3) The Secretary shall provide a report on the study required under paragraph (3) to the congressional defense committees not later than March 1, 1996.

''(4) Of the funds authorized to be appropriated by section 201(4), not more than $3,403,413,000 shall be available for missile defense programs within the Ballistic Missile Defense Organization.

''(d) Section 234(c)(1) of this Act shall have no force or effect.''

Mr. NUNN. Mr. President, very briefly, this adds back $35 million to what is the Corps SAM program. I know other people want to speak on the Kyl first-degree amendment. That is a good amendment. I support it.

This amendment does not in any way strike or in any way change the first-degree amendment, but is directly relevant because this gives strong emphasis to the Corps SAM program, which is

at the heart of our forward theater missile defense.

I will explain this in more detail later. I know there are others who would like to speak, including the Senator from South Carolina.

Mr. FEINGOLD. Mr. President, I just have a little concern about the procedural step we started off with on the bill. At one point the manager of the bill on the majority side was properly recognized, as manager of the bill, for purposes of speaking. But during the process it appeared that the Senator sought to have another Senator recognized for purposes of offering an amendment. There was no unanimous consent requested for that purpose. I am sure this was inadvertent, but it becomes very, very difficult to have what we would like to call here a ''jump ball'' on recognition if one Senator can sort of call on another Senator, in effect.

I again say I do not think that was the intent, but I am concerned about the way we got started on this.

Mr. President, I therefore ask unanimous consent that upon the disposition of the Kyl amendment that I be recognized.

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

Mr. FEINGOLD. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I do not think I can add a lot to what the very eloquent Senator from Arizona, Senator KYL, said about this sense-of-the-Senate amendment.

I do support the amendment and offer this with Senator KYL. One of the reasons I came to the Senate in the first place, and one of the reasons I sought to serve on the Senate Armed Services Committee, is a very deep concern over what has been happening to our Nation's ability to defend itself.

I have watched the cold war leave us and many people, when I was serving in the other body, would stand up and say, ''There is no longer a necessity to have a very strong defense system. The cold war is over and the threat is not out there.'' I honestly believe, in looking at this, through my service on the Intelligence Committee as well as on the Senate Armed Services Committee and formerly on the House Armed Services Committee, that there is a threat to our country out there that is even more severe, more serious today than there was during the cold war, because in the cold war we could identify who the enemy was. As Jim Woolsey said, there are 20 to 25 countries, not two or three, 20 to 25, that are working on or have weapons of mass destruction. That is not something that might happen in the future. That is something that is imminent and that is taking place today.

It is interesting that the administration downplays another conclusion by the intelligence analysts; namely, that there are numerous ways for hostile countries to acquire intercontinental ballistic missiles far more quickly. We have watched this. We have watched the discussions take place. I think we can come to some conclusions, and those conclusions are that there is a multiple threat out there.

The Senator from Georgia mentioned briefly the ABM Treaty. I think it is worth at least discussing in context with our need for a national missile defense system. I think at the time that the ABM Treaty went into effect, perhaps there was justification for that. There were two superpowers in the world—this was 1972—and the feeling was at that time, if neither of the superpowers were in a position to defend themselves from a missile attack, then there would not be any threat out there for the rest of the world. Maybe there was justification for that.

I had a conversation with the architect of the ABM Treaty just the other day, Dr. Kissinger. He said, and I will quote him now, he said:

> There is something nuts about making a virtue out of our vulnerability.

That is exactly what we are saying when we say, by policy and by treaty, that we can defend our troops who might be stationed overseas, that we can pursue a theater missile defense system, but we cannot defend our Nation against a missile attack. There is something nuts about that. So we are going to have to address this.

In the meantime, what can we do to put a national missile defense into effect in the next 5 years? We can do exactly what we are doing with this bill. I would like to move even quicker than we can move right now, but we feel what we are doing in this bill that we are looking at today is all we can do to prepare ourselves for what can happen in the next 5 years. So, when we are able to change this national policy, we will be in a position to not lose any time and do it in the next 5 years. I think the issue here is: Is it 10 years when the threat could be facing us or is it 5 years? I think it is incontrovertible it is closer to 5 years.

Even if we were certain there is no new threat that would materialize for 10 years, there are two compelling reasons to develop and deploy a national missile defense system. First, it will take more than 5 years to develop and deploy the limited system, even when the Missile Defense Act of 1995 is passed. By then, we will most certainly be facing new ballistic missile threats to the United States.

Second, deploying the national missile defense system would deter countries from seeking their own ICBM capabilities. A vulnerable United States invites proliferation, blackmail, and aggression.

We are going to hear, during the course of this debate, people who really are not concerned about the threats that face the United States of America talking about the missile defense system as star wars. They have always downgraded it by using that term. Star wars should not even be used. We are talking about an investment that we have in this country, through the THAAD system, through the Aegis system that we have—22 ships that are currently equipped—we have a $38 billion investment. That investment can be protected merely by putting approximately $5 billion over 5 years in, and being able to deploy a national missile defense system.

I implore my Senate colleagues in the strongest possible terms to wake up and see the world as it is and not the way arms control advocates in the Clinton administration would like it to be. The threat is clear. It is present. It is dangerous. That is why I strongly support this amendment.

Mr. President, I urge swift adoption of the Kyl-Inhofe amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I commend the Senator from Arizona for a fine amendment. This provision makes it absolutely clear that the world is becoming increasingly dangerous with regard to missile proliferation and the spread of weapons of mass destruction. It also makes clear that the United States cannot wait around for a bunch of rogue states and possibly terrorists to acquire ballistic missiles capable of attacking American cities before we respond with a serious national missile defense system. Lest we want to invite another Oklahoma City bombing multiplied many times over, we must begin to take action to defend our country against this ever increasing threat.

In my view, the Kyl amendment simply states the obvious: that the United States should be defended against accidental, unauthorized, and limited ballistic missile attacks, whatever their source. We have attempted to establish a path toward this end in the bill now pending before the Senate, so I am pleased to support this amendment.

It has been argued that there is no threat to justify deployment of a national missile defense system to defend the United States. This view is strategically shortsighted and technically incorrect. Even if we get started today, by the time we develop and deploy an NMD system we will almost certainly face new ballistic missile threats to the United States. Unfortunately, it will take almost 10 years to develop and deploy even a limited system.

As Senator KYL's amendment so clearly establishes, the intelligence community has confirmed that there are numerous ways for hostile countries to acquire intercontinental ballistic missiles in much less than 10 years by means other than indigenous development. Basically any country that can deliver a payload into orbit can deliver the same payload at intercontinental distances. Space launch technology is fundamentally ballistic missile technology, and it is becoming more and more available on the open

market. Russia has all but put the SS–25 ICBM on sale for purposes of space launch. China has repeatedly demonstrated a willingness to market missile technology, even technology limited by the missile technology control regime.

In his last appearance before Congress as Director of Central Intelligence, James Woolsey stated clearly that countries working on shorter range ballistic missiles could easily transition to developing longer range systems. Saddam Hussein demonstrated that even countries without a high technology base could get into the missile modification and nuclear weapons business.

North Korea has also demonstrated to the world that an ICBM capability can be developed with relatively little notice. The Taepo-Dong II missile, which could become operational within 5 years, is an ICBM. Each new development on this missile seems to catch the intelligence community by surprise. It certainly undermines the argument of those who downplay the threat and the intelligence community's own 10-year estimate.

Even if we knew with certainty that no new threat would materialize for 10 years there would still be a strong case for developing and deploying a national missile defense system. Deploying an NMD system would serve to deter countries that would otherwise seek to acquire an ICBM capability. A vulnerable United States merely invites proliferation, blackmail, and even aggression.

For this reason, I strongly and enthusiastically support Senator KYL's amendment. It is a reasonable statement for the Senate to make. Only those who believe that the American people should not be protected against the one military threat that holds at risk their homes and country should oppose this amendment. I urge my colleagues to support it.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I would like to make a couple of comments about the Kyl-Inhofe amendment, and then also about an amendment that I intend to offer during the consideration of this legislation. I intend to offer an amendment that eliminates the $300 million that was added to national missile defense in the Armed Services Committee's deliberations.

There is, as I understand it, $371 billion for the national missile defense research and development in the budget that was submitted by the President and requested by the Pentagon. In other words, the Pentagon said, Here is what we think is necessary for that program. The Armed Services Committee added $300 million above that for national missile defense.

I listened to my friends from Arizona and Oklahoma, for whom I have great respect. We just disagree on this question. I intend to offer an amendment to strip the $300 million out of the bill because I do not think the national missile defense system described in this bill ought to be built or deployed, and I do not believe that the taxpayers should be asked to provide $300 million that the Pentagon says it does not need.

The Kyl-Inhofe amendment has four pages of findings. And on page 5, it says, ''It is the sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballistic missile attack.''

It is hard to find fault with the language unless one asks the question: What does one mean by this? Is someone who suggests this saying that we should spend over $40 billion on a ballistic missile defense system, or star wars? I know that we were admonished not to use that term because that does not apply, we are told. This is in my judgment a star wars national missile defense proposal. It is that simple.

The Congressional Budget Office in 1993 said the cost of building a national missile defense system at Grand Forks, ND and five other sites would be $34 billion. A March 1995 Congressional Budget Office review pegs the cost of that same site plus five others at $48 billion.

If with this simple sense of the Senate on page 5 the Senate is saying, Yes, let us develop a program that costs the American taxpayers $48 billion, I think people here in the Senate ought to think long and hard about this.

Sure everyone wants to be protected. Today, in the old Soviet Union, they are crushing and busting up missiles under a program that we are helping pay for. Missiles are being destroyed today as I speak in the old Soviet Union.

What is the threat? Well, the Soviet Union has now disappeared. But we are not told that the threat is that some terrorist Third World country, perhaps Iraq, or Iran, maybe some would suggest Qadhafi, could get ahold of an ICBM and some weapons grade plutonium, build a nuclear bomb, put it on the tip of a intercontinental missile and shoot it toward the West. Maybe that is the threat.

In my judgment, if the wrong people get ahold of enough weapons grade plutonium to build a nuclear bomb, it is far more likely that they will threaten this country by putting it in the trunk of a rusty Yugo parked on a dock of the New York City harbor. That is far more likely that the case in which they would acquire or be able to build an intercontinental ballistic missile with which to threaten the West.

Frankly, this bill is interesting to me. People are saying that we do not have enough money, that we are up to our neck in debt, and that we must reduce the Federal deficit—and I agree with that. Then this bill says the Pentagon does not know what it is talking about on ballistic missile defense—$371 million, humbug. We want to add $300 million. And more than that, we have not learned our lesson about advanced deployment and emergency deployment. We also want to not only add $300 million, we want to say to the folks who are building this star wars project that we want accelerated development for a limited deployment in 1999. And full deployment will follow in 2003. That is the scheme in this legislation.

I thought maybe we learned something about those enhanced research schedules and accelerated deployment schedules with the B–1 bomber, and some other weapons programs, but maybe not.

In any event, I think the question is not should we protect America. The question is why should we decide to spend $300 million more on national missile defense than the Defense Department says it needs? Why should we decide that we are going to dump in extra money beyond what the Secretary of Defense says he needs or wants?

We have direct testimony from the Secretary of Defense saying I do not want this. This is not money that I am asking for. I do not need this. You are proposing, he says, to defend against a threat that does not exist. And you are proposing giving the Pentagon money it does not want.

I just find it unusual that the same people who always tell us that the big spenders are on this side of the aisle are saying the Pentagon does not know what it is talking about; they want to provide the Pentagon $300 million more for this boondoggle, dollars they do not want. But that is not what I guess is so important today. The fact is that this extra $300 million is just lighting the fuse on a $40 to $50 billion spending program that once underway will not be controlled, and all of us know that.

I recognize that part of this deals with my State. My State was the site of the only antiballistic missile system in the free world. It was built in northeast North Dakota 25 years ago. I said at the time I did not think it should be built. It did not matter much what I said then; it was built. And after billions of dollars were spent and after the system was operational, within 30 days it was mothballed.

Now, some might say, well, it was useful to spend all of that because we were creating bargaining chips with which to negotiate with the Soviets on an ABM Treaty. I do not know the veracity of that. But I do know that we were the site of the only antiballistic missile system built in the free world, the only one that has ever been built by the West. And it was mothballed

within 30 days after being declared operational.

Now we have a constituency to build a new ballistic missile defense system. This starts from President Reagan's announcement in the 1980's of a shield, sort of a national astrodome—I guess it was a national astrodome he was talking about, putting an astrodome over this country of ours so that no one could attack it. If an incoming intercontinental ballistic missile took aim on our country and took flight toward our country, we would have a system of defense, both ground based and space based, with which we would knock out those incoming missiles and protect our country forever.

The result was that an enormous amount of money has been spent all around this country on research, engaging academic institutions, engaging companies all over, virtually every State in the Union, and a constituency has developed for this idea. It does not matter that times have changed. It does not matter there is no longer a Soviet Union. It does not matter there is no Warsaw Pact, the Berlin Wall is gone, Eastern Germany does not exist. It does not matter the world is changed. The folks who want to build a star wars, ABM, national missile defense program have not had their appetites satisfied. So they want to continue with this program, but they are not satisfied by the Defense Department doing research in this area. They will only be satisfied if they require deployment—on an interim basis so that by 1999, less than 4 years from now, somehow, some way, someone will deploy the first contingent in any number of sites around the country of the national missile defense system.

Again, I certainly respect the views of those who have great ardor and support for this program. I respectfully disagree however. We have so many needs that we must prioritize them. Do we care about education? If we do, is not the need to build star schools more important than to build star wars? Do we care about hunger and nutrition? If we do, is it not more important to make sure that we fund those programs so that people in this country are not hungry instead of taking $300 million that the Pentagon does not want and building a system the Pentagon says should not be built at this point? It is a matter of priorities, and we must begin choosing.

I think those who push not only this but several other things in this legislation that go well beyond the funding request by the Pentagon are saying we do not have to make choices. We are not interested in prioritizing. Or at least if they are not saying that, they are making choices and prioritizing in kind of a burlesque way, saying, well, it is not important for a poor kid in school to have an entitlement to a hot lunch because we cannot afford it, and then changing suits, having a good sleep and coming back the next day saying it is important, however, to give the Secretary of Defense $300 million he does not need for a program he does not want to deploy at this point and for a program that he says is not going to be built to meet an existing threat.

I am just saying to you that I think those priorities are wrong. If I read Senator KYL's sense-of-the-Senate: ''It is the sense of the Senate that all Americans should be protected from an accidental, intentional or limited ballistic missile attack,'' I would say, oh, sure, it is a sense of the Senate all Americans ought to be protected. I understand that. That makes sense to me. If I change this and say it is the sense of the Senate that we begin embarking on a program that will eventually cost $40 billion to deploy in multiple sites around the country a ballistic missile defense system with a ground-based and a space-based component, have I changed the question? I think I have, because if I am asking the Senators in this room whether that is the way we ought to spend $40 billion in the coming years, they have to evaluate whether $40 billion spent for this versus $40 billion allocated for other competing needs in this country is the right choice.

So, Mr. President, as I indicated when I began, I intend to offer an amendment to strip the $300 million in additional funding that has been put in the legislation before us for the national missile defense system. There will still remain $371 million, a substantial amount of money. But if my amendment is accepted, there will not remain $300 million which the Secretary of Defense says he does not want, does not need, and did not ask for. We will, I am sure, have a rather substantial debate about this when I offer my amendment. I shall not pursue it further at the moment. But I could not help but comment on this amendment, which is a sense of the Senate with language seemingly so innocent but consequences so substantial. The consequences of this are to say, yes, we believe that it is appropriate to embark on a $40 billion program with enhanced deployment to build a shield over the United States to protect us against incoming intercontinental ballistic missiles.

Frankly, I think that is a misplaced priority. And I think we should have learned something in recent years that we must make very tough choices, all of us, very tough choices about what we spend money on. I think two questions ought to be asked on all of these proposals. Do we need it? And can we afford it? And with those two questions on the national missile defense system, nicknamed star wars—which is appropriate, because this talks about the potential of a space-based system—when we ask those two questions: Do we need it? And can we afford it? The first answer is answered by the folks that run the Pentagon. They have said, no, we do not need it. And they have not asked for it. The second answer ought to be answered by everybody who is in the U.S. Senate who is grappling with questions about can we feed our children through nutritional programs? Can we adequately educate our kids? And can we do all the things that are necessary? Can we adequately fund Medicare and Medicaid for the elderly and the poor?

Mr. INHOFE. Will the Senator yield?

Mr. DORGAN. The answer to my question is no. We cannot afford something we do not need when priorities require us to make a better judgment than this.

I would be happy to yield.

Mr. THURMOND addressed the Chair.

Mr. INHOFE. I am sure you heard several times——

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator has yielded for a question.

Mr. INHOFE. We have quotes by Jim Woolsey and John Deutch and other experts in this field. And in terms of the quote that was attributed to Jim Woolsey, there are between 20 and 25 countries that have developed or are developing weapons of mass destruction and the ability to deploy those.

Do you not believe that statement by Jim Woolsey?

Mr. DORGAN. Well, I would say to the Senator from Oklahoma that the statements that are made by—let me give you a statement by the head of the DIA. ''We see no interest in or capability of any new country reaching the continental United States with a long-range missile for at least the next decade,'' so on, so forth.

But I would say this, that the Secretary of Defense, having evaluated all of these conditions, including the potential of other developments of ICBM's, has concluded that this is not in our interest. I mean, what the Secretary of Defense has said to you looking at all those things, ''Don't do this. I don't want the money. I don't want the program as you constructed it. It doesn't make sense for this country's national security.''

I would be happy to yield further.

Mr. INHOFE. If the Senator will allow me to read a statement—two statements. One is by James Woolsey concerning what is out there today. ''We can confirm that the North Koreans are developing two additional missiles with ranges greater than 1,000 kilometers that it flew last year. These new missiles could put at risk all of Northeast Asia, Southeast Asia, and the Pacific area. And if we export, the Middle East could threaten Europe as well.'' Then further John Deutch says, ''If the North Koreans field the Taepo Dong 2 missile, Guam, Alaska, and parts of Hawaii would potentially be at risk.''

So it is a two-part question. First of all, do you believe this? And, second, and most significantly, Mr. President, what if the Senator is wrong?

Mr. DORGAN. Well, will someday some countries that we now consider terrorist countries or renegade countries have the capability of developing

or buying intercontinental missiles? Maybe. Maybe.

But I would say this. I ask if it is not the case, the single, strongest, best case that could ever have been made for a ballistic missile defense program, putting a shield over our country, will not be a case 5 years from now or 10 years from now or today. It would have been a case that you could have made 10 or 15 years previously when we had the proliferation of Soviet Union missiles, all of which were aimed at the United States, all of which the President said, at that point, required an umbrella around this country for protection.

But what did protect our country? No, it was not an umbrella. It was not a new ballistic missile program or a star wars program. What did protect our country? Well, it was a triad, of ground-based intercontinental ballistic missiles with Mark–12A warheads that persuaded the Soviets—and I assume will now persuade any other country foolish enough to think about this sort of thing—that they will exist about a day or a two or three, beyond when they launch that kind of an attack.

Mr. INHOFE. Will the Senator yield further?

Mr. DORGAN. The point I make is this: We developed the triad, ground missiles, sea-based missiles and air-launched nuclear capability, which has for decades persuaded countries far better armed than the potential terrorists you suggest from not even thinking about attacking this country. And I am just saying this: When we start taking the potential of the North Koreans developing a missile and deciding the result is America ought to consign itself to a $40 billion new program, at the time we say to the American elderly that we have got to cut $270 billion in Medicare because we do not have the money, or at the time we say to American kids that we are sorry about student aid, we do not have quite enough money, and quite enough money for nutrition programs, I am saying the priorities are out of whack.

Am I saying defense does not matter? No. I am saying that the Secretary of Defense, the folks that know this program, the folks that have spent a long, long while concerned about and evaluating the need for a ballistic missile defense system are saying it is wrong. It is wrong what is being proposed. The extra money should not be spent. This program should not be deployed. And it is not in this country's national interest.

Mr. INHOFE. Will the Senator yield?

Mr. DORGAN. They are the ones saying that, not me.

Mr. INHOFE. Is the Senator aware or do you deny that the Taepo Dong 2 is being developed today?

Mr. DORGAN. Let me say this again. Is the Senator aware that Yugoslavia produced Yugos and they are shipped to the United States and some terrorist could put a nuclear device in it and ship it to New York City and terrorize New York and this country? Would that require a sophisticated ICBM for delivery? Of course not. Would it accomplish the same result? Of course it would.

My point is, if you start taking a look at threats to this country, do not just look at the potential for developing an intercontinental ballistic missile. In fact, the Secretary of Defense and others are saying there is no realistic prospect within the next decade of that happening, No. 1. And No. 2, given all of the evaluations he and the folks in the intelligence community have made, he thinks what the Senator is proposing is not in this country's defense interests.

So that is the way I would answer the question of the Senator. I understand the case both Senators have made. I think they made it very well. It is just I do not agree with them. I think this is a case where you say, if you have unlimited funds that you can take from the taxpayer, you say, ''Just keep giving us your money, because we have got plenty of opportunity and we have lots of needs.'' If you have unlimited funds, then build everything. That is fine. The problem is we do not have unlimited funds. We are forced—literally forced—to start choosing among wrenching, awful, agonizing priorities. I think when the Senator proposes this, what he is saying is, we do not intend to choose, at least not in defense; we intend to build it all.

Mr. KYL. Will the Senator yield for a question?

Mr. DORGAN. Yes.

Mr. KYL. I know the Senator from Georgia is able to speak on his amendment. I can respond to each of the points that the Senator from North Dakota made in detail. But rather than doing that, I want to pose one quick question, because, frankly, it may not be necessary for us to do that.

Is the Senator prepared to tell us whether he is going to vote against or for my amendment? If the Senator is going to vote for the amendment, I will not bother to respond to some of the points.

Mr. DORGAN. I have not read the entire amendment. I read the sense of the Senate. It is hard to disagree with the sense of the Senate if you understand that the sense of the Senate says that ''It is the sense of the Senate that all Americans should be protected from accidental, intentional, limited ballistic attack.'' Yes, they ought to be protected.

I ask you this question: Are you saying with this that it is your sense that we should spend $300 million extra next year and go to enhanced deployment of a ballistic missile defense system; that it is your intention with this amendment to put the Senate on record to go for early deployment and $300 million extra and the tens of billions of dollars that will be required in the years ahead to fully deploy this system; is that your intention?

(Mr. CAMPBELL assumed the chair.)

Mr. KYL. In response to the Senator's question, it is as you have noted. You are going to propose an amendment to strike $300 million that is already in the bill. My amendment does not add any money to the bill. My amendment simply expresses the sense of the Senate that all Americans deserve to be protected from missile attack. So when the Senator makes the argument about the $300 million, he is really making the argument in support of his amendment that is going to be offered later to the bill. That is why I said I could easily respond to some of the things you said, but I do not want to take the time if the Senator is going to end up supporting my amendment. I think we can move on——

Mr. DORGAN. Let me just say this. The committee brought us $671 million, as I understand it, in ballistic missile defense, $300 million of which the Pentagon said it does not want, does not need and did not ask for.

My feeling is this country protects itself against nuclear threat, accidental, intentional, or ballistic missile attack by having intercontinental ballistic missiles in the ground, by having *Trident* submarines in the sea, and by having our bombers with nuclear capability in the air. In my judgment, the current triad, as I have indicated to you, has done that for 20 or 30 years.

I have not read the rest of your findings. As soon as I read the findings, I will determine whether it comports with what I think we ought to go on record with in the Senate.

Again, I ask the Senator from Arizona whether his intention with this is to provide support and comfort for and to assist in the accelerated deployment of a national missile defense system?

Mr. KYL. And I say to the Senator, absolutely, bingo.

Mr. DORGAN. If that is the Senator's intention, I will not want to be supportive of that, because I do not think that happens to make sense for this country.

Mr. KYL. The Senator, obviously, has the right to vote for or against my amendment. I was curious. There is a lot that can be said. Perhaps the Senator could be thinking—I would like to hear from some of the other Senators—perhaps the Senator could be thinking how he will substantiate the claim he made repeatedly now that the Secretary of Defense does not want this, did not ask for it, and so on. If the Senator can find those statements, I would be curious because, of course, General O'Neill testified to the Armed Services Committee that he could spend $450 million and he does not do that without getting the concurrence of the administration.

The administration's initial budget request did not ask for the money, I agree, but in last year's budget, the Clinton administration, in the 5-year defense plan, called for more than what is being requested——

Mr. DORGAN. Mr. President, reclaiming my time, I say it is good news

for the Senator from Arizona. In a body where there are so few answers and so much debate, he is about 50 paces from the answer. I will give him the telephone number. He can call the Secretary of Defense and ask the Secretary of Defense in the next 4 minutes, ''Do you want this $300 million, did you ask for it, and do you think that it is necessary for this country's security?''

His answer will be, ''No, I didn't ask for it; no, I don't want it; and I think it is a mistake.''

So the Senator is very close to an answer, physically and also with respect to time. Maybe by the next time we have this spirited discussion, when I offer the amendment to strike the money, maybe the Senator will have spoken to the Secretary of Defense and will have that answer.

Mr. COATS. Will the Senator yield for a question?

Mr. DORGAN. I will be a happy to yield.

Mr. COATS. The Senator from North Dakota, in answer to the Senator from Arizona as to what he would prefer, in response to what the Senator from Arizona has announced in terms of deterrence, he would prefer the deterrent that was used successfully for a long, long time, namely, we use the term ''mutually assured destruction.'' He said that our deterrence from submarines under the sea, missiles in the ground, and bombers in the air would be his proposed solution to a ballistic missile attack on the United States.

My question to the Senator is, do you believe that mutually assured destruction is the preferred solution to, say, an accidental launch?

Mr. DORGAN. Well——

Mr. COATS. And do you believe that would be any kind of a deterrent or appropriate response to an accidental launch of a missile?

Mr. DORGAN. The Senator understands, I would judge successful the strategy that has been employed with the nuclear triad in order to avoid nuclear war over some 25 or 30 years. Would the Senator agree with that?

Mr. COATS. I do, but the world has changed significantly since then. We are trying to deter something entirely different.

Mr. DORGAN. If I may respond to that—I did not respond to the Senator's question about North Korea. I would like to add for the record something I will not read, a rather lengthy paragraph, about the capabilities of North Korea written by two Nobel laureates, two veterans of the Manhattan project, a total of seven eminent physicists, who are completely at odds with the Senator's representations about the capabilities of the North Koreans at this point.

I guess the Senator from Indiana is standing up saying we need this system because it is the only way we can provide for an impregnable defense against the renegades, against terrorist countries; is that what the Senator is saying?

Mr. COATS. I am saying the world has changed significantly since we employed the doctrine of mutually assured destruction, and the deterrent effect the Senator alluded to that would satisfy the concerns of the Senator from Arizona simply may not be applicable in today's world.

Mr. DORGAN. It is interesting, what has changed it is quite remarkable—it is almost breathtaking in its scope—is that the Soviet Union does not exist any longer, and today we are cutting the tails off bombers, they are crushing their missiles, and we are taking warheads apart. What has changed dramatically is that we have stepped back from the brink, we have largely seen the cold war dissolve, we have a circumstance in this world today for which all of us should rejoice.

The arms race is largely over, and the Senator raises the question, are there still not some other threats? Yes, there are. But you know what has not changed is the appetite for those who are parents of weapons programs, because those who have parentage of new weapons programs just cannot give up. It does not matter what the world is like, it does not matter what the need is; they have a weapons program, and they are going to build it.

Mr. COATS. That may or may not——

Mr. DORGAN. Will the Senator at least acknowledge that the genesis of this kind of program came from Ronald Reagan, I believe, in 1982 or 1983, in which he described the holocaust from a devastating full-bore Soviet Union ICBM attack on the United States? That is the genesis of the description of the umbrella with which to protect our country.

Mr. COATS. That is true——

Mr. DORGAN. Things have changed. The Senator makes a correct point. Things have changed. What has changed is that that threat has changed dramatically because it has lessened, a much lesser threat than existed before. In fact, we have Yeltsin over here, we are working with Yeltsin on all these things, we have Russians and Americans cavorting in space in a spacelab. Adversaries? No, hardly. We are working together. We are doing a lot of things together, including reducing the risk of an accidental nuclear attack.

What has changed? Has the change occurred among those who said we need an umbrella for $40, $50 billion to protect America against a full-scale nuclear attack from the Soviet Union? No, the Soviet Union is gone, but it has not deterred by one step those who want to spend money on this program. They simply find another threat—North Korea, and the Nobel laureates and others tell us about North Korea.

It is at odds, and I will put it in the RECORD because I do not want to read the whole thing.

Mr. President, I ask unanimous consent that this portion of the physicists' letter be inserted in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. DORGAN. Mr. President, I would say that if you do not want to use North Korea, then somebody else will come waltzing over here and say, ''Well, maybe it's not Korea, maybe its Qadhafi.'' And the next person comes over and says, ''Maybe it's not Qadhafi, maybe it's Iran.''

Do all of those prospects concern me? Sure; sure. Is the likelihood of nuclear attack or the nuclear threat from those kind of renegade countries the likelihood of an ICBM pointed at Gary, IN? Of course not. The likelihood is a terrorist act that——

Mr. THURMOND. Will the Senator yield a minute to get somebody on the floor?

Mr. DORGAN. I will be happy to yield, without losing my right to the floor.

PRIVILEGE OF THE FLOOR

Mr. THURMOND. Mr. President, I ask unanimous consent that Michael Matthes and Peter Simoncini, military fellows in Senator WARNER's office, be granted floor privileges for the duration of Senate debate on S. 1026, the Defense Authorization Act.

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

Mr. DORGAN. Mr. President, I will be brief. I say that the likelihood of the nuclear threat coming from a renegade country is not them getting hold of some sophisticated targeted intercontinental ballistic missile; it is that they would get hold of some weapons grade plutonium and the know-how, which pretty readily exists, to turn that into a nuclear device, and then in some ingenious way to hold some country hostage with that device. It is unlikely that it is going to be on the tip of an ICBM in flight. It is much more likely that it is going to be different circumstances, in which the $40 billion and the best star wars program ever conceived by man or woman will be irrelevant.

I will make one other point to the Senator. On page 52 of the bill brought to us, on the bottom of the page, you are talking about deploying a system—deploy as soon as possible a highly effective system, and so on. Then it says, ''That will be augmented over time to provide a layered defense against larger, more sophisticated ballistic missile threats.''

When you stand and say we are trying to respond to North Korea—which I think gives them far more credit than they deserve—your bill would do much more than that. The legislation suggests that if you want to fund a program that will provide a layered defense against larger ballistic missile defense threats over time. That goes back to the Reagan star wars concept in the eighties.

My point is that nothing has changed with those that propose the program. They pull the wagon through here no matter what the climate is, whether

the wind blows, or whether it rains, it is the same wagon. They just change the debate a bit. In my judgment, the taxpayers ought not to fund something that the Secretary of Defense says he does not want, the country does not need, and he says putting in this bill—I have not even talked about the things we will talk about later, about abrogating the ABM Treaty and other things; I have not even discussed that. But I think you ought to listen to the Secretary of Defense on this issue. You ought to listen to the taxpayers. I think they understand.

Mr. COATS. If the Senator will yield, I am going to get off the floor. I just came over to ask a simple question. I got everything but the answer to my question. I did not mean to prompt the opportunity for the Senator from North Dakota to repeat what he already said earlier. I simply asked the question as to how the Senator proposed that we would deter an accidental launch of a ballistic missile toward the United States. I got everything but the answer to that particular question.

The Senator from Arizona is more than capable of answering—and I believe he probably has already done it—the reasons why this program is significantly different from what Reagan or anybody else proposed in the early eighties. It is not the so-called umbrella defense star wars system that has been debated on the floor here for a decade and a half. It is much, much different from that. The threat is different from that. I do not disagree with the Senator that the threat we face includes options other than——

Mr. DORGAN. Mr. President, if the Senator would like to ask a question, I will be happy to answer a question. If not, I would like to regain the floor.

Mr. COATS. How does the Senator propose to deal with an accidental ballistic missile launch in the United States? The Senator suggested that mutually assured destruction was the deterrent to that and the way to respond. I do not agree with the Senator. I wonder what his solution was to that question.

Mr. DORGAN. Mr. President, I appreciate the query. The Senator from Indiana is now suggesting that the principal reason for spending $40 billion is to protect against an accident. It occurred to me that the Koreans would not likely be involved in an accident, according to the Senator from Arizona. He is proposing that the Koreans might pose a threat. I assume when we hear discussions about other countries—Libya, Iran, or others —we are talking about a threat rather than an accident.

The question of an accidental nuclear launch, I suppose, is a question others could ask of us and we could ask of many in the world. We have, it seems to me, very carefully, over many, many years, decades, in fact, worked to prevent that sort of circumstance from occurring on any side, with respect to the nuclear powers. I again say that I urge all of us to evaluate. When we start talking about the need now, when the Soviet Union is gone, to build a star wars program to react to North Korea and spend $40 billion we do not have, I urge everyone to understand that at the same time we are going to consign ourselves to spend $40 billion, we are going to say we cannot really afford Medicare and Medicaid, and that the old folks should pay more and get less, and we will cut $270 billion out of Medicare.

We supposedly cannot afford all the other things we are talking about because we have to tighten our belts. It occurs to me that those that push this, especially in the year 1995, when the world has changed, but changed in a way that would augur for less incentive to need this kind of a program, those who push this are making an illogical argument. It seems illogical to me to be saying we have to tighten our belts here at home and have to worry about priorities, we have to make tough choices, and then pull a project like this to the floor and say, by the way, this is true for everything else, but we have $300 million here that that does not apply because this $300 million we will substitute our judgment for the judgment of the Secretary of Defense, and others, and say that we must now embark on an accelerated deployment of a national missile defense program, including star wars.

I am just telling you that we will probably have a long discussion on the question of that $300 million. If I see the glint in the eye of the Senator from Arizona from across the room, I suspect he will have a spirited defense of spending that money. I will be here, as soon as it works into the schedule, to see where we all stand on spending money we do not have on something we do not need.

Mr. President, I ask unanimous consent that portions of a July 7, 1995 letter from seven eminent physicists, including two Nobel Prize winners and two veterans of the Manhattan project, who discuss accidental launch by Russia or China and the likelihood of a threat from a third country, particularly North Korea, be printed in the RECORD.

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

(I) Accidental launch of Russian or Chinese nuclear missile:

According to US intelligence officials, an accidental or unauthorized launch from Russia or China is extremely unlikely. Moreover, it is in the interests of Russia and China to ensure that such launches do not occur. Indeed, Defense Intelligence Agency Director Gen. James Clapper testified in 1994 that ''Russian strategic missile systems are currently considered to have very good control mechanisms'' to prevent such launches, and the United States is currently discussing sharing similar systems with China. National missile defenses are the wrong solution to this problem in any event since cooperative measures could be implemented more quickly and cheaply, and would be more effective than NMD. These include installing destruct-after-launch mechanisms on all missiles to abort an unauthorized launch and separating nuclear warheads from delivery systems.

* * * * *

(3) Deliberate missile attack by other country in the future:

Ballistic missiles are the least likely method a developing country would use to deliver an attack. Long-range missiles are more expensive and technically difficult to build and deploy than other means of delivery, and are less accurate. Since launches are readily detected by satellites, the United States would pinpoint the origin of a missile attack and could retaliate quickly with devastating force. Such retaliation would have to be considered as certain by any leader, and will always be a powerful deterrent to missile attacks.

Currently, no country hostile to the United States possesses ballistic missiles that can reach US territory. Even if such threats begin to emerge in the future, the United States will have considerable warning since missile development requires flight testing that can be monitored by satellite. Although some 20 countries in the developing world possess some type of short-range missile or space-launch vehicle, only countries friendly to the United States—Israel, India, and Saudi Arabia—have deployable systems with a range greater than 600 kilometers.

North Korea, perhaps the most discussed threat, has conducted one partial-range test of the 1000 kilometer range Nodong missile, but does not have an operational version after six to seven years of development. North Korea is reported to be working on new missiles with ranges up to 3,500 kilometers, but such missiles would require new technologies, such as staging and more powerful engines. Judging from the long development time of past North Korean missiles, deployment of such an intermediate-range missile is many years off at least, and progress can be monitored closely by satellite. In any event, none of these missiles would have the range to strike the US homeland.

CONCLUSION

Rather than devoting resources to national missile defenses, the United States should instead focus on programs to combat existing, more pressing threats. For example, a higher priority should be placed on bringing military and civil weapon-usable fissile material in the former Soviet republics under better control and accelerating safe, verified dismantlement of Russian nuclear warheads and delivery vehicles.

In sum, proposals to deploy NMD are misguided and irresponsible. National missile defenses do not address the existing and most likely future threats to the U.S. homeland and are diverting valuable resources. Instead, NMD will destroy much of one of the United States' primary tools for maintaining and increasing national security: arms control. We urge you to weigh carefully the negligible benefits and substantial costs of deploying NMD. Thank you for your attention to our views and please call on us if we can be of assistance as you deliberate on this matter.

Sincerely,

HANS BETHE,
Professor of Physics Emeritus, Cornell University.

RICHARD GARWIN,
Adjunct Professor of Physics, Columbia University and IBM Fellow Emeritus, IBM Research Division.

KURT GOTTFRIED,
Professor of Physics, Cornell University.

FRANK VON HIPPEL, Professor of Public and International Affairs, Princeton University.

HENRY W. KENDALL, Chairman, Union of Concerned Scientists and Stratton Professor of Physics, Massachusetts Institute of Technology.

WOLFGANG K.H. PANOFSKY, Professor and Director Emeritus, Stanford Linear Accelerator Center, Stanford University.

Mr. NUNN. Mr. President, I have enjoyed the dialog on this subject. I think this is a good way to begin the defense debate. I inform all of my colleagues that the biggest challenges we have in this bill, in managing the bill—the chairman, Senator THURMOND and myself—is the whole theory of ballistic missile defense, theater missile defense, and the ABM Treaty. We are off on the subject that I think is going to be the toughest subject. It will take the most time for debate. I consider this a good dialog with which to begin the debate and get the views out on both sides of this issue.

I am sure there will be other views as we go along. I would like to explain, in just a few minutes, the amendment I have offered, which is now the pending second-degree amendment to the Kyl first-degree amendment.

This amendment is intended to restore funds for the program known as the Corps SAM program, which is also a cooperative program called MEADS. They are one and the same program, but the MEADS program is the name given for SAM that is designated as a cooperative program and supported by the Governments of Germany, France, and Italy, where they will be paying approximately 50 percent of the cost of the program, which is what we have been encouraging for the last several years in terms of allied participation.

Corps SAM is a highly mobile theater missile defense system which is designed to defend our most vulnerable military forces, that is, our Marine and Army troops amassed at the very edge of the battle area. It is the only system under development that can meet this requirement. In addition to defending our forward troops from attack by short-range ballistic missiles, the Corps SAM/MEADS system will also replace the aging and outmoded and, in many cases, HAWK batteries that are now the Marines only defense against ballistic and cruise missiles, as well as enemy aircraft.

Notwithstanding the importance of the requirement to defend these forward deployed troops, the committee bill before us, unless it is changed, will cancel the Corps SAM/MEADS program that was done during the committee markup. That is the provision of the bill now. The bill does not just zero funding in the report; it directs the Secretary of Defense, in permanent bill language, to terminate this international program.

Mr. President, in my view, this is a shortsighted action and defies rational explanation. The Senate Armed Services Committee majority argued in their report accompanying our bill that 80 percent of the total ballistic missile defense funding goes to theater missile defense systems. And the majority of the report complains about both the number of the theater missile defense systems under development and their cost.

This bill has shifted more funds to the national missile defense, which is the overall, rather than the theater defense. But what the majority report does not set forth, Mr. President, is the following set of important facts:

First, the bill as it now exists, enshrines as the core theater missile defense program four programs to the exclusion of all the other programs.

Second, the bill does not recognize that these four core theater missile defense programs provide overlapping coverage of the rear area in the theater but often no coverage for our front line troops.

That is graphically shown on this chart, Mr. President. This is the forward battle area. These are various forms of attack coming from the enemy on a theoretical battlefield.

This unprotected zone, this area right here in red, is the area where our forward troops are, usually Marine forces or Army forces. The white zone is the theater zone that is the support area, not on the forward area.

The only system that is being designed now to protect these forces in the forward battle area is the Corps SAM system, which has been canceled in this bill and which I am seeking to add back in this amendment.

The programs that are left in the bill are all designed to protect in this zone. We have the Patriot intercept zone in white. The Patriot system is designed to protect in that area. We have the Navy upper tier—very difficult to read here—but it is the outlined pink area in the outline here.

That is the upper tier engagement. We have the THAAD intercept zone, the light green zone here. Then we have the Navy lower tier, which is a possible program, which is below here.

These are overlapping programs. We want some overlap. We did not know which programs will end up being the best programs. I am not complaining about the overlap. What I am complaining about is leaving this area completely—not only unprotected except for HAWK batteries, which are limited in their effectiveness—but we do not have any program, even with all this money that is being complained about that is being added, to protect the troops on the forward battle area.

There is a reference in the majority report to making the PAC–3 mobile. There is no money to do that. We do not know whether that can be done. In my amendment, what I provide is $4.6 million to test that view. Can we make the PAC–3 program apply to this area?

Right now the incoming missiles for this zone are only not protected now, if we have this bill without being changed, as it now exists, we will have no program being designed for that. We will cut out the only program that our international allies—at least three of them—have signed up for: Germany, France, and Italy.

That is what our Congress has asked, for our allies to get involved in this. They finally get involved, it is the very beginning of the program, and what did we do? We cancel the program. I do not understand it. Perhaps someone can explain it.

The third point I make is that the bill now makes the theater missile defense funding problem that is being complained about—that is, the majority report complains we are spending 80 percent of our money on overall defenses in the theater, but in this bill we add $215 million to the theater programs in this area while we cut out $30 million from the Corps SAM/MEADS program, which I seek to add back.

If there is a problem—and I am happen to be one that believes theater missile defense should be the priority because that is where the immediate threat is and where we have a chance to get programs in the field in the next few years that can be effective—if there is a problem with 80 percent of the overall funding going to theater, what is done in this bill as it now stands, those programs are being added to what the program that goes to the heart of the forward battle area is cut out.

The fourth point is that the bill argues that instead of pursuing Corps SAM, the ballistic missile defense office should begin development of a system based on making the Patriot PAC–3 technologies highly mobile to meet the Corps SAM requirement.

I do not have a quarrel with that. Perhaps PAC–3 would be better than Corps SAM. We do not have money in the bill to test that. Right now it cannot protect in this area. It is not being worked on. I do not mind seeking an answer to that question, but no one knows the answer now.

Why should we cancel the only program that is designed to protect this, and try the PAC–3, give them no money to try PAC–3, and in the meantime cancel the only program we have designed in that direction. I do not understand any logic in that.

The fifth point, the bill right now, unless it is changed, rejects the cooperation with our allies on the MEADS program. That is the program that three of our allies have signed up for, saying they are willing to put some of their money into it. For the first time we have some of our allies willing to put money into these programs. They will pay 50 percent of the MEADS program.

Now, that is puzzling to me, because every Congress—and I do not know of any objection we have ever had from this on either side of the aisle—has requested that the administration, the Bush administration and the Clinton administration, and even the Reagan administration in the early 1980's, push hard for greater involvement of our allies in missile defenses.

The allies finally, after a lot of urging, have voluntarily—we did not tell them which program to get involved in; they voluntarily chose this program. What do we do? The first thing we do after years of urging, we say, OK, you have signed up for this program, we will cancel it. We want you to now look at other programs, I assume. I do not think that makes any sense.

Mr. President, the bill's decision to terminate the Corps SAM/MEADS program leaves our forward-deployed Marine and Army troops virtually unprotected for the foreseeable future from attacks by short-range ballistic missiles.

I want no one to misunderstand. We are not talking about what the dialog was a little while ago, when we have a threat in 10 years against the Holy Land, the United States, or whether we have a threat in 12 years or 8 years, or a present threat. This is a present threat. It is today's threat. It is one in which the next time we have a conflict, we may well have a chemical weapon dropped on our forward battle troops by a delivery system, that the Corps SAM—which has been canceled under this bill—is designed to protect against.

I emphasize the point about today's threat. This is a Defense Daily report dated July 6, and it is reporting on the Roving Sands exercise, which the caption says ''Roving Sands Exercise Reinforced Need for Corps SAM, the Army Says.''

From the report, ''In a June paper, officials of the Army's Air Defense Artillery Center say that recently completed Roving Sands air defense exercise 'reinforced the Army's need to field the Corps SAM [surface-to-air missile]' ''—that is what SAM stands for, surface-to-air missile—''to fill a void that exists as a result of emerging threats' from tactical ballistic missiles, unmanned aerial vehicles, and cruise missiles.''

''During the Army's live Theater Missile Defense Advance Warfighting Experiment, which was conducted as a part of Roving Sands, SS–21 short-range missiles employed by enemy red forces presented a particular problem for the friendly blue forces.''

Mr. President, getting away from the quote, this is an exercise. We have enemy forces, we have friendly forces. They test the various enemy systems against our present capability. SS–21 has been produced by the Soviet Union for years and have been sold to numerous countries around the world. These are widely distributed missile systems that exist in many countries.

''The largest problem for the blue forces,'' that is, the friendly forces, ''came from the red Alpha Battery 1st Battalion, 914 SSM Brigade, which 'successfully fired all missiles, many with chemical warheads, against some 20 Corps and Division targets.' The battery was not detected during a single mission, and they were not engaged by fixed wing aircraft, rotary aircraft,'' or the Army Tactical Missile System.

In other words, they had 100 percent success rate in the shots that were postulated with existing technology against forward battle troops. Any one of those in a real battlefield would have contained chemical weapons.

Continuing the quotation from this report:

> For the exercise, four Scud brigades—of which two were simulated and two combined live and simulated equipment—and one SS–21 brigade formed the theater ballistic missile threat.
>
> Surrogates for cruise missiles formed during Roving Sands ''also attacked Corps targets at will'' despite the deployment of blue forces of an advanced technology sensor to detect them.
>
> This inability to deal with the major elements of the emerging threat during Roving Sands highlights a deficiency in corps missile defense capabilities, air defense officials conclude in the paper. The Army must field the Corps SAM system to ensure protection of friendly forces and allow the corps commander to accomplish his mission.

Mr. President, there is much more that can be said about those testings, but I think those paragraphs pretty much capture the essence of what we are faced with.

I am not going to get into a detailed comparison of the programs which are funded versus this program which is not funded. Suffice it to say, though, in my opinion we are pouring money into programs that are going to take a long time to develop, that are speculative in terms of whether they will work or not. I think some of them are worth some money. Some of them are worth putting money in, to see whether they will work or not. I do not disagree with that. But we are pouring in large sums of money, above the requests in those areas, and we are canceling the very program that our allies are working on with us, finally, that is designed to protect the frontline troops against today's threat. That does not make sense.

Finally, the termination of the Corps SAM program in this bill is bound to have a chilling effect on further cooperation with our NATO allies on all defense programs, not just missile defenses. The actions in this bill are a complete reversal of the previous policy of cooperation. The Congress has been urging cooperation by the allies. Frankly, we want them to put some of their money into these programs, too. We do not want to be the only ones who ever put any money up. We want them to put some money up, because we are going to be fighting, in most conflicts, certainly in the European theater, side by side with our allies.

Quoting from the National Defense Authorization Act for fiscal year 1994, and I give this as the exact quote from that bill—I know of no Senator or Congressman who opposed this provision in any way:

> Congress encourages Allies of the United States, and particularly those Allies that would benefit most from deployment of Theater Missile Defense systems, to participate in, or to increase participation in, cooperative Theater Missile Defense programs of the United States.

We have urged them to get involved. They have finally gotten involved and we are canceling the program. We are talking about $35 million in this amendment and we are talking about, not an add-on to this bill, this amendment would shift the money from the big pot of money, over $3 billion that is provided in the overall missile defense area, and we leave it up to the Secretary of Defense, in this amendment, to determine how to shift those funds. But there is in my opinion sufficient funds for this purpose.

Let me briefly summarize. My amendment restores the $30.4 million requested by the ballistic missile defense office for the Corps SAM/MEADS program. We add another $4.6 million for the ballistic missile defense office to study the view of the majority that the PAC–3 system can also be made applicable to this. We say, ''OK, good idea. Take a look-see. But do not cancel this program while you are doing it because we do not know the answer.'' Thus, my amendment adds back a total of $35 million. Since the grand total of $770 million the majority has already added to the request for ballistic missile defense in my opinion is adequate, my amendment thus offsets the $35 million increase by an undistributed reduction of $35 million to the total BMD funding of $3.4 billion.

We have $3.4 billion in this bill. Of that $3.4 billion, we would shift $35 million to restructure, repay, and reinsert this program.

Mr. President, I should close by quoting from a number of letters of support for the restoration of the Corps SAM funding which I received both from the Pentagon and from our commanders in the field.

The first letter is a letter from Secretary of Defense Bill Perry. I will just quote selectively from that. It is a 2½ page letter addressed to Senator THURMOND.

> DEAR MR. CHAIRMAN: As you continue your consideration of the Fiscal Year 1996 National Defense Authorization Bill, I strongly urge you and your colleagues to reconsider the termination of the Medium Extended Air Defense System (MEADS) program. The MEADS is a high priority advanced capability tactical ballistic missile defense system that merits your full support.

Continuing to quote:

> The MEADS [program] represents an appropriate form of allied cooperation in the development of a missile defense system for which the United States and our allies share a valid military requirement.

Continuing to quote:

The outcome of the internationally structured MEADS program will be viewed on both sides of the Atlantic as one of the most important tests of future trans-Atlantic defense cooperation. At a time when both sides of the Atlantic are experiencing declining defense budgets and smaller procurements, we should welcome collaborative ventures where there are compatible requirements. Failure to follow through with this collaborative effort could significantly impact prospects for future defense cooperation within the alliance, jeopardize U.S. efforts to forge an alliance policy on theater missile defense, and may hamper the ability of U.S. defense industry to solicit joint programs with the allies in other areas.

The Senate report language specifies the United States would be best served to work with the allies on theater missile defense systems that would provide wide areas of coverage, such as the Navy wide area or Army THAAD systems. While future cooperative efforts in those programs may have merit, I firmly believe that MEADS uniquely offers the best opportunity for allied cooperation at this time. In a future conflict, as in Operation Desert Storm, the United States and our allies will likely be operating together in a theater of operations as a coalition force. In this manner, our maneuver forces will be vulnerable to attack by tactical ballistic missiles, cruise missiles and other air-breathing threat. The MEADS would allow the United States, French, German and Italian forces operating the system to provide protection for all coalition partners.

Mr. President, next I will read from a letter from Gen. George Joulwan who heads up our European command. Quoting from General Joulwan:

The recent Senate Armed Services Committee mark-up concerning the MEADS/Corps SAM program directly impacts USEUCOM and NATO's ability to fight and win on the future battlefield. USEUCOM and NATO have a critical need for MEADS.

Missile defense is one of my very top priorities. While the ''Core'' US Theater Missile Defense (TMD) systems (PAC–III, Navy lower-tier and THAAD) play a central role in defending US interests and forces, they do not provide the mobility and force protection required to defend against emerging air and cruise missile threats. These limitations provide our potential enemies a window of opportunity to attack perceived vulnerabilities in protection of our forces and/or national interests. Core TMD programs alone simply do not provide sufficient operational capability to meet our security requirements.

The MEADS/Corps SAM program will enable the US to protect its regional interests against a wide spectrum of threats. Excepting long range strategic missiles currently deployed by only a few countries, there is no direct missile threat to the continental United States today. Conversely, this theater faces a range of systems that could directly threaten US interests and US/Allied forces. Many nations in and around the European Theater (especially in our Southern Region) are developing and employing short range Theater Ballistic Missiles (TBM), cruise missiles and Unmanned Aerial Vehicles (UAV) to exploit perceived US and Allied vulnerabilities.

In the European Theater, interoperability is absolutely vital. Further, NATO is the enabler for coalition operations elsewhere. The MEADS program improves both US and NATO operational capability through total interoperability. Having MEADS deployed with our allies would mean less reliance on strictly US assets to defend US and Allied forces and interests.

Mr. President, next I would like to read a letter from General Luck, commander in chief, U.S. Army in Korea.

This situation, especially on the Korean peninsula, requires that we develop and field TMD systems that are highly flexible, extremely mobile, capable of 360 degree coverage and able to counter the full threat spectrum. Though there is no system that can currently do this job for us, I strongly believe the US Army has clearly articulated the need for such a system through the Corps SAM program.

I understand that recent action by the HNSC and the SASC have essentially terminated the Corps SAM program. I would think that the demise of that program should not be mistakenly linked to the vital Corps SAM requirement. The capability provided by Corps SAM represents one of our more important needs in protecting the force on the peninsula today and in the future.

Mr. President, he goes on to say:

While we do have Patriot PAC–2 assets in theater, we remain at risk given the growing and rapidly improving nature of the threat. The termination of Corps SAM continues and increases that risk. I would strongly recommend that Congress reconsider the Corps SAM requirement and restore appropriate funding to protect our forces.

Mr. President, I also would like to read a letter from Gen. Dennis Reimer, head of the U.S. Army:

The predominant threats to Army and Marine Corps maneuver forces are very short/short range tactical ballistic missiles (VS/SRTBMs), cruise missiles (CMs) and unmanned aerial vehicles (UAVs). Defense against these threats well forward of our forces is clearly one of the greatest concerns facing our Commanders-in-Chief (CINCs). The Corps SAM Operational Requirements Document (ORD) specifies countering these threats with a strategically deployable, tactically mobile system providing 360 degree coverage. Existing/proposed system configurations (PAC–3, THAAD, Navy Upper/Lower tier) fail to provide the required protection due to deployability and mobility limitations, lack of 360 degree coverage, and lack of growth potential to meet these essential requirements.

This is a compelling requirement. Army and Marine Corps forces are currently at risk, and will remain at risk with no defense against VS/SRTBMs and only limited capability against CM attacks.

Mr. President, finally a letter from Robin Beard. Many of you know Robin Beard. He was a Congressman from Tennessee, a Republican Congressman, and now is the Assistant Secretary General, NATO. He writes the following letter. This letter is addressed to Senator TED STEVENS:

DEAR SENATOR STEVENS:

I am writing to express extreme concern with the Senate Armed Services Committee's decision to terminate the Medium Extended Air Defense System (MEADS) program and to urge you and your colleagues to support the President's budget request of $30.4 million for MEADS in the FY 1996 Defense Appropriations Bill.

While others have spoken to the U.S. military requirements for MEADS/Corps SAM, I would like to offer a broader NATO perspective on the matter. Canceling MEADS would send a horrible message to the Allies. It would confirm their worst fears regarding the lack of U.S. interest in cooperative armaments projects and would seriously jeopardize on-going efforts to develop a cooperative approach for meeting the challenges posed by the proliferation of weapons of mass destruction and their delivery systems.

Mr. President, continuing to quote from Robin Beard who is now the Assistant Secretary General, NATO:

In addition to the political track, NATO Military Authorities have prepared a draft Military Operational Requirement for Theater Missile Defense that calls for the protection of NATO territory, forces and populations against ballistic missiles. And efforts are also underway under the auspices of the Conference of National Armaments Director (CNAD)—where NATO's material development is focused—to define future opportunities and mentors of collaboration in the area of TMD.

All of these efforts will lead, in the next couple of years, to the development of an Alliance policy framework on TMD cooperation endorsed by the North Atlantic Council. The termination of MEADS, the first significant TMD collaborative efforts, would be a serious setback for U.S. leadership in this area.

Mr. President, I also have a letter from General Shalikashvili, Chairman of the Joint Chiefs of Staff. But I think I have probably given enough so that my colleagues have gotten the drift of the priorities for this program.

I hope that the Senate will consider this carefully. I hope that this amendment could possibly be accepted. But, if it is not accepted, I urge my colleagues to vote for it.

I think this is a very important program. A lot is at stake here. The lives of the battlefield troops at the front line are at stake, and the future of cooperative efforts in our alliance in terms of theater missile defense I think also will be very significantly affected by how we handle this matter.

Mr. President, I ask unanimous consent that all of the complete letters that I have read excerpts from be printed in the RECORD.

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

JULY 24, 1995.

Hon. SAM NUNN,
Ranking Member, Senate Armed Services Committee, U.S. Senate, Washington, DC.

DEAR SENATOR NUNN: As you well know, our combined forces in Korea face a significant threat from DPRK tactical ballistic missiles, cruise missiles and unmanned aerial vehicles. The growing quantity and capability of this particular threat and the restricted nature of Korean terrain amplify the risk to our forces. This situation, especially on the Korean peninsula, requires that we develop and field TMD systems that are highly flexible, extremely mobile, capable of 360 degree coverage and able to counter the full threat spectrum. Though there is no system that can currently do this job for us, I strongly believe the US Army has clearly articulated the need for such a system through the Corps SAM program.

I understand that recent action by the HNSC and the SASC have essentially terminated the Corps SAM program. I would think that the demise of that program should not be mistakenly linked to the vital Corps SAM requirement. The capability provided by Corps SAM represents one of our more important needs in protecting the force on the peninsula today and in the future. In fact, TMD as a whole is a high priority in our theater and has the support of USCINCPAC as

one of the top ten priorities within our FY96 integrated priority list.

While we do have Patriot PAC–2 assets in theater, we remain at risk given the growing and rapidly improving nature of the threat. The termination of Corps SAM continues and increases that risk. I would strongly recommend that Congress reconsider the Corps SAM requirement and restore appropriate funding to protect our forces.

Sincerely,

GARY E. LUCK,
General, U.S. Army,
Commander in Chief.

U.S. ARMY,
THE CHIEF OF STAFF,
Washington, DC, July 14, 1995.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Senate Armed Services Committee (SASC) voted to terminate the Corps Surface-to-Air Missile (Corps SAM) program, after the House National Security Committee (HNSC) voted a $10 million decrement. However, the critical warfighting requirement that Corps SAM intends to fill remains completely valid.

The predominant threats to Army and Marine Corps maneuver forces are very short/short range tactical ballistic missiles (VS/SRTBMs), cruise missiles (CMs) and unmanned aerial vehicles (UAVs). Defense against these threats well forward of our forces is clearly one of the greatest concerns facing our Commanders-in-Chief (CINCs). The Corps SAM Operational Requirements Document (ORD) specifies countering these threats with a strategically deployable, tactically mobile system providing 360 degree coverage. Existing/proposed system configurations (PAC–3, THAAD, Navy Upper/Lower tier) fail to provide the required protection due to deployability and mobility limitations, lack of 360 degree coverage, and lack of growth potential to meet these essential requirements.

This is a compelling requirement. Army and Marine Corps forces are currently at risk, and will remain at risk with no defense against AS/SRTBMs and only limited capability against CM attacks. We strongly feel that development actions must continue, and welcome the opportunity to work with the Committee to demonstrate how we can leverage current capabilities in order to meet this critical need in a rapid, cost-effective manner.

Sincerely,

DENNIS J. REIMER,
General, U.S. Army,
Chief of Staff.

U.S. ARMY,
THE CHIEF OF STAFF,
Washington, DC, July 28, 1995.

Memorandum for Under Secretary of Defense (Acquisition and Technology).

Subject: Army Position for Corps Surface-to-Air Missile (Corps SAM)/Medium Extended Air Defense System (MEADS).

1. The Army fully supports the current proposed Corps SAM/MEADS program. We need to proceed as rapidly as possible with the Corps SAM program under any circumstances. The Army and the Marine Corps have a compelling need for the only system that can provide air and missile defense for maneuver forces as well as serve as an effective lower tier Theater Missile Defense (TMD) system under the Theater High Altitude Area Defense (THAAD) umbrella.

2. We have reviewed the current status of the Corps SAM/MEADS program with respect to the ongoing debate in Congress and the mid and long-term funding of DoD's TMD programs. We believe that the potential development cost savings and the prospects of allied interoperability and operational burden sharing in TMD fully justify pursuing the Project Definition—Validation phase of MEADS. The initial phase will define the program in terms of costs and other benefits to the participating nations and allow for an informed decision by all the countries involved regarding continuation of a cooperative program. The Army has the mechanisms in place to adequately address Congressional concerns with respect to leveraging current TMD and cruise missile defense programs while protecting our interests with respect to technology transfer. The industry proposals currently being evaluated reflect a high degree of leveraging of other programs and will serve as a sound foundation for entering into the MEADS program. We will provide full support to insure that MEADS is begun expeditiously and in a manner that protects the best interests of the United States. If efforts at a cooperative program are unsuccessful, the Request For Proposal (RFP) allows for a transition back to a U.S. only program.

3. I appreciate your continued support of this critical program for our warfighters.

DENNIS J. REIMER,
General, U.S. Army,
Chief of Staff.

NORTH ATLANTIC TREATY ORGANIZATION,
July 25, 1995.

Hon. TED STEVENS,
Chairman, Subcommittee on Defense, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR TED: I am writing to express extreme concern with the Senate Armed Services Committee's decision to terminate the Medium Extended Air Defense System (MEADS) program, and to urge you and your colleagues to support the President's budget request of $30.4 million for MEADS in the FY 1996 Defense Appropriations Bill.

While others have spoken to the U.S. military requirement for MEADS/Corps SAM, I would like to offer a broader NATO perspective on the matter. Cancelling MEADS would send a horrible message to the Allies. It would confirm their worst fears regarding the lack of U.S. interest in cooperative armaments projects and would seriously jeopardize on-going efforts to develop a cooperative approach for meeting the challenges posed by the proliferation of weapons of mass destruction and their delivery systems.

NATO is now closer than ever to formulating an Alliance approach to theater missile defense. At the January 1994 NATO Summit, Ministers recognized the dangers posed by proliferation and directed that work begin on developing a policy framework to reduce the proliferation threat and protect against it. Supporting this effort is NATO's Senior Defense Group on Proliferation, which recently concluded that preventing the proliferation of WMD and their missile delivery systems remains NATO's top counter proliferation priority. Additionally, the June 1994 Alliance Policy Framework on Proliferation and Weapons of Mass Destruction recognizes the growing proliferation risks, especially with regard to states on NATO's periphery, and called on the Alliance to address the military capabilities needed to discourage WMD proliferation and use, and if necessary, to protect NATO territory, populations and forces.

In addition to the political track, NATO Military Authorities have prepared a draft Military Operational Requirement for Theater Missile Defense that calls for the protection of NATO territory, forces and populations against ballistic missiles. And efforts are also underway under the auspices of the Conference of National Armaments Directors (CNAD)—where NATO's materiel development is focused—to define future opportunities and methods of collaboration in the area of TMD.

All of these efforts will lead, in the next couple of years, to the development of an Alliance policy framework on TMD cooperation endorsed by the North Atlantic Council. The termination of MEADS, the first significant TMD collaborative efforts, would be a serious setback for U.S. leadership in this area. The need to respond to the growing proliferation threat, coupled with the high cost of new defensive systems, means that we can't go it alone. We need Allied participation and MEADS is a good place to start because it responds to French, German and Italian requirements to develop a new defensive capable of addressing the threat posed by aircraft, ballistic missiles, and cruise missiles. And, as it has been noted by U.S. military authorities, it fulfills the requirement for a highly mobile TMD/cruise missile defense system capable of protecting Army and Marine Corps maneuver forces.

The implications of canceling MEADS go well beyond NATO TMD cooperation. As the centerpiece of the U.S. ''renaissance'' in trans-Atlantic cooperation. MEADS is an experiment that is being closely watched on both sides of the Atlantic. Failure of the U.S. to follow through will stifle prospects for future cooperation—such as with JSTARS—and play into the hand of those advocating a strong European defense industry at the expense of trans-Atlantic cooperation. U.S. industry will then find it increasingly difficult to solicit European cooperation across a broad spectrum of projects. It may well spell the difference between trans-Atlantic cooperation and competition.

In closing, I would again urge you and your colleagues to consider the broader geopolitical implications of this cooperative program and support the President's budget request. MEADS will pay dividends in the future both in terms of its contribution to trans-Atlantic armaments collaboration and as a military capability in support of out-of-area operations—a central tenet of the Alliance's new Strategic Concept.

Yours sincerely,

ROBIN BEARD,
Assistant Secretary General, NATO.

CHAIRMAN OF THE JOINT CHIEFS OF STAFF,
Washington, DC, July 12, 1995.

Hon. SAM NUNN,
U.S. Senate, Committee of the Armed Forces, Washington, DC.

DEAR SENATOR NUNN: Thank you for your letter of 11 July regarding your concerns about theater missile defense (TMD) priorities.

The President's Budget submit represents a balanced approach to satisfying our theater missile defense requirements. In that document, CORPS SAM/MEADS research and development was supported as a part of the integrated TMD architecture. It will fill a critical need for mobile, self-defensive capability for maneuver forces, both Army and Marine Corps. We support funding of this program at $30.4 million for FY 1996. In response to your questions, I support funding Corps SAM/MEADS at this level since none of the programs in the letter offer an alternative better than the President's Budget.

Current development efforts, new efforts in sophisticated strike operations against mobile launchers, and the Ballistic Missile Defense Organization-led TMD Cost and Operational Effectiveness Analysis will enable the Department to make critical TMD acquisition decisions in the FY 1998 budget process consistent with funding constraints and

the CINCs' warfighting requirements. For now, I believe the DoD Budget submit appropriately represents our TBMD warfighting priorities.

I discussed the above position with the Joint Chiefs and our CINCs, and all are in agreement.

Sincerely,

JOHN M. SHALIKASHVILI,
Chairman of the Joint Chiefs of Staff.

THE SECRETARY OF DEFENSE,
Washington, DC, July 28, 1995.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services, U.S. Senate Washington, DC.

DEAR MR. CHAIRMAN: As you continue your consideration of the Fiscal Year 1996 National Defense Authorization Bill, I strongly urge you and your colleagues to reconsider the termination of the Medium Extended Air Defense System (MEADS) program. The MEADS is a high priority advanced capability tactical ballistic missile defense system that merits your full support.

The Department's approach to the MEADS program has its direct legacy in past Congressional direction that the United States seek cooperation with our allies on the development of tactical and theater missile defenses. I would cite the provision from the Fiscal Year 1994 Defense Authorization Conference Report that expressed the following sense of the Congress:

''Congress encourages allies of the United States, and particularly those allies that would benefit most from deployment of Theater Missile Defense systems, to participate in, or to increase participation in, cooperative Theater Missile Defense programs of the United States. Congress also encourages participation by the United States in cooperative theater missile defense efforts of allied nations as such programs emerge.''

The MEADS represents an appropriate form of allied cooperation in the development of a missile defense system for which the United States and our allies share a valid military requirement. As you are aware, MEADS will fulfill an existing U.S. operational requirement for a rapidly deployable, highly mobile, robust air defense system designed to protect maneuver forces and expeditionary forces of the U.S. Army and Marine Corps. Both Services are in strong agreement on the need for protection against short- to medium-range ballistic missiles and the full spectrum of air-breathing threats-aircraft, cruise missiles and unmanned aerial vehicles. This is also a military requirement shared by our European allies. In short, this is a valid requirement.

To satisfy this requirement and reduce costs, the committee recommends a restructured program that would merge ongoing efforts in PAC–3 and Theater High Altitude Area Defense (THAAD) to produce a mobile, hybrid system. The acquisition strategy for the current MEADS program does, in fact, leverage off existing ballistic and cruise missile defense programs as the committee suggests. During the MEADS program definition phase, we have planned to evaluate all viable options including hybrid solutions. Each approach will be assessed and its advantages in terms of costs and commonality will be compared to other system concepts. At least one of our partners, Germany, which already has PATRIOT, would most likely respond eagerly to any PAC–3 option which would provide part of a cost and operationally effective MEADS architecture. Additionally, any potential cost saving derived from unilateral development are more than offset by the political, operational and diplomatic benefits of international collaboration.

The outcome of the internationally structured MEADS program will be viewed on both sides of the Atlantic as one of the most important tests of future trans-Atlantic defense cooperation. At a time when both sides of the Atlantic are experiencing declining defense budgets and smaller procurements, we should welcome collaborative ventures where there are compatible requirements. Failure to follow through with this collaborative effort could significantly impact prospects for future defense cooperation within the alliance, jeopardize U.S. efforts to forge an alliance policy on theater missile defense, and may hamper the ability of U.S. defense industry to solicit joint programs with the allies in other areas.

The Senate report language specifies that the United States would be best served to work with the allies on theater missile defense systems that would provide wide areas of coverage, such as Navy wide area or Army THAAD systems. While future cooperative efforts in those programs may have merit, I firmly believe that MEADS uniquely offers the best opportunity for allied cooperation at this time. In a future conflict, as in Operation Desert Storm, the United States and our allies will likely be operating together in a theater of operations as a coalition force. In this manner, our maneuver forces will be vulnerable to attack by tactical ballistic missiles, cruise missiles and other air-breathing threats. The MEADS would allow United States, French, German and Italian forces operating the system to provide protection for all coalition partners. At the same time, THAAD and Navy Wide Area Defenses could provide a defensive overlay. Hence, MEADS supports coalition efforts, joint operations and interoperability of tactical ballistic missile defenses. These could be critical features in a future conflict.

I urge you to support the full budget request for MEADS, our centerpiece of Theater Missile Defense cooperation with our European allies.

Sincerely,

WILLIAM J. PERRY.

COMMANDER IN CHIEF,
U.S. EUROPEAN COMMAND,
July 20, 1995.

Hon. SAM NUNN,
Ranking Member, Senate Armed Services Committee, U.S. Senate, Washington, DC.

DEAR SENATOR NUNN: The recent Senate Armed Services Committee mark-up concerning the MEADS/Corps SAM program directly impacts USEUCOM and NATO's ability to fight and win on the future battlefield, USEUCOM and NATO have a critical need for MEADS.

Missile defense is one of my very top priorities. While the ''Core'' US Theater Missile Defense (TMD) systems (PAC-III, Navy lower-tier and THAAD) play a central role in defending US interests and forces, they do not provide the mobility and force protection required to defend against emerging air and cruise missile threats. These limitations provide our potential enemies a window of opportunity to attack perceived vulnerabilities in protection of our forces and/or national interests. Core TMD programs alone simply do not provide sufficient operational capability to meet our security requirements.

The MEADS/Corps SAM program will enable the US to protect its regional interests against a wide spectrum of threats. Excepting long range strategic missiles currently deployed by only a few countries, there is no direct missile threat to the continental United States today. Conversely this theater faces a range of systems that could directly threaten US interests and US/Allied forces. Many nations in and around the European Theater (especially in our Southern Region) are developing and employing short range Theater Ballistic Missiles (TBM), cruise missiles and Unmanned Aerial Vehicles (UAV) to exploit perceived US and Allied vulnerabilities.

In the European Theater, interoperability is absolutely vital. Further, NATO is the enabler for coalition operations elsewhere. The MEADS program improves both US and NATO operational capability through total interoperability. Having MEADS deployed with our allies would mean less reliance on strictly US assets to defend US and Allied Forces and interests.

MEADS has potentially significant economic and political benefits, as well. New TMD systems are so expensive that unilateral development and fielding often makes them unaffordable. Yet, with the Germans, French and Italians picking up 50% of the MEADS program costs, it appears that we can protect our forces and interests while realizing potentially large savings.

Politically, MEADS is a visible and important illustration of the US commitment to missile defense, to NATO, and to Europe. MEADS is a model for future transatlantic cooperation efforts. Terminating MEADS now would have serious ramifications in other ongoing cooperative ventures and raise yet another round of poignant questions about US intentions regarding leadership in NATO. Consequently, to protect US forces and our national interests, we must maintain the leadership and momentum for MEADS. Congressional support is critical. With it, MEADS can protect US interests and US/Allied forces from adversaries equipped with short range TBMs, cruise missiles and UAVs. Without MEADS, we will place future US and Allied forces at a serious risk. I urge continued development of MEADS.

Sincerely,

GEORGE A. JOULWAN,
General, U.S. Army.

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

Mr. LOTT. Mr. President, I rise in support of this very important Department of Defense authorization bill. I think outstanding work has been done on this bill, and I commend the very distinguished chairman of the full committee, the Senator from South Carolina, Senator THURMOND, who really provided true leadership on this bill. He allowed the subcommittees to do their work. We had a lot of very good hearings. All of the Members were engaged and involved. And I think we have produced a good bill. Obviously, there are some points we disagree on. But I think we can work out some of those disagreements, and we will have votes on others and move forward.

I want to thank the distinguished Senator from Georgia, who has always done good work on the important defense of our country, and I look forward to working with him on a number of issues that are still outstanding that I think we can resolve.

I want to make the point at the beginning that we have already had a lot of negotiations and addressed a number of concerns in the Department of Defense authorization bill. I believe we are going to be able to make a number of changes in the Department of Energy portion of the DOD authorization bill that will address concerns of Senators on both sides of the aisle, and from States as divergent at South

Carolina, Idaho, New Mexico, and Tennessee.

We have tried to list all of the various concerns. We have resolved all of these issues except maybe one or two where we just need to have a good debate and have a vote and see how it turns out.

So I am pleased with the bill that we have produced. I think we should not lose sight of the fact that we need to move it on through in a reasonable time, get it into conference where we will continue to work out differences, and produce a bill that I feel confident that hopefully the President will be able to sign.

Also I would like to urge my colleagues to try to limit the number of amendments. Let us get right down to the basic issues and vote so we can finish up the authorization bill in the next 3 days and move on to the appropriations bill.

From an authorization standpoint, I think we need to remember that we are right on top of the appropriations process now. If we dally along very much, we will wind up on a side track, and the appropriators move forward. So let us work together and resolve these issues the best way we can.

But I would like to address the issue that has been discussed a lot here today—a couple of the issues that will be debated later on, and we will have amendments on it. That is the Missile Defense Act of 1995. Since there have been a number of assertions that I think are not true—I think they are false—concerning the content and the intent of this legislation, I would like to explain actually what it does and does not do in my opinion,

The Missile Defense Act of 1995 would replace the Missile Defense Act of 1991 which was a bipartisan effort that was developed in 1991 with more up-to-date legislation intended to respond more completely to the challenges and opportunities of the post-cold-war era—times have changed—and establish a more focused course for theater and national missile defenses.

The new legislation also addresses the growing cruise missile threat that we have around the world, for the first time establishing an integrated approach to ballistic and cruise missile defense.

Programmatically, the Missile Defense Act of 1995 has three pieces: One that focuses our efforts in the area of theater missile defense; one that establishes a clear policy to develop and deploy a limited national missile defense system; and, one that establishes the cruise missile defense initiative.

With regard to TMD, the legislation establishes a top priority corps program consisting of the Patriot PAC–3 system, the theater high altitude area defense system, or THAAD, the Navy lower tier system, and the Navy upper tier system. To allow us to maintain this high priority program and to make room for programs to defend American territory, the legislation also proposes to terminate two unfocused and relatively low priority programs—although its value or priority has already been discussed, and we will talk more about it in a moment—that is, the airborne boost-phase interceptor, and the Corps SAM system.

Each year, several of our colleagues say that, well, you never cancel any defense programs even when they have had problems or when their future is not clear, or regardless of what the cost is. Well here is a case where we are trying to terminate one that has been unfocused and has some problems.

We want to work with Senator NUNN on the Corps SAM issue and I think maybe we can find a way to work through this. But keep in mind, this is not some $30 million program or $35 million program. This is a program that leads us to over $10 billion now. If it is an international program that involves some of our allies in Europe, presumably they would take up some half of the costs of that Corps SAM program. But this is potentially a big dollar program.

So what I would like to see us do is let us look at the problems it has had, let us ask some questions about why it has moved on into the international arena without us I think directly acting on that, and see if we can understand where we want to go before we get started toward a program that could cost a lot.

I am impressed, we are all impressed, when the frontline commanders say we need this. We listen to that. But here is a case where we said we just do not feel we can afford this one in view of the way it has been developed and some of the problems it has had.

With regard to the national defense, I am amazed at what I hear on this. Listen to what I said: ''National defense.'' The Missile Defense Act would establish a policy to deploy a multiple-site ground-based system by the year 2003. This is not star wars but a modest and responsible answer to a growing threat.

After considering all the alternatives, the Armed Services Committee felt that the United States should move directly to a multiple-site system, since a single-site system would just not be capable of defending all Americans. We are thinking about a system that is going to allow some Americans to be defended and not others? Somebody want to defend that?

We felt it was inappropriate morally and strategically to select a subset of the American population for defensive coverage while leaving some undefended. You better check and see if you would be undefended or not. We are talking about national defense of our country and by one that could have more than one site so that everybody could be covered. This decision seems even more correct given that the most unpredictable and dangerous new ballistic missile threats will be capable of reaching States like Alaska and Hawaii before the continent itself becomes vulnerable. I am referring to the North Korean intercontinental ballistic missile program which the intelligence community believes could become operational within the next 5 years.

This is not some far-off potential threat. This is very close. An NMD system consisting of the only site in the middle of the United States simply cannot defend Alaska and Hawaii and would not do a very good job of protecting the coastal regions where most Americans live, including this Senator. I live on the Gulf of Mexico. I look at the areas covered. We probably would not be covered. I am uncomfortable with that.

In the area of cruise missile defense, the legislation would require the Secretary of Defense to focus U.S. activities and coordinate the various efforts within the Department of Defense. It would require the Secretary to integrate U.S. programs for ballistic missile defense with cruise missile defense to ensure that we leverage our efforts and do not waste resources through unnecessary duplication. It also requires the Secretary to study the current organization for managing cruise missile defense and recommend changes that would strengthen and coordinate these efforts.

There have been a number of other statements I just do not agree with raised against this legislation, most of them having to do with the ABM Treaty. Let me set the record straight. Nothing in this bill advocates or would require violation of the ABM Treaty. Every policy and goal established in this bill can be achieved through means contained in the ABM Treaty itself. The argument this bill would force us to violate the ABM Treaty is like arguing that one must drive off a cliff just because there is a bend in the road where the cliff is.

This bill recommends that we gradually and responsibly turn the wheel. Can we improve on it? Let us work at it. Maybe we can. I think we have got some scare tactics here with regard to what we are trying to do, and that is not what we want to do.

Let me also say that it is not this bill first and foremost that forces us to reconsider the ABM Treaty. Such a reexamination is warranted, indeed required, as a result of the end of the cold war and the growing multifaceted ballistic missile threat characterizations of this new era. The ABM Treaty with its underlying philosophy of mutually assured destruction, MAD, practically defined the cold war confrontation. Why would anybody argue that we should now reexamine that agreement? Times are different.

Let us be clear about what this bill in fact calls for. It recommends that the Senate undertake a comprehensive review of the continuing value and validity of the ABM Treaty. It suggests that the Senate consider creating a select committee to undertake a 1-year assessment. Let us not run up to the point where in the year 2002 or 2003 we

may actually want to move toward deployment.

Let us think about it. Let us have a group, and if this is not the way to set it up, set it up somewhere else. Get the various committees that would have jurisdiction involved. Let us start thinking about and talking about what we want to do with the ABM Treaty. So what we are recommending is a careful examination of all issues before making a specific recommendation to the President on how to modify our current ABM Treaty obligations.

By establishing a policy to deploy a multiple-site NMD, national missile defense system, this bill does assume that eventually we will need to amend or otherwise modify the ABM Treaty, but let me repeat that the means to achieve this are contained in the ABM Treaty itself. The treaty in no way limits the establishment of policies. It limits the deployment of ABM systems.

In the case of ground-based systems, the treaty in no way limits deployment or development or testing. Therefore, we can proceed simultaneously to develop the system called for in this bill while we figure out the best approach dealing in the future with the treaty.

We should remember that the ABM Treaty was meant to be a living document that can be changed as circumstances change. Anyone who argues that the strategic and political circumstances have not changed since 1972 is living on another planet.

Article XIII of the treaty envisioned possible changes in the strategic situation which have a bearing on the provisions of this treaty. So I wish to just emphasize again as I move forward that there are various treaty compliant ways to modify our current obligations under the treaty and we would like to work toward.

For those who are upset by the fact that this bill would establish a policy to deploy a multiple-site NMD system, I would point out that the ABM Treaty signed and ratified in 1972 did permit development and deployment of multiple sites. I would also remind my colleagues who seem to fear the prospect of amending the treaty that in 1974 the Senate approved a major amendment to the treaty. So we are not suggesting something happened that has not already happened before and we would not suggest doing it for quite some time.

Let me also briefly address another provision in the Missile Defense Act of 1995 which relates to the ABM Treaty. Section 238, which is based on legislation introduced earlier this year by Senator WARNER, would establish a clear demarcation line between TMD systems which are not covered by the treaty and the ABM systems which are explicitly limited. This provision is also consistent with the letter and the spirit of the treaty, and I know we will talk more about that later on.

Now, with regard to this specific amendment that is pending, I wish to commend Senator KYL for his amendment. How could anybody disagree with it? It says the purpose of this amendment is to state the sense of the Senate on protecting the United States from ballistic missile attack. That seemed like a very worthwhile proposal to me. The Senator from Arizona has clearly demonstrated that there is a real and growing threat to the security of the United States posed by ballistic missiles of all ranges. I fully conquer with his sense-of-the-Senate language that all Americans should be defended against this potential limited ballistic missile attack.

This week we will have a lot of debate on this subject and others related to it. One argument that will surface over and over is that there is no threat to justify the deployment decision of the national missile defense program. The Kyl amendment clearly establishes that this is an erroneous assumption. The United States currently faces ballistic missile threats from Russia and China, if only the threat of accidental or unauthorized attack.

Just as important, the missile technologies that these two countries possess have ended up or are likely to end up in the hands of countries that would like nothing more than to blackmail, if not attack, the United States. North Korea has also demonstrated that any country that has a basic technology infrastructure can develop long-range ballistic missiles without providing significant warning.

Saddam Hussein, I heard earlier today some Senators kind of seeming to brush off Saddam Hussein or what he might do. But he proved to the world that modifying existing missiles is not, you know, something we should take lightly. It can happen. High technology is not needed if the intent is to terrorize, if not directly act.

Since we will debate this issue at length, I will limit my remarks at this point. But I do think that the Kyl amendment is a good amendment to sort of lay out the parameters of this debate. I hope it will pass. I understand there has been a second-degree amendment by the Senator from Georgia that would put back in the Corps SAM funding at the $35 million level, as I understand it, which is $5 million more than what the administration asked for. Now, I understand that extra $5 million is so we can have a study of the potential problems and where we are headed.

My only suggestion would be here that maybe we are kind of getting the cart before the horse. Let us take a look at it and see where the problems are. Let us see how it is developing internationally.

Again, I sympathize with what the Senator from Georgia says on the front-line need for this. But I just have to ask if there is not a better way we can do it. Have we looked at the problems it has? And have we evaluated the fact that this could wind up costing $10 billion? I think we will talk about that some more. But again, my disposition on that is let us try to find a way to work it out, if we can. Let us go ahead and agree to the Kyl basic language and then get to some of the specifics. I think that, generally speaking, Senators on both sides of the aisle in the committee are comfortable with the dollar amounts, but we are still—and I know there will be some amendments to change the dollar amounts, but the big question is the policy we are establishing here. We could work on the language. That will allow us to move forward with the agreed-to policy.

Mr. President, I rise in strong support of the Kyl amendment. The Senator from Arizona has clearly demonstrated that there is a real and growing threat to the security of the United States posed by ballistic missiles of all ranges. I fully concur with his Sense of the Senate language which states that all Americans should be defended against limited ballistic attack, whatever its origin and whatever its cause.

This week we will have extensive debate on this subject and a variety of related matters. One argument that will surface over and over is that there is no threat to justify a deployment decision on national missile defense. The Kyle amendment clearly establishes that this is an erroneous assumption. The United States currently faces ballistic missile threats from Russia and China, if only the threat of accidental or unauthorized attack. Just as important, the missile technologies that these two countries possess have ended up or are likely to end up in the hands of countries who would like nothing more than to blackmail, if not attack, the United States.

North Korea has also demonstrated that any country that has a basic technology infrastructure can develop long-range ballistic missiles without providing significant warning. Saddam Hussein proved to the world that modifying existing missiles is not a serious challenge. High technology is not needed if the intent is to terrorize.

Since we will debate this issue at length, I will limit my remarks at this point. Later in the debate I will present a detailed rational for the missile defense provisions in the Defense authorization bill and respond to the many red herring arguments that have been made in opposition. Let me close by saying that the Kyl amendment is warranted and long overdue. I strongly urge my colleagues to support it.

This is not star wars but a modest and responsible answer to a growing threat. After considering all alternatives, the Armed Services Committee felt that the United States should move directly to a multiple-site system, since a single site system would just not be capable of defending all Americans. We felt that it would be inappropriate morally and strategically, to select a subset of the American population for defensive coverage while leaving some undefended.

This decision seems even more correct given that the most unpredictable and dangerous new ballistic missile

threats will be capable of reaching States like Alaska and Hawaii before the continent itself becomes vulnerable. I am referring to the North Korean intercontinental ballistic missile program, the so-called Taepo-Dong, which the intelligence community believes could become operational within the next 5 years. An NMD system consisting of only one site in the middle of the United States simply cannot defend Alaska and Hawaii, and would not do a very good job of protecting the coastal regions where most Americans live.

In the area of cruise missile defense, the legislation would require the Secretary of Defense to focus U.S. activities and to coordinate the various efforts within the Department of Defense. It would require the Secretary to integrate U.S. programs for ballistic missile defense with cruise missile defense to ensure that we leverage our efforts and do not waste resources through unnecessary duplication. It also requires the Secretary to study the current organization for managing cruise missile defense and recommend any changes that would strengthen and coordinate these efforts.

There have been a number of other false arguments raised against this legislation, most having to do with the ABM Treaty. Let me set the record straight: nothing in this bill advocates or would require a violation of the ABM Treaty. Every policy and goal established in this bill can be achieved through means contained in the ABM Treaty itself. The argument that this bill will force us to violate the ABM Treaty is like arguing that one must drive off a cliff just because there is a bend in the road. This bill recommends that we gradually, and responsibly, turn the wheel.

Let me also say that it is not this bill, first and foremost, that forces us to reconsider the ABM Treaty. Such a reexamination is warranted, indeed required, as a result of the end of the cold war, and the growing multifaceted ballistic missile threat characterizes this new era. The ABM Treaty, with its underlying philosophy of mutual assured destruction, practically defined the cold war confrontation. Why would anybody argue that we should not reexamine such an agreement.

Let us be clear about what this bill in fact calls for. It recommends that the Senate undertake a comprehensive review of the continuing value and validity of the ABM Treaty. It suggests that the Senate consider creating a select committee to undertake a 1-year assessment. What we are recommending is a careful examination of all issues before making a specific recommendation to the President on how to modify our current ABM Treaty obligations.

By establishing a policy to deploy a multiple-site NMD system, this bill does assume that eventually we will need to amend or otherwise modify the ABM Treaty. But let me repeat, the means to achieve this are contained in the ABM Treaty itself. The treaty in no way limits the establishment of policies, it limits the deployment of ABM systems. In the case of ground-based systems, the treaty in no way limits development or testing. Therefore, we can proceed simultaneously to develop the system called for in this bill while we figure out the best approach to dealing with the treaty.

We should remember that the ABM Treaty was meant to be a living document that could be changed as circumstances changed. Anyone who argues that the strategic and political circumstances have not changed since 1972 is living on another planet. Article XIII of the treaty envisioned ''possible changes in the strategic situation which have a bearing on the provisions of this treaty.'' Article XVI specifies procedures for amending the treaty. Article XV specifies procedures for withdrawal from the treaty. As we debate the Missile Defense Act of 1995, therefore, we must bear in mind that there are various treaty-compliant ways to modify our current obligations under the treaty, including withdrawal if we are unable to achieve satisfactory amendments. Talk of violation or abrogation at this time is nothing more than hyperbole.

For those who are upset by the fact that this bill would establish a policy to deploy a multiple-site NMD system, I would point out that the ABM Treaty, as signed and ratified in 1972, did permit deployment of multiple sites. I would also remind my colleagues who seem to fear the prospect of amending the treaty that in 1974, the Senate approved a major amendment of the treaty.

Let me also briefly address another provision in the Missile Defense Act of 1995, which relates to the ABM Treaty. Section 238, which is based on legislation introduced earlier this year by Senator WARNER, would establish a clear demarcation line between TMD systems, which are not covered by the treaty, and ABM systems which are explicitly limited. This provision is also consistent with the letter and spirit of the treaty. It simply codifies what the administration itself has identified as the appropriate standard. This provision is required to ensure that the ABM Treaty is not inappropriately expanded or applied in ways and in areas outside the scope of the treaty. In essence, it would prevent the ABM Treaty from being transformed, without Senate concurrence, into a TMD treaty.

Mr. President, before yielding let me briefly address one particularly flawed argument that is commonly used against this bill and missile defense programs in general. It has been asserted that this bill would undermine START II and perhaps even damage broader United States-Russian relations. There is no substantive basis to this argument. It is a red herring that has been used by some Russians and repeated by more than a few Americans including the Chairman of the Joint Chiefs of Staff.

Fundamentally, this argument is rooted in the cold war. It assumes an adversarial and bipolar relationship between the United States and Russia. Rather than repeat stale arguments, the Russians and the Clinton administration, including the Chairman of the Joint Chiefs of Staff, should be seeking to change the basis of our strategic relationship to one based on mutual security rather than mutual assured destruction. I would agree with Defense Secretary Perry's recent statement that ''the bad news is that in this era, deterrence may not provide even the cold comfort it did during the cold war.''

If we look closely at the argument that this bill undermines START II, we see no substantive content. The type of defense envisioned in the Missile Defense Act of 1995 should in no way undermine Russian confidence in strategic deterrence. We must remember that President Yeltsin himself proposed a Global Defense System and that, in the early 1990's, the United States and Russia had tentatively agreed to amendments to the ABM Treaty to allow deployment of five or six ground-based sites. According to testimony the Armed Services Committee received earlier this year from Mr. Sidney Graybeal, who was a senior United States ABM Treaty negotiator, the Russians were not opposed to permitting five or six sites in the original ABM Treaty. How is it, then, that today such deployments will upset stability and arms control? It simply will not.

Of course, we should seek to cooperate with Russia and take into account legitimate security concerns. But this is what START II is all about. That agreement is manifestly in both countries' interest and should not be held hostage to any other issue. Unfortunately, the Russians have linked it to a variety of issues including expansion of NATO. We must reject this linkage, lest we encourage the Russians to believe that they possess a veto over a wide range of United States national security policies.

Admittedly, START II is in trouble in the Russian Duma, but this has nothing substantively to do with the United States missile defense program. Stated simply, Russian hard-liners are intent on undoing START II so they can retain some or all of their multiple-warhead ICBM force. The United States should strongly oppose this effort to undo START II. But legitimizing the false argument about ABM Treaty linkage only obfuscates the issue. The United States should not participate in a clouding of the issue by repeating Russian arguments about ABM Treaty linkage. This is simply a distraction from the central problem.

As we proceed to debate the various aspects of the Missile Defense Act of 1995 and consider implications for START II, we should bear in mind that

today the United States has no defense against ballistic missiles. Russia, on the other hand, has an operational ABM system deployed around Moscow, which has been modernized and upgraded over the years. We should not feel threatened by the existence of this system. Indeed, we should encourage the Russians to invest in this system instead of their destabilizing strategic offensive forces. Likewise, the United States should develop and deploy a national missile defense system. Such a system would provide greater security for all Americans than an outdated theory of deterrence that does not even apply other countries. The Missile Defense Act of 1995 clears the way for a world that is safer and more stable for the United States and Russia.

I will be glad to yield to the Senator from Georgia if he would like to respond.

Mr. NUNN. Yes. First, I appreciate all his good work on this bill. He has done a yeoman's job in helping the chairman and all of us on this legislation. I do not think the Senator from Mississippi was here when I mentioned we have a total of four systems that are in the bill. Of all of those, as the Senator noted, this one could cost a good bit of money before it is over. The allies hope to pay about half of it. But this is the only system that is designed to protect the front-line troops. The rest of these systems are in the theater support area.

We have the Navy upper tier program, which is in this envelope. We have the THAAD intercept program, which is in this green envelope. We have the PAC–3 right in this envelope, and then a possibility of maybe a Navy lower tier in this envelope.

So my point is, this system should not be canceled unless we can find one of these systems that could also cover this. Now, I believe the majority report indicated that perhaps the PAC–3 system could. I am perfectly willing to have that study. That is what the extra $5 million is for, is to see if that idea really will be proven to be workable. I would also be willing to have this study take place and hold back some of this money. I think that has been suggested by the staff of the Senator from Mississippi. We could work on some fencing amendment so we make sure we are getting the best program. I certainly share that, but I do not think we should cancel this program when it is the only one, until we get some affirmative answer, which we do not have now, on something that could take its place.

Mr. LOTT. Mr. President, if I may respond to the Senator's comments there, I do think there is a possibility that we could do that PAC–3 modification. But we do not know yet that it could provide that additional coverage. We should look into that to see if it can be done. Perhaps we can work out a way not to completely cancel the Corps SAM while we take a look at that. But again, my argument is before we start down this trail that could lead to $10 billion, I think we need to look and see if there are other options.

I would like some clarification of how we got into this international agreement. What is that international agreement? What extent of commitments do we have from our allies about being willing to pay up to $5 billion of the cost of this program? There are just a number of questions in that area that I think we need to get clarified.

But we will work with the Senator from Georgia as the day progresses, and hopefully we can work something out.

Mr. NUNN. I say to my friend from Mississippi, each of these other programs is going to involve billions and billions of dollars, also. We know we will not be able to afford them all. We know that.

Mr. LOTT. Which one do we not want to afford?

Mr. NUNN. Well, right now we have four programs that cover the same area, and they are fully beefed up and funded, while the only program that covers the forward battlefield is being canceled. So we have tremendous redundancy here. I do not mind some redundancy, because we do not know which of these programs is going to work and be the most cost-effective program.

But we do not have any redundancy here and no coverage here. The problem is the majority suggestion about PAC–3 possibly covering this area. We need to get some funding into a study for that, if that is going to be done. Perhaps we can work on something while we are continuing the debate.

Mr. President, I yield the floor at this time.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, before we went to a vote on any of the amendments, I just wanted to ask the Senator from Georgia a few questions about his understanding primarily of the Kyl amendment. I certainly support his perfecting amendment as I understand it, and believe it is well considered. But I have some concerns about the Kyl amendment, which it is an amendment to. And I wanted to just clarify the thinking of the ranking manager on this bill as to what his thoughts were on the import of the Kyl amendment.

It seems harmless enough in some respects. When you read it, it says it is a sense of the Senate that all Americans should be protected from accidental, intentional, limited ballistic attack. I agree with that. But I add to that that we also ought to protect all Americans from cruise missile attack, terrorism, and from a variety of other potential hazards.

I guess my concern is that, as the Senator from Georgia knows very well, and all of us on the Armed Services Committee know, there is considerable controversy about the provisions in the bill that we are now beginning to debate regarding ballistic missile defense.

We have a letter from Secretary Perry to Senator NUNN, and I am sure to the chairman of the committee as well, dated the 28th of July, where Secretary Perry makes a variety of points or a series of points about this. He says he wants to register strong opposition to the missile defense provisions of the Senate Armed Services Committee defense authorization bill. In his view, they would institute congressional micromanagement of the administration's missile defense program and put us on a pathway to abrogating the ABM treaty.

I am concerned that I do not want to support the Kyl amendment if it puts us on a pathway to abrogating the ABM Treaty. I would be interested in the Senator from Georgia giving me his perspective on that as to whether I could vote for the Kyl amendment with confidence that it was not an endorsement of the various ballistic missile provisions in this bill, many of which I intend to join with Senator EXON and others to strike here when the opportunity arises.

Mr. EXON. Will the Senator yield for an additional question before the——

Mr. BINGAMAN. I will be glad to yield to the Senator from Nebraska.

Mr. EXON. Mr. President, I would say to my friend from the State of Georgia, I have the same concern about this, basically, as posed in the question by the Senator from New Mexico. I am for and wish to make a short statement in support of the Nunn underlying amendment.

But if I understand the procedures, the Kyl amendment is a sense-of-the-Senate resolution that I would strongly oppose because of its implications, even though it is only a sense-of-the-Senate amendment.

What would be the situation if the Nunn amendment in the second degree to the Kyl amendment passes, and then the Kyl amendment itself falls? Obviously, it would take the amendment that I support, offered by the Senator from Georgia, along with it, would it not?

Mr. BINGAMAN. Mr. President, I guess we have six or eight questions posed to the Senator from Georgia.

Mr. NUNN. I am sorry. I must ask the Senator from Nebraska, and I apologize, if he will repeat that question. He has gotten to be such a good—almost like a lawyer since he has been here. I am sure he can reframe that question.

Mr. EXON. I resent that statement.

Mr. NUNN. I knew the Senator would resent that statement. I said ''almost,'' not quite. Does the Senator mind repeating that, if he would?

Mr. EXON. I was simply saying to the Senator from Georgia, I was asking the same basic question just a little differently than the Senator from New Mexico. I am strongly in support of the

amendment by the Senator from Georgia, and would like to make a statement in support of that amendment.

As I understand the procedure, though, it is attached as a second-degree amendment to a sense-of-the-Senate amendment offered by the Senator from Arizona. I am questioning what the situation would be if we vote on the second-degree amendment, which I support, then vote on the Kyl amendment, which is a sense of the Senate. If the Kyl amendment fails, that would take along with it the amendment that I support offered by the Senator from Georgia. I am wondering if I properly understand the procedure.

The PRESIDING OFFICER. Does the Senator from New Mexico yield the floor?

Mr. BINGAMAN. I yield for a response from the Senator from Georgia, because I have two or three other questions I want to ask.

Mr. NUNN. Mr. President, I will say first to my friend from New Mexico, his question was, does the amendment breach the ABM Treaty. We are talking about the Kyl amendment now.

As I outlined in my opening statement, I feel that the provisions of the underlying bill create what I would call a very high risk that it would be perceived as an anticipatory breach of the ABM Treaty. That is the underlying bill. I do not think there is anything in the Kyl amendment, and the Senator from Arizona is not on the floor now, but I do not read anything in the Kyl amendment that would either breach the ABM Treaty or suggest breaching the ABM Treaty.

The operative paragraph in the Kyl amendment is the one at the end that says:

> It is the sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballistic missile attack.

Like the Senator from New Mexico, if I were drafting this, I would certainly add cruise missile in there, perhaps some other threats. I see nothing wrong with the way it is worded in terms of in any way creating the impression that the ABM Treaty would be breached by this amendment.

I also note the paragraph just before the sense-of-the-Senate operative paragraph, paragraph 12, page 5 of this amendment says, explicitly:

> The United States and Russia have the opportunity to create a relationship based on trust rather than fear.

So it seems to me there is nothing in this amendment that would in any way breach the ABM Treaty or that would in any way violate the conditions that the Secretary of Defense, Secretary Perry, has laid down in his letter.

I made a lengthy statement about what my fears were about the course this bill takes, and we will have amendments dealing with that on the ABM Treaty. So I do have very similar concerns as the Senator from New Mexico on the underlying bill, but I do not have such concerns on this amendment.

I will also say, if you look at the findings in paragraphs 1 through 12, I think the findings I generally agree with. Everyone will have to read them to see if they agree with them. But the findings I personally agree with.

I say to my friend from Nebraska, he is correct. If my amendment, the second-degree amendment, were adopted and became part of this Kyl amendment, then if the Kyl amendment were defeated, it would take down the second-degree amendment. In that case, what I would do is propose it again, and I hope that will not happen. I really believe careful reading of the Kyl amendment will not have many people taking exception to it. Everyone will have to judge some of the findings.

Mr. BINGAMAN. Mr. President, can I pose one additional question to the Senator from Georgia? Senator EXON, Senator GLENN, Senator LEVIN, and myself intend to offer an amendment at some stage to strike various of the provisions that are contained in this bill at the present time, particularly the ones under subtitle C on missile defense. I think that striking those is totally consistent with the letter we have received from Secretary Perry.

As the Senator from Georgia sees this Kyl amendment, it would not be inconsistent for a person to support the Kyl amendment and still vote to strike those provisions relative to missile defense when that amendment comes up?

Mr. NUNN. I say to my friend from New Mexico, I do not see any inconsistency there. As long as the Senator from New Mexico really agrees with the bottom paragraph, that it is the sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballistic missile attack, this Kyl amendment does not say how that should be done. It does not refer to the ABM Treaty. It does not set up any kind of anticipatory breach of the ABM Treaty. It does not say anything should be done in terms of deployment or testing that would violate the ABM Treaty. It simply states that we would like to protect Americans. So I do not see any inconsistency.

Mr. BINGAMAN. Mr. President, let me clarify one more time. My own position is that I do support the existing law with regard to the ABM Treaty, which I gather was adopted by us in 1991. And as the Senator from Georgia reads the Kyl amendment, the adoption of that amendment would be consistent with existing law and with the 1991 language which we put on the books; is that correct?

Mr. NUNN. As I read it—I will not pretend to the Senator from New Mexico that I have made a detailed sentence-by-sentence analysis of this amendment—I read it hastily, I read it again, my staff has read it. I see nothing in here that would contravene—in fact, the basic premise of this amendment is also the basic premise on which the 1991 Missile Defense Act passed, which I coauthored.

I see nothing inconsistent in that. Most of the findings in the Kyl amendment reference various statements Secretary Perry has made or that various military witnesses have made or simply statements that, for instance, the head of CIA has made and the statements that have been adopted, some in conference between the President of the United States and the President of Russia. I do not see that it contradicts.

Mr. BINGAMAN. Mr. President, I appreciate those responses, and I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I rise in support of the Nunn amendment, that I just referenced, to make $35 million available to continue the funding on the Corps SAM Program, also known as the MEADS or Medium Extended Air Defense System.

This program will provide a rapidly deployable, highly mobile 360-degree coverage defense system to protect our maneuver forces against short- to medium-range ballistic missiles.

Corps SAM will also defend against a full spectrum of air breathing threats against our troops, including advanced cruise missiles. The committee decision to terminate this joint NATO program is a mistake. Corps SAM will provide missile defense for our troops that other systems, such as the Patriot or the THAAD will not. Corps SAM will have the mobility necessary to advance with U.S. and allied ground forces in the field of battle. Sometimes Patriot's protective umbrella cannot provide this, and certainly not against short-range missiles that would otherwise underfly the THAAD Missile Defense System, as important as that system might be.

Corps SAM is what the Congress has been pushing for for many years, a cooperative trans-Atlantic defense program. Pulling out the program now will harm ongoing, as well as future, cooperative ventures with our allies. More important, it will deny—I emphasize, Mr. President—it will deny our forces in the field of battle an important layer of defense against missile attack that does not otherwise exist.

Therefore, I urge my colleagues to support this modest addition. At a time when we are unwisely throwing billions of dollars, in my opinion, on unnecessary full-blown national missile defense systems, I believe we can afford this small investment in the protection of our troops overseas in battle conditions.

Mr. President, I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, I wonder if we are perhaps ready to go with a modification and perhaps a couple of votes on the pending amendments?

Mr. NUNN. Mr. President, I have asked the staff to check with the leadership. I recommend that we go ahead

with the modification and have a rollcall vote on the second-degree and on the first-degree amendment.

I have talked to the Senators from Mississippi and South Carolina about modifying the pending second-degree amendment which is related to Corps SAM.

I will soon send a modification of the amendment to the desk. It basically says that we will defer $10 million of the $35 million until such time as we have the report referred to in subsection (c)(2). That is the report, as I explained in my remarks, to determine whether the PAC–3 system could basically also cover that unprotected forward area that the Corps SAM system is designed to. This is acceptable to me.

Mr. NUNN. Assuming the Senator from Mississippi and the Senator from South Carolina concurs, I will send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment is so modified.

The amendment (No. 2078), as modified, is as follows:

On page 5, beginning with ''attack,'' strike out all down through the end of the amendment and insert in lieu thereof the following: ''attack. It is the further Sense of the Senate that front-line troops of the United States armed forces should be protected from missile attacks.

''(c) FUNDING FOR CORPS SAM AND BOOST-PHASE INTERCEPTOR PROGRAMS—

''(1) Notwithstanding any other provision in this Act, of the funds authorized to be appropriated by section 201(4), $35.0 million shall be available for the Corps SAM/MEADS program.

''(2) With a portion of the funds authorized in paragraph (1) for the Corps SAM/MEADS program, the Secretary of Defense shall conduct a study to determine whether a Theater Missile Defense system derived from Patriot technologies could fulfill the Corps SAM/MEADS requirements at a lower estimated life-cycle cost than is estimated for the cost of the US portion of the Corps SAM/MEADS program.

''(3) The Secretary shall provide a report on the study required under paragraph (2) to the congressional defense committees not later than March 1, 1996.

''(4) Of the funds authorized to be appropriated by section 201(4), not more than $3,403,413,000 shall be available for missile defense programs within the Ballistic Missile Defense Organization.

''(d) Section 234(c)(1) of this Act shall have no force or effect.

''(e) Of the amounts referred to in section (c)(1), $10 million may not be obligated until the report referred to in subsection (c)(2) is submitted to the Congressional defense committees.''

Mr. LOTT. Mr. President, if I could comment briefly, our staffs—Senator THURMOND's, mine, and Senator NUNN's—have discussed this, and I think this is acceptable, from my viewpoint. If the chairman is comfortable with that, it makes the amendment acceptable.

Mr. THURMOND. Mr. President, I ask unanimous consent that after we take the vote on Senator NUNN's amendment that we take the vote on Senator KYL's amendment, back to back, to save time.

Mr. NUNN. Reserving the right to object, I will ask the leadership to respond. I propose that we vote on both of those. I would like to accommodate the Senator.

I have received word, so I will not object.

I ask for the yeas and nays on the second degree amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. On behalf of the Senator from Arizona [Mr. KYL], I ask for the yeas and nays on his amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 2078, AS MODIFIED

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2078, as modified.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Ohio [Mr. DEWINE] is necessarily absent.

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

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 350 Leg.]

YEAS—98

Abraham	Ford	Mack
Akaka	Frist	McCain
Ashcroft	Glenn	McConnell
Baucus	Gorton	Mikulski
Bennett	Graham	Moseley-Braun
Biden	Gramm	Moynihan
Bingaman	Grams	Murkowski
Bond	Grassley	Murray
Boxer	Gregg	Nickles
Bradley	Harkin	Nunn
Breaux	Hatch	Packwood
Bryan	Hatfield	Pell
Bumpers	Heflin	Pressler
Burns	Helms	Pryor
Byrd	Hollings	Reid
Campbell	Hutchison	Robb
Chafee	Inhofe	Rockefeller
Coats	Inouye	Roth
Cochran	Jeffords	Santorum
Cohen	Johnston	Sarbanes
Conrad	Kassebaum	Shelby
Coverdell	Kempthorne	Simon
Craig	Kennedy	Simpson
D'Amato	Kerrey	Smith
Daschle	Kerry	Snowe
Dodd	Kohl	Specter
Dole	Kyl	Stevens
Domenici	Lautenberg	Thomas
Dorgan	Leahy	Thompson
Exon	Levin	Thurmond
Faircloth	Lieberman	Warner
Feingold	Lott	Wellstone
Feinstein	Lugar	

NAYS—1

Brown

NOT VOTING—1

DeWine

So the amendment (No. 2078), as modified, was agreed to.

VOTE ON AMENDMENT NO. 2077, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to the Kyl amendment, No. 2077, as amended.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Ohio [Mr. DEWINE] is necessarily absent.

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

The result was announced, yeas 94, nays 5, as follows:

The result was announced—yeas 94, nays 5, as follows:

[Rollcall Vote No. 351 Leg.]

YEAS—94

Abraham	Glenn	McConnell
Akaka	Gorton	Mikulski
Ashcroft	Graham	Moseley-Braun
Baucus	Gramm	Moynihan
Bennett	Grams	Murkowski
Biden	Grassley	Murray
Bingaman	Gregg	Nickles
Bond	Harkin	Nunn
Boxer	Hatch	Packwood
Bradley	Hatfield	Pell
Brown	Heflin	Pressler
Bryan	Helms	Pryor
Bumpers	Hollings	Reid
Burns	Hutchison	Robb
Campbell	Inhofe	Rockefeller
Chafee	Inouye	Roth
Coats	Jeffords	Santorum
Cochran	Kassebaum	Sarbanes
Cohen	Kempthorne	Shelby
Conrad	Kennedy	Simon
Coverdell	Kerrey	Simpson
Craig	Kerry	Smith
D'Amato	Kohl	Snowe
Daschle	Kyl	Specter
Dodd	Lautenberg	Stevens
Dole	Leahy	Thomas
Domenici	Levin	Thompson
Exon	Lieberman	Thurmond
Faircloth	Lott	Warner
Feingold	Lugar	Wellstone
Feinstein	Mack	
Frist	McCain	

NAYS—5

Breaux	Dorgan	Johnston
Byrd	Ford	

NOT VOTING—1

DeWine

So, the amendment (No. 2077), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair reminds the majority leader that under the previous order the Senator from Wisconsin is to be recognized.

Mr. FEINGOLD. Mr. President, I yield to the majority leader for purposes of making remarks without losing my right to the floor.

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

Mr. DOLE. I think we have worked out an agreement that might not require the introduction of an amendment and second-degreeing it, and that is in the process of being typed, so if we could just have a brief quorum call, I think it would be a matter of 2 minutes.

Mr. FEINGOLD. Mr. President, will the majority leader yield for a question?

Mr. DOLE. Yes.

Mr. FEINGOLD. I would like to offer the amendment at some point, but if

there is an agreement, I can hold off and offer this particular amendment later in the process.

Mr. DOLE. This would not prejudice the Senator's right to offer the amendment as far as I am concerned immediately after disposition of the other two amendments.

Mr. FEINGOLD. I would clarify, upon the disposition of the unanimous-consent agreement, I ask unanimous consent that I be recognized for the purposes of offering an amendment.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, in reference to the pending bill, let me encourage my colleagues—I know we have lost a little time here, but we started on the bill at 9 o'clock. We have had two rather, I guess, important votes, but one was a sense of the Senate; one was concerning $35 million. So this is a big, big piece of legislation. We are going to shut her down on Friday night. I hope that we can accept some of these amendments, and others who feel—we are not going to shut down the Senate Friday night; we are going to shut down this bill on Friday night.

I hope we can get time agreements on amendments. It seems to me that most have been argued every year for the past 10, 15 years. If we can get time agreements, I think it is the hope of the managers, Senators THURMOND and NUNN, that they can complete action by Friday evening, and then we can go to either Treasury Department appropriations bill or Interior. And then, Saturday, we will start on the welfare reform package. Later next week, we will take up the DOD appropriations bill, along with the legislative appropriations conference report, I guess, and maybe—depending on Bosnia—maybe a veto override.

In any event, I urge my colleagues that if we can cooperate with the managers, they are prepared to work late late this evening and late late tomorrow night and late late Friday night and would really appreciate your cooperation.

UNANIMOUS-CONSENT AGREEMENT

Mr. President, I ask unanimous consent that Senator BOXER be recognized to offer an amendment regarding ethics and that no second-degree amendments be in order to the Boxer amendment, and immediately following that, her amendment be temporarily laid aside and Senator MCCONNELL be recognized to offer an amendment regarding ethics, and that no amendments be in order to the McConnell amendment, and that the time on both amendments be limited to a total of 4 hours, to be equally divided between Senators MCCONNELL and BOXER.

I further ask unanimous consent that following the conclusion or yielding back of time on both amendments, the Senate proceed to vote on or in relation to the Boxer amendment to be followed immediately by a vote on or in relation to the McConnell amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object. Perhaps I did not hear it, but is this the unanimous-consent request on the two amendments? May I ask who will control time?

Mr. DOLE. You will control time on that side and Senator MCCONNELL will on this side.

Mrs. BOXER. Two hours per side. We will debate those simultaneously?

Mr. DOLE. Yes, that is what the agreement says.

Mr. DASCHLE. Mr. President, I have had the opportunity to consult with a number of our colleagues, and we find that this unanimous-consent agreement is agreeable, and we would like to proceed.

Mrs. BOXER. Reserving the right to object. I want to ask one more question of both leaders. Is a motion to table in order here?

Mr. DOLE. Just what the agreement says, ''on or in relation to.''

Mrs. BOXER. I do not have a copy of the agreement.

Mr. DASCHLE. ''On or in relation to'' would include a motion to table on each amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOLE. I thank the Democratic leader and the other people involved. I hope this will not take 4 hours. This is another half day off of the August recess, which we hope will start sometime in August.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized.

Mrs. BOXER. Parliamentary inquiry. Does the Parliamentarian have a copy of the Boxer amendment?

The PRESIDING OFFICER. There is not a copy here at the desk.

AMENDMENT NO. 2079

(Purpose: To require hearings in the investigation stage of ethics cases.)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 2079.

SEC. . ETHICS HEARINGS.

The Select Committee on Ethics of the Senate shall hold hearings in any pending or future case in which the Select Committee (1) has found, after a review of allegations of wrongdoing by a Senator, that there is substantial credible evidence which provides substantial cause to conclude that a violation within the jurisdiction of the Select Committee has occurred, and (2) has undertaken an investigation of such allegations. The Select Committee may waive this requirement by an affirmative record vote of a majority of the members of the Committee.''

The PRESIDING OFFICER. Under the previous order, the amendment is temporarily set aside, and the Senator from Kentucky is recognized.

AMENDMENT NO. 2080

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2080.

At the appropriate place in the bill, insert:

(A) The Senate finds that:

(1) the Senate Select Committee on Ethics has a thirty-one year tradition of handling investigations of official misconduct in a bipartisan, fair and professional manner;

(2) the Ethics Committee, to ensure fairness to all parties in any investigation, must conduct its responsibilities strictly according to established procedure and free from outside interference;

(3) the rights of all parties to bring an ethics complaint against a member, officer, or employee of the Senate are protected by the official rules and precedents of the Senate and the Ethics Committee;

(4) any Senator responding to a complaint before the Ethics Committee deserves a fair and non-partisan hearing according to the rules of the Ethics Committee;

(5) the rights of all parties in an investigation—both the individuals who bring a complaint or testify against a Senator, and any Senator charged with an ethics violation—can only be protected by strict adherence to the established rules and procedures of the ethics process;

(6) the integrity of the Senate and the integrity of the Ethics Committee rest on the continued adherence to precedents and rules, derived from the Constitution; and,

(7) the Senate as a whole has never intervened in any ongoing Senate Ethics Committee investigation, and has considered matters before that Committee only after the Committee has submitted a report and recommendations to the Senate;

(B) Therefore, it is the Sense of the Senate that the Select Committee on Ethics should not, in the case of Senator Robert Packwood of Oregon, deviate from its customary and standard procedure, and should, prior to the Senate's final resolution of the case, follow whatever procedures it deems necessary and appropriate to provide a full and complete public record of the relevant evidence in this case.

The PRESIDING OFFICER. Under the previous order, there will now be 4 hours of debate on the Boxer and McConnell amendments, 2 hours under the control of the Senator from Kentucky and 2 hours under the control of the Senator from California.

Who yields time?

Mrs. BOXER. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from California is recognized for 15 minutes.

Mrs. BOXER. Mr. President, there is a big difference between these two

amendments. The reason we took a little time on our side looking over the amendment of the Senator from Kentucky is because, at first blush, you think all this sounds good, but when you get to the end of it, you learn quickly that it is essentially a ''feel good'' amendment, a ''cover yourself'' amendment. It is the ''no public hearing'' amendment. It is a sense-of-the-Senate amendment which has no force of law, no requirement.

On the other hand, the Boxer amendment, which I believe will have strong support here today, will require that if the Ethics Committee wants to close the door on a case that has reached the investigative phase where there is credible, substantial evidence of wrongdoing against the Senator, they need a majority vote to close those doors.

I think that is very reasonable. I think the fact that we have a deadlock in this case is very serious. It is the first time in history this has happened. This matter deserves our attention.

I also think it is important to note that the amendment of the Senator from Kentucky deals with one specific case, the case pending before it, whereas the Boxer amendment talks to the issue in generic terms. In other words, what we are saying is that in every case that we visit this stage, there should be public hearings, unless the committee votes by majority vote to slam those doors shut.

Today, the Senate can break the deadlock. It is up to each and every Senator to decide that issue. I think the message that has been sent on a deadlock vote by the Republicans on the Ethics Committee is a message that does not sit well with the American people.

Let me read from just a few individuals today. Sometimes I think if we would listen to the voices of America, we can learn a lot. The question in the USA Today poll of average people: Should the Packwood ethics hearings be forced open?

I will read a couple of these responses. A young man aged 19, a student in Florida:

> They definitely should be open. He is an elected official and a public servant. People should know what is going on. Government already has a bad name for being secretive.

A woman, a 32-year-old from Oregon:

> Keep them open to take the mystery out of what is going on. Women have a particular interest and may not be well represented behind closed doors.

John Larson, 55, a financial planner in Bloomington, MN, says:

> They should be open so the public would have more information about what is going on in Government. Ethics should be on a high level for everybody. Whatever happened to honesty? If we are not honest at the top, what do we expect our young people to do?

I think the people of America understand this. I just hope and pray that Senators do.

As we debate this today, I think we are going to hear very reasoned voices on this side of the aisle. So much for comments that if this was a secret ballot, 98 Senators would vote against open hearings. That notion will be dispelled here today when we see the kind of eloquence we will see on the floor on this matter.

Now, I have to make a point. When the Ethics Committee voted 3–3 and deadlocked, they made a big point of saying, the chairman did, of how he was going to release all the materials in the case. As a matter of fact, a couple of the members from the Ethics Committee have said to the press, ''I feel really good. We are disclosing everything.'' Making people believe that there was something unique about this, that the papers were being released.

Mr. President, if we look over here—I can barely see over this—here we have the pile of materials that have been released in every other ethics case that has reached this stage. They are always released. They have never been withheld. Papers are always released. This is every case in history—these are the papers that have been released.

Of course, that is a precedent. So is public hearings. Every one of these cases also had public hearings. In this case, the doors have been slammed shut. I just hope that is a temporary glitch that we can straighten out here today.

There are a number of points, I know, that my Democratic colleagues on the Ethics Committee will make more eloquently than I, because they understand the precedence of the committee better than I, because it is their job to serve on the committee, to study the committee, and to act in the best traditions of the committee.

I have to say, as one U.S. Senator who is going to vote on how to dispose of this matter in a fair and just fashion to all concerned, I do not want to base my vote on a stack of papers. I know that the Senator in the case had a chance to go before the committee and look them in the eye and explain any discrepancies, in fact, if any; and when you read the papers, clearly there are. I do not know for a fact, but if you read the papers, there are discrepancies, in fact.

Yet, those on the other side have no chance to walk into that room, look in the eyes of the Senators, and tell their story. It reminds me of a trial where one side is heard and then they just say, OK, the jury should go in now, sequester itself and vote a penalty.

Excuse me, a juror might say, I never heard from the victims. I never heard from the victims. Yeah, I read what they said. But the defendant has said No, in certain cases, that is not what happened. I need to find out for myself. That would be a mistrial, and it would be unprecedented. That is what we are dealing with here.

I cannot believe that some Senators, from what I hear, are going to vote against public hearings and cast a vote without all the facts. I think this is something extremely important.

Now, I want to point out in my amendment I have bent over backwards to be fair to the Ethics Committee. As a matter of fact, it is a very respectful amendment. It says that the committee, by majority vote, can vote to close the hearings, and it underscores the fact that rule 26 will allow the committee to protect witnesses if they decide that must be done.

We are in no way in this amendment being disrespectful of the Ethics Committee. We are being respectful of the Ethics Committee.

For some to say Go away and never comment, would be a dereliction of constitutional responsibility of each and every Senator, if you read article V, section 1, that says, ''We are responsible in this Congress to police ourselves.''

Here we have an unprecedented circumstance where, for the first time in history, a case that has reached the investigative stage will not have public hearings. And then we must ask ourselves the next question: Why? Why? That is the question.

The question is not about Senator BOXER or any other Senator, or about what the record is in the House in holding hearings. The question is, why would the Republicans on the Ethics Committee vote not to proceed to public hearings when every single time in history—and it goes back to the day the Ethics Committee was formed—there have been public hearings.

I want to say, there were some who said, ''Wrong, Senator BOXER, there were not any on this or that case.'' I will ask to have printed in the RECORD the dates of every public hearing, of every single case. You cannot argue with the facts. This would be the first time.

When you answer that question—why—the only thing I can think of are a few responses. One is, protect this particular Senator from something we never protected any other Senator from. The second is, it is embarrassing. Well, that is no answer, Mr. President. The Senators should have thought of that before.

Is the message that if you do something and it is embarrassing, there will not be public hearings? That is a swell message to send. That is the message that is being sent unless we break the deadlock here today.

I was going to quote from Senator BRYAN, in his letter that he sent when five Senators were concerned about this matter, but he is here and rather than quote him, I know he will have much to say on the subject.

But I want to personally thank the courage, the courage of the Ethics Committee members who were fighting hard in a very difficult situation for what is justice and what is right. What the Republicans have done by voting against public hearings is a miscarriage of justice any way you slice it. The best face you can put on it is a miscarriage of justice to allow the Senator to come before the committee and not allow the victims—and not allow factual differences to be explored by

the committee. That is wrong. And if Senators want to hide behind a feel-good amendment, a sense of the Senate that does nothing on this matter, so be it. So be it. But let there be no mistake, that is what we are facing: An amendment that says there shall be public hearings unless a majority vote says no by the committee; and a feel-good amendment that is a sense of the Senate that does nothing.

Mr. President, it has been a very long road for me to get to this point, and it has been a harsh road, and it has taken many turns, some of them quite personal. But I am so honored that I am a Member of the U.S. Senate and that, because the people of my State sent me here and believe that I have a right to be here, that is all it took for me to hold my ground. You cannot be intimidated when you know you are doing what you think is right. So this has been, in many ways, a very important debate, just getting to this point.

In concluding my remarks, before I yield 30 minutes to the vice chairman of the Ethics Committee, Senator BRYAN, let me summarize. There are four main reasons to support public hearings in this case.

First of all, honor Senate precedent. Do not make an exception in one case. That is a very perilous path, because the message that it could send is: The more embarrassing the transgression, the more protected you will be. And if it is sexual misconduct, you can count on it being behind closed doors. And that is wrong, not only to the women of this country, but to their husbands, to their sons, to their fathers, to their uncles. We are all in this together.

Second, public hearings will clarify the issues that are in dispute.

Third, it is a question of fairness. The Senator got his chance to appear before the committee. The accusers did not.

Finally, we should fully air our problems. This is not a private club. This is the people's Senate, and we ought to act that way and open up the doors. We can handle it. My God, the Republicans voted for hearings and hearings and hearings and hearings on Whitewater, on Foster, on Waco. I voted with them. Open up the doors. Do not let problems fester. But do not suddenly close them when it comes to sexual misconduct. That is wrong, and a terrible signal for us to send.

Mr. President, I yield 30 minutes to the distinguished and eloquent vice chairman of the committee, Senator BRYAN.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

Mr. BRYAN. Mr. President, I firmly support the amendment offered by the distinguished Senator from California. For more than six decades, the U.S. Senate has held public hearings on all major ethics cases. The committee counsel again confirmed this fact to each member of the committee earlier this week at our Monday meeting. So there can be no misunderstanding, what Senator BOXER seeks to accomplish with the amendment she is offering this afternoon is to continue that unbroken precedent of public hearings.

I embrace this position after considerable reflection. I can assure my colleagues that no one is more anxious than I to have this matter concluded without further delay. My service as chairman of the Ethics Committee for 2 years, and more recently my service as vice chairman over the past 7 months, has not been a pleasant experience.

Yet, I am firmly convinced that public hearings are essential if the integrity of the Senate and of the ethics process are to be sustained. There are many reasons to hold public hearings. There is no credible reason to make an exception in this one case.

On May 17, the Ethics Committee released the charges it was bringing against Senator PACKWOOD. The Ethics Committee found substantial credible evidence providing substantial cause for the committee to conclude that Senator PACKWOOD may have engaged in a pattern of sexual misconduct between 1969 and 1990, and may have engaged in improper conduct and/or violated Federal law by intentionally altering evidentiary materials needed by the committee; and may have inappropriately linked personal financial gain to his official position by soliciting offers of financial assistance from persons who had legislative interests.

Following its rules, the committee then offered Senator PACKWOOD an opportunity to appear before the committee to make a statement and to answer committee questions. That occurred over a 3-day period, from June 27 to June 29.

In addition, Senator PACKWOOD was also offered his right to a hearing, which would involve cross-examination and appearances by those who had brought the charges against him. He declined this opportunity.

When the Senate returned from the Fourth of July recess, it was the point in the process for the committee to make a decision on what else needed to be done in the final investigation and final stage, including the all-important question as to whether or not public hearings should be held; in other words, to complete the evidence phase.

On July 31, the Ethics Committee voted on the question of holding public hearings. The committee was split, deadlocked at 3–3.

So here we are today with a deadlock in the committee. In my view, it is entirely appropriate that the question now come before the full Senate for its determination.

I want to address the question of delay which has been raised. There is, in my view, no delay or improper interference with the committee process for the Senate to debate and vote on an amendment as to whether public hearings should be held.

In fact, this is the proper time for the Senate to make that decision. Otherwise, the committee will move ahead on making the decision on sanctions without holding customary and traditional and, in my opinion, needed hearings.

As for the delay in completing this case, I am confident the committee can hold public hearings, bring this case to the Senate, and the Senate can resolve it without undue delay. I have suggested we put a time limit on the hearings, say, no more than 3 weeks. During those 3 weeks, we can call witnesses the committee needs to hear, we can hear from them in person, we can examine their demeanor, we can test their believability. We can attempt to resolve discrepancies in previous testimony and to give to the alleged victims—the point made by the distinguished Senator from California—the same opportunity that rightfully we extended to our colleague from Oregon, who faces these accusations; in effect, to give the victims their opportunity to be heard.

I would like to put the process in some perspective, if I may. We deadlocked on the decision for public hearings. The committee, after that deadlock, did vote to release all relevant evidentiary materials to the public.

Some have suggested this is an unprecedented action. I assure my colleagues, this is consistent with the practice followed in the past; namely, that all evidentiary material is released.

I asked that this material be released as soon as possible, as opposed to waiting until after these proceedings are concluded, and the committee agreed. The committee counsel has told us it would take about a week to compile and print the documents.

I fully support the release of all evidentiary materials, as did each and every member of the Ethics Committee.

However, the release of all evidentiary materials is not and cannot be a substitute for public hearings. I can tell you unequivocally that there is a world of difference between reading a transcript and holding a hearing.

Release of the evidentiary material has been standard operating procedure in all previous major ethics cases, the same cases where public hearings were held. Release of all evidentiary material is the precedent. The release of all evidentiary material was done in the seven major ethics cases that the Senate has dealt with in this century. Indeed, if the Ethics Committee had not voted to do what it did yesterday, it would have broken yet another precedent in this one case.

What was done by the decision of the Ethics Committee earlier this week to release the evidentiary materials is a minimum public disclosure standard. I do not believe that the U.S. Senate wants to be judged by a standard of minimum public disclosure. I believe the appropriate standard is public disclosure and is consistent with the history and the practice of the Ethics

Committee. That requires public hearings.

I would like to briefly run through some of the reasons why I think public hearings are important—indeed, necessary—in this case. And I would suggest to my colleagues that this will be one of the most important ethics votes that will be cast in this session of Congress, or perhaps in their congressional careers.

First, the precedent of the ethics process has been to hold public hearings in every major ethics case in this century. As you know, those of you who have served on the Ethics Committee were often guided by precedent just as courts are in legal matters. Indeed, few decisions are made by the committee without first inquiring of the staff to state the precedent or case history. The precedent on the question of holding public hearings is clear. The committee has always held public hearings.

Since 1929, seven Senators—Senators Bingham, McCarthy, Dodd, Talmadge, Williams, Durenberger, and Cranston—have been the subject of disciplinary proceedings on the floor of the U.S. Senate. All first faced public hearings. The pending case against Senator PACKWOOD has now moved into the final investigative phase. Since the three-tiered ethics process was adopted in 1977 setting up the investigative phase, public hearings have been held in all four cases—Talmadge, Williams, Durenberger, and Cranston—matters which reached this very serious stage.

Let me briefly review the major cases.

In 1929, the Hiram Bingham hearings were held between October 15 and October 23 on charges of employing on his committee staff an employee of a trade association which had a direct interest in legislation then before the committee.

In 1954, the celebrated Joe McCarthy hearings began August 31 and ended on September 13 on charges of obstructing the constitutional process.

In 1966, the Dodd hearings of March 13 to 17 on charges of converting political contributions to personal use.

In 1978, the Talmadge hearings, 27 days of hearings between April 30 and July 12 on charges of submitting false expense vouchers and misuse of campaign funds.

In 1981, the Senator Harrison Williams hearings were held, July 14, 15 and 28, on the question of misuse of his official position to get Government contracts for a business venture in return for a financial interest.

In 1989, Durenberger, June 12 and 13, hearings on charges of accepting excess honoraria and illegal reimbursement of personal living expenses.

In 1991, in the Keating matter, in which only the Cranston case entered the investigative phase, had 26 days of hearings beginning on October 23, 1990, on conduct which linked campaign fundraising and official activities.

There were no other ethics cases which entered the investigative phase or which came before the Senate for a proceeding. In short, there has been no exception in holding public hearings in any major ethics case in this century.

I suggest that is the standard by which the Senate ought to act today in supporting the Boxer amendment which seeks to continue that unbroken precedent.

Second, I ask myself: Is there some reason, some compelling or persuasive reason, as to why we ought not to hold a hearing in the Packwood case in light of the fact that there has been a clear and undeniable precedent?

I have given that considerable thought. And I must say I can find no justifiable reason for not holding a hearing in this case. I have heard no credible reason offered from any of my Senate colleagues.

I would ask you to ask yourself: Why would we make an exception in this one case? I do not think by and large you will be pleased with the only answer that I believe exists, and that is, the Senate does not want to hold public hearings in this case because it deals with sexual misconduct. In my view, that is not a persuasive reason to depart from our honored tradition of the past.

Third, I think this case presents an even more compelling reason for holding public hearings because of the alleged victims. This, to the best of my ability to review the record of the ethics process in the Senate, is the first case in the history of the Senate in which there are alleged victims that have come forward and filed sworn charges against a U.S. Senator for actions that have been directed against them individually and personally.

This is a case of first impression on two aspects—because they are alleged victims and because of the finding of substantial evidence of sexual misconduct. From a public credibility standpoint, there should be no doubt about the need to hold public hearings on a matter of this magnitude.

What message will the Senate be sending to those who have come forward in this case or anyone who dares to come forward in the future? If there are victims, we do not want to hear from you, so we will close the door? Mr. President, that is the standard that we invite if we decline to hold public hearings in this case.

Fourth, this is not just a question of the future of one Senator. This decision speaks to the fundamental question of whether the Senate as an institution is capable of disciplining its Members and itself in a manner which merits public confidence. This is far more important than any one of us individually.

In the most recent serious ethics case before the Senate, the so-called Keating case, all six Ethics Committee members voted to hold public hearings—Senators HEFLIN, PRYOR, Sanford, Rudman, HELMS, and LOTT.

In the opening statements of the first day of those hearings, no Senator was more eloquent nor more persuasive nor more to the point than our colleague Senator LOTT, who said it best in focusing on the need for hearings for the sake of public credibility of the institution, when he said:

> It may be necessary to hold these public hearings if for no other reason than to remove the cloud that has come over the Senate and to clarify the basis for decisions on whether violations of laws or rules have occurred. These proceedings will mean that the public will have a full opportunity to hear and view for itself the evidence in each case.

I wish I were so eloquent. That is, in my view, a compelling and riveting reason for the public hearing process in this case and all cases which reach this stage in the ethics process.

This debate is not based upon ideological division. Four Christian pro-family groups have called for hearings. Gary Bauer of the Family Research Council told the Hill, a newspaper publication, on June 7, and I quote:

> We are an organization that talks about values . . . I've urged my Republican friends that the party ought to err on the side of being aggressive in removing any cloud over it. These charges are serious enough to warrant full hearing and investigation.

Eight women's law or advocacy groups have called for public hearings. Nine of the women who have made charges to the Ethics Committee have publicly called for hearings.

Let me comment here on an objection which some have made to holding public hearings. I am afraid I think it is more of an excuse rather than a reason. It is argued by some that we should not hold public hearings because we need to protect the women who have filed charges. I point out again that 9 of the 17 women have called for hearings. I am not aware that any of the others have expressed opposition.

I am not unmindful of the need to protect victims.

In order to protect women who come forward with complaints of sexual misconduct I asked the committee to adopt the principles of the Federal rape shield law. As the author in 1975 of Nevada's State rape shield law, I feel strongly about these principles. Rape shield laws are designed to protect victims of sexual misconduct from unfair cross examination when there are attempts to inquire into the most personal and intimate relationships totally unrelated to the current allegation.

There is no issue which should be before the committee or the Senate, nor should any other issue be referred to by any Senator or anyone involved in this case, except the issue of the specific allegation made by a woman against Senator PACKWOOD.

The issue of public hearings, some have tried to claim, is strictly an issue within the beltway. To the contrary, editorials from newspapers throughout the country, every geographical region, have called for public hearings.

USA Today, July 14:

> Open the PACKWOOD hearings; this isn't a personal matter

read their headline. And the editorial went on to say,

No doubt public testimony about such acts may prove embarrassing. But the Senate can be shamed only if it tried to deal with the allegations behind closed doors.

Cincinnati Enquirer, July 1:

So why the soft glove treatment and protection for Senator Packwood? Perhaps the mostly male, starched-shirt proper Senate is embarrassed or scared at being criticized and scrutinized over this matter.

The way Packwood's alleged exploits are being treated by the Senate, there's room for suspicion—suspicion that could be quelled if the hearings were open.

Charlotte Observer, May 26:

As committee members move to the next phase of the Packwood case, the public is watching how they treat their own.

San Francisco Chronicle, May 19:

The system has worked and the process should now move to the final, necessary stage . . . the public forum for which Packwood has so often pleaded.

Atlanta Constitution; June 10:

Word has it around the Capitol that the Senate Ethics Committee is under considerable pressure to spare the upper Chamber, and perhaps Packwood himself, the embarrassment of a public inquiry. . . . Some Packwood allies are hopeful of arranging a settlement, presumably including some sort of penalty, so as to avoid a messy hearing and clamor for Packwood's ouster. . . . He's entitled to the best defense he can muster, but that must be a public defense if he is to minimize suspicions of favoritism.

A fifth reason for public hearings is that the hearings will build upon the evidence already before the committee, and give committee members an opportunity to listen to and see the reactions of witnesses firsthand, not just read a report, and also ask questions to follow up on earlier interviews by our committee counsel.

As a former prosecutor, I know a little about evidence. I know that sometimes when a witness faces a jury in person, he or she provides additional information or gives additional insight from what can be gathered from reading a written report.

I know that if there are conflicting explanations, I want to question all parties in person about those conflicts.

I am familiar with the depositions of the women who have made charges of sexual misconduct. However, in the interest of fairness and judicial prudence, they should be given the right to come before the committee, just as Senator PACKWOOD was given that right.

It is equal justice that we seek here. We are rightly concerned about being fair to our colleague who is being charged by others. We need to be fair to those who have come forward at considerable personal risk themselves and who have made very specific allegations and seek the opportunity for a public hearing.

Some reports today are stating the committee hearings will be in private. Let me correct that impression. The committee voted to hold no hearings, public or private, not to hear in person from anyone involved in this case except Senator PACKWOOD.

So those are the reasons, Mr. President, I feel very strongly that public hearings should be held. First, it has been the precedent of this institution in major ethics violations for this century.

Second, I know of no justifiable reason for not holding public hearings. The only answer that has been suggested is that somehow the Senate ought to avoid embarrassment because this issue deals with sexual misconduct. I believe that is unacceptable rationale.

Third, this is a case of first impression in which we have victims coming before the Senate Ethics Committee and hopefully to be heard by the entire Senate and the American people who have made sworn charges against a U.S. Senator for actions directed against them. And this is also the first time the Senate will judge a Senator who has been charged by the Ethics Committee with sexual misconduct.

The PRESIDING OFFICER (Mr. GRAMS). The Chair reminds the Senator that he has spoken now for 30 minutes and the Senator from California could yield more time.

Mr. BRYAN. May I have 3 more minutes?

Mrs. BOXER. I yield 3 more minutes.

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

Mr. BRYAN. Fourth, the credibility of the institution to deal with this issue is very much irreparably damaged without public hearings.

Fifth, as I have indicated, I think each of us needs an opportunity to evaluate credibility.

I will conclude by noting: What kind of message does the Senate want to send to the citizens we serve? This is really our opportunity to send a message to the American people that fits the message they sent to each of us last November. The public expects their Government to be open and to hold Members accountable to a proper standard of behavior. The message the Senate risks sending today, however, is that in disciplinary matters involving Members, we have chosen to retreat and to close the door tighter than it has ever been before.

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

Mr. BRYAN. I will be happy to yield for a question. I only have a couple more minutes, so if I am abrupt with the Senator, I do not mean to be rude.

Mr. JOHNSTON. Mr. President, I am concerned about whether there is any issue of material fact—I do not know what the Senator can tell me about that. I know there is some privilege. But can the Senator tell me whether there is an issue of material fact which by having a hearing the Senate would be further instructed as to the different sides of that material fact?

Mr. BRYAN. Let me just respond as I have tried to do in my statement that I believe the Ethics Committee, the Senate, and the American people would be further enlightened if we heard the testimony of the witnesses. I cannot get into the specifics of the evidence, but I must say that this is not in my view a circumstance in which nothing is to be gained by holding public hearings because I believe there are points at issue that, indeed, would be clarified.

Mr. JOHNSTON. Just one further question. Has Senator PACKWOOD publicly pleaded guilty in effect to the charges? Does the Senator know whether that is so?

Mr. BRYAN. I do not believe—I think the answer to that is no.

Mr. JOHNSTON. I thank the Senator.

Mr. BRYAN. In terms of public statements, those would be for each Senator to interpret.

I yield the floor. I thank the Senator.

Mrs. BOXER. Mr. President, may I ask the manager of the amendment for the majority if he is interested in taking any time to discuss this matter?

The point is I do not want to use all the time up on our side, but want to see if there are any speakers on the other side.

I will ask unanimous consent to have printed in the RECORD two important documents here which I believe go to the question of finding of fact that the Senator from Louisiana spoke of. In other words, his concern is, is there a need to have hearings to figure out if there are discrepancies?

In an AP story, an Associated Press story that was reprinted in one of the newspapers on July 29, Senator PACKWOOD is quoted as saying:

If there was a hearing, we'd finally have a right to question the complainants. We've been unable to do that.

So I think that sentence alone says to me that there are differences of fact. And second, there is documentation from a ''Nightline'' appearance that I was on with Senator SIMPSON in which Senator SIMPSON says:

If they want to come forward in a public hearing, they got to get their right hand up and be cross-examined with the rules of evidence. The last one,

meaning women,

made moves on Bob Packwood. You'll find that in the deposition.

Now, this raises a lot of other questions, but it certainly raises the issue that there are differences of fact here.

The point made by the Senator from Nevada, who is very careful on what he says on this floor—I am only amplifying his answer by showing you two very important statements, one by Senator PACKWOOD himself quoted in the AP story, the other by Senator SIMPSON which indicates that there is, in fact, a dispute over what occurred.

And I now ask unanimous consent to have them printed in the RECORD at this time. They are identified as the actual words from the ''Nightline'' appearance and the AP wire story.

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

[From ABC News ''Nightline'', July 27, 1995]

THE DAWDLING PACKWOOD INVESTIGATION

(This transcript has not yet been checked against videotape and cannot, for that reason, be guaranteed as to accuracy of speakers and spelling. (JPM))

ANNOUNCER. July 27th, 1995.

Sen. MITCH MCCONNELL, (R), Chairman, Select Ethics Committee. This has been the mother of all ethics investigations.

CHRIS WALLACE [voice-over]. The sexual misconduct investigation into Senator Bob Packwood: why won't the Ethics Committee conduct public hearings?

Sen. BARBARA BOXER, (D), California. I don't want to tell the Ethics Committee what to do, I want them to do the right thing.

PAUL JIGOW [sp?]. The demand for a public hearing is real low-ball, hardball politics.

CHRIS WALLACE [voice-over]. Tonight, the Packwood investigation; is it a case of the old boys' network looking after one of its own?

ANNOUNCER. This is ABC News Nightline. Substituting for Ted Koppel and reporting from Washington, Chris Wallace.

CHRIS WALLACE. The veil of decorum in the U.S. Senate was pulled back ever so slightly today in a debate over what to do about Bob Packwood. While maintaining all the practiced civilities of the Senate floor, the Republican head of the Ethics Committee, Mitch McConnell and a Democratic freshman from California, Barbara Boxer, were very politely sticking a shiv in each other. McConnell said the Ethics Committee wasn't about to be pushed around in deciding to deal with the Packwood case. Boxer said she respects the committee, but if it doesn't decide to hold public hearings on its own, she will bring the issue to the Senate floor.

Ever since the Clarence Thomas hearings, there's been a charge that the Senate—made up overwhelmingly of white middle-aged men—is insensitive to issues of sexual misconduct. Now, as the Packwood case is well into its third year, and so far, all the proceedings have been behind closed doors, that charge of insensitivity is being heard again. As ABC's Michel McQueen reports, the investigation of one senator is now putting some heat on all of his colleagues.

1st former PACKWOOD STAFF MEMBER. There was no warning. He suddenly grabbed me by the hair and forcefully kissed me, and it was very hard to get him off.

2nd former PACKWOOD STAFF MEMBER. He stood on my feet, pulled my hair, pulled my ponytail, my head back, was forcefully trying to kiss me, and with his other hand——

3rd former PACKWOOD STAFF MEMBER. In his offices, did grab me at the shoulders and kiss me forcefully.

MICHEL MCQUEEN, ABC News [voice-over]. There isn't much doubt about what he did.

Sen. BOB PACKWOOD, (R), Oregon. [NBC, 1992] My actions were just plain wrong, and there is no other, better word for it.

MICHEL MCQUEEN [voice-over]. The question has always been what to do about it.

[on camera] For two and a half years, the Senate Ethics Committee has investigated charges that Republican Bob Packwood of Oregon repeatedly harassed the women around him, and then tried to tamper with evidence to cover it up. In May, the Ethics Committee issued a finding that there was substantial credible evidence to warrant a formal investigation, the equivalent of a pretrial indictment or charge. But little has happened since then, and many people are getting impatient.

[voice-over] Last week, Senator Packwood's accusers and some of the congresswomen who support them held a press conference.

Rep. NITA LOWEY, (D), New York. Let me be very clear. The women of America will not tolerate politics as usual. We will not tolerate politics as usual in the good old boys' club. We will not stand for another Anita Hill. Whether it's in the Senate or in the office, the American people understand that sexual harassment is a serious abuse of power.

MICHEL MCQUEEN [voice-over]. What the lawmakers and many of Senator Packwood's accusers want are public hearings to air the allegations against him. An Oregon women's group paid for this ad in *The Washington Post*, designed by Democratic media consultant Mandy Grunwald.

MANDY GRUNWALD. For 40 years, the Ethics Committee has had public hearings every time they've found credible evidence. They put out a public report saying they found credible evidence of abuse of office tampering with evidence, and 17 counts of sexual misconduct. I think getting these things out in the open is appropriate, I think actions should have consequences, and he should be held accountable.

MICHEL MCQUEEN [voice-over]. The battle was joined on the Senate floor last week when five women senators [Boxer, Moseley-Braun, Feinstein, Murray, Snowe] led by California Democrat Barbara Boxer, strongly urged the Ethics Committee to hold public hearings.

Sen. BARBARA BOXER, (D), California. I have written the Ethics Committee and informed them that if no public hearings were scheduled by the end of this week—and that means the end of today—I would seek a vote on the matter by the full Senate.

MICHEL MCQUEEN [voice-over]. Senator Boxer's demand triggered threats to reopen past Democratic scandals, and complaints about her respect for protocol.

Sen. BOB DOLE, Majority Leader. Well, I believe in the integrity of the committee process. I don't believe that every time a senator doesn't like what the committee does, they come out with some motion.

MICHEL MCQUEEN [voice over]. Senator Boxer, who is not a member of the Ethics Committee, said Senate rules and the precedent set by previous cases demand public hearings.

STANLEY BRAND [sp?]. The line of precedent is unbroken on the fact that this stage of the procedure occurs in a public hearing.

MICHEL MCQUEEN [voice over]. Stanley Brand is a former Democratic counsel to the House of Representatives. He now represents both Democrats and Republicans before the ethics committees.

STANLEY BRAND. It really has nothing to do with partisan politics. These have been the rules through both Democratic and Republican control of the House and Senate, and in fact, these committees are evenly split along party lines, to prevent partisanship from taking control, if you will.

MICHEL MCQUEEN [voice over]. Not so fast, says Wall Street Journal editorial writer Paul Jigow.

PAUL JIGOW. What we're seeing here is the politics of ethics. If you don't have an issue, you can use personal politics, personal foibles of politicians. It was elevated to an art form in the 1980s against people like John Tower, Clarence Thomas, and in Bob Packwood's case, it's being used again, not to say that there's not real allegations here, but the public hearing aspect, the demand for public hearing, is real low-ball, hardball politics.

MICHEL MCQUEEN [voice over]. Whether it was politics or process, the argument erupted on the Senate floor today between Ethics Committee chairman Mitch McConnell and Senator Boxer.

Sen. MITCH MCCONNELL. This has been the mother of all ethics investigation. It is also the first full-fledged investigation of sexual misconduct ever conducted in the Senate. Although allegations of sexual misconduct were leveled against two other senators in the past, the committee dismissed both of these cases rather than proceed to an in-depth inquiry.

Sen. BARBARA BOXER. I'm glad that the committee is meeting, but I'm not backing off one bit. If they don't vote for public hearings, I'll be back here with an amendment, so let's keep the wheels turning.

MICHEL MCQUEEN [voice over]. Senator McConnell said that the committee would resume its work on the Packwood case next week, after what he called a ''cooling-off period.'' But there was no word on how the committee will handle the question of public hearings. This is Michel McQueen for Nightline, in Washington.

CHRIS WALLACE. When we come back, we'll be joined by one senator who's defending Senator Packwood's right to private hearing and by another who's pressing for them to be made public. [Commercial break]

CHRIS WALLACE. Senator Alan Simpson is a supporter of Senator Packwood's attempt to have his hearings held in private. He joins us now from our Washington bureau, as does Senator Barbara Boxer, the Senate's most vocal supporter of public hearings.

Senator Boxer, let's start with this issue of public hearings. The Ethics Committee has conducted a thorough investigation, they've issued what amounts to a tough indictment. Why not let them finish this matter in private? I mean, what good does it do either the Senate or Bob Packwood to have a public spectacle?

Sen. BARBARA BOXER, (D), California. What I want is for the Ethics Committee to do the right thing, and the right thing is what ethics committees have always done in the entire history of the United States Senate, and that is, when you get to this phase of an investigation where there is credible, substantial evidence that a senator has committed wrongdoing, that there are public hearings. It's the way the Senate has always been. And by the way, I think it's important to note, even with that, the Senate, under Rule 26, could close those hearings if there was a sensitive matter or to protect a witness, so I think I'm just being very reasonable and, frankly, conservative, because that's what the ethics committees have always done throughout Senate history.

CHRIS WALLACE. Senator Simpson, this is a public official charged with misconduct. Personally painful as it may be, doesn't this have to be conducted out in the open?

Sen. ALAN SIMPSON, (R), Wyoming. Well, let's let the Ethics Committee finish their work. They're not finished with their work, and this is unprecedented, that a member of the Senate would ask and try to go past the Ethics Committee. If that ever happens, I can tell you who'll be the losers. The losers will be those who in the minority of the U.S. Senate, Election time comes, just roll one up and fire the shot, and let'em dig out from under the rubble. I'm not suggesting that we go—that we don't have private or public. I'm just saying let them finish their work, and Senator Boxer said that on the floor in November of '93, let them finish their work.

CHRIS WALLACE. But Senator Simpson, isn't this the point at which the committee has to decide, or the Senate has to decide, whether or not to hold hearings, in private or in public?

Sen. ALAN SIMPSON. But that will come when the committee has finished their work. If you allow a single senator to subvert the process at this point, the only losers will be those who are in the minority. Senator Boxer's party is in the minority. Can you imagine what happens if this gets done? I can tell

you, there are plenty of people on our side who, in a personal vendetta, would simply file grievances and reports against Senator Boxer. Then, when we're in the minority, that's the purpose of the Ethics Committee.

CHRIS WALLACE. But Senator Simpson, let's not get bogged down in the procedural issue. Let's talk about the actual decision as to whether to hold public or private. You favor private hearings, do you not?

Sen. ALAN SIMPSON. I have—I have never—I have never objected to public hearings. I say let the Ethics Committee finish its work. I know you'd like me to say that I don't want them to have public hearings, but I don't know.

CHRIS WALLACE. No, I want you to say whatever you—whatever you feel, Senator.

Sen. ALAN SIMPSON. I just believe that the Ethics Committee should finish its work. If you—if you shortcircuit the investigatory process right now, you're—you're dooming the U.S. Senate. That's what you're doing.

CHRIS WALLACE. Let me ask you about this, Senator Boxer, because since you called for public hearings, some of your Republican colleagues have warned about possible repercussions. In fact, Senator Simpson took you aside the other day off the Senate floor. What did he——

Sen. ALAN SIMPSON. No, that's not true. I never warned Senator Boxer at all. I have the highest regard for her, and respect. We don't agree with things, but you can ask her—she's here——

CHRIS WALLACE. Well, I just——

Sen. ALAN SIMPSON [continuing]. I never warned her about——

CHRIS WALLACE [continuing]. I was just trying to, Senator.

Sen. ALAN SIMPSON [continuing]. No, but I get offended by that, because that didn't happen. I've already written a letter about the reporter that reported it that way.

CHRIS WALLACE. Well, Senator Boxer, what—whether it's a warning or whatever he said to you, what did Senator Simpson say?

Sen. BARBARA BOXER. Well, Senator Simpson and I are friends, and he gave me some friendly advice. The friendly advice was, essentially, to lay off. And I have to say this. I find it offensive. I had——

CHRIS WALLACE. To lay off?

Sen. BARBARA BOXER [continuing]. The advice. Because I think it's wrong, I think, to tell a senator to back off when she thinks something is important. I'll tell you what's unprecedented, not a senator making a view known on an important issue like this; what's unprecedented is that, in fact, in fact, we already had Trent Lott, who is a leader of the Republicans in the Senate, say he favors private hearings. It's no great secret that Mitch McConnell, the head of the Ethics Committee, favors private hearings. Listen, I wasn't born yesterday. That's where it's moving. That would be a change in precedent, and that would be wrong. The Senate is not a private club, as much as some would like to see it. It is the people's United States Senate, and we cannot sweep these things under the committee room rug, and that's exactly where this was going unless I had spoken up, and I'm really proud that I have.

Sen. ALAN SIMPSON. Well, let's get the record straight. I never said to Barbara Boxer to lay off, and Barbara Boxer was a member of the House of Representatives while they did five of these kind of hearings, and she never once asked for a public hearing, and voted on the rules to prohibit public hearing.

Sen. BARBARA BOXER. That's incorrect. That is incorrect.

Sen. ALAN SIMPSON. Well I can read and write, too.

Sen. BARBARA BOXER. Well, that is so incorrect, that—in 1989 we changed the rules in the House to force public hearings, and in the two sexual misconduct cases that came before me, Chris, what I did is vote for tougher penalties, and that was against a Democrat and a Republican. But what happens is, when you're winning an argument, my mother always taught me, your opposition is going to change the subject. I am not the subject. The subject is can the Senate police itself, and will they, in this one case, make an exception and close the doors? That would be wrong, and I'm not going to be intimidated.

Sen. ALAN SIMPSON. Well——

CHRIS WALLACE. Senator Simpson, let me ask you, there have been reports—and we're asking you about them so you can tell us if they're true or not—that you and other Republicans have suggested that if Barbara Boxer goes ahead with her call for public hearings on Packwood, that the Republicans might have public hearings on every Democratic scandal since 1969. First of all, did you say it?

Sen ALAN SIMPSON. No, I've never said that. I think that'd be a real mistake. I heard 'em mention Ted Kennedy. I heard 'em mention Tom Daschle. I think those things would be a real mistake. But I'll tell you one thing we could do. We could go back just as far as the statute of limitations on these cases in every other jurisdiction in America, and the longest one is three years, and they're back in 1969 on this one. How many of—in the people in this audience can pass that little test, as to what they were doing in 1969?

Sen. BARBARA BOXER. Well——

Sen. ALAN SIMPSON. And remember, he was not charged with sexual harassment, it is sexual misconduct. You want to get back to the real specter of this, Anita Hill and Clarence Thomas, remember that Anita Hill never charged Clarence Thomas with sexual harassment, either.

CHRIS WALLACE. Senator Simpson. Senator Boxer, we have to break in here for a moment, but when we return, I want to bring up the Hill-Thomas hearings and ask you just how enlightened the Senate is these days when it comes to matters of sexual misconduct, and we'll be back in just a moment. [Commercial break.]

CHRIS WALLACE. and we're back now with Senators Alan Simpson and Barbara Boxer.

Senator Boxer, you were elected to the Senate in the wake of the Clarence Thomas hearings, and there was some feeling then that a lot of senators, quote, ''Didn't get it,'' when it came to matters of sexual misconduct. Are we still seeing some of that here in the Packwood case?

Sen. BARBARA BOXER. Well, I have to say that we are, although I'm very hopeful, because now that Senator Bryan, who's the vice chair of the committee, has called for meetings, and Mitch McConnell agreed today that they will vote to have public hearings, but let me tell you this. Supposing they vote not to, and it's a 3–3 deadlock, 'cause there's three Republicans and three Democrats, and they don't move forward, and this is the first time in history, as I've said, that they would have closed hearings. What is the message? That if you violate ethics and it has to do with mistreating women that you get the privacy behind closed doors to look at those charges? I think that would be awful. If it's embarrassing, the more embarrassing it is, the more it's behind closed doors? And I think it's important to note that the charges against Senator Packwood where the committee found substantial credible evidence in three areas, not just sexual misconduct, but tampering with evidence, and then trying to get his wife a job so, presumably, he could lower his alimony payments, and going to lobbyists, those are the charges that are before us here. They're serious, and the last one was in 1990, in terms of the sexual misconduct, so it isn't that it just was in 1969.

CHRIS WALLACE. Senator Simpson, is this, as some have charged, a case of the boys' club protecting one of its own?

Sen. ALAN SIMPSON. No, you know, that's really old stuff. I have a mother, a wife and a daughter, one of whom has been subjected to much more than anything I ever heard in the Anita Hill issue or this issue. This is absurd. This is a—an elitist, sexist statement, and it's not true.

Sen. BARBARA BOXER. Well, you don't know what happened in this issue, Senator Simpson.

Sen. ALAN SIMPSON. I do know what happened to people in my own family, and I do know——

Sen. BARBARA BOXER. No, I said——

Sen. ALAN SIMPSON [continuing]. That this man has not been charged with sexual harassment, and sexual harassment, as a statute of limitations, is three years in every other jurisdiction in America.

Sen. BARBARA BOXER. The women haven't had a chance to come forward before the committee. Senator Packwood has——

Sen. ALAN SIMPSON. Well, I'll tell you, there are going to be a couple of 'em that won't want to come forward, and the last one, which was the charge—

Sen. BARBARA BOXER. Well, what does that mean?

Sen. ALAN SIMPSON. Just what I said. If they want to come forward in a public hearing, they got to get their right hand up and be cross-examined with the rules of evidence. The last one made moves on Bob Packwood. You'll find that in the deposition.

CHRIS WALLACE. Senator Boxer?

Sen. BARBARA BOXER. Well, I'm just saying this. In every single case that has come before the Senate Ethics Committee, we've had public hearings. In every single——

Sen. ALAN SIMPSON. That's not true.

Sen. BARBARA BOXER [continuing]. In every single case. I put that in the record today. The vice chairman of the committee has stated that, Richard Bryan, very well-respected. It's been stated by Senate historians. I am not partisan. The amendment that I plan to offer if, in fact, we don't get the hearings, just says, in every case, be it against a Democrat or a Republican, if it gets to the stage——

CHRIS WALLACE. Senator——

Sen. ALAN SIMPSON. Barbara's gonna get——

Sen. BARBARA BOXER [continuing]. If it gets to the stage where there's substantial credible evidence, there should be public hearings.

CHRIS WALLACE. Senator Simpson, I want to ask you about the last comment you made, because there was a lot of feeling after the Anita Hill-Clarence Thomas hearings that in some sense—and this part of, I think,the anger of some people on one side, you would certainly say—was a feeling that some Senate members tried to make Anita Hill, through cross-examination, tried to make her into the transgressor. What you seem to be saying is, if this becomes public hearings, there's going to be a kind of fierce cross-examination of some of Bob Packwood's accusers.

Sen. ALAN SIMPSON. Of course there will. What do you think happens in these kind of situations where you're trying to destroy a person? People get destroyed in the process. Is anyone so out of that they don't understand that?

Sen. BARBARA BOXER. Well, you know——

Sen. ALAN SIMPSON. Barbara Boxer is going to have her chance too anything she wants, bring up any amendment, bring up any argument, tear the joint down, tear it up, but not until the committee is through with their work.

CHRIS WALLACE. Senator Simpson, you know, for all the talk about issues of sexual misconduct and enlightenment and all that, is this just pure politics? Is this just Democrats looking for a way to embarrass a big Republican and Republicans looking for a way to sweep it under the rug?

Sen. ALAN SIMPSON. I don't know, but I do know this that my friend from California is a highly partisan individual. She has said remarks on the floor since she come here, and they're hard, and I know hard politics, 'cause I do it myself. But Barbara Boxer is one of the toughest partisan shooters in this building.

Sen. BARBARA BOXER. Well, first of all——

CHRIS WALLACE. Senator Boxer, is it just politics?

Sen. BARBARA BOXER. This is ridiculous. I already showed you where, when I was in the House and the Ethics Committee was too soft on a Democrat who I felt committed sexual misconduct, actually worse than that, I voted for a tougher penalty. My amendment isn't aimed at Bob Packwood. It is a generic amendment that just says we shall have public hearings in any case that gets to the stage of the investigation. I am stunned to hear my colleague say some of the things he has said tonight, turning the tables on this situation, making women look like they're the problem. Here——

Sen. ALAN SIMPSON. See, there's the argument, there it goes.

Sen. BARBARA BOXER [continuing]. No, well, Alan——

Sen. ALAN SIMPSON. Now you're getting the argument.

Sen. BARBARA BOXER [continuing]. Well, Alan, Alan, if you would give me a chance.

Sen. ALAN SIMPSON. I've heard that one.

Sen. BARBARA BOXER. You bet you have.

Sen. ALAN SIMPSON. Yeah, you bet.

Sen. BARBARA BOXER. And you're going to hear it again, and here's what it is.

Sen. ALAN SIMPSON. Well, I've heard it enough.

Sen. BARBARA BOXER. Here's what it is. Well, one more time, just for the road.

Sen. ALAN SIMPSON. Yeah, well, trot it out one more time.

Sen. BARBARA BOXER. One more time for the road. The fact is, Mitch McConnell and his Republicans on the Ethics Committee, Richard Bryan and his colleagues on the Ethics Committee, found substantial credible evidence.

That's a very high level of proof——

Sen. ALAN SIMPSON. Yes.

Sen. BARBARA BOXER [continuing]. That there was wrongdoing. It is time for the light to be shined on this matter, so that senators know how to vote, so that the public can understand it. Today we learned the vast majority of the American people agree they ought to have a chance to know more about this. After all, we are not a private club, we are not a country club where guys put their feet on the table, light up a cigar, and disguise it.

CHRIS WALLACE. Senator Simpson, you've got 30 seconds for the final word.

Sen. ALAN SIMPSON. Well, that's pretty sexist. I've been in these a lot, you know, and I know that finally they flee to this one about bald white guys that don't understand anything, and really, I practiced law for 18 years, I understand an awful lot about sexual issues.

Sen. BARBARA BOXER. You sure do.

Sen. ALAN SIMPSON. And molestation.

Sen. BARBARA BOXER. You do.

Sen. ALAN SIMPSON. And rape and incest, that's what I did in my practice, so I've heard all that guff before. Let's get down to the point. This senator is going to have her chance to do whatever she wishes when they finish the investigation, and there was only one charge of sexual misconduct in the last 13 years, and if that's a pattern, I'll buy the drinks.

CHRIS WALLACE. Well I think we're going to have to leave it there, but I think I'd point out, as a point of information, Senator Simpson, that I think there were a half-dozen allegations of sexual misconduct——

Sen. ALAN SIMPSON. No, there were not. In the last——

CHRIS WALLACE [continuing]. In the—during the course of the '80s.

Sen. ALAN SIMPSON [continuing]. Thirteen years, one.

CHRIS WALLACE. I know, but there were a lot in between '80 and '83, so the question——

Sen. ALAN SIMPSON. Yeah, but in the last 13 years, one.

CHRIS WALLACE. Well, you can divide it where you want to.

Sen. ALAN SIMPSON. Yeah, I will divide it.

CHRIS WALLACE. Sentor Simpson——

Sen. ALAN SIMPSON. It's called fairness.

CHRIS WALLACE [continuing]. Senator Boxer, thank you both very much for joining us.

Sen. BARBARA BOXER. Thank you.

CHRIS WALLACE. And I'll be back in just a moment. [Commercial break]

CHRIS WALLACE. Tomorrow on 20/20, an exclusive interview with David Smith. Barbara Walters talks with the ex-husband of convicted murdered Susan Smith. That's tomorrow, on this ABC station.

And that's our report for tonight. I'm Chris Wallace in Washington. For all of us here at ABC News, good night.

[From the Fresno Bee, July 29, 1995]

PACKWOOD SEES BENEFITS TO A PUBLIC HEARING

WASHINGTON.—While not endorsing the public hearings being demanded by Democrats, Sen. Bob Packwood said Friday they would give his lawyers their first chances to cross-examine some of the women accusing him of sexual and official misconduct.

''If there was a hearing, we'd finally have a right to question the complainants. We've been unable to do that,'' the Oregon Republican said in an interview with The Associated Press.

Packwood's lawyers earlier told the Senate Ethics Committee that the senator would not exercise his right to ask for a public hearing. The senator refused Friday to say whether he wanted a public hearing.

''It's up to the Ethics Committee to decide whether there is anything to be gained by that. I'm not sure any new information would be gained,'' Packwood said.

Two Democrats on the panel, Richard Bryan of Nevada and Barbara Mikulski of Maryland, have called for public hearings. Committee Chairman Mitch McConnell, R-Ky., opposes the idea.

Packwood said he would make clear in any hearing that most of the allegations were more than a decade old.

Mrs. BOXER. Is there anyone on the other side who wishes to take some time?

The PRESIDING OFFICER. Right now, there is no one to answer that.

Mrs. BOXER. There is no one to answer that. I say to my colleagues that this is a very important debate that is going on. And I think in fairness we ought to go back and forth, side to side, here. I find it very strange, given all the criticism of this Senator's amendment in the press, personally, publicly, every which way you could send a message to somebody, that they are not here to talk about it.

But in any event, at this time I am going to yield 30 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Thank you very much. I thank the Senator who has sponsored the resolution for yielding me this time.

I rise to speak in favor of the Boxer resolution. The purpose of this resolution states: ''To instruct the Select Committee on Ethics of the Senate to hold hearings on certain allegations of wrongdoings by Members of the Senate.'' I want to commend Senator BOXER for her efforts in pursuing this issue. Senator BOXER has been persistent and clear. She says we must hold public hearings in order to defend the integrity of the U.S. Senate and follow its historic precedent. I agree with her purpose.

I regret that some have made Senator BOXER the issue. Senator BOXER is not the issue. And I would like to compliment Senator BOXER on her stamina and on her strength in resisting the abuse that has been hurled at her because she wishes to exercise her prerogative as a Senator and offer legislation on the floor. I compliment her that she refused to have her voice silenced on behalf of defending the women who have been the victims in this ethics proceeding. As we both know, whenever women are assaulted, battered, they themselves are always made to look like they are the problem rather than the victim. So I thank Senator BOXER. I thank her for not having her voice silenced, and I thank her for offering an amendment to ensure that the voices of the women are not silenced.

And I say that because as we look at what has been happening, we now see that as a Member—as it currently stands, the voices of the women will be silenced. As a member of the Ethics Committee, I voted to support public hearings in the Packwood case. Unfortunately, that motion failed on a 3 to 3 vote, strictly on party lines. I wanted public hearings to occur because I felt it was important for the honor and integrity of the U.S. Senate. I also voted to release all relevant information to the public as soon as physically possible.

Let me clarify that this release of information is the usual practice of the Ethics Committee. It is neither unusual nor is it unprecedented. It is the committee's customary practice that this type of information has been released to the public in the seven major cases in this century—involving Senator Hiram Bingham, Senator Joe McCarthy, Senator Thomas Dodd, Senator Herman Talmadge and Senator Harrison Williams, as well as Senator David Durenberger and Senator Alan Cranston.

I want to emphatically state that I do not believe that the release of this information is a substitute for public hearings. I do not believe that it is in lieu of public hearings. And, also, it is

not a proxy for public hearings. It is the minimal acceptable form of disclosure.

Now, why is this not a substitute for public hearings? As my colleagues know, I am always for public hearings, public hearings to protect the honor of the Senate and because it is important to give voice and value to the charges brought by women. These women are the first actual victims ever to bring complaints against a U.S. Senator to the Ethics Committee. It is the case of first impression. And if we silence them now on the issue of sexual misconduct, will victims ever, ever again bring a charge to the Ethics Committee because they believe they will be treated as the problem or that they will be silenced because of the kind of vote that we saw?

I voted for public hearings because I wanted to be sure that women got a fair shake and that they got a fair shake in the U.S. Senate, that, as we know, when again women are ever assaulted, battered, or abused they are told to be silent or there is institutional forums to be silent. I want to assure them that their voices were not silenced, that they were treated with respect and dignity, that their allegations were taken seriously and would have value.

I never met these women. I have only heard their stories through depositions, affidavits, and through the summaries of their testimonies. I do not want their stories to be filtered. I also did not have a chance to personally hear the other witnesses, whether it was related to diary tampering or solicitation of jobs for Senator PACKWOOD's wife to have a job to lower the alimony. I did hear Senator PACKWOOD's statements.

There has been no opportunity to cross-examine or ask questions of the women or other witnesses in this area of investigation. I did not get to talk to the women. I did not get to talk to the lobbyists that Senator PACKWOOD spoke to about a job for his former wife. I did not get a chance to talk to the woman who has been typing Senator PACKWOOD's diary for all of these years and whether, in fact, there has been diary tampering and why. Because that is the way the committee works.

The committee first functions like a grand jury. We listen to the issues and concerns through depositions, through affidavits. And then we come to a conclusion. Is there substantial, credible evidence to present a bill of particulars to the U.S. Senate? We did do that. Now we have to decide whether there is clear and convincing evidence on those allegations to determine the sanctions. Now, how can we decide whether something with a higher standard of evidence is clear and convincing unless we follow the practice that has been done by the Senate in each and every one of those cases? That is the purpose of public hearings.

I also believe that the public hearings will help restore the honor and integrity of the U.S. Senate. We all know the American people have little confidence in their elected representatives and little confidence in the institution of Congress. They do not believe that we can police our own. The American people believe that, given a choice, we will always protect our own at the expense of others. They believe we meet in backrooms, behind closed doors, cut the deals, circle the wagons to protect our own. We must demonstrate by our actions this is not so. And this is why we need public hearings.

Now, I lived through the Anita Hill debacle. To many, the Senate did not deal fairly with Miss Hill's allegations. The Senate trivialized what Miss Hill had to say. Anita Hill was put on trial and treated very shabbily. She was shamed here in the U.S. Senate. And the institutional behavior of the U.S. Senate raised questions whether this institution could ever deal with allegations related to sexual misconduct.

Now, I want the American people to believe that we can act responsibly, and we do that not with words, but with deeds, and the most important deed we can do today is to vote for the Boxer resolution on public hearings.

I support public hearings because it will allow all of us, Members of the Senate and the American public, to judge for ourselves what has happened, to show that we can hold hearings that are neither a whitewash nor a witch hunt. No matter what we decide, the full Senate and the American people have a right to know the facts on these cases, a right to know how we arrived at those facts and reached our decisions. And they should have confidence that we have done the right thing.

Now, why do the arguments against hearings not hold up? Some say this will be a spectacle. I say it is going to be a spectacle if we do not hold public hearings. No matter what the Senate decides, I believe that there will be a public forum held on this matter.

Mrs. BOXER. That is right.

(Mr. SMITH assumed the Chair.)

Ms. MIKULSKI. We need to have a fair format, to make sure the format and tone is fair for the victims telling their stories, and a fair format for Senator PACKWOOD. Public hearings are the best way to ensure that there is no spectacle and that all parties are treated fairly. s

To say that those hearings will debase and sensationalize the Senate and that the Senate will compete with the O.J. trial—hey, let me say this. No one seems very concerned about the Whitewater hearings debasing the U.S. Senate. No one seems concerned that the Whitewater hearings are debasing the Presidency.

No one seems very concerned about debasing the Congress through the Waco hearings. Nobody seems very concerned that at the Waco hearings, one of the purposes is to demean another woman, the Attorney General of the United States.

Nobody seemed to be concerned when a Senator stood on one side of the aisle and chanted, ''Where's Bill? Where's Bill?''

No one seemed concerned about the Senate when another Senator stood on the floor and sang ''Old MacDonald Had a Farm,'' concluding with ''oink, oink, oink.''

Well, there is a question about where the barnyard really is.

So I think we should stop these arguments that are filled with fallacy. If we want to honor the Senate, let us follow its historic precedents.

I think we further debase the Senate if we do not hold these hearings, precisely because citizens have come forward, they believed in us, they believed in the process, and the procedure. This is the first time that citizens have come forward and made statements about misconduct, the first time victims have come and asked us to listen to them, to allow them to tell their story, and this must occur.

Let me be clear, a public hearing at this point in the proceedings has been the practice of the Senate. If the Senate does not hold public hearings in this matter, the Senate would deviate from its own precedent.

In every case where the Ethics Committee has reached the investigation stage, where the Packwood case now stands, there have been public hearings. Those cases were Senators Tom Dodd, Herman Talmadge, Harrison Williams, David Durenberger, the cases involving Charles Keating—Senators DeConcini, MCCAIN, Riegle, GLENN, and Cranston.

Let me be clear that in this case the Ethics Committee found substantial credible evidence of misconduct and has moved to the ''investigation'' stage.

This resolution sets forth the committee findings in three areas: Sexual misconduct, diary tampering, and jobs for Mrs. Packwood.

Let me remind my colleagues what the committee members found. We found substantial credible evidence that Senator PACKWOOD may have engaged in a pattern of sexual misconduct spanning 20 years, 18 instances involving 17 women. Let me give an example, just so it refreshes everybody's memory.

Out of our bill of particulars, we found substantial credible evidence that in the basement of the Capitol, he walked a former staffer into a room, where he grabbed her with both hands in her hair and kissed her, forcing his tongue into her mouth.

We also found that in his Senate office in DC, he grabbed a staff member by the shoulders, pushed her down on a couch and kissed her. When the staffer tried to get up, he repeatedly pushed her down.

In the Capitol, he grabbed an elevator operator by the shoulders, pushed her to the wall, kissed her on the lips, followed her home, tried to kiss her and elicit her to engage in an intimate relationship.

I cannot bring myself to read more of these cases on the floor of the U.S.

Senate, but I think if you read the bill of particulars, you will see what this is.

Then we find there is a strong possibility that Senator PACKWOOD tampered with his diaries; that he fought the committee 1 year—1 year—and this is why it has taken so long.

Then there are the allegations he improperly solicited job offers for his former wife so he could reduce his alimony payments.

All I see for the Senate to do is what it has done before, to hold public hearings in a case where we also found substantial credible evidence of misconduct, to then determine what is clear and convincing so we can come to what sanctions we need to recommend to the Senate. Hearings will allow all of us—Members of the Senate and the American public—to judge for ourselves what happened.

No matter what we decide, the American people have a right to know how we reached our decision. They should have confidence in us that we did the right thing.

As we try to then judge for ourselves what happened in the Packwood matter, know today when this vote is taken, it will be the Senate that will be judged and the criteria will be: Can the Senate police its own? Can it follow its precedent, and can it do its business in an open, public, fair format?

Mr. President, I yield the floor. How much time do I have left?

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Maryland has 15 minutes left.

Ms. MIKULSKI. I reserve my time for later on in the debate.

Mrs. BOXER. Mr. President, that means I will hold that time for the Senator from Maryland; is that appropriate?

The PRESIDING OFFICER. The Senator from California controls that time.

Mrs. BOXER. I will reserve that time for my friend.

Let me just say to my friend from Maryland, who for so long carried issues for the women of this country, in many ways by herself that her courage and her conviction and her sense of fairness pervade this institution. I know how lonely the fight can get, and I was not nearly as lonely as the Senator from Maryland was for a long time. So I want to thank her.

Mr. President, I note there is not one Republican on the floor, except the good Senator in the chair. I wonder whether or not the Republican Senators would yield me additional time, because I have a number of people who wish to speak and it does not appear that any Republicans wish to speak. There is much debate in the media.

I see now the manager. I was going to ask the manager of the amendment, if he did not have many speakers if he would yield me an additional 30 minutes of time, because I have more speakers than I thought.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I say to my friend from California, I understand her request, but I am going to have to reserve the 2 hours for this side and hope that she will be able to work everybody in under the agreement that we entered into.

Mrs. BOXER. Does the Senator have speakers at this time to take any time?

Mr. McCONNELL. The Senator will be using the time or controlling the time, and that is his prerogative.

Mrs. BOXER. My question is, does the Senator have any speakers at this time? Does the Senator from Kentucky have any speakers at this time?

Mr. McCONNELL. Mr. President, I have said three times that I have 2 hours under my control under the unanimous-consent agreement. I was trying to respond to the request from the Senator from California. I believe I did that. I retain the 2 hours for this side.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I was trying to find out in the spirit of running this place if the Senator had any particular speakers at this time, I would defer. How much time does the Senator from California have remaining?

The PRESIDING OFFICER. Sixty-two minutes.

Mrs. BOXER. I yield 5 minutes to the good Senator from Wisconsin, Senator FEINGOLD.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Chair. Mr. President, I especially thank the Senator from California, Senator BOXER, for her courage and tremendous leadership on this issue, a painful issue but something that absolutely has to come before the Senate.

Mr. President, let me say how much I admire the work of the Senator from California, the courage, really, in this case. This is a hard thing to do. It is a hard thing to have to come before this collegial body and force an issue about public hearings that I think just comports with the common sense of every American.

As I look out at the room and see no one—no one—from the other side prepared to speak, I wonder if this is really a debate at all. Several of us have already spoken. The Senator from Maryland made a very eloquent, clear presentation; the Senator from Nevada; the Senator from California; others here are ready to speak.

What I understood was that they were going to have a back-and-forth debate for the American people to see about whether or not we should have public hearings in this Packwood case.

I recognize that this is a very emotional and painful matter for every Member of the U.S. Senate. These kinds of charges and the appropriate response by this institution is something that no one can enjoy considering. We are uncomfortable with the subject of the charges, with the task of judging one of our colleagues and with the taking of responsibility as a body with what is the proper format for dealing with this issue.

For some, Mr. President, there is a tremendous desire to just let the Ethics Committee decide whether there should be public hearings. Some say let Senator PACKWOOD make the decision. Some say let someone else take responsibility for this difficult question.

Mr. President, as the Senator from California pointed out so well, this is really an abdication of our responsibility to the American people and to the countless number of women and, yes, men, who have been the victims of the kind of conduct which is alleged to have been committed in this case.

The question before this body today is not whether Senator PACKWOOD is guilty, not whether the punishment proposed fits the alleged misconduct; the question, rather, is whether those who have alleged that they have been the victims of misconduct should have the right to a public hearing in which they have the opportunity to present their evidence and be heard.

I am pretty sure, Mr. President, if Senator PACKWOOD had requested a public hearing to clear his name or his reputation, there is little question that these women would be required to present public testimony supporting their charges. There could be no doubt of that, as I know the Senator from Maryland is very aware. Yet, Mr. President, in this instance, it is apparent that the Ethics Committee intends to break with a longstanding tradition of holding public hearings when a case reaches this stage of the proceedings.

Our current rules provide for a three-tiered process for examining allegations of misconduct. First, the preliminary inquiry; second, initial review; and, third, the investigative stage. A case reaches the investigative stage only if there is substantial, credible evidence that misconduct has occurred. Heretofore, when a case reached this stage, every time public hearings have taken place, even before the current system was adopted, public hearings have been held in cases involving serious allegations of misconduct. Yet, Mr. President, somehow, despite this history, the Ethics Committee is currently deadlocked on whether to order such hearings.

Mr. President, the Senate has an obligation to make a decision on whether such hearings should be held. We should not try to hide behind the Ethics Committee for excuses that we should not interfere with its processes. The Senate, as a whole, is responsible for establishing what are fair procedures—fair to those directly involved and fair to the American public.

So, Mr. President, as we look at this whole picture here, with all the Senators on this side ready to speak and debate, the Senators on the other side not even present, I ask, what is the image that is being presented in an institution that prefers to conduct its

business behind closed doors, an institution that believes that scandalous charges should not be publicly discussed, even after its own factfinding body has determined that there is substantial, credible evidence to support those charges?

Mr. President, let me repeat that phrase: Substantial, credible evidence to support the charges. This is not a request for a public hearing on every libelous or baseless charge made against any elected official. This is a request only for public hearings in a case which has advanced to the final stages.

The PRESIDING OFFICER. The Chair reminds the Senator that his 5 minutes have expired.

Mrs. BOXER. I will yield 2 additional minutes to the Senator from Wisconsin.

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

Mr. FEINGOLD. I thank the Senator. Now we are asking the American public to allow the Senate to make its decision on this case behind closed doors, without public testimony. Little wonder that the public is so disillusioned about our political process. We are so concerned about protecting the image of this institution that we seem to forget one big thing, and that is that we are a public entity that is responsible to the American public. This is not a private club where the rules are made to please ourselves or to protect ourselves from public scorn.

The charges are sexual misconduct. There is little doubt but for the nature of the charges, the public hearings would have been scheduled quickly. That has been the practice of the past. We do ourselves no great service by this debate.

We should not seek to hide this matter behind closed doors. Public hearings should take place, and obviously the committee has the authority to close those portions of the hearings that would be prejudicial, or otherwise be appropriately closed. But to say that no public hearings at all should be held in this matter because of the nature of the charges is just plain unacceptable.

Across America, countless women are watching how this institution handles this matter. What is the message we send to those women who have been subjected to sexual misconduct if we refuse to air those charges in a public format? What are we telling our daughters about what can happen if you are the victim of this kind of misconduct and bring charges against a powerful person?

So, Mr. President, the Senate should go on record now, today, making it clear that this institution is prepared to hold its disciplinary process up to the plain light of day and to public scrutiny.

I again thank my colleagues on the floor, and especially the Senator from California for her persistence in this matter.

I yield the floor.

Mrs. BOXER. Mr. President, I yield 3 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I asked for 3 minutes because there is really no one to debate. I do not want to use up any more time on this side.

I voted for and support public hearings in the case of Senator PACKWOOD.

There are two values to which I hold fast as a U.S. Senator: fairness and accountability. This is the commitment I have made to Minnesotans who sent me here.

Refusing to hold public hearings on this matter runs contrary to these values and what, I believe, the American people expect of this institution. Given the committee's refusal to hold public hearings, I am very concerned about the message we are sending to the public.

We are now in the final investigative stage where there is precedent in the Senate for public hearings on ethics cases. It is time to move forward.

Shining the light of day on Senate proceedings is very important. I voted for public hearings because it is important to show that this investigation has not been held behind closed doors. While I commend the committee for unanimously voting to release all relevant documents, it is not sufficient. There simply is no substitute for full and open hearings at this stage of the proceedings before the committee and then the Senate are called upon to render our judgment about this case. I believe full and open hearings will help to ensure the public's confidence that we can—and will—police the conduct of Members—we have that responsibility.

It is also important to give voice to the charges brought by these women. I believe each of these women should have the opportunity to come before the committee to tell their story and I believe Senator PACKWOOD should have that same opportunity.

I feel strongly today that this is the right course. Let us honor the values of fairness and accountability. Let us move forward with public hearings.

Mr. President, I really came down to the floor for this debate, first of all, for a personal reason, which is to support my colleague from California. Senator BOXER is a friend, and I very much admire her courage. And I have some indignation—the same indignation that Senator MIKULSKI from Maryland has—about some of the attacks on a Senator who has been persistent and has had the courage to speak up, and whom I think has been a most effective Senator representing not just women, but men, really people all around the country. Because to me, Mr. President, the issue is just one of accountability.

At this final investigative stage, I think it is very important for all the parties concerned—for all the parties concerned—and I think it is very important for the U.S. Senate, that we now have a public hearing. It seems to me that there are important, compelling questions to be answered. I know that this process will be fair.

I do not believe anybody in this Chamber is pleased about where we are right now. It is painful for everybody. But we cannot have this kind of hearing at this stage of the process done privately. We cannot have it done behind closed doors. It really will serve no good purpose. It will serve no Senator well, and it certainly will not serve any of us well, whether we are Democrats or Republicans, or men or women.

Therefore, I am in strong, strong support of the Boxer amendment. I thank the Senator.

Mr. President, I will retain the remainder of my time for the Senator from California, who is managing her amendment.

Mrs. BOXER. How much time do I have now, Mr. President?

The PRESIDING OFFICER. The Senator from California controls 52 minutes 20 seconds.

Mrs. BOXER. I do not see any Republican Senators on the floor to engage in a very important debate that involves the constitutional responsibility of each and every Senator. I am very disappointed in that.

I have many Senators who wish to speak. At this time, I will yield 5 minutes to the Senator from Washington, Senator MURRAY, who has been such a leader on issues such as this.

The PRESIDING OFFICER. The Senator from Washington [Mrs. MURRAY] is recognized.

Mrs. MURRAY. Mr. President, I rise today to address the amendment offered by the Senator from California. First of all, I want to commend my friend, my colleague from California. She has been aggressive, forthright, and true to her principles on the issue currently pending before the Ethics committee. She has raised very difficult, but I believe very important, questions to which all of us must give very serious thought.

This has been a very long and very difficult case for the Ethics Committee. The whole Senate has waited for over 30 months while the committee has pored over the documents, interviewed the witnesses, and attempted to find the right path. In light of this work, I regretfully must express my grave disappointment in the committee's decision not to hold public hearings on this case.

Mr. President, this case is a test of the Senate and the Ethics Committee. The U.S. Constitution gives this body the sole responsibility for policing itself. No other agency of Government—not the executive, not the House, not the judicial branch—has authority to ensure that the Senate adheres to high standards of ethics and conduct. I am sure the senior Senator from West Virginia, or any other constitutional scholar, can give us a detailed explanation of this authority. Therefore, this case, like every other considered by the committee, is a test of whether

the Senate can demonstrate to the public that it is capable of policing itself.

All Senators have gone out of their way to not interfere in this case, to give the committee the time it needs to go through the process.

Indeed, we have supported them when they needed the full Senate to support the investigation. We have continued steadfastly to allow the committee to do its job. As individual Senators, this has been our responsibility to the institution and to our constituents.

Now, we have a responsibility to conclude this matter in an equally responsible way. If it cannot be done by the Ethics Committee, it cannot be done at all.

I urge my colleagues to put aside the emotions of this case and focus carefully on the facts. In May, the committee found substantial, credible evidence of Senate rules violations. I am not a lawyer. I have never tried cases. I know that is a very high standard.

In every major case that has come before, public hearings have been held. Why, I ask my colleagues, should this case be any different? That is the key question. Why should this case be any different?

I believe a deviation from precedent on this case will cast a long shadow over the Senate's credibility. Specifically, the lack of hearings will shade any subsequent action by the committee on this issue and any issue that comes before the committee in the future.

I feel very strongly this will create doubt in a general public that is already skeptical of its public officials. They have a right to know their elected officials are held to high standards. Anything less not only damages this institution, but also our individual credibility.

Mr. President, like many Senators, I am already on record in support of public hearings on this issue. I believe this is the only way the committee and the Senate can show the public that it is serious about its responsibilities. I encourage Senators to weigh the facts as we currently know them. I believe we will conclude that the amendment offered by the Senator from California offers the best course of action. I urge its adoption.

I yield back the remaining time to the Senator from California.

Mrs. BOXER. Mr. President, I yield time to my friend and colleague from Illinois who has fought many of these battles. I think she will add greatly to the debate, Senator MOSELEY-BRAUN.

Ms. MOSELEY-BRAUN. Thank you, Mr. President.

Mr. President, I very much regret that this issue has become embroiled in partisanship, because the issue before the Senate now is not a partisan issue.

In truth, it is not even about Senator PACKWOOD. The amendment offered by my distinguished colleague from California, Senator BOXER, does not in any way represent any attempt to express a judgment on the merits of the complaint against Senator PACKWOOD that is presently pending before the Ethics Committee.

In fact, Mr. President, I think it is fair to say that this amendment is not about Senator PACKWOOD's ethics at all. This amendment is about the Senate's ethics. This amendment is about how we, as an institution, as a body, will comport ourselves in the public view.

Quite frankly, I think it is not surprising, I say to my colleagues, Senator BOXER and the Senator from Maryland, it is not surprising, no one on the other side of the aisle will speak to this issue. This is still something that can only shame, and I think it is the shame of the attempt to try to defend the indefensible that has kept the opposition from coming forward and speaking to this issue.

What this amendment is all about, in my opinion, is not any individual case, but about the Senate's obligation to the American people in every case. That is, the obligation that we have to resolve these ethics cases in public.

Mr. President, I serve on the Senate Banking Committee. The membership of that committee, with few additions, constitute the membership of the Special Whitewater Committee. Last year, under the resolution, we reviewed over 10,000 pages of documents. We conducted about 37 depositions. The committee had days and days and days of hearings—6 days, in fact.

The whole purpose of the public hearings was that the American people would have the opportunity to hear and to see the people who were involved in Whitewater themselves, and to reach their own judgments.

Now we are back again this year. The committee has reviewed, again, an additional hundreds of thousands of pages of documents, conducted at least 61 depositions, and we are right now in the middle of 13 days of public hearings—hearings that go all day long. Again, so the American people can see for themselves, can hear for themselves, and make their own decisions about the circumstances around the handling of papers following Mr. Foster's untimely death.

Mr. President, that is the way this should be. That is the way that we do things here in the United States. We investigate in public; we decide this in public. That, in fact, if anything, is one of the founding cornerstones of our democracy.

We do not have secret trials. We do no have star chambers. We believe sunshine is the best disinfectant. Quite frankly, acting in public is not just the principle of the Congress that applies to our investigations of the executive branch. The Senate has always applied that same principle to ethics investigations involving this body.

Without going over the details or the process, which the Senator from Maryland has spoken to, the fact is, in every single past case handled by the Ethic Committee that moved to this third stage, there have been public hearings. It seems to me, Mr. President, that our obligation to the American public is no less now than it has been in the past. We have the same responsibility to conduct public hearings now as we did in the past.

So the question then remains, Mr. President, whether or not we are going to stand up for this institution, whether or not we are going to stand up for the regard that the public has of this institution's business, whether or not we are going to allow in this particular instance for raw power to determine whether or not we air these issues in public or whether or not they will simply be covered up.

I do not believe that the Members of this body want to be seen as participating in a coverup. I do not believe that the Members of this body want to be seen as participating in any diminution of stature in regard to this institution, in the minds of the American people.

Mr. President, again, this is not a personal issue. I also happen to be the first woman—the only woman—to serve on the Senate Finance Committee. I have had occasions to work with Senator PACKWOOD. He is a brilliant man. He has certainly been fair. He certainly has been fine to work with.

In that regard, it puts me in a very difficult situation to stand on this floor and to take this position in the collegial atmosphere of the Senate. I have to say that service on the same committee—notwithstanding the fact is this is not a partisan issue, this is not a personal issue. This is not an issue of Senator PACKWOOD's ethics. This is an issue going to the ethics and the regard of the U.S. Senate in the minds of the American people.

I believe that toward that end and in defense of this institution, we have an obligation, a moral obligation, if you will, to support the amendment of the Senator from California.

I yield the time back to the Senator from California.

Mrs. BOXER. Mr. President, I see the Senator from Kentucky on the floor, so I will defer to see if he wants to make a statement. I yield the floor.

The PRESIDING OFFICER. If no one yields time, the time will be deducted equally from both sides.

Mrs. BOXER. Mr. President, I suggest the absence of a quorum. I ask that the time be charged to the other side, since they have no speakers at this time.

Mr. MCCONNELL. Mr. President, I object.

Mrs. BOXER. Mr. President, I have to say this is a very sad day for the Senate. It is sad for a number of reasons.

It is sad because we ought to all be for public hearings. That is the right thing to do. It is also sad that because clearly we have a lot of speakers on our side who wish to express themselves, who are assuming there would be speakers on the other side to participate in the debate.

I think there is an obvious point being made here, which I will let others interpret.

I think something that the Senator from Illinois said ought to be thought about. Namely, why no Member is willing to come over here at this point and debate on the other side.

Another point that was made by my friend from Maryland when she says, ''Don't kid yourself. Whether there is a public hearing or not, there's going to be a public hearing,'' because this is the United States of America.

The American people already, 2 to 1, are in favor of public hearings in this matter, when they watch this debate. Unless we prevail, I think they will demand it.

Ms. MIKULSKI. Mr. President, will the Senator yield? When I said there would be a public hearing, even if your amendment is defeated, the women are counting on the U.S. Senate to provide a forum. They have counted on us for 30 months.

If, in fact, the Senate rejects that opportunity, and rejects them, I believe that the women will conduct some type of forum themselves—I do not know that.

I will reiterate the point that I have never spoken to the women as a member of the Ethics Committee. I have followed the rules of the Ethics Committee and never spoken to those women.

They are going to tell their story. I would much rather that they tell their story in an organized format in the Senate than through a series of other forums.

Mrs. BOXER. I think the Senator made such an excellent point here, because some of the things we hear whispered around here are, ''This is too embarrassing. We better have this behind closed doors.'' If anyone on the other side thinks this is going to stay behind closed doors simply because they tried to close the doors today, they are mistaken. Because this is America. This is not a tyranny. This is not a country that gags its people.

At this time I yield 4 minutes to my friend from Vermont, Senator LEAHY. I am very proud he has come over to join the debate.

Mr. LEAHY. Mr. President, I agree this is a matter that should be heard before the Senate and heard in public. There is no question it is going to be heard, one way or the other. But we Senators, no matter how painful it might be, no matter how torn any one of us might be individually, for the good of the Senate—and that is important in our constitutional government—for the sake of trust in elected officials in the Senate, these hearings should be held here.

Certainly, for the women who have waited to be heard, the accusers in this case, ought to be heard and heard in public. For the Senator in question, he ought to be able to be heard in public, be able to hear his accusers and give his answers.

But I worry: in a country like ours, a democracy where our Government operates on the trust of the people, that the U.S. Senate should be the conscience of the Nation. The Senate, with our 6-year terms, with our unlimited debate, is the body that can be the conscience of the Nation. We are not reflecting that conscience if we do not have open hearings. Not because anybody in this body will relish this, but because we know, every single Senator knows in his or her soul, that it is the right thing to do. Every single Senator in this body knows in his or her soul that, if we are to be the conscience of the Nation, we must do this publicly before the Nation, no matter how difficult it is.

None of us knows how these hearings are going to unfold. When I was a prosecutor I presented a case, the other side presented a case, and the court ruled. Here, in a way we become judge and jury together. For many of us that is a unique experience. But for the U.S. Senate, it is not a unique experience. It has over 200 years of proud history. It is the body that has, time and time again, allowed the conscience of the Nation to be expressed. Unless we do it here openly, we do not uphold our own conscience, we do not uphold the standards we ask of others, and we do not uphold the standards of a great institution.

I hope the whole Senate will rise and support the Senator from California and say, let us have the open hearings. Whatever happens, we will have them, for the good of the Nation, for the good of the individuals involved, but also for the long term good of this fine institution.

I yield the floor.

The PRESIDING OFFICER (Mr. GREGG). Who yields time? The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I was doing some work on matters for my constituents, and my staff tells me there is some suggestion that there might not be any speakers on this side of the issue. Let me disabuse my friends on the other side of that notion. It is my understanding, under the unanimous consent agreement, each side had 2 hours. We are prepared to use some or all of that time.

Let me say at the outset that I am told a number of Senators have suggested that a 3–3 vote in the Ethics Committee is not a decision. In fact it is a decision. The Ethics Committee was crafted on purpose to require four votes from a bipartisan committee to take any affirmative action. So at the outset let me make it clear, there is no deadlock to be broken. A decision was made on the public hearing issue.

Also, let me suggest that the resolution offered by my friend from California, ironically in the name of precedent, really seeks to uphold a precedent that does not exist—it simply does not exist—but demolishes other precedents which do exist and are vital to the ethics process and to the Senate.

One precedent which it destroys is that, in the 31-year history of the Ethics Committee, there has not been a single occasion upon which the full committee—the full Senate—injected itself into the process and sought to push the committee one way or the other or to overturn decisions the committee had properly taken.

Mr. President, with regard to the argument about whether there are precedents for public hearings, let me say that, while there is a consistent precedent for no interference with the procedures of the Ethics Committee by the full Senate until the full Senate is presented with the final product, there is a clear precedent for not doing that, which the approval of the BOXER proposal would violate, setting a new precedent. There is no precedent on the issue of public hearings.

The Durenberger case, for example, was a staged presentation with a prescripted proceeding, without witnesses and without cross-examination, hardly in any way what we would normally consider a public hearing.

In the Cranston case, there were some public hearings. They were used in the preliminary fact-gathering phase alone and not later in the case. The committee decided, actually, in the Cranston case not to hold public hearings, at a point when its rules and procedure provide, at the end of the inquiry.

So, with regard to the precedent issue, there is no clear, consistent precedent for holding public hearings at the end of major investigations in the Ethics Committee. But there is a 31-year precedent for not having the full Senate bind the Ethics Committee in any particular case. And while I suppose it could be argued that the amendment of the Senator from California is generic in nature, it is certainly no accident that it is being offered at this particular time. This is not the normal way in which we would change a committee rule.

So make no mistake about it, Mr. President. The precedent that would be set today would clearly be the beginning of the end of the ethics process, because you can imagine what would happen, particularly around campaign season when out here on the floor where there is always a majority and always a minority—unlike the Ethics Committee where it is 3–3—the temptation to offer amendments directing the committee to do this or to do that would be overwhelming, particularly as you get closer and closer to an election.

The second point I want to make, Mr. President, and those members of our committee on both sides who have served for the last 2½ years, I think, all agree that the professional staff of the Ethics Committee is completely nonpartisan. The same folks who are working there now under my chairmanship were there working under the chairmanship of the vice chairman last year. This professional staff, which has its reputation on the line in this case

as well—these are professional investigators who serve the Ethics Committee on a nonpartisan basis. There is no partisan hiring whatsoever in putting together the staff of the Ethics Committee. They know more about this case than anybody else, more than I know, more than the vice chairman knows, and on many occasions members of the committee from both sides on our committee have praised the work of the staff.

In almost every instance we have followed their advice and counsel in working on this case, or other cases. The staff in this case, Mr. President, recommended that public hearings were not appropriate.

Why did they do that, this group of skilled professionals who have their own reputations on the line in a high-profile case like this? Mr. President, I think the answer is rather clear. There are two investigative criteria for holding hearings. One is to ensure the completeness of the evidentiary record—to ensure the completeness of the evidentiary record—and the second would be to assess the credibility of the witnesses who gave testimony.

The Ethics Committee, first and foremost, is an investigative body, and investigative criteria must be applied to our decisions. The staff judgment was that the evidentiary record is not just complete, the staff judgment was that the record was not just complete; it was encyclopedic and ready for final decision. Hearings would be needed only if witness credibility was in doubt tested by questioning and cross-examination.

Every committee member, Mr. President, has strong feelings about the believability of the testimony given to us through sworn depositions. No hearings are going to change that—we have voluminous sworn depositions before us—and poring over those.

In addition, there is the question of delay. The staff opinion is that real hearings would take at least 2 months, actually probably much more than that, given the preparation time involved to get ready for having them.

So we needed to ask: Is there another way to make our proceedings in this case public without adding unnecessary delay to a 2½-year-old case? The fact that the public has a right to know all the relevant information in this case is really not in dispute. The relevant sworn testimony of witnesses who came forward will be shared with the public. The Senate and the public will have all the relevant facts prior to the disciplinary action.

So it is not a question of whether the public is going to be denied information relevant to the final decision.

The resolution of the Senator from California, in effect, Mr. President, destroys the independent ethics process. I have some personal knowledge of this. I happen to have been a summer intern here in the summer of 1964, the year I graduated from college. I was in Senator John Sherman Cooper's office. Some of the folks here in this body who have been around for a while remember Senator Cooper. He is something of a legend in Kentucky, known for his integrity and his wisdom. Interestingly enough, it was Senator Cooper's resolution in 1964, the year I was an intern here, that created the Ethics Committee. What he was trying to do was to get misconduct cases—this was in the case of the Bobby Baker incident—which in those days was handled by the Senate Rules Committee, and, obviously, the Rules Committee, like every other committee of the Senate except the Ethics Committee, was controlled by the majority. So there was a sense, after the Bobby Baker case, that it really was not handled all that well, and both sides felt that way.

So it was Senator Cooper's vision that there would be created an evenly balanced committee, in effect, forced to be bipartisan because of the nature of the committee, and that committee, to act in any affirmative way, would have to achieve four votes. It would require bipartisanship to go forward. Mr. President, for 31 years this process has stood the test of time until today.

The Ethics Committee, as Senator Cooper envisioned it, was to be empowered to investigate cases as it—it—saw fit without outside intervention. The committee's authority was intended to be exclusive and absolute through the investigative phase.

Obviously, at that point it was envisioned the committee's work would come to the full Senate typically with a recommendation for action which only the full Senate could approve. The whole idea, Mr. President, was to make it possible in this most political of all places to have a bipartisan investigation, and the process has served the Senate well. And at no point during the 31-year history has there been a resolution offered, debated, and voted upon in front of the full Senate seeking to tell the committee what to do.

So the resolution of the Senator from California will shatter this 31-year precedent, and the new precedent for the future will be a way of proposals on the Senate floor to suggest that the committee open a case here, close a case there, do this, do that. That will be the precedent.

The approval of the proposal of the Senator from California would destroy the vision of Senator Cooper, and others, that the Senate could, at least through the investigative phase, remove a misconduct matter, deal with it on a bipartisan basis, and then produce a final product for the floor of the Senate.

All future Ethics Committee actions, Mr. President, or split votes—which, as I have already indicated earlier, is a decision—would be fair target for bruising, public floor fights.

Currently, the Ethics Committee sets aside preelection season complaints. Now I am fairly confident that the wave of the future will be resolutions in the Chamber forcing immediate action on one matter or another.

The resolution of the Senator from California sends really an unequivocal message. The Ethics Committee can be treated like a political football, propelled in any direction that the majority seeks to push it—kicked around by any Member who wants to push a political or personal agenda. The approval of the Boxer resolution would be the beginning of the end of the Ethics Committee and a return to the bad old days. And the bad old days before 31 years ago were to deal with misconduct cases on a partisan basis.

The other irony, Mr. President, is that the principal loser under a system which allowed the majority to control misconduct cases would be the minority party in the Senate. So the other ironic effect of the proposal of the Senator from California is to force a matter out of a bipartisan forum onto the floor of what arguably is one of the more partisan places in America. In what way does the minority party benefit from, in effect, ending a bipartisan forum?

Second, Mr. President, while we are discussing precedents, the resolution of the Senator from California clearly violates the precedent set earlier in this case when we had before the full Senate the question of the subpoena of diaries. Just a little while back, in 1993, I remind my colleagues, the Senate voted 94 to 6 to enforce the Ethics Committee's subpoena of the Packwood diaries. The Senate also voted 77 to 23 against an amendment restricting the committee's access to diaries. And clearly what was in this Chamber just in the fall of 1993 was a question of whether the committee judgment was going to be sustained. My friend from California and others were emphatic in saying the Ethics Committee should handle the case. Unfortunately, that was then and this is now.

At that time, both Democrats and Republicans argued that the Ethics Committee had exclusive authority to investigate misconduct without interference from the full Senate or from any single Member, and that was just in the fall of 1993. The Senate voted overwhelmingly that the Ethics Committee alone had the right to determine what procedures it should follow in conducting investigations. Senators from this side of the aisle voted almost unanimously against the interests of one of our own. Republicans voted against the demands that one of their own was trying to impose on the committee.

I know it would be extremely tough for someone on the other side of the aisle to oppose the resolution of the Senator from California, but I hope there may be a few listening to this debate who will think through the ramifications of the passage of the Boxer amendment. Remember, there is no deadlock. Three-three on the Ethics Committee is a decision. It takes four votes to do anything affirmatively in

the ethics process. Make no mistake about it. This proposal is designed to overturn a decision already taken by a bipartisan committee.

Now, this vote today, in my judgment, is not about Republicans versus Democrats or, in my view, even being for or against public hearings. This vote is about whether the Ethics Committee should be allowed to do its work, to do its work without interference or second-guessing from the floor at least until it finishes its job. And that is important to understand. It is not like any individual Senator or group of Senators are not going to have ample opportunity to express themselves, to condemn the work of the committee, to argue that we should have done this or should have done that. None of those options are waived, Mr. President, by allowing us to finish our work. As a matter of fact, given the controversial nature of this case, it is inconceivable to me that we are going to be applauded by very many of our friends up in the gallery or anybody on the other side no matter how we handle it. The question is will we be allowed to finish? And—and—will the process be changed, the 31-year precedent of no interference in this bipartisan committee's work?

Many of us like to quote our senior colleague from West Virginia because he has said many wise things when it comes to this institution and what is necessary to protect it. Back during the diary debate, the diary subpoena debate in this case, Senator BYRD said, ''If we turn our backs on our colleagues who have so carefully investigated this difficult matter, we may as well disband the committee.''

I do not know where we go if we are going to set the precedent that the committee is to be in effect micromanaged from the Senate, but it does make one wonder whether this is a useful process. The committee is either going to be allowed to finish its work without interference from the floor or it is not. And if it is not, then I wonder why anybody would want to serve on the Ethics Committee. My colleagues, Senator CRAIG and Senator SMITH, and I have scratched our heads on that issue occasionally and wondered why we agreed to do it in the first place.

Imagine a scenario under which this Ethics Committee or any Ethics Committee knows that all along the way, at any crucial point or at any time when somebody is trying to score a political point or wants to make a few headlines, they are going to be out on the floor of the Senate in an awkward position trying to protect confidential information that they know about and at the same time trying to engage in a public debate on a case not yet finished. I do not want to be an alarmist here, but it seems to me there is no point in having the Ethics Committee if that is the way it is going to be from now on.

I cannot imagine that anybody would want to serve. I just cannot imagine it. It is not much fun now, I can assure you. It is not the way I particularly want to spend my afternoons. But imagine if in addition to presiding over the toughest kind of investigation against one of your own colleagues, you know that all along the way during the process you are going to be out here like we are today getting a bunch of bad press, trying to do what you think is right, while one or more Members of this body get terrific editorials and terrific headlines standing up for what appears to be the popular thing.

So I think we ought to think it through, Mr. President, whether or not if the Boxer resolution passes—and I say, think this through on a bipartisan basis, really—whether we want to continue to have an ethics committee. Maybe we go back to the Rules Committee. Maybe Senators think that would be a better way to do this. Of course, the Rules Committee is controlled by the majority party, and some people might be concerned that the Rules Committee might be a little less enthusiastic about pursuing a Member of the majority than a Member of the minority.

But maybe I am off base here. Maybe it would not operate that way. Maybe people would on the Rules Committee just kind of rise above party affiliation and be just as interested in pursuing examples of alleged cases of impropriety against Members of the majority as they would against Members of the minority. Or maybe we ought to just throw up our hands and say, ''We cannot do this job. Let us let outsiders do it.'' Some have suggested that.

Well, Mr. President, one thing you can say about the case that has generated this floor debate, it is the toughest investigation in history. As I said earlier, it has been the mother of all ethics investigations. The witnesses have consistently praised the committee's comprehensive inquiry. The handling of the Packwood case outshines all previous investigations of sexual misconduct, certainly here because we have not had any, and compared to the House, which has had 5 in the last 10 years, the handling of this has been vastly superior in every measurable way.

The committee has interviewed 264 witnesses, taken 111 sworn depositions, issued 44 subpoenas, read 16,000 pages of documents, spent 1,000 hours in meetings. And even in spite of all of that, if the Senate will allow us to finish our work, the Senate will indeed have an opportunity at the appropriate time to substitute its collective will for ours.

The Senate will have a chance to challenge committee action. The Senate rules give broad latitude—broad latitude—for floor action after the committee's work is done. Any Member can accept, reject, or modify the recommendations of the committee at the appropriate time. No rights are waived. No rights are waived by allowing the committee to finish its work.

But to undermine the work of the committee in the middle of the case takes away its independence. It is tantamount to abolishing the committee outright or maybe dissecting it piece by piece by piece.

Let me say in conclusion, Mr. President, every precedent weighs against the resolution of the Senator from California. And precedents do not mean a thing, Mr. President, if they are not upheld in difficult cases.

Let me say again, there is no clear, consistent precedent for full-fledged public hearings at the end of every investigation involving ethics.

I may speak again later, but let me say, regardless of the outcome, I pledge as chairman of this committee we are going to try to finish our work. We are going to try to finish it in good faith. And let me say I would be less than candid if I did not say that the spilling over of this case on to the floor of the Senate has divided our committee. We have been able to work together on the whole, I think, on a good, bipartisan basis in this long and difficult investigation. There is no question that we have been feeling the strain. And I hope that once this unfortunate floor proceeding is over, that the six of us who have actually in many ways become good friends during the course of this difficult assignment, will be able to come back together, finish this case, do what is best for the Senate, for the American people, and for Senator PACKWOOD.

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

The PRESIDING OFFICER. The Senator has approximately 1½ hours.

Mr. MCCONNELL. Mr. President, I yield such time as he may desire to the Senator from New Hampshire.

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

Mr. SMITH. I thank the Senator from Kentucky for yielding.

Mr. President, in seeking office to be a U.S. Senator, it was not my hope that I would ever be in the position that I am now in on the floor of the U.S. Senate as a member of the Ethics Committee essentially debating in some ways regarding a case involving one of our colleagues. It is not something you look forward to.

But before entering into the discussion of the Boxer amendment, which I strongly oppose, I just want to say regarding the chairman of this committee—and frankly, his predecessor as well, Senator BRYAN—starting first with Senator BRYAN, I served on the Ethics Committee and I have served for the past 4 years on that committee, a year—2½ years of that—3½ years of that was under the chairmanship of Senator BRYAN. Never, ever under any circumstances did I see any partisanship reflected by him or his colleagues on the committee. We always worked together in the spirit of knowing,

frankly, as you refer to this case, but for the grace of God it could be some or one on the other side.

See, as Senator MCCONNELL has so brilliantly outlined, that is the beauty of the whole concept of the Ethics Committee, Mr. President, to the fact that we have taken this whole issue of judging a colleague out of the hands—out of the hands—of politics and put it into a nonpartisan, rather than bipartisan, in my estimation, Ethics Committee.

Senator Cooper, who was referred to by Senator MCCONNELL, who helped to craft this legislation to create this committee, was brilliant, in my estimation. Is it a perfect process? No. I can certainly attest to that, as can any of my colleagues who have served on this committee.

Senator MCCONNELL, as the chairman of this committee, involving a major case of one of our colleagues on our side of the aisle, has taken more abuse than any chairman of this committee that I can recall in recent times. And every word of it, every single word of it has been unfair. And I happen to know because I have served with him every step of the way, both when he was ranking member and as chairman. He has taken it from the press, he has taken it from colleagues on his side of the aisle, he has taken it from colleagues on the other side of the aisle. And none of it, none of it, is justified.

I know how frustrating it is—because I have been in the Senate when I was not a member of the committee—when there is a case of this magnitude, or any case that is before this committee, to not know what is going on, meeting behind closed doors, if you will. There is a reason for that.

No, it may not be popular out there in the public. It is certainly not going to be popular when you have colleagues like Senator BOXER railing against the process on the floor of the Senate. No, it is not going to be popular. It is going to be unpopular because when Senator BOXER and others rail against the process on the Senate floor, they will make it unpopular. That is why it is unpopular.

There is no confidence in public officials or public institutions, it has been said on the other side of this debate. When I say ''on the other side of this debate,'' I do not necessarily mean all of the other party. But that is the reason why, because with all due respect to my colleague, she did not give us the opportunity to render a decision, not a decision in regard to Senator PACKWOOD in terms of punishment, if any. No, no; that is not the issue. She did not give us a chance to render a decision on whether or not there was going to be a public hearing.

This issue is not about a public hearing. Let us be honest about this. This is not about a public hearing. If it was about a public hearing, with all due respect to the Senator from California, the Senator from California would have waited until the Ethics Committee took a vote and, as it turned out, it was 3 to 3. Then she would have come to the Senate floor and criticized the vote, which she has a right to do, and say we should have had public hearings.

But that is not what happened, I say to my colleagues. Senator BOXER decided, before the Ethics Committee made a decision, that she was going to criticize the Ethics Committee to intimidate the Ethics Committee and break up the process, the nonpartisan process. That is what happened. That is exactly what happened, and my colleagues know that is what happened, and that is wrong. We have now interjected the ugly aspect of partisanship into this process.

I heard it said on the floor of the Senate prior to this debate that the three of us on our side of the aisle in this case had made up their minds and had already announced their decisions. This Senator had not made any such decision, and my colleagues on the other side of the aisle know it. If they are honest about it, they will admit it, because I never made any statements until just days, a couple of days, before this whole thing happened, did I ever say to one of my colleagues on the other side of the aisle how I was voting. I did not know how I was going to vote. I tried to keep an open mind.

I heard Senator MIKULSKI say in the debate a while ago that I have always been in favor of public hearings. Let me just say, that is not true. In my case, I was never always against public hearings. You know what; I tried to listen to the merits of this case and I tried to make my mind up on whether or not there should be a public hearing based on what I heard after 2½ years. I did not make my mind up on anything, not anything at all, because it is too important to do that.

This is a colleague that we are talking about; these are victims out there that we are talking about. They all deserve—they all deserve—a fair process, and the process that has been outlined by Senator MCCONNELL is fair. It is fair, and it keeps politics out of it. It allows the Senate Ethics Committee to operate not under the pressures of what is popular out there, or unpopular out there, whatever the case may be, not what the Washington Post says or anybody else says out there in the media, not what is written on the editorial pages, no, and not what is said on the floor of the Senate in some partisan debate. That is not the way we are supposed to operate. We cannot operate that way.

I urge my colleagues to consider that when you vote. Forget about the ''D'' or the ''R'' next to your name and think about it. Think very carefully about it, because as Senator MCCONNELL has said, we very well may be back to the Rules Committee making decisions.

I do not know who in the world, as he said, would serve on the Ethics Committee if before you make a decision on anything, be it public hearings or final decision, we have to be told or intimidated by debate as to what may be popular how we are supposed to rule. That is not the process.

As Senator MCCONNELL also said, we never had any partisan rancor in this case; a little bit of it when we had the situation on the floor over the diaries, but minimal. But in terms of the meetings that we had, I do not know how many hundreds of them we have had and the hours we have spent.

I was sitting here and did not check the record—and I will be happy to stand corrected if I am wrong—I cannot recall one vote, not one, that was 3 to 3 on anything that we have done on this case, and we have had one heck of a lot of votes. This is the only one. It was 3 to 3.

I have to deal with my own conscience and with my own Creator, and I made that decision not based on whether there is an ''R'' next to my name or not, thank you, I say to Senator BOXER, but I made it on the basis of what I thought was right. That is how I made my decision. And my colleagues on the committee who have worked with me for the past 4 years know it.

The Senator seeks to undermine the bipartisan nature of this committee. It is a very dangerous road to travel down. The many issues that we face with other committee members have been handled not only in a bipartisan, nonpartisan, but a respectful manner—respectful manner.

I truly believe that each member of this committee feels strongly about every case we have worked on, about each Member's conduct we have judged, and the effect every case has on the Senate as an institution, as well as the victims, as well as the Senator accused—but also the Senate.

I can honestly state that I have never seen any partisanship until now. I understand the pressures, and I regret very much that because of those pressures, some have had to succumb to this. I regret very much—and I do not cast any personal aspersions, and my colleagues know that—but I regret very much for the few moments that I was in the chair earlier this afternoon, seeing all of my colleagues on the other side of the aisle on the Ethics Committee converged around the Senator from California with their staffs, working on an amendment which, in essence, guts the entire Ethics Committee process. I regret that very much. I want to get that out on the floor as a matter of public record. I regret it very much.

At each step of this investigation, with a Democrat as chairman, with a Republican as chairman, we have conducted our business fairly, bipartisanly, and we have never left a stone unturned that I am aware of, and that includes the committee. When Senator MCCONNELL took over as chairman of the committee, he did not change one staff member; not one. Can

we say that about other Senate committees after the parties changed power? Not one staff person. It did not even cross his mind. It was never discussed, ever.

We cannot circumvent the procedure that we have here. If this Boxer amendment is adopted, no longer—no longer—will there be a thoughtful discussion of the facts among committee members, no more thoughtful discussions. It will be what is popular.

I resent very much—and I again want to be strong in my statement—I resent very much some of the terms that have been used on the floor in this debate: ''Whitewash''; ''sweep things under the rug''; ''behind closed doors''; ''men's club.'' I have heard all of it. I have heard all of it, and it is an insult, frankly, to all six members, and all six members know it is an insult.

The public has a right to know; it absolutely has a right to know the facts in this case. I spent 6 years on a school board, 3 years as its chairman. I strongly support the public right to know, the right-to-know laws, and full public disclosure. I take a back seat to no one on that.

I can tell you that when this case is concluded, everything that this committee knows the public will know. I can also tell you that after the decision is rendered and this case is discussed on the floor, you can ask any question that you want to ask of this Senator, of any other Senator on the committee, any information. It is all there. You will have it all. You can question anything you want—anything. You can overturn any decision we make. You can agree to any decision we make. But that is the way the process is supposed to work, and that is not what is happening now.

Think about this. In this case, it is a popular thing that Senator BOXER has brought up here. It is popular in the sense that somehow the perception is that a ''men's club,'' a U.S. Senate with very few women, is somehow, because of this being an allegation involving sexual matters, sweeping something under the rug simply because we do not have public hearings. Hearings are supposed to produce new evidence, add to the debate. That is a decision for the committee to make, and we made it.

We made it in spite of the attacks that were made on this committee and the integrity of the process by the Senator from California. And I am glad we did, because it was the right thing to do. And tomorrow, God forbid, or next year, it may be someone on your side of the aisle, and you will be glad we did. You will be very glad we did.

Mr. President, in my judgment, we have enough information to move on the disciplinary phase of this process. I would like to end this 2½-year investigation, which has taken many, many hours of my time and days of my time, and that of my colleagues—time I would have liked to have spent with my family or on other matters. I believe that at its conclusion, most likely the case will be before you here on the floor. Every one of you will have the opportunity to make your own judgment.

I say to you, give us the chance, my colleagues. Vote against the Boxer amendment and give us a chance to be judged on the decision that we make. Give us that opportunity to be judged on the decision that we render.

Mr. President, I yield the floor.

Mr. MCCONNELL. Mr. President, I want to thank the distinguished Senator from New Hampshire not only for his outstanding comments here today, but also for his dedicated and principled service on the Ethics Committee. He has been absolutely indispensable to the process and has always conducted himself with the highest integrity, both in the committee and outside the committee, in how he has dealt with the matters before the committee and in complying with the rules of the committee. So I thank him very much for his kind comments.

Mr. President, another important member of our committee that has been with us during this process would like some time.

I yield the distinguished senior Senator from Idaho such time as he may need.

Mr. CRAIG. Mr. President, I thank the chairman of the Ethics Committee. Let me inquire of the Chair, are we to move to recess at 4 o'clock for the purpose of the conference, or is there any standing UC on that?

The PRESIDING OFFICER. There is no pending unanimous-consent request on that.

Mr. CRAIG. All right.

Mr. President, I, like all of my colleagues, come to the floor today gravely concerned about the ability of the Ethics Committee of the U.S. Senate to function in an appropriate manner and to render its decisions and to bring those decisions to the floor of the U.S. Senate to be considered by our colleagues.

At the outset of my comments, let me recognize the chairman from Kentucky, who has, in my opinion, served in an honest and forthright way to cause this procedure to go forward in a timely fashion, but in a thorough and responsible fashion, so that the accused and the victims of this issue could be considered appropriately. I think he has done an excellent job. And I must also say that, in my over 1½ years of service in this body, I also served under the Democrat chairman. He, too, functioned in the same manner.

As has been mentioned by my two colleagues, the staff of that committee is, by every respect and every test, bipartisan. They have worked in that fashion untold hours to bring about a body of knowledge and information from which we should make decisions that is probably, in total, unprecedented in number of pages and hours of work effort involved.

For the next few moments, then, let me read something into the RECORD that I think is extremely valuable for the Senate to focus on, because somehow in this proceeding, there is an attempted air of suggesting that things are being done behind closed doors, and that that somehow is unfair to the process and unprecedented in the openness of the U.S. Senate, and, therefore, judgments and decisions rendered inside that environment could somehow be distorted on behalf of a colleague under consideration and against those who might be victims.

Let me read:

May 17, 1995. The attached resolution of investigation was unanimously voted by the Senate Select Committee on Ethics on May 16, 1995.

RESOLUTION FOR INVESTIGATION

Whereas, the Select Committee on Ethics on December 1, 1992, initiated a Preliminary Inquiry (hereafter ''Inquiry'') into allegations of sexual misconduct by Senator Bob Packwood, and subsequently, on February 4, 1993, expanded the scope of its Inquiry to include allegations of attempts to intimidate and discredit the alleged victims, and misuse of official staff in attempts to intimidate and discredit, and notified Senator Packwood of such actions; and

Whereas, on December 15, 1993, in light of sworn testimony that Senator Packwood may have altered evidence relevant to the Committee's Inquiry, the Chairman and Vice-Chairman determined as an inherent part of its Inquiry to inquire into the integrity of evidence sought by the Committee and into any information that anyone may have endeavored to obstruct its Inquiry, and notified Senator Bob Packwood of such action; and

Whereas, on May 11, 1994, upon completion of the Committee staff's review of Senator Packwood's typewritten diaries, the Committee expanded its Inquiry again to include additional areas of potential misconduct by Senator Packwood, including solicitation of financial support for his spouse from persons with an interest in legislation, in exchange, gratitude, or recognition for his official acts;

Whereas, the Committee staff has conducted the Inquiry under the direction of the Members of the Committee; and

Whereas, the Committee has received the Report of its staff relating to its Inquiry concerning Senator Packwood; and

Whereas, on the basis of evidence received during the Inquiry, there are possible violations within the Committee's jurisdiction as contemplated in Section 2(a)(1) of S. Res. 338, 88th Congress, as amended;

It is therefore resolved.

I. That the Committee makes the following determinations regarding the matters set forth above:

(a) With respect to sexual misconduct, the Committee has carefully considered evidence, including sworn testimony, witness interviews, and documentary evidence, relating to the following allegations:

I am now going to proceed to read 18 different allegations. Mr. President, am I divulging secret information? Is this something that was held behind closed doors? Am I, for the first time, exposing to the public information that the committee has known that might otherwise come out in a public hearing?

No, I am not. This is a document that was put before the public and put before the press corps of this Senate some

months ago. And it was thoroughly reported in many of the newspapers, on television and radio across this Nation.

(1) That in 1990, in his Senate office in Washington, DC, Senator Packwood grabbed a staff member by the shoulders and kissed her on the lips;

(2) That in 1985, at a function in Bend, OR, Senator Packwood fondled a campaign worker as he danced. Later that year in Eugene, OR, in saying good night and thank you to her, Senator Packwood grabbed the campaign worker's face with his hands, pulled her toward him and kissed her on the mouth, forcing his tongue into her mouth;

(3) That in 1981 or 1982, in his Senate office in Washington, DC—

And the allegations go on, all 18 of them, through 1969.

Then it says:

Based upon the committee's consideration of evidence related to each of these allegations, the committee finds that there is substantial creditable evidence that provides substantial cause for the committee to conclude that violations within the committee's jurisdiction as contemplated in section 2(a)(1) of Senate Resolution 338, 88th Congress, as amended, may have occurred; to wit, that Senator Packwood may have abused his U.S. Senate office by improper conduct which has brought discredit upon the U.S. Senate, by engaging in a pattern of sexual misconduct between 1969 and 1990.

Mr. President, I ask unanimous consent this document be printed in the RECORD.

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

RESOLUTION FOR INVESTIGATION

Whereas, the Select Committee on Ethics on December 1, 1992, initiated a Preliminary Inquiry (hereafter ''Inquiry'') into allegations of sexual misconduct by Senator Bob Packwood, and subsequently, on February 4, 1993, expanded the scope of its Inquiry to include allegations of attempts to intimidate and discredit the alleged victims, and misuse of official staff in attempts to intimidate and discredit, and notified Senator Packwood of such actions; and

Whereas, on December 15, 1993, in light of sworn testimony that Senator Packwood may have altered evidence relevant to the Committee's Inquiry, the Chairman and Vice-Chairman determined as an inherent part of its Inquiry to inquire into the integrity of evidence sought by the Committee and into any information that anyone may have endeavored to obstruct its Inquiry, and notified Senator Packwood if such action; and

Whereas, on May 11, 1994, upon completion of the Committee staff's review of Senator Packwood's typewritten diaries, the Committee expanded its Inquiry again to include additional areas of potential misconduct by Senator Packwood, including solicitation of financial support for his spouse from persons with an interest in legislation, in exchange, gratitude, or recognition for his official acts;

Whereas, the Committee staff has conducted the Inquiry under the direction of the Members of the Committee; and

Whereas, the Committee has received the Report of its staff relating to its Inquiry concerning Senator Packwood; and

Whereas, on the basis of evidence received during the Inquiry, there are possible violations within the Committee's jurisdiction as contemplated in Section 2(a)(1) of S. Res. 338, 88th Congress, as amended;

It is therefore *Resolved:*

I. That the Committee makes the following determinations regarding the matters set forth above:

(a) With respect to sexual misconduct, the Committee has carefully considered evidence, including sworn testimony, witness interviews, and documentary evidence, relating to the following allegations:

(1) That in 1990, in his Senate office in Washington, D.C., Senator Packwood grabbed a staff member by the shoulders and kissed her on the lips;

(2) That in 1985, at a function in Bend, Oregon, Senator Packwood fondled a campaign worker as they danced. Later that year, in Eugene, Oregon, in saying goodnight and thank you to her, Senator Packwood grabbed the campaign worker's face with his hands, pulled her towards him, and kissed her on the mouth, forcing his tongue into her mouth;

(3) That in 1981 or 1982, in his Senate office in Washington, D.C., Senator Packwood squeezed the arms of a lobbyist, leaned over and kissed her on the mouth;

(4) That in 1981, in the basement of the Capitol, Senator Packwood walked a former staff assistant into a room, where he grabbed her with both hands in her hair and kissed her, forcing his tongue into her mouth;

(5) That in 1980, in a parking lot in Eugene, Oregon, Senator Packwood pulled a campaign worker toward him, put his arms around her, and kissed her, forcing his tongue in her mouth; he also invited her to his motel room;

(6) That in 1980 or early 1981, at a hotel in Portland, Oregon, on two separate occasions, Senator Packwood kissed a desk clerk who worked for the hotel;

(7) That in 1980, in his Senate office in Washington, D.C., Senator Packwood grabbed a staff member by the shoulders, pushed her down on a couch, and kissed her on the lips; the staff member tried several times to get up, but Senator Packwood repeatedly pushed her back on the couch;

(8) That in 1979, Senator Packwood walked into the office of another Senator in Washington, D.C., started talking with a staff member, and suddenly leaned down and kissed the staff member on the lips;

(9) That in 1977, in an elevator in the Capitol, and on numerous occasions, Senator Packwood grabbed the elevator operator by the shoulders, pushed her to the wall of the elevator and kissed her on the lips. Senator Packwood also came to this person's home, kissed her, and asked her to make love with him;

(10) That in 1976, in a motel room while attending the Dorchester Conference in coastal Oregon, Senator Packwood grabbed a prospective employee by her shoulders, pulled her to him, and kissed her;

(11) That in 1975, in his Senate office in Washington, D.C., Senator Packwood grabbed the staff assistant referred to in (4), pinned her against a wall or desk, held her hair with one hand, bending her head backwards, fondling her with his other hand, and kissed her, forcing his tongue into her mouth;

(12) That in 1975, in his Senate office in Washington, D.C., Senator Packwood grabbed a staff assistant around her shoulders, held her tightly while pressing his body into hers, and kissed her on the mouth;

(13) That in the early 1970's, in his Senate office in Portland, Oregon, Senator Packwood chased a staff assistant around a desk;

(14) That in 1970, in a hotel restaurant in Portland, Oregon, Senator Packwood ran his hand up the leg of a dining room hostess, and touched her crotch area;

(15) That in 1970, in his Senate office in Washington, D.C., Senator Packwood grabbed a staff member by the shoulders and kissed her on the mouth;

(16) That in 1969, in his Senate office in Washington, D.C., Senator Packwood made suggestive comments to a prospective employee;

(17) That in 1969, at his home in Virginia, Senator Packwood grabbed an employee of another Senator who was babysitting for him, rubbed her shoulders and back, and kissed her on the mouth. He also put his arm around her and touched her leg as he drove her home;

(18) That in 1969, in his Senate office in Portland, Oregon, Senator Packwood grabbed a staff worker, stood on her feet, grabbed her hair, forcibly pulled her head back, and kissed her on the mouth, forcing his tongue into her mouth. Senator Packwood also reached under her skirt and grabbed at her undergarments.

Based upon the Committee's consideration of evidence related to each of these allegations, the Committee finds that there is substantial credible evidence that provides substantial cause for the Committee to conclude that violations within the Committee's jurisdiction as contemplated in Section 2(a)(1) of S. Res. 338, 88th Congress, as amended, may have occurred; to wit, that Senator Packwood may have abused his United States Senate Office by improper conduct which has brought discredit upon the United States Senate, by engaging in a pattern of sexual misconduct between 1969 and 1990.

Notwithstanding this conclusion, for purposes of making a determination at the end of its Investigation with regard to a possible pattern of conduct involving sexual misconduct, some Members of the Committee have serious concerns about the weight, if any, that should be accorded to evidence of conduct alleged to have occurred prior to 1976, the year in which the federal court recognized quid pro quo sexual harassment as discrimination under the civil rights Act, and the Senate passed a resolution prohibiting sex discrimination, and taking into account the age of the allegations.

(b) With respect to the Committee's inherent responsibility to inquire into the integrity of the evidence sought by the Committee as part of its Inquiry, the Committee finds, within the meaning of Section 2(a)(1) of S. Res. 338, 88th Congress, as amended, that there is substantial credible evidence that provides substantial cause for the Committee to conclude that improper conduct reflecting upon the Senate, and/or possible violations of federal law, i.e., Title 18, United States Code, Section 1505, may have occurred. To wit:

Between some time in December 1992 and some time in November 1993, Senator Packwood intentionally altered diary materials that he knew or should have known the Committee had sought or would likely seek as part of its Preliminary Inquiry begun on December 1, 1992.

(c) With respect to possible solicitation of financial support for his spouse from persons with an interest in legislation, the Committee has carefully considered evidence, including sworn testimony and documentary evidence, relating to Senator Packwood's contacts with the following persons:

(1) A registered foreign agent representing a client who had particular interests before the Committee on Finance and the Committee on Commerce, Science and Transportation;

(2) A businessman who had particular interests before the Committee on Commerce, Science and Transportation;

(3) A businessman who had particular interests before the Committee on Finance and the Committee on Commerce, Science and Transportation;

(4) A registered lobbyist representing clients who had particular interests before the Committee on Finance and the Committee on Commerce, Science and Transportation;

(5) A registered lobbyist representing a client who had particular interests before the Committee on Finance.

Based upon the Committee's consideration of this evidence, the Committee finds that there is substantial credible evidence that provides substantial cause for the Committee to conclude that violations within the Committee's jurisdiction as contemplated in Section 2(a)(1) of S. Res. 338, 88th Congress, as amended, may have occurred, to wit; Senator Packwood may have abused his United States Senate Office through improper conduct which has brought discredit upon the United States Senate by inappropriately linking personal financial gain to his official position in that he solicited or otherwise encouraged offers of financial assistance from persons who had a particular interest in legislation or issues that Senator Packwood could influence.

II. That the Committee, pursuant to Committee Supplementary Procedural Rules 3(d)(5) and 4(f)(4), shall proceed to an Investigation under Committee Supplementary Procedural Rule 5; and

III. That Senator Packwood shall be given timely written notice of this Resolution and the evidence supporting it, and informed of a respondent' rights pursuant to the Rules of the Committee.

Mr. CRAIG. The reason I do that is to show you and the rest of the Senators who I hope are listening this afternoon that there has been a concerted effort on the part of the Ethics Committee, not only to thoroughly investigate but to, in a responsible and timely fashion, spread before the Senate and the public the process and the procedure by which the Senate Ethics Committee was conducting its charge and its responsibility in the investigation of Senator BOB PACKWOOD.

Mr. President, I have had the unique experience of serving on this Ethics Committee and the Ethics Committee in the U.S. House of Representatives. I have also had the unique experience of serving on both of those bodies during times of extremely high profile cases. During the time that I served in the House it was the time that the House Ethics Committee was investigating the Speaker of the House, Jim Wright. All during that investigation there was never a question that there should be public hearings. But there was always a tacit understanding that all of the findings and all of the information collected would become a part of the public record, and that it would become a part of the public record simultaneous to the decisions, the findings and the recommendations of that Ethics Committee to the whole of the U.S. House as to the penalties that might be brought down on then the Speaker, Jim Wright.

I must tell you, Mr. President, that is exactly how the Ethics Committee of the U.S. Senate plans to operate. That there will be full public disclosure. Less than a few days ago we voted unanimously to cause that to happen. That, upon our findings and upon our recommendations to the U.S. Senate we would spread, for the public's review and for the Senators' review, all of our thousands and thousands of pages of findings and all 264 witness depositions, the vast body of information that you have already heard about today that have been talked about by my colleagues.

Never once in my experience on any Ethics Committee in either of these two bodies have I ever voted against public disclosure. I believe it is our responsibility. I think it is, more importantly, the right of the public to know.

But I also recognize it is the responsibility of the Ethics Committee of the U.S. Senate so charged by the U.S. Senate to operate in a bipartisan—or as my colleague from New Hampshire said, a nonpartisan—environment, in which to render its decisions.

I was, frankly, very amazed to see our committee for the first time split apart on this issue. I do believe that this, in itself, could be one of the most precedent setting involvements that we have ever seen, precedent setting in the fact that after 32 years of nonpartisan or bipartisan relationships we now find ourselves causing that aisle to divide us on how this committee should operate before it has rendered its decision to the Senate as a whole.

Last week that professional nonpartisan staff looked at us, after having provided us with all of this information, and said: It is our recommendation that public hearings are not necessary. There is nothing to be gained. It appears that, after the exhaustive effort at full discovery that was a unanimous vote of the committee, that there is little or no information that can be gained. It is now time to make a decision. It is now time to review and to render to the Senate our findings for the purpose of the Senate agreeing or disagreeing on those findings and those recommendations.

I am therefore tremendously bothered and frustrated that we risk making partisan what some 31 years ago we took off from the partisan table. I understand the pressures. I understand the nature of the arguments being placed. I also understand the uniqueness of these particular allegations.

But in all fairness I find them no different, as it relates to the conduct of a Senator in this body charged with the responsibility of being a U.S. Senator, whether he or she acted in a proper and responsible fashion, or whether he or she did not. And that is exactly what the Ethics Committee of the Senate is charged with finding out.

I am also amazed that we have members of the committee who would suggest they ought to have the right to question witnesses. It is important for the U.S. Senate to know that, by a unanimous vote of the committee, we charged the professional staff with the responsibility of going forward to take depositions and at no time was any member of that committee barred from the right to attend those depositions and to question any and all witnesses. So I am a bit surprised today that any member of the Ethics Committee would come to the floor using the argument that they did not have the opportunity to question all of the witnesses of whom questions were asked and depositions were taken. That is not true. What is true was that they had that right but, because of the vastness of the investigation, we spread the bulk of that responsibility to the professional staff of the Senate Ethics Committee.

I also remember arguing and agreeing and voting unanimously to not leave one stone unturned, to examine all allegations, to ask all parties under which allegations had been launched as to any kind of relationship or involvement Senator PACKWOOD had with any individual. And I must say, in all fairness, in a wholly bipartisan voice, that the committee responded in an exhaustive bipartisan, nonpartisan fashion. So there is a precedent here, and it is a precedent of risk.

It is a precedent of politicizing. It is a precedent of making partisan this very nonpartisan approach to dealing with the discipline of U.S. Senators. Discipline is the responsibility of the Senate and of its calling, and all of us understand that. And all of us for 32 years in this body have taken it most seriously. Every Senator has one absolute uncontested right—that when the Ethics Committee renders its finding and its decision, and it brings it to the floor of the U.S. Senate for a full public debate, that any Senator can investigate and review those findings, make a determination, argue for or against, offer amendments to change judgments and decisionmaking, and proceed in that fashion. That is the way we have always functioned.

As the chairman of the committee said, never before in the middle of a proceeding has it ever occurred to the U.S. Senate to abruptly attempt to cause the rules of the Senate to be changed because a Senator comes to the floor arguing that something in an alternative fashion ought to be done. The Senate has the rule. The Ethics Committee has made a decision, and the decision was not to hold public hearings. The fundamental reason has already been stated, time and time again—upon advice of the professional staff. All of the information was available.

So if hearings are for the purpose of allowing the public to know and to collect additional information and the second criteria had been met, then what about the first criteria? That criteria has also been met, and that is to provide full public disclosure of all relevant information, which is nearly 100 percent of all of the documentation that has been put before the committee for its process.

So I have one simple closing plea that I offer to my colleagues, my fellow Senators. I hope they are listening this afternoon in their offices, and I hope that they will come to the floor to vote with this in mind. I ask my colleagues

to allow us to finish our decisionmaking process, to allow us to bring to the floor in a responsible fashion our findings and our conclusions and our recommendation, and then for the Senate to do as they have done historically, and I believe responsibly: Judge us, judge our findings, and vote accordingly. I hope that is the case. I hope you will allow us to finish our work in a responsible fashion in defense of the victims, and in respect for the process, recognizing that in the end Senator PACKWOOD, too, has rights, and that we respect all parties as we work this issue to bring about that conclusion that I hope this Senate will honor and recognize in its vote on this issue this afternoon. To fulfill that request, your vote would be to oppose the Boxer amendment, which I believe is the appropriate vote in allowing this committee to continue to function with its responsibility at the request of the U.S. Senate.

Mr. MCCONNELL. Mr. President, how much time is remaining on each side?

The PRESIDING OFFICER (Mr. INHOFE). Forty-nine minutes is remaining on your side; the other side has 36 minutes.

Mr. MCCONNELL. Mr. President, I have a number of requests for time, so I am going to have to start allocating minutes, fewer minutes than I had hoped. Senator KASSEBAUM has indicated she wants to speak. Senator HUTCHISON has indicated she wants to speak. Senator SIMPSON is here. Senator BROWN is here. But I believe Senator BROWN is really sort of next in order. I would like to give to Senator BROWN 10 minutes.

I yield Senator BROWN 10 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BROWN. Thank you, Mr. President. Thank you, Mr. Chairman. I appreciate the time.

The Senate is now deliberating a change in its rules, and ostensibly the question that should be before us is one of openness. I am for openness. I believe in openness and in sharing information—I think it is the foundation of our democracy. I am not just verbally for openness. I was a sponsor of Colorado's sunshine law. It is probably one of the most—or the most—progressive laws in the country. It guarantees open meetings. It talks about open records. It even guarantees that whenever legislators get together, even in a caucus, that the press is allowed to be there to make sure that information gets out to the public.

I not only advocate openness, I vote for it. But Members should be aware that the amendment before us is not just about openness. The deliberations of the Ethics Committee will come to the floor regardless of how they rule, and they will be open, they will be public, and they will be subject to debate. And the information will be there.

The decision has already been made to make the information, the documents, and the investigation public. This debate is not about whether or not the facts about this case become public. They will become public, and the documents will be open and available.

This debate goes to a different problem, one that is always possible with investigations of this type. The danger in this or in any investigation is that it will become bottled up in committee and never heard of again. I served 7 years on the House Ethics Committee. It is my impression that this problem surfaced on a number of occasions and that people who committed serious infractions simply waited for their terms to end while the committee investigated. Often the matter was never brought forth in time.

Even though openness and access to the public are important, Mr. President, it may surprise some to know that the House rules accommodated delay and coverup. They allow the committee to continue to deliberate and never bring the matter to a close thus keeping it from the public. I voted against those House rules.

But amazingly, the sponsor of this amendment voted for those House rules, consistently voting for rules which allowed the Ethics Committee to bottle up complaints. That is not openness, Mr. President. That is a vote for closed Government and turning a blind eye toward ethics violations.

In 1983, Mr. President, there was a motion on the floor of the House to create a select committee to investigate alterations in hearing transcripts, a serious infraction. Believing in openness, I voted for that investigation. But the author of the amendment before us did not vote for openness. She voted against that investigation. She voted to close it down, to not let people see what went on.

In 1983, there was a proposed change in the House rules to make it easier for committees to hold meetings that are closed to the public, precisely the issue that we are deliberating today. I voted against closed meetings. I voted against that motion in 1983 because I am for openness. But the sponsor of the amendment today voted for it, voted for the motion to make it easier to close meetings.

Mr. President, the question before us today goes beyond openness or closed meetings. It is about something far different.

In 1987, the House had a motion to further investigate Congressman St Germain and to report findings back to the House. I voted for that further investigation, for the openness, and for the report. The sponsor of the amendment that is before us voted against it. She did not vote for openness. She voted for closed meetings.

In 1987, further, there was a sense of the House that a special commission be established to investigate an allegation of corruption of Members, charging the select committee to come back with suggested reforms. I voted for that select committee and for that investigation because I believe in openness. But the sponsor of the amendment before us voted against it.

Mr. President, the bottom line is simply this. This amendment is not about openness. Each of us have had countless votes on which we can express our view and our feelings as to whether this body and the democratic process ought to be open. I am for openness, and I voted for it and I stand for it consistently. But this amendment is not about openness. The documents in this case are open and will be available to the public. The results of the deliberations will be open and publicly debated in this Chamber. This amendment is about partisan gamesmanship. I do not think it deserves to pass.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I would like to yield 5 minutes to Senator EXON of Nebraska.

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

Mr. EXON. I thank the Chair, and I thank my friend and colleague from California.

I have been listening with great interest to the debate. It is one of those painful debates that the Senate has to go through from time to time, and I have been through many of them. I simply say I think we all owe a debt of gratitude to Members on both sides of the aisle who serve on the Ethics Committee. It is a thankless task. I think I have supported the Ethics Committee any time there has been any controversy. I would simply say that I have served in this body longer than any other Member on either side of the aisle on the Ethics Committee, and therefore I think I have some claim to what I think is proper for this body and for this institution and for what it stands.

I wish to thank personally once again now by name the distinguished Members on both sides of the aisle who have served with great distinction, in my view, on the Ethics Committee, as have Members of the body before them, once again a totally thankless task. If I were charged with an ethics violation, I would have complete confidence, I might say to the President, and the Members on that side of the aisle, Senator MCCONNELL, Senator SMITH, Senator CRAIG, and likewise the three Senators on this side of the aisle, Senator MIKULSKI, Senator BRYAN—and, of course, Senator BRYAN used to serve as the chairman of the committee—and certainly the newest member of the committee has served with great distinction, the Senator from North Dakota, Mr. DORGAN.

I have no ill will toward any of them. I think they have done a very yeoman job. But we are now down to a situation where we have to make a decision, and I stand here today in defense of the Senator from California for what I think is a proper course of action.

I looked through the previous open hearings that we have held in the Senate since I have been here, Cranston in 1991, Durenberger in 1990, Harrison Williams in 1981, and Herman Talmadge in 1978. I was here through all of those. And I remember the difficult task, very difficult vote that we as Senators were called upon to cast after the Ethics Committee had made its recommendations, all of them, I might say, after open hearings.

Therefore, I simply say that I have been quite amazed at the broadside against the Senator from California for what I think is a very legitimate action on her part. When she first made her announcement of considering going to and asking the Senate to go on record, I intended to visit her about it and see what was behind it. Then about that time a Member on that side of the aisle made a public statement—it has not been retracted as far as I know—that I consider a direct threat to the prerogatives of the Senator from California, by saying if the Senator from California proceeded with her action, that Senator on that side of the aisle might well investigate other prominent Members of the Democratic Party on this side of the aisle.

That was a threat. That should never have been made. And it is about time to receive an apology for that.

With that statement, Mr. President, this one Senator, who tries to be evenhanded on these things, recognized and realized that the Senator from California was only doing what I think is right and should be done.

The Senate of the United States is on trial. The institution is being looked at by the American people today, and its credibility is on trial.

I have no ill feelings against Senator PACKWOOD at all. I have worked with him on many, many important measures over a long period of time. I would just happen to feel better, frankly, if the Senator—could I have 2 more minutes?

Mrs. BOXER. One more minute to the Senator. I am running out of time. One more minute.

Mr. EXON. I hope that maybe Senator PACKWOOD would be better served by open hearings.

In closing, let me say that if the amendment offered by the Senator from California fails, the Senate fails, and the time will never come when the Senate can redeem itself in the eyes of the public and/or the eyes of itself. The Senate self-esteem is at issue. It was important yesterday. It is important today. It will be important tomorrow.

The Senate itself is on trial, and I hope that it does not fail in accepting the amendment offered by the Senator from California.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Mr. President, I yield 4 minutes to the senior Senator from California, [Mrs. FEINSTEIN].

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Chair very much.

Mr. President, I rise to support my colleague and her resolution, which I believe is appropriate, fitting, and not partisan. I do not believe that she had in mind a partisan effect at all. I believe she had in mind being able to conclude a process in a way which gave much fresh air and clarity and credibility to it. So I am pleased to support her.

I think every member of the Ethics Committee has worked hard in what has been a very difficult case. None of us likes to sit in judgement of another, and certainly the Senator at issue is one who is competent, who has had great credibility and great standing in this body.

Nonetheless, I came here in 1992, and this issue was very much with us in 1992. The allegations and the statements of the accusers have been printed and published all over the United States. The question really is, are they credible statements? And this question can only be answered by a hearing.

I heard the distinguished chairman of the Ethics Committee say 264 witnesses had been interviewed but, of course, that is by staff. The Senator from New Hampshire said, well, any member of the committee could sit in and listen to those depositions. That is not likely to happen with the busy nature of the life we lead in this body.

Human beings are certainly not perfect, and there may well be mitigating circumstances, but I think sexual misconduct, and particularly sexual harassment, is often misunderstood. It means different things to different people.

What is compelling to me is that 9 out of the 18 accusers have publicly asked for public hearings. Generally, this is not true. Generally, women do not want to come forward publicly. However, these women have publicly asked for the hearings.

As the Senator from California, my colleague, has pointed out, in every one of these cases, when the investigation has been completed, there has in fact been a public hearing. As I have heard stated on this floor, the reason not to have a public hearing is often to protect the accuser or the person who provides the testimony. However, that is not the case here.

I think the only way to successfully conclude this is with a public hearing. Why? Because questions can be asked. Questions can be clarified. Issues can be probed. And the degree of culpability can be established. Perhaps that is very low. Perhaps it is very great. Without a hearing, I have no way of knowing, as a non-Ethics Committee member.

Another reason that is important to me is the allegations have all taken place in the course and scope of the individual's duties as a U.S. Senator. This is not private, personal conduct. This is conduct that took place in public service, and many of the people involved are themselves Federal employees. So I think these allegations involve conduct about which a hearing must be held and a decision must be made.

Is it acceptable? Is it not? If it is not, to what degree? I think issues revolving around sexual misconduct are issues that need to see the clarity of day and the openness of probing questions, and their resolution. So I am very proud to support my colleague from California and to stand and say that I believe her motives were of the highest. And I am hopeful that this body will conclude the process as rapidly as possible.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I want to thank my friend from California.

I yield 4 minutes to the Senator from Massachusetts, Senator KERRY.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from California. I would like to begin by paying tribute and gratitude to Members on both sides of the aisle who served on the Ethics Committee. They bear an enormous burden. There are too few here willing to serve. And we should all understand the difficulty of that service.

Whether willful or not, Mr. President, the effect of denying a public hearing here is to sweep away the human voices and to replace them with paper. That is a denial of process. And it is a reversal of the very commitment made by the U.S. Senate recently where we voted to live the way other Americans live. If probable cause was found in a case of sexual misconduct against an American citizen, that American citizen would find themselves in a public situation facing an accuser, having a public review. It is only because there is this hybrid entity called an Ethics Committee that was set up, in a sense, to try to guide this special institution through its life that there is now a denial of that open process.

It is contrary to all prior precedent where you have had a finding of probable cause, where you have found substantial and credible evidence. In every substantial and credible evidence case, the U.S. Senate has had a public hearing. If we are going to apply the standard which friends on the other side of the aisle are now suggesting, that when you build a sufficient record of depositions, you can make a judgment, that because it is encyclopedic you do not have to have a hearing, then let us end the Whitewater hearings today. Maybe we should come in here with a resolution as an addendum to this to say we have an encyclopedia of depositions. Let them speak for themselves. We do not have to hear from all these other people. I know my colleagues would vote against that. It is a double standard, double standard for Alan Cranston, double standard for JOHN GLENN, JOHN

MCCAIN, DON RIEGLE, and now here we are at a moment where the Senate has to make a judgment as to whether or not depositions speak like people.

BOB PACKWOOD had his moment before the members of this committee. It was sufficient for him to be able to come forward and look them in the eye and be able to be asked questions. But our colleagues are being denied that same right to provide a record. That is what is important here, Mr. President, the question of whether there will be a sufficiency of a record for the U.S. Senate, where people are put to the test. It may help BOB PACKWOOD to have some of these people asked questions publicly, to have the full measure of these accusations judged by the American people, not off paper that everybody knows they will never read, but in the full light of day. That is what this is really about. Staff doing a deposition is not a Senator asking a question within public scrutiny of the hearing process.

So I respectfully suggest, Mr. President, that based on precedent, based on the standard we have accepted in the Senate, based on the best means of providing process in this situation, i.e., adequate capacity to ask questions and to judge answers, it is appropriate for the Senate to explore this in public. And it is interesting to hear my colleagues suggest that somehow this is popular——

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

Mr. KERRY. Can I have 1 additional minute?

Mrs. BOXER. I yield 1 additional minute.

Mr. KERRY. I hear the notion of popularity. There is a reason that one is popular and one is not. That is because one judgment is correct and the other is not. This is not a matter of partisanship, and it should not be. But it is highly inappropriate to apply a different standard that suggests that we are going to shut the door and sweep away the human capacity to speak to what has happened. These probable cause issues rise not just to the question of sexual misconduct, but they rise to the question of obstruction of justice, they rise to the question of a breach of ethics with respect to assistance in job finding for personal family members. And it is very hard to explain why all of a sudden sufficiency of record will be in depositions without senatorial participation. If that is the new standard around here, then let us fold up Waco, let us fold up Whitewater. Let us just do the depositions and live by that standard across the board. So the test here is very, very clear. And I congratulate my colleague for having the courage to bring it before the Senate.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I will yield 5 minutes to my friend from Connecticut. I want to make a point to the Senator from Massachusetts. I just want to thank him for coming over here because it was such a new point that was just injected into the debate that was worth repeating for just a couple seconds. Why do we not just shut down all the committees and not call one witness in any of our work and just read the depositions? That is what this is about. And I want to thank my friend, because obviously that is ludicrous. But yet it is a standard that three members of the Ethics Committee want to apply.

I yield 5 minutes to my friend from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair, and I thank my friend and colleague from California.

Mr. President, I rise to support the resolution offered by the Senator from California. And I do so with great respect and empathy for the six colleagues who are on the Ethics Committee. And I do so—it does not need to be said; I am sure it is true of all of us today—I do so without in any way prejudging the allegations that have been made against Senator PACKWOOD. In fact, quite the contrary. What I am saying in rising to support the resolution is that I believe that I, as one Senator, will not be able to reach the kind of informed decision I want to reach on the serious allegations that have been made against Senator PACKWOOD without the benefit of testimony from the witnesses live before the committee, subject to examination by the members of the committee and by counsel for Senator PACKWOOD.

Mr. President, the Senate has established the Ethics Committee in a remarkable act as a way to delegate responsibility to this committee to adopt standards for the behavior of the Members of this institution and then to uphold those standards. As a way, if you will, to discipline, to set standards for our behavior, in between those times when the ultimate judges of our behavior, namely our constituents, have the opportunity to vote on us.

The committee was established, I am convinced, to keep strong the bonds of trust between those of us who have been privileged and honored to govern and those for whom we govern. And at the heart of that trust is credibility and confidence in the process by which we judge each other. And it is on that basis that I feel so strongly that it is right and fair to have public hearings in this matter.

The precedents seem to say to me that in every case which has reached the investigative stage, including, I gather, the case of former Senator Cranston, there have been public hearings, although in the Cranston case the hearings were uniquely at an earlier stage. The point here is to preserve public credibility on the one hand. And that credibility is based on the public's assessment of the fairness of the process. But it is also critically important in terms of the judgment we reach. The members of the committee will have the opportunity to hear the witnesses come before them, and as I have said, Senator PACKWOOD's counsel will have the opportunity to cross-examine those witnesses.

The fact also is that how can we explain to the witnesses, those who have made allegations, that the doors to the judge's chamber essentially are closed to them, although the one against whom they have made the accusations has had the opportunity to appear in person.

Mr. President, the chairman of the committee, the distinguished Senator from Kentucky, has made an important argument and statement when he says that this would be a breach of precedent for the Senate as a whole to intervene in ongoing ethics proceedings, without letting the committee make the judgments itself.

It is an important point. Let me explain to him, and I was troubled by it, why I am supporting Senator BOXER's resolution. I do not take this resolution to amount to an intervention on a side. I do not take this resolution to equal an intervention to direct a particular verdict, to bias the proceedings. I see this as an intervention that is totally procedural and not at all substantive. It is, in fact, neutral on the question of substance.

Does it create a precedent? In a sense, it builds on a precedent and perhaps creates a clear statement by the full Senate, which has delegated our authority to govern ourselves and judge our own ethics to this six-member committee. And the precedent is that the burden of proof should be on the committee in rejecting hearings, because the openness of these proceedings is so critically important to the credibility of the final judgment.

Let me repeat what I said as one Senator as to why I am supporting this resolution to the members of the committee.

We give them a tremendous responsibility, and it is a difficult responsibility, to spend all this time, to hear all this evidence and to come back and report to us. On the basis of that, we make these terribly difficult judgments about our colleagues.

This Senator is saying respectfully to the members of this committee, I feel that I will not have all the information I need to make an informed judgment on the charges against our colleague from Oregon unless the committee has the opportunity to hear and confront those who have made these serious allegations and to cross-examine them. That is why I hope that my colleagues on both sides of the aisle, in that spirit, will vote to support the resolution of the Senator from California, understanding it does not in any way prejudge the case. Quite the contrary, it suggests the desire that all of us have for the fullest possible information before we reach a conclusion in this case.

I thank the Chair and I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I yield 4 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, this is not an easy matter for me. I am on the Finance Committee. BOB PACKWOOD is my chairman. I have known BOB PACKWOOD, I have served with BOB PACKWOOD for many years.

But I believe that we as Senators have a higher calling. It is not friendship—though friendship is very important—it is more important than friendship. It is fulfilling our responsibility of public service; living up to our obligation to the people we represent.

When I first came to the Congress, there was a joint conference meeting on a tax bill, a major tax bill. I wanted to learn a little bit about the tax bill. I wanted to learn how Senators and House Members decide matters in a conference. But I had a hard time finding where the conferees were meeting. Finally, I asked myself, ''Who would know where the conferees were meeting?'' This is about 20 years ago, about 1975.

Mike Mansfield, the majority leader of the U.S. Senate, I thought ought to be able to tell me where the conferees are meeting. I went to his office. They told me. I went to the meeting. There was a policeman standing at the door. I said, ''I am a Member of Congress.'' He said, ''OK, go in.''

It was the House Ways and Means Committee hearing room: A sea of executive branch people. Secretary Bill Simon was there. Senator Russell Long, chairman of the conference, was talking about when he was a boy back years ago in Louisiana. Al Ullman, chairman of the Ways and Means Committee, was talking. Then Jimmy Burke of Massachusetts walked up to me and said I had to leave. ''Why,'' I asked.

He said, ''Because of the rules.''

I said, ''What rules?''

He said, ''The Senate rules.''

I asked, ''What Senate rules?''

He said, ''Just the rules.'' He said, ''Nobody else can be in here; nobody else; no other Senator or Congressman. It is closed to everybody—closed to the public, closed to the press, closed to Members of the House, closed to the Senate.''

I said, ''That is wrong. And I am going to do something about it.''

That afternoon, I stood up on the floor of the House and I said it was time to change this rule.

Ab Mikva, then a House Member, got up and agreed with me. And the next year we had the rules changed, so now all conferences are open to the public. I am very proud of that.

And I am also very proud of my home State of Montana and a provision we have in our State constitution requiring that all public meetings be open. It causes a certain burden on our Governor, a burden on certain State officials who would rather, in some instances, not to have everything open, but it is open. And the public benefits from this openness. In Montana, we know what our State government is up to. This has helped tremendously to increase confidence in the people of the State of Montana in State government. It has made a big difference.

I just stand here, Mr. President, basically to say that we have a much higher calling and honor to perform the public trust; that is openness. The U.S. Congress now is at one of its lowest ebbs in public popularity in modern history. Seventy-five percent of the public distrust the Congress.

I say one way, albeit a small way, to help regain some trust that the American people have lost in this institution is to open up everything. Open up the Ethics Committee investigation. What is there to hide? Sure, there is going to be a little bit of embarrassment. It is going to be difficult for some people. Some people of the Senate will be a little bit put out, but in the long run, public confidence will increase.

Again, this is a very difficult matter for me to address, because I am on the Finance Committee. But I feel very strongly that fair and open hearings are the right thing to do. I am bound to stand up and do what I think is right. I think we should vote for the resolution sponsored by the Senator from California.

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

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. How much time remains?

The PRESIDING OFFICER. Forty-four minutes are left, and on the other side, 11 minutes are left.

Mr. MCCONNELL. I yield 10 minutes to the distinguished Senator from Iowa.

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

Mr. GRASSLEY. Mr. President, I will not support the Boxer amendment. I have to say that it is a tempting proposition probably for a lot of us because on its face, I think it is a perfectly reasonable request, because, after all, what is wrong with letting the sunshine in on all the business we do around here?

But there is an important reason for holding public hearings generally, because you hold public hearings, do you not, so the truth can be known to the public? It allows the public then to judge the credibility of what we do as a body. Public disclosure, in general, helps this process.

There are three elements of what has helped our democracy endure and flourish: seeking the truth, holding people accountable, and dispensing justice. It is my belief that the Senator from California, hopefully, wants all three of those elements to prevail in the case of Senator PACKWOOD. I think we agree with those elements. We support those elements.

The Senate does have a process, however, for achieving all three of those elements. Of course, it begins with the relevant committee and it ends with the action of this full body. This process is set up to gather facts, and it is set up to learn the truth. It must then evaluate the facts, it must assign responsibility, and then it sets appropriate punishment.

I might add that the Ethics Committee is not yet finished with its own part of the process. To me, this is a very key point, and I will return to that point in just a minute.

But during the Senate process, sometimes it is necessary to air the facts publicly, sometimes not. But I would stress that closed hearings are OK if, and only if, the punishment at the end of the process fits the facts because, otherwise, the process opens itself up to legitimate criticism. Public hearings are necessary when a problem of credibility arises, as in the Anita Hill case, or if the punishment does not fit the facts, as I have stated. But, Senator BOXER, the committee has to render a judgment before it can be criticized. That is my view.

By the way, the issue of public disclosure is met to a large degree by the committee's decision already made to disclose all the relevant documents. Of course, this is not the same as a hearing, and I do not pretend that it is. But if the committee decides not to hold public hearings, then it, for sure, better do the right thing. If it does, then public hearings become a nonissue, so long as disclosure of documents is made. If it does not, then a motion to recommit is in order and the Senate should then demand open hearings. That is because the credibility of the committee's decision would have been questioned. But the key is, for Senator BOXER and my colleagues, the committee must render a judgment first before we can credibly call into question the committee's work. In the past, the committee process has produced unacceptable results that did not fit the facts, and that process has been rightly criticized. The Ethics Committee has been criticized in the past for whitewashing and dispensing mere slaps on the wrist, when a much harsher punishment seemed to be justified.

This Senator has joined in that criticism. I also intend to vote against the McConnell amendment, as well, because of the first finding of the amendment that would say this: ''The Senate Committee on Ethics has a 31-year tradition of handling investigations of official misconduct in a bipartisan, fair, and professional manner.''

Mr. President, I am not so sure that I can support an amendment with that language, because I think too often in the past—and, of course, this is not under Chairman MCCONNELL's able leadership, but well before him—the committee has acted too timidly, and I

think it is important to not regard that too lightly.

And it is not just the Ethics Committee. I have had my own battles with the Armed Services Committee on closed versus open hearings. I tied up the Senate for 2 days at the end of the last Congress on a nomination that you will recall was General Glosson's promotion. I should add that I did so with the help of the Senator from California. The committee had recommended that General Glosson retire with a third star. We felt that the facts of the case dictated that he should not get such a promotion.

The committee recommended a third star, despite the fact that General Glosson had tampered with the promotion board. This was a serious offense because it jeopardized the integrity of the military promotion process, and the committee had a history of cracking down on such tampering.

Also, the Defense Department inspector general found that Glosson lied under oath during the investigation.

Mr. President, no evidence was uncovered at that time that overturned these serious charges. As the committee deliberated over the facts in the case and its recommendations, I took the posture of informing of the committee's judgment.

Yes, I believed in General Glosson's case there should be a public hearing, but I did not demand one. I wanted to give the committee a chance to do the right thing without it, a chance to make recommendations to be commensurate with the facts of that case. The committee chose to review the matter in several closed hearings.

If the closed-hearing process would produce a verdict commensurate with the merits, I would have had no problem. Under that scenario, public hearings in the Glosson case were, in my mind, irrelevant. It is the dispensing of a just remedy that I was most concerned with.

Well, the committee had several hearings and availed itself of the information I provided. Nonetheless, the committee recommended a third star for General Glosson. But—and this is important—it was not until I examined the committee's evidence and the committee's rationale in support of its decision that I decided to question the committee's judgment. And then I made my case on the Senate floor.

The committee and Senate leaders supported General Glosson —regardless of the facts in the case—I think out of friendship. I think that is as plain then as it is today. I accused the committee of putting friendship over integrity.

My point is, the amendment by the Senator from California has a proper objective. But the timing is wrong. In my view, the Senator from California has an appropriate amendment when, and only when, the committee renders a recommendation, and when, and only when, she measures the recommendations against the facts as presented by the committee's findings, because that is when the credibility is earned for persuading the public and this body of her intent.

I, for one, would join the Senator from California in a motion to recommit if it were clear that the committee fails to do the right thing, because if it were clear that the Ethics Committee were once again dispensing slaps on the wrist, having learned nothing then from the Anita Hill experience, the Senator from California would have all the moral authority in the world to insist on public hearings and insist that the committee get it right.

But the time for sending that message is not yet upon us. So let us wait for the committee's recommendations first. Clearly, that is the right thing to do right now.

Finally, let me reiterate a point about Senator MCCONNELL's leadership. The comments I have made with respect to the Ethics Committee's past do not reflect on him. The Senator from Kentucky has conducted himself fairly in this case, especially in the case of acquiring diaries and disclosing the relevant documents. Up to this point, I can find no fault with his committee's approach, and he has shown able leadership on a difficult issue. But I will reserve final judgment on his committee's work product pending its recommendations. That is the proper time to do it.

I yield the floor.

Mr. McCONNELL. Mr. President, how much time do I have left?

The PRESIDING OFFICER. There are 34 minutes remaining. The Senator from California has 11 minutes remaining.

Mr. McCONNELL. Mr. President, I yield 8 minutes to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 8 minutes.

Mr. SIMPSON. Mr. President, I rise to speak against the pending motion regarding hearings in the current Ethics Committee investigation of our colleague, Senator BOB PACKWOOD.

I have listened very carefully to the remarks made by my colleague, Senator BOXER of California. Let me try to start on a positive note, a nonpartisan note, by outlining those areas where we agree. The Senator from California has urged us to focus our thoughts, to avoid being distracted by irrelevant issues, or by peripheral considerations. She has, in the past, urged us to remember what the issue is, saying, ''I am not the issue.''

I could not agree more. Senator BOXER is not the issue; partisan politics is not the issue; and I will say very firmly—and I hope this is heard correctly—sexual harassment, even, is not the issue here. Senator PACKWOOD has not been charged with that. My colleague from Iowa has just spoken about another issue we were both involved in, the Clarence Thomas hearings. Remember, too, please, in that particular grievous exercise sexual harassment was not the issue in that matter either. I know that may be shocking to some, but Anita Hill never charged Clarence Thomas with sexual harassment—ever. That was never in the record, never any part of that proceeding. She wanted us to ''be aware of his behavior and his conduct. That is all borne out in the record. You can find that to be true through the Democrats and Republicans who served and anguished with regard to that.

The issue here is, how we do the difficult business of conducting ethics investigations, of passing judgment on our colleagues in a way that is fair and is nonpartisan? That is the issue here—the only issue. The issue before us is whether or not we are going to begin to dismantle the nonpartisan process by which such decisions are made in the U.S. Senate and whether to subject gritty, tough, sometimes ugly ethical decisions and questions to the whims of partisan majorities. That is the issue.

I hope everyone will understand this. It is absurd to say that it is a ''threat'' to simply note that it is a very, very bad idea to make these questions contingent upon who can rally the most votes on the Senate floor, and, ironically, this surely cedes a terrible degree of power to the party in the majority. Hear that. That is not a ''threat.'' That is as real as you can get about partisan politics.

We have, through the Ethics Committee, deliberately created a nonpartisan forum in which these questions can be addressed. It is just about the worst job any Senator can have. I do not want it, would never take it. Chairing that committee is a daunting task. At the very least, in the past, we have tried to assure the chairman and co-chairman of the Ethics Committee that the process employed by the Ethics Committee would be respected, and that the full Senate would not interfere to change the rules in the middle of a case.

And I do hope that any suggestions that there is an attempt at secrecy here can be swiftly laid to rest. I have been reading all this now for about 2½ years. I read about the witnesses. I read about what they have said about Senator PACKWOOD. I do not know what is left to hear—except one thing that I am anxious to hear, and that is what will be said when somebody stands up and puts their right hand up and, under affirmation or oath, subjects themselves to cross-examination and the rules of evidence. Then I will be right here. I would love that. I practiced law for 18 years. Few here did.

I am not talking about ''leaks'' from the Ethics Committee, but it is surely all out there. There is not a single new thing you are going to find that is relevant. You might find some things that are not relevant, or what happened that might destroy somebody else from an event occurring 10 years ago, 20 years ago.

Let the record be very clear here too. I have never received or seen a committee deposition. That has been reported. Perhaps that is my own misstatement. I have never seen a deposition. I have seen statements. Those statements have a very different view of the ''contact'' that took place at that particular time; a very different view. Those will come out. Somebody will be very hurt in that process. That is not a threat. That is the way it works.

But I think, when we talk about secrecy, it is very difficult for anyone to believe that when the committee is going to release thousands upon thousands of pages of documents in an unprecedented airing of private information—yes, even personal diary information—I can assure you that few of us, if this were happening to us, would find that to be a laudable result. Who among the hundred of us does not know dozens, even hundreds of individuals who stand ready to cast all form of aspersions upon us for things that we may have done through the decades? Fortunately, I threw all mine right out there when I first ran. It is all there for the public to see. I believe any one of us would be stunned to find that there was to be a release of thousands of pages of such allegations. I do not believe any of us would ever feel that such an action, as seen by us or the public, would be called ''covering up,'' or ''secrecy.'' What an absurdity.

What we are debating today my colleagues, and I hope all will understand, has nothing to do with the merits of the case in question. It has to do strictly with the integrity of the process itself. It has to do only with whether or not we will respect the judgments of the committee with respect to the appropriate process to follow.

What is the appropriate process? What is it in such a case as this? Do we calibrate our sensitivities to the issue of sexual misconduct by how much we are willing to trample upon the nonpartisan procedures of the Senate in order to achieve a desired result? Do we measure our sensitivity by how far we are willing to go back to dredge up embarrassing and inappropriate conduct? No. We measure—or should measure—our sensitivity and our seriousness by the degree to which we ensure that such charges are weighed in a nonpartisan atmosphere of fairness.

Even if Senators are to be held to a higher standard of conduct, this surely does not mean we should employ a lower standard of fairness.

Under the current Federal law—hear this—when an individual wishes to bring a charge of sexual harassment, the individual has 180 days to file that complaint with the EEOC if there is no State agency to handle the complaint, 180 days, hear that; 300 days is the limit in a State with a deferral agency.

There is not a single statute of limitations in America that is over the limit of 6 years for sexual harassment—and Senator PACKWOOD has not been charged with sexual harassment; not one case. Not one jurisdiction in the United States. Go back more than 6 years, and here we are back in 1969, we are back in 1974, we are back in 1979 and 1980.

Why is there a statute of limitations? Probably because the reliability of such charges, such grievous charges as these, cannot be accurately judged at a tremendous distance from the time in which they were alleged to occur.

I agree with Senator JOHN KERRY, my good friend from Massachusetts. Let us indeed apply to ourselves the laws we apply to others because the biggest one out there is the statute of limitations on tort and sexual harassment. It is 6 years, as far back as you can go in any jurisdiction in this country. But in the matter of the conduct of the Senator from Oregon, conduct which even the Senator has himself said was ''terribly wrong''——

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator's 8 minutes has expired.

Mr. MCCONNELL. I yield the Senator 1 additional minute.

Mr. SIMPSON. But in the matter of the conduct of the Senator from Oregon, conduct which even the Senator has himself said was ''terribly wrong,'' we are dealing with charges reaching back for decades.

All of us will soon pore through thousands of pages of depositions to investigate charges that would not get a moment's hearing if they were brought before any other jurisdiction in this country. It is astonishing the degree to which we go. And we do that because we are different. These are decades after the fact. If ever there was a ''consistent pattern'' of behavior here, the pattern ceased to exist some time ago.

What we see here is a case study in the continuing destruction of a man. I ask my colleagues, how would you feel if this were happening to you? There is a good reason to pose the question, because if we approve the resolution of the Senator from California, someday it will happen to each of us, whether we ''had it coming'' or not. Our political opponents will see to it. Believe it. It is a sad chapter in the Senate history if this resolution passes.

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

Mrs. BOXER. Mr. President, I yield 3 minutes to the Senator from Maine, Senator SNOWE.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I thank the Senator for yielding.

On July 10, I cosigned a letter to the chairman and vice chairman of the Ethics Committee urging that they hold public hearings at the concluding stages of the case currently before the committee.

Signing that letter was not an easy step to take. But I believe it was the right step to take. It was not an issue of politics; it was an issue of principle. The fact is, instances of misconduct know no partisan lines. Allegations of impropriety know no political boundaries.

My singular goal and overriding goal in this matter has been to preserve the integrity and reputation of this institution, and I believe we do so by opening up the final stage of an ethics process for public view.

Let me say from the outset, though, that I have the utmost respect for the hard work, dedication and integrity of the Chairman, Senator MCCONNELL, Senators, and staff of the Ethics Committee have done in this case to date. Indeed, they have been assigned the most difficult and thankless of tasks in this institution.

Without question, this is a painful and difficult matter. It is tough for the institution of the Senate. It is difficult for each and every Senator in this Chamber and everybody involved.

But the time has come, Mr. President, the time has come for a decision to be made about the ethics process. On Monday, the Ethics Committee opted not to hold public, open hearings in the case pending before them. That is a decision with which I respectfully disagree.

I recognize that this is a very complex and delicate process, and I understand why some Senators look upon this amendment with concern.

But, Mr. President, this Chamber at the top of a hill in the Nation's Capital is not a museum. It is not an institution that should be removed from the people. And it must never be above the ideals of our country or its people. It must represent America at its very best.

This is a place where nominations to the U.S. Supreme Court are decided. It is the place where members of the President's inner circle—the Cabinet—are confirmed. And it is the part of Congress where the hope for peace is hatched through our unique role of crafting treaties.

The U.S. Senate is not immune to some of the problems and challenges of our society. Throughout the history of the Senate, Members have been cited and reprimanded for those flaws.

In this case, since December 1992, the Senate Ethics Committee has conducted a thorough investigation into accusations of misconduct against a Member of this institution.

Clearly, the Senators of this committee and their staff have not taken this case lightly.

Their analysis—released in mid-May—concluded that there exists ''substantial credible evidence'' that the Senator has engaged in clear misconduct over a period of 25 years. The committee then voted unanimously to proceed to the third and final investigative stage.

These are very difficult, very sensitive, and very disturbing allegations. For perhaps the first time since its creation 31 years ago, the Ethics Committee has had to investigate charges that are not simply numbers on paper. They

are not a series of accountant's slips or ledgers. It is about a tough subject—we all know that—and it is about never tolerating that kind of misconduct, no matter when it occurs, no matter who the perpetrator, no matter what the context.

But the real issue that has come before this Chamber is whether to continue this matter behind closed doors or to conclude this last—and most serious—phase of the investigation in full, public view by way of open hearings.

Some have claimed that this will embarrass us as an institution.

Embarrass us as an institution? It is by our lack of action, Mr. President, by our failure to hold open hearings and by our embrace of the institutional sanctuary of closed doors that we would embarrass this institution.

To do otherwise would threaten those bonds of trust and faith with the American people. Does this policy mean that, simply because the issue at hand is in the form of sexual misconduct, even less openness is in order? Does that mean that financial misconduct deserves open, public hearings, but sexual misconduct should be a closed door policy? I think not.

The point is, if we are ever to turn back the tide of sexual misconduct—which has taken years to even get into the realm of public debate and dialog—open hearings must be held in this and othe cases.

In words attributed to Lord Acton, this point is made: ''Everything secret degenerates, even the administration of justice; nothing is safe that does not show how it can bear discussion and publicity.''

These are thoughts to bear in mind as we make our decision on this amendment today.

Mr. President, this amendment takes the simple and honest step of shining light into the process of the U.S. Senate.

In the end, the issue at hand drives us to cross a new threshold for this revered institution. Its significance cannot be underestimated, not just in terms of fairness and justice, but in terms of what we are as an institution, and who we are as servants of the American people. It is my hope that we will make the right decision.

Thank you, and I yield the floor.

Mr. MCCONNELL. Mr. President, how much time do I have?

The PRESIDING OFFICER. Twenty-five minutes.

Mr. MCCONNELL. Mr. President, I yield such time as she may need to the distinguished Senator from Texas.

Mrs. HUTCHISON. I thank the chairman. Thank you, Mr. President.

Mr. President, the matter before us today is very serious and extremely important. It is not an issue for partisanship. It is an issue that demands of each of us our best judgment of what is right and wrong. What is right about this matter is that the Senate Ethics Committee has been scrupulous about investigating every charge and accusation lodged against the Senator from Oregon. It is unprecedented in Senate history that so much time and effort has been devoted to assembling the facts on such a matter.

What is wrong is that this amendment threatens to render null and void all that has been done to date. The Ethics Committee must be allowed to finish its work and make its recommendations. At that point the full Senate will be called upon to agree or disagree and act on the recommendation. The full Senate will be heard on this matter. The question is whether we will wait to hear the Ethics Committee decision as our rules require us to do.

If we are not going to wait for the Ethics Committee's full report and recommendations before acting, we might as well disband the committee completely and conduct all future proceedings on the floor of the Senate. I think that bypassing the committee and conducting public hearings at this critical moment in the Packwood case would be a terrible mistake.

If we open these hearings and overrule our bipartisan Ethics Committee today, we will set the precedent that its authority can be usurped at any time the majority intends to make political points or whatever motive the majority might have.

I have been asked how my position on this question pending before the Senate squares with my position regarding sexual harassment in the Navy. In the case of the Tailhook incident, the Navy conducted its investigation. I was asked if the investigations were adequate. In my judgment, they were not.

The case before us is very different. We have an investigation in process. No recommendation has yet been made. But some of our Members want to make a judgment on its adequacy before it is finished. And I think that is wrong; wrong for the Senate and wrong for the process we have established for ethics cases.

I believe we should not change the rules in the middle of the case. If we decide the rules should be changed, we should do so when and if we have acted on the Ethics Committee recommendation and judged it to be inadequate. I believe fair play to all concerned is to give our respect to the process and to wait for the Ethics Committee to act.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. If the Senator from South Carolina will use some of her time right now, I would appreciate it.

Mrs. BOXER. You mean the Senator from California, not the Senator from South Carolina. I do not know who you thought I was. But it is an interesting slip.

Mr. MCCONNELL. I say to my friend that I have no doubt in the world who she is.

[Laughter.]

Mrs. BOXER. I yield 3 minutes to my friend from North Dakota.

Mr. DORGAN. Mr. President, other members of the Ethics Committee have now all spoken on this floor on this issue, and it understates the case, it seems to me, to say that this is a difficult ethics case requiring tough, hard choices for everyone in the Senate. The ethics issues are difficult under any circumstances, especially difficult it seems to me in a political institution like the U.S. Senate. Our duties require us to confront not only what is convenient but rather what is necessary, and the duties of those of us on the Ethics Committee require us to with fairness judge the ethics complaints that are filed against Members of the U.S. Senate. I serve on that committee not by choice; I serve because I was asked, and there is no joy in that assignment.

In the committee process of the pending case, six of us who serve on that committee, three Republicans and three Democrats, were faced finally with the question of public hearings. I mention that the Senate Ethics Committee has six members. I want to say that I have enormous respect for every member of that committee. When confronted with the question of hearings, we voted. And the committee had a 3-to-3 vote on the question of whether to hold hearings. It takes four votes to advance and, therefore, the motion to hold hearings died.

Senator BOXER, exercising her rights as a Member, brings a resolution to the floor of the Senate calling for public hearings. She has asked the full Senate to express its will on a matter already voted on in the Ethics Committee and on which there was a tie vote. It is perfectly within her rights to do so. And I intend to vote for the resolution offered by Senator BOXER just as I voted for the resolution in the Ethics Committee.

So the will of the Senate will be expressed on this issue. One thing is clear. When the decision is made, men and women of good will, with a sense of purpose and fairness, must meet their responsibilities on the Ethics Committee and deal with the decisions in this case and bring our determination to the full Senate.

I want to say that I will not be critical of those who reach a different conclusion on the issue of public hearings. I respect their decision as well. But I will vote for public hearings as I did earlier this week in committee. It seems to me that when the Senate has expressed its will on this question—and it is an important question—whatever the Senate decides, however it turns out, we must as an Ethics Committee and as a Senate move to a conclusion on this case. We owe that to the U.S. Senate, and we owe it to the American people.

Mr. President, I yield whatever time is remaining to the Senator from California.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. Mr. President, I yield to the distinguished Senator from Kansas whatever time she may use.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. I thank the Senator from Kentucky.

Mr. President, I oppose the amendment offered by the Senator from California.

As a former member of the Ethics Committee, I certainly can sympathize with the comment Senator DORGAN made preceding my comments—that there is no joy in the process in serving on the Ethics Committee. But I also know the difficulties that are imposed in the process that this Ethics Committee has to undertake, and I am flatly and strongly opposed to any effort to inject the full Senate into the committee process in midstream, and at this point.

It saddens me that we have reached this point, Mr. President. It should be a cause of great concern to all of us on the floor of the U.S. Senate. I would feel this same way whether it was a Member on the other side of the aisle or a Member on this side of the aisle. We should not be debating the case at this point, but the process.

The Ethics Committee has one of the most difficult jobs in the Senate. It is never easy to sit in judgment of a colleague. But it is essential to the working of the Senate and to the public confidence in government that some of us take on that role.

I regret that the committee is now divided on how to proceed in this case. I have enormous respect for both the chairman, Senator MCCONNELL, and the vice chairman, Senator BRYAN. There is an honest difference of opinion with legitimate concerns on both sides. I believe it is a serious mistake to turn that honest disagreement into a partisan battle.

I do not believe that there is any effort for a coverup. I do not believe that it was designed to be done behind closed doors. And I really regret that we have reached this particular point.

The investigation of charges against Senator PACKWOOD has now been underway for 31 months. The committee has spent thousands of hours and interviewed hundreds of witnesses. It has conducted what may be the most thorough and exhaustive investigation in Senate history. Now we are at the end of this process, and the committee apparently is preparing to render its verdict, as it should.

Mr. President, I see no purpose in further delaying this matter by ordering the committee to conduct public hearings on this matter that could go on and on and on.

It is time to make a decision. That is the real question that the committee and the full Senate must address. Is Senator PACKWOOD guilty of the charges leveled against him? And, if so, what is the appropriate punishment? I believe we must answer that question in a fair and prompt manner. The committee should lay out all the evidence it has gathered, and then it should present its verdict to the Senate and the American people. We can then focus our energy not on committee procedures but on the committee product. Mr. President, that is the way it should be.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. If I could take a moment, I thank the distinguished Senator from Kansas for her remarks. As a former member of the Ethics Committee, I think she understands this process very well, and I am extremely grateful to her for expressing her view on this most important matter.

Mrs. BOXER addressed the Chair.

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

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I yield 2 minutes to the Senator from Nebraska, [Mr. KERREY].

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. I come to the floor to support this amendment. I must confess that at first I thought it was a terrible idea. I thought the Senate Ethics Committee ought to complete its work and then let us make a decision about whether the work was worthwhile. I was concerned that the rhetoric was getting partisan. I was concerned as well that Senator PACKWOOD could be tried in a court of public opinion as opposed to allowing the facts to determine guilt or innocence, and I believe the charges of sexual misconduct necessitate special protection for those bringing the charges.

I have listened very carefully and particularly to the arguments of the Senator from Nevada, [Mr. BRYAN], who has made five very compelling arguments. First, he observes that every case this century which resulted in a Senate proceeding first had a public hearing, and every case which reached the final, serious investigative stage had a public record. This is our unbroken precedent.

Second, the Senator from Nevada points out that a justifiable reason must be there for not holding public hearings in this case. Except that if the Senate does not want to hold public hearings because it deals with sexual misconduct, there is not one. Since none of the alleged victims are unwilling to endure cross-examination, our concern does not stand as an excuse.

Third, he makes a legal point that this is a case of first impression because, for the first time in Senate history, these are alleged victims, citizens who came forward and filed sworn charges against a U.S. Senator for actions against them.

Fourth, the Senator from Nevada points out that he is concerned that the credibility of the Senate itself to deal fairly and openly with the discipline of its Members would either be greatly enhanced or irreparably damaged.

Mr. President, he is unquestionably right. The integrity of the Senate is far more important than the risk of embarrassment to any Member.

Fifth, he believes that hearings would provide a valuable opportunity to evaluate the witnesses firsthand, not just read a written statement. This last point made me believe that Senator PACKWOOD——

Mrs. BOXER. Mr. President, if the Senator will yield, the Senate is not in order, and I think it is very important. This is a Senator who has changed his view on this matter. Perhaps other Senators ought to hear his reasoning.

The PRESIDING OFFICER. The Senator's time actually expired. If the Senator would like to yield more time.

Mrs. BOXER. I yield the Senator an additional 1 minute.

Mr. KERREY. Mr. President, this is a rather simple change and I think it is a very important change in our law governing all ethics cases including the one involving Senator PACKWOOD. The simplicity and brevity of this proposed law compels me to read it in full:

> The Select Committee on Ethics of the Senate shall hold hearings in any pending or future case in which the Select Committee, first, has found, after a review of allegations of wrongdoing by a Senator, that there is a substantial credible evidence which provides substantial cause to conclude that a violation within the jurisdiction of the Select Committee has occurred, and second, has undertaken an investigation of such allegations. The Select Committee may waive this requirement by an affirmative record vote of a majority of the members of the committee.

This proposal deserves the support of any who are concerned about the integrity of this institution, the Senate, as well as the integrity of one of our Members, Senator BOB PACKWOOD. One stands accused of misconduct by citizens. He has not been convicted and deserves to be treated as innocent until a judgment is rendered. The other will stand accused of impeding the chance for justice to be delivered if we vote no on this amendment.

Mr. President, H.L. Mencken said that ''Injustice is not so difficult to bear as it is made out by some to be; it is justice that is difficult to bear.''

Let us vote yes with this truth in mind.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator has 2 minutes 4 seconds.

Mrs. BOXER. I yield the remainder of the time to the Senator from New Jersey [Mr. LAUTENBERG].

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Senator from California for her willingness to give me just a couple minutes.

I first wish to commend her for bringing the issue to the point that we

have, where it is being discussed openly. And that ought to be the focus, because the public as well as the Senate has been working very hard on opening the process.

In the last 2 weeks we have had a couple of very serious votes on whether or not lobbyists have to be open in their dealings. We have openness questions on whether or not gifts are acceptable. We have tried to illuminate the process for the public. We all know that the public trust is no longer with us and they will not be with us if this process continues to be hidden, secretive.

Even though our friends on the other side of the aisle say that we ought not to interfere with the committee process, this is far above the committee process. This is a matter of human rights, of individual rights of a woman to work and to not be harassed during her job hours.

This is a question of whether or not someone has violated the basic rules of the Senate, and we should have an open hearing. I know that Senator PACKWOOD loves this institution. He has worked very hard on many good issues and has delivered positively on those issues. But we are not judging Senator PACKWOOD's past record. What we are making a judgment about is whether or not the public is entitled to know what is taking place. And in my view there is no doubt about it. The Senator from Connecticut, when he spoke, suggested that even for Senators it would be worthwhile to be able to gain the knowledge that would come as a result of a public hearing.

Mr. President, I think we are at a crossroads, and whether or not the hearings are secret or public will determine what the public thinks about Senator PACKWOOD's guilt. They will condemn him absolutely if the process continues to be hidden. And I hope that our Members will take heed for the good of the body to insist——

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

Mr. LAUTENBERG. That Senator BOXER's resolution goes through and that we have public hearings on this matter.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator has 18 minutes.

Mr. MCCONNELL. Mr. President, in closing this debate, I wish to particularly thank Senator SMITH and Senator CRAIG, who have served with me on the Ethics Committee on our side of the aisle for these 2½ long years. I wish to say that they have approached this issue in every single instance with character, with integrity, with conviction and a sincere desire to produce the best possible result for the Senate and for the accused Senator.

To my colleagues on the other side of the aisle on the committee, until very recently, I think we had, indeed, succeeded in developing a bipartisan approach to this, and I regret deeply that this case has spilled over into the full Senate before it was over.

And that is what is before us today. Thirty-one years ago, Senator John Sherman Cooper, of Kentucky, some of the old-timers around here may remember, in the wake of the Bobby Baker case, felt that there ought to be a better way to handle misconduct charges against a sitting Senator. He felt we had to remove, if at all possible, these kinds of cases from the floor of the Senate where everything is partisan. And so he suggested we have a bipartisan Ethics Committee with not too many members, just six, three on each side of the aisle.

This approach, coupled with the requirement that there be four votes to do anything affirmatively, guaranteed—guaranteed—that the results of any case would have a bipartisan stamp. It has been said that the committee was deadlocked when it voted 3–3. It was not deadlocked. That was the decision. Because under the rules of the Ethics Committee, a 3–3 vote is not an affirmative act to proceed. So the decision on the issue of public hearings in the Packwood case has been made pursuant to the rules of the committee. So the Senator from California today would have us change the rules in the middle of the game—change the rules in the middle of the game.

I would say, Mr. President, not only is it a bad idea generally speaking to change the rules in the middle of the game, it is a bad rules change anyway. And beyond it being a bad rules change, what is happening here on the floor of the Senate today is exactly what Senator Cooper feared would happen if we did not create the Ethics Committee. And that is, have every one of these cases debated here in the most partisan forum imaginable, with the majority making the decision.

One of the astonishing things about this proceeding today is I think it can be totally persuasively argued that the principal beneficiary of the bipartisan Ethics Committee is whichever party happens to be in the minority in the Senate at a given time, and yet this proposal emanates from the minority side to bring a matter out of a bipartisan forum into a partisan forum for decision.

We will rue the day we go down this path. Just imagine campaign season. We are out here on the floor of the Senate introducing resolutions to condemn Senator so-and-so because the latest poll shows he is in trouble and our side may be able to pick up a seat. The temptation would be overwhelming. And so that is what this vote is about.

The reason for an Ethics Committee was that these cases would be investigated through the investigative phase without interference from the Senate. And it has never been interfered with in 31 years. At the end of the process the committee would take an affirmative action which would require at least four members, which would guarantee some bipartisan stamp. If the case was serious enough, bring it to the floor of the Senate, and at that point every Senator would have his or her opportunity to say whatever they felt appropriate about the work of the bipartisan committee. Criticize it, condemn it, applaud it, amend it, filibuster it, whatever. There is an opportunity, Mr. President, for any Senator to have his or her fair say about this when we get through.

So what we are experiencing today is the great fear that Senator Cooper had 31 years ago if we did not have an Ethics Committee. And yet here we are having this debate, slowing down the disposition of the case.

As I said earlier, candidly, it has all had an impact on the members of the committee. It has pulled us in opposite directions. It has tried to make us more political. And one of the things we are going to have to do, if the Boxer resolution is hopefully not approved, on the committee is to get ourselves back together again. Friendships have been strained. And we have got to get ourselves back together so we can finish this case.

Nobody's taken a bigger beating in the last 2½ weeks than I have. I am getting to wonder who the accused is in this case.

But I am proud to be chairman of the Ethics Committee because I believe in this process. I think it serves this institution well and I think it serves the public well. There is not going to be any coverup in this case. No coverup. Let us finish our work. We will release everything relevant to the decision. And if you do not like the penalty that we recommend, recommend another one. But do not start down this path. It is the beginning of the end of the ethics process, which has served this body well for 31 years.

So, Mr. President, I sincerely want to thank as well the Senators not on the committee on this side who came over and pitched in. Frankly, I thought I might be the only speaker. I did not have to ask anybody to come over. Senator SIMPSON was here. Senator BROWN was here. Senator KASSEBAUM was here. Senator GRASSLEY was here. And Senator HUTCHISON was here. And none of them on the committee. And this is the kind of thing your staff will whisper in your ear, ''Boy, you don't want to get near this one. Vote and leave.'' And yet they came over and spoke in opposition to this resolution, expressed their opinion that the resolution was a bad idea and that the Ethics Committee ought to be able to finish its work.

Mr. President, it is my understanding that the Democratic leader would like to use some leader time to speak. I do not see him on the floor at the moment. So how much time do I have remaining?

The PRESIDING OFFICER. Eight minutes.

Mr. McCONNELL. I will for the moment reserve the balance of my time. I

may well choose not to use it, but I reserve the balance of my time.

I suggest the absence of a quorum and that the time in the quorum not be taken out of the 8 minutes remaining.

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

Mrs. BOXER. Mr. President, I have to object to that. Every time, when I tried earlier, and I had so many people waiting, I was unable to get additional time.

The PRESIDING OFFICER. The objection is heard. The objection is heard.

Mrs. BOXER. I am trying to resolve the matter. Perhaps my friend can——

The PRESIDING OFFICER. The objection has been heard, Senator.

The Senator from Kentucky.

Mrs. BOXER. I just reserve my right. I did not say ''object.'' I reserve my right to object. And I would ask my friend from Kentucky——

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. McCONNELL. How much time do I have remaining?

The PRESIDING OFFICER. Seven minutes.

Mr. McCONNELL. I am more than happy to yield back the time and ask for the yeas and nays.

Both sides had 2 hours. I do not think it is in any way unfair for the time to be equal. If the Democratic leader would like to speak, it is my understanding the Republican leader would like to speak. Otherwise, we could——

Ms. MIKULSKI. Will the Senator from Kentucky yield for a point of clarification?

The Senator from Maryland wishes to inform him, the Democratic leader is coming.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. McCONNELL. Mr. President, I am not aware of any additional speakers on my side.

I gather the two leaders can speak with leader time?

The PRESIDING OFFICER. That is correct.

Mr. McCONNELL. Consequently, I yield back the balance of my time.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I support the amendment offered by the Senator from California. The amendment tracks many years of precedent in the Senate Ethics Committee by clarifying that all cases advancing to the substantial-credible-evidence stage should be the subject of public hearings. At the same time, it allows the Ethics Committee to waive those hearings by a simple majority vote.

I regret that some have chosen to suggest this is a partisan matter, for it is not. Furthermore, such statements distract us from the real issue of how the Ethics Committee and the Senate should pursue ethics complaints. I believe the Boxer amendment charts a course that is both warranted and appropriate.

The vice chairman of the Ethics Committee and several others have already outlined some of the facts that lead me to that conclusion:

First, under the precedent of the Senate and the Ethics Committee, in every major ethics case this century, public hearings have been held. In 1977, a three-tiered ethics process was adopted. Public hearings have been held in all four cases that reached the final investigative phase under this process.

Second, the amendment before us today would apply to all pending and future cases that reach the final investigative phase. We must, as the vice chairman of the committee has suggested, consider whether or not there is sufficient reason to stray from that clear precedent in any particular case, including the case currently before the committee. Three members of the Ethics Committee have argued that we should not make such an exception, though, again, I note that the Boxer amendment would allow a simple majority of the committee to do so.

The issue before us goes far beyond the specifics of any case. If the evidence in a case before the Ethics Committee has reached the final investigative phase, and if there is not sufficient reason to make an exception for that case, then it is appropriate for the committee to move forward with public hearings. I urge my colleagues to support the amendment.

Finally, I want to commend the Senator from California, Senator BOXER, for offering this amendment. I also want to commend my other colleagues on the Ethics Committee. We all know theirs is a thankless job, yet they deserve all Senators' thanks.

Mr. DOLE. How much time remains?

The PRESIDING OFFICER. No time is left. This will be yielded from leader time.

Mr. DOLE. How much?

The PRESIDING OFFICER. There are 5 minutes left.

Mrs. BOXER. I am sorry, Mr. President, how much time do I have?

The PRESIDING OFFICER. Five minutes left.

Mrs. BOXER. Mr. President, I yield 2 minutes to the Senator from Nevada.

Mr. BRYAN. Mr. President, I thank the distinguished Senator in California.

My colleagues have spoken on both sides of this issue with eloquence and passion. For me, the central issue that we are debating today is the simple proposition of shall there be public hearings. A vote for the Boxer amendment commits this Senate to public hearings; a vote for the amendment of the distinguished chairman of the Ethics Committee votes not to have public hearings.

There has been much comment made about this somehow disrupting the process, or that it portends that in the future the minority may be placed at some disadvantage.

What this is all about, as far as I am concerned, is that in every case, whether a Member of the majority or the minority in which there is an ethical matter of this magnitude brought to the attention of the committee, there ought to be public hearings.

It has been said that precedent will be violated, 31 years of precedent will be violated if, indeed, the amendment is offered and approved. That is true, but if we fail to support the amendment of the Senator from California, the Senate abandons nearly a century of precedent, a precedent which has said that in every case of a major ethics violation, public hearings have been held. If my colleagues have any question about that, simply call the ethics office, and they will tell you the same thing that they have told each and every one of us.

I conclude, Mr. President, where I began, and that is: Why should this case be different? I am unable to reach a conclusion as to why this should be different. We have another precedent, and that is for the first time we have victims who seek to come forward and to present their testimony before the members of the committee. I think that we ought to reflect for a moment on what kind of a process we support——

The PRESIDING OFFICER. The Chair informs the Senator his 2 minutes have expired.

Mrs. BOXER. I thank my friend. I yield 1 minute to the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I want to make clear that at no time during this debate or at any time during my membership on the Ethics Committee have I been critical of the other members of the Ethics Committee or of its current chairman. I believe that the Ethics Committee has conducted itself with honor, meticulousness, and really pursued due diligence.

We have an honest disagreement on the issue of public hearings. There is something special about the U.S. Senate. The world views us as the greatest deliberative body. The rules guarantee full and complete opportunity for all concerned parties to speak. We have great pride in the way we protect the rights of the minority.

It is that history and tradition that I believe that calls us now, as we get ready to vote, to honor the precedent of public hearings, for cross-examination of witnesses, to resolve discrepancies in testimony, to have a fair format——

The PRESIDING OFFICER. The Chair informs the Senator the 1 minute has expired.

Ms. MIKULSKI. A vote here is the right thing to do. It is the senatorial thing to do. It is the American thing to do.

The PRESIDING OFFICER. The Senator from California has the floor.

Mrs. BOXER. Mr. President, I thank my friends. I say to my colleagues on both sides that my amendment is very respectful of the Ethics Committee but is also respectful of the full Senate and

the victims in this case. It is very respectful to the American people who want us to open the doors, very clearly.

The Ethics Committee chairman says the committee has not deadlocked. Only in the U.S. Senate would you say a 3 to 3 vote resulting in no action is not a deadlock. Clearly, the committee has deadlocked for the first time in its history.

The Boxer amendment says you need a majority vote to close hearings. I think that is very reasonable and no Senator—no Senator—from either party should fear a majority vote.

We have had 18 Senators speak in behalf of my amendment, including one Republican. I am a very proud Senator, as I stand here today, because when I started this, many colleagues told me that nobody cares about this but the Senator from California, and that never was true.

Why do we care? Because we love this place, and we want it to work right. I read the Constitution, and article I, section 5 says each and every one of us has a responsibility to make sure we police ourselves and do it in the right way.

The Senator from Kentucky has stated that I am turning precedents on its head. Nothing could be further from the truth. If you vote for the Boxer amendment, you vote to continue public hearings. We have heard it from the vice chairman of the committee; we have heard it from Senator MIKULSKI. These are valued Members of this body. I know they are well respected. It is not just a Senator who is not on the Ethics Committee calling for public hearings.

Then we hear we have the documents. Is that not wonderful, let us just have the paper. I want to ask you, does a piece of paper talk to you about the humiliation? Does a piece of paper come alive? I say not.

Finally, Mr. President, I note with regret that during debate on this amendment, several Senators made reference to my record on ethics matters as when I served as a Member of the House of Representatives. Unfortunately, their statements mis-characterized my record. I wish to take this opportunity to clarify the record.

Specifically, the Senator from Colorado, Senator BROWN, stated that I repeatedly voted against public hearings in ethics matters. In fact, the opposite is true. In 1989, I supported a comprehensive ethics reform bill that greatly improved House ethics procedures. As a result of that bill, rules were promulgated requiring public hearings in the final stage of ethics cases. The Senator from Colorado opposed that bill.

Also, in cases of sexual misconduct to reach the House floor, I voted twice to increase sanctions against individual Members. In those cases, one of the accused Representatives was a Democrat and one was a Republican. Senator BROWN, then my colleague in the House, voted for increased sanctions for the Democrat, but not the Republican.

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

Mrs. BOXER. Do not vote in favor of paper, vote in favor of people and support the Boxer amendment.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I have not had an opportunity to hear the debate. I know every second has been used. To many this is a very important matter and certainly the charges leveled against the Senator from Oregon are serious ones. There is no place for sexual harassment or any other form of sexual misconduct in the United States, in the U.S. Senate. That is point one.

Equally as important is point two. We do have an Ethics Committee. We may not have another one again. Maybe this is the end of the Ethics Committee. Maybe it should be. If they do not have any standing, if they do not have any credibility, if they are not supported by the bipartisan leadership, I am not certain what function they can perform in the future.

It is supposed to be a bipartisan committee. That is why it is 3 to 3, to avoid all the things we are doing right now. That is the reason it was implemented in this way, structured in this way, so we avoid a circus on the floor if somebody felt so inclined.

So we have a procedure that has worked, as I understand, fairly well for 31 years. I think it ought to be followed today. We have had 2½ years of investigation in this case—2½ years—against Senator PACKWOOD. As a part of this investigation, the Ethics Committee has interviewed 264 witnesses, taken 111 sworn depositions, issued 44 subpoenas, read 16,000 pages of documents and spent 1,000 hours in meetings just on this case alone.

It is now my understanding, at least, that the Ethics Committee is preparing relevant information, the most detailed public submission ever made by the committee in any case. As it does in other cases, the Ethics Committee will also recommend an appropriate sanction. And before the Senate votes on this sanction, the committee will provide a full and complete record of all relevant evidence, and this record will be made available to the public.

So I believe the American people, as they should, will have a right to know. The American people will know; they will have an opportunity to review the record, blemishes and all. It just seems to me, as someone not on the Ethics Committee—and, believe me, it is not easy to ask your colleagues to serve on that committee; it is going to be even more difficult from this day forward, I assume, unless you want to make it just a partisan committee, and then maybe we ought to change the numbers. But I guess the real question is whether or not we are going to allow the Ethics Committee to do its work without second-guessing on the floor of the Senate.

The Ethics Committee should not be a political football. We have a process and that process should be followed. It has been followed in numerous cases in the past. If we want to change the rules and change the process, I assume we will do it as we normally do, prospectively, in future cases, and not in the middle of a case.

I can imagine what would happen if this case were on the other side of the aisle. The Senator from California would not be on her feet. There were several cases in the House, as I understand it, and there was not a word uttered by the Senator from California, who was then in the House. But this is different.

I have confidence in the Ethics Committee. We are out here in the middle of a case—actually, at the end of this case, because I understand the committee would like to act. Now, if we do not believe in the integrity of the Ethics Committee, why do we not abolish it? We can turn it over to the Senator from California to be in charge of everybody's ethics in the Senate, or to someone else who does not agree with the Ethics Committee.

We do not agree with a lot of things that happen in committees around here, but I am not certain we challenge every committee when we have a disagreement and bring it to the floor and demand a public hearing on our issue because we did not prevail in any other committee.

This is the Ethics Committee. I can tell you, as the leader, that it is extremely difficult to ask your colleagues to serve on this committee. It is going to be more difficult if this becomes a transparent effort to score partisan political points either in this case or the next case. Maybe the next time it will be on this side and we will want to score the partisan political points. Things that go around come around here, or whatever it is. I hope that is not the case.

If I felt for a moment that there were Republicans on the Ethics Committee—not in this case—who were not men of integrity, I would say move right ahead. I think their integrity probably matches that of those on the other side. I think they are all men and women of integrity on the Ethics Committee.

So I hope my colleagues will defeat the amendment offered by the Senator from California and then adopt the amendment offered by the Senator from Kentucky.

Let the committee proceed. This may be good media, but it is bad policy. The press loves this. They have been flocking in all day long. They like it. Going after a Member really whets their appetites, whether it is this case or any other case. It is a great way to get big headlines and make the nightly news.

But what does it do for the integrity of the Ethics Committee to score a few political points at the expense of the

institution? If anybody can show me that Senator MCCONNELL or Senator CRAIG or Senator SMITH have, in some way, violated their oaths and violated their obligations as members of the Ethics Committee, or anybody else in this Chamber, then I would say, OK, let us proceed, because they have let us down. If anybody, including the Senator from California, can find one scintilla of evidence that somehow the Republican members prejudged or overlooked whatever they overlooked, whatever the charge might be, then that is one thing.

So I hope I will be standing here the next time when it may be reversed, and I will be making the same speech, not a different one. I will be saying, maybe the next time, wait a minute, we have an Ethics Committee—we may or may not have an Ethics Committee, who knows. But if we have an Ethics Committee, and if it is evenly balanced with Democrats and Republicans, then let us wait until we hear what the decision is.

So for all the reasons I can think of—and I know it is, again, good theater, but sometimes we have to look beyond the theater in this body. This is a proud institution and, in my view, I think we can properly oversee and provide appropriate remedies for misconduct by anybody in this Chamber, Republican or Democrat, and I trust that is the way it will be in the future.

Mr. President, the charges that have been leveled against my colleague from Oregon are very serious ones. There is no place for sexual harassment or any other form of sexual misconduct in the United States or in the U.S. Senate. That is point 1.

Point 2 is that the Ethics Committee has established procedures for investigating charges of misconduct against Members of the Senate. These procedures have worked in the past, an they should be followed today.

During the past 2½ years, the Ethics Committee has been diligently investigating the charges against Senator PACKWOOD. As part of this investigation, the Ethics Committee has interviewed 264 witnesses, taken 111 sworn depositions, issued 44 subpoenas, read 16,000 pages of documents, and spent 1,000 hours in meetings just on this case alone.

It is my understanding that the Ethics Committee is now preparing the largest, most detailed public submission every made by the committee in any case.

As it does in other cases, the Ethics Committee will also recommend an appropriate sanction. And before the Senate votes on this sanction, the committee will provide a full and complete record of all relevant evidence in this case. This record will be made available to the public.

So, this debate is not about the American people's right to know, as some of my colleagues on the other side of the aisle have claimed. The American people will know. They will have an opportunity to review the record—blemishes and all.

The real question here is whether we will allow the Ethics Committee to do its work, without second-guessing from the floor of the Senate. The Ethics Committee should not be a political football. We have a process, and that process should be followed as it has been followed in numerous cases in the past.

If we want to change the rules, change the process, then we should do so prospectively, in future cases, not in the middle of this case or any other case, and certainly not as part of a transparent effort to score partisan political points.

Mr. MCCONNELL. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. No.

Mr. DOLE. Mr. President, I ask for the yeas and nays on both amendments.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 2079

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2079 by the Senator from California.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 352 Leg.]

YEAS—48

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Murray
Bradley	Harkin	Nunn
Breaux	Heflin	Pell
Bryan	Hollings	Pryor
Bumpers	Inouye	Reid
Byrd	Johnston	Robb
Cohen	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Simon
Dodd	Kohl	Snowe
Dorgan	Lautenberg	Specter
Exon	Leahy	Wellstone

NAYS—52

Abraham	Gorton	McConnell
Ashcroft	Gramm	Moynihan
Bennett	Grams	Murkowski
Bond	Grassley	Nickles
Brown	Gregg	Packwood
Burns	Hatch	Pressler
Campbell	Hatfield	Roth
Chafee	Helms	Santorum
Coats	Hutchison	Shelby
Cochran	Inhofe	Simpson
Coverdell	Jeffords	Smith
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Faircloth	Mack	
Frist	McCain	

So, the amendment (No. 2079) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 2080

The PRESIDING OFFICER (Mr. GORTON). The question is on agreeing to the amendment of the Senator from Kentucky [Mr. MCCONNELL].

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of Senator from Kentucky. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 62, nays 38, as follows:

[Rollcall Vote No. 353 Leg.]

YEAS—62

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Moynihan
Bond	Grams	Murkowski
Breaux	Gregg	Nickles
Brown	Hatch	Nunn
Bumpers	Hatfield	Packwood
Burns	Heflin	Pell
Campbell	Helms	Pressler
Chafee	Hutchison	Pryor
Coats	Inhofe	Roth
Cochran	Inouye	Santorum
Conrad	Jeffords	Shelby
Coverdell	Johnston	Simpson
Craig	Kassebaum	Smith
D'Amato	Kempthorne	Stevens
DeWine	Kerrey	Thomas
Dole	Kyl	Thompson
Domenici	Lott	Thurmond
Dorgan	Lugar	Warner
Faircloth	Mack	

NAYS—38

Akaka	Feinstein	Lieberman
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Murray
Boxer	Grassley	Reid
Bradley	Harkin	Robb
Bryan	Hollings	Rockefeller
Byrd	Kennedy	Sarbanes
Cohen	Kerry	Simon
Daschle	Kohl	Snowe
Dodd	Lautenberg	Specter
Exon	Leahy	Wellstone
Feingold	Levin	

So, the amendment (No. 2080) was agreed to.

Mr. DOLE. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. What is the pending business?

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin [Mr. FEINGOLD] is to be recognized.

Mr. DOLE. If he would yield for a moment.

I have talked to the managers of the bill. I think it is their intent to stay here late this evening. And I understand they are going to take the

amendment of the Senator from Wisconsin and take an amendment from the Senator from Iowa. But we need to find other amendments. And we have had a five-hour delay here, rain delay, that is not the fault of the managers. So we have lost five hours. So they would like to make up some of that time tonight.

If we cannot find any amendments, we need, in fairness, to let our colleagues know. If we cannot find amendments, we need to have our colleagues know whether we can have a roll call, and at what time. So maybe the managers can take a quick check and let the leaders know, so we can advise our forces.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I urge Democratic Senators to come to the floor. We have a whole series of amendments that ought to be debated. This is prime time and a very important opportunity. I hope we will not let it go to waste. There are Senators who have expressed their interest in amending this bill, and they ought to come to the floor to offer these amendments.

I urge Cloakrooms to encourage Senators to come to the floor at their earliest convenience.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. BYRD. Mr. President, will the distinguished Senator yield to me without losing his right to the floor?

Mr. FEINGOLD. I yield to the Senator from West Virginia.

CONGRATULATIONS TO DARIUS JAMES FATEMI, Ph.D.

Mr. BYRD. Mr. President, Plato thanked the gods for having been born a man and for having been born a Greek and for having been born during the age of Sophocles. I thank the benign hand of destiny for allowing me to live to see one of my grandsons become a Ph.D. in physics.

On yesterday, Darius James Fatemi was given his Ph.D. in physics. Seneca is reported to have said that a good mind possesses a kingdom. Disraeli said, upon the education of our youth, the fate of the country depends. Emerson said that the true test of civilization is not the census nor the size of cities nor the crops—no, but the kind of man the country turns out.

You can imagine, those of you who are grandparents, and those of you who may not yet be grandparents, the pride which I share with my wife, Erma, in feeling that we have, indeed, contributed to this great country a new physicist, a doctor of physics.

Darius was named after Darius the Great, who became King of Persia upon the neigh of a horse. Darius James Fatemi did not get his doctorate by the neigh of a horse.

We are grateful that the good Lord has blessed us with wonderful grandchildren, and this is the first Ph.D. in our line. I suppose if we all look back far enough, may I say to the distinguished majority leader and to my colleagues, we would find somewhere in our ancestry a slave—the Greeks, the Persians, the Romans, other peoples of antiquity owned slaves. And so we may have an ancestor who was a slave. At the same time, we may have an ancestor who was a king. But as far as I know, this is the first Ph.D. in my line, and I thank the good Lord for that.

I thank all Senators for listening.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin holds the floor.

Mr. REID. Mr. President, I ask my friend from Wisconsin to withhold.

Mr. FEINGOLD. I yield without losing my right to the floor.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Debbie Allen, a congressional fellow assigned to my office, be assigned privilege of the floor during pendency of the legislation now before the Senate.

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

The Senator from Wisconsin is recognized.

AMENDMENT NO. 2082

(Purpose: Sense-of-the-Senate resolution regarding Federal spending)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 2082.

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

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

The amendment is as follows:

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

SEC. . SENSE OF THE SENATE REGARDING FEDERAL SPENDING.

It is the sense of the Senate that in pursuit of a balanced federal budget, Congress should exercise fiscal restraint, particularly in authorizing spending not requested by the Executive and in proposing new programs.

Mr. THURMOND. Mr. President, will the Senator yield for 10 seconds to get some people on the floor?

Mr. FEINGOLD. Yes, I yield.

PRIVILEGE OF THE FLOOR

Mr. THURMOND. Mr. President, I ask unanimous consent that Jack Kennedy and Floyd DesChamps, who are currently serving fellowship assignments on Senator MCCAIN's staff, be granted the privilege of the floor during the Senate's consideration of S. 1026, the fiscal year 1996 national defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, this is a simple sense-of-the-Senate amendment stating that Congress should exercise self-restraint in authorizing and appropriating funds for all Federal spending, including defense spending, especially in cases where the spending has not been requested by the applicable agency in the first place or is not directly related to national security needs.

I will just speak very briefly, because I understand the managers intend to accept this, but I do want to make a brief point about it.

I think every Member of this body is aware of the problem this sense-of-the Senate is intended to address. Congress passed a budget resolution a short time ago that called for increased defense spending over the next few years of more than $58 million. We ought to understand that just because there is room in the budget resolution to spend that extra money, it does not mean that Congress has to or is forced to spend it on projects that are either unnecessary or not directly related to national security interests.

In recent weeks, the reports, Mr. President, have been increasing. Media reports have documented what they have called a business-as-usual attitude in Washington, DC, as many of these so-called reformers have gotten in line not to decrease but to add defense spending for weapons systems that our military people have not even asked for. Why? Because the weapons systems are built in their districts or their home States. That is the simple answer.

Mr. President, I ask unanimous consent that an article from the Monday, July 31, Washington Post, entitled ''Extra Pentagon Funds Benefit Senators' States,'' be printed in the RECORD.

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

[From the Washington Post, July 31, 1995]

EXTRA PENTAGON FUNDS BENEFIT SENATORS' STATES

(By Dana Priest)

While Republicans talk about a revolution in the way government spends taxpayer money, in at least one area, according to a new study, the GOP is now the keeper of a decades-old bipartisan tradition: funneling Defense Department dollars to businesses back home.

Of the $5 billion in weapons spending that the Senate Armed Services Committee added on to President Clinton's budget request, 81 percent would go to states represented by senators who sit on the committee or on the Appropriations defense subcommittee.

This includes $1.4 billion for an amphibious assault ship built by Ingalls Shipbuilding, a huge employer in Sen. Trent Lott's state of Mississippi and partial funding of $650 million for two Aegis destroyers built by Ingalls and Bath Iron Works in Sen. William S. Cohen's state of Maine. Republicans Lott

and Cohen are members of the Senate Armed Services Committee and Cohen chairs its seapower subcommittee, nicknamed the ''shipbuilders subcommittee,'' which decides the fate of most sea-related military equipment.

Defense officials admit they do not need either ship to be ready to fight two wars nearly simultaneously, which is the standard set for all branches of the military by the Joint Chiefs of Staff. But, said a senior defense official, ''If I don't get some of these ships, I'm going to have to keep some older ships in the fleet.''

The ships are just the most expensive examples of congressional add-ons to the $258 billion presidential budget request, which all the Republican chairman of House and Senate defense-related committees believe is too low. The Senate Armed Services Committee added about $7 billion to Clinton's request. The House added nearly $10 billion. The full Senate is to take up the defense spending bill in August.

Of the 44 military construction projects that the Senate Armed Services Committee added to the defense budget, 32 of them—and 73 percent of the $345.8 million in add-ons—went to states represented by senators on one of the two defense committees, according to the same study. The study is a culling of the defense bill programs compiled by the Council for a Livable World, a Washington-based organization that advocates decreased defense spending.

''They have added [these programs] not for national security reasons, but to help members of Congress,'' said Council President John Isaacs. ''It is absolutely business as usual. This is a practice as common among Republicans as Democrats. Changes of parties, changes of ideology don't matter.''

Technically, the Defense Department is supposed to wholeheartedly support the president's budget request. But when the Republican chairmen of the House and Senate defense committees asked the services this year to come up with a wish list if they had more money, not one balked.

That is the one reason, defense officials said, they did not want to be named in this article, or even identified as Army, Navy, Air Force or Marine.

Many items at the top of the services' wish list showed up on the Senate committee's list. Among them: 12 extra F–18 Hornet fighter jets for $564 million, built in the states of Sens. Christopher Bond (R–Mo.) of the Appropriations subcommittee on Defense and Edward M. Kennedy (D–Mass.) of the Armed Services Committee; 20 extra Kiowa Warrior helicopters for the Army, built by companies in states of Armed Services Committee members Kay Bailey Hutchison (R–Tex.) and Dan Coats (R–Ind.). Sen. Phil Gramm (R), the other senator from Texas, is on the Appropriations defense subcommittee.

''To be very honest, yes, Senator Coats certainly is very concerned when there are Indiana companies that have a tie-in—that is a consideration,'' said Coats's press secretary, Tim Goeglein. ''But if Senator Coats feels that is money the Armed Services Committee should not be budgeting, he would not support it.'' A spokeswoman for Cohen's office sent a copy of the committee's bill to explain why Cohen had voted to spend more money than requested. It says the committee believes ''the procurement of basic weapons and items of equipment has been neglected during the decline in defense spending'' and that it would be cheaper to order more now than wait until a time when production costs could be higher.

Kennedy was not the only Democrat who benefited in the committee bill. The committee decided to buy three CH–53 Super Stallion helicopters for the Marines at a cost of $90 million. They are produced by General Electric Co. in Massachusetts and United Technologies Corp. in Democratic committee member Joseph I. Lieberman's state, Connecticut.

Kennedy did not support adding money to the president's request, said a spokesman for the Massachusetts senator, but when he realized Republicans were going to do it anyway, ''he wanted to see the money spent as best as possible.'' He said Kennedy believes the helicopters will help the Marines improve their countermine warfare efforts.

''All politics is local,'' one defense official said. ''If I'm a defense contractor I'm going to do everything I can to locate in a powerful chairman's district because I have immediate access. Jobs are important on the Hill.''

Mr. FEINGOLD. I thank the Chair.

Mr. President, I am not suggesting that we should only fund weapons systems requested by the Pentagon, or that because the Pentagon has asked for something, that Congress should automatically vote to provide them with their wish list.

What I am saying is that when Members of Congress start adding things to the Department of Defense spending list, we ought to give extra special scrutiny to those items that the administration never even requested.

I think we ought to be looking carefully to make sure those additional items, in fact, are related to national security needs, not just a source of jobs back home. There are better ways to provide those jobs than building new weapons that we do not need, are not wanted by the military, and further drain our National Treasury.

Mr. President, my sense of the Senate is simply intended to make a commonsense statement. We do not have to spend it all just because the budget allows it. Let us apply some fiscal discipline and restraint in all budget areas, including the Department of Defense.

I do hope the amendment will be accepted, as has been indicated to me previously. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, we will accept the amendment on this side.

Mr. NUNN. Mr. President, the amendment makes sense. I urge our colleagues to accept it on this side.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2082) was agreed to.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 2083

(Purpose: To prohibit a waiver of the time-in-grade requirement for a retirement in grade of an officer who is under investigation or is pending disposition of an adverse personnel action for misconduct)

Mr. GRASSLEY. Mr. President, my amendment, I do not think, will be controversial. I hope it has been cleared on both sides. I believe it has. My amendment will modify section 505 of the bill.

Section 505 of the bill streamlines the procedure for retiring our most senior military officers. That means admirals and generals who hold three- or four-star rank. Under current law, the President must nominate the most senior officers for retirement, which involves senatorial confirmation under existing law. If a three-star or four-star officer is not nominated or not confirmed under current law, that individual then, as we all know, reverts to his or her permanent grade, which, obviously, is lower.

For a three-star general, as an example, this could mean retirement with a two-star, or even a one-star grade, I believe. I hope I understand it well. section 505 would eliminate Senate confirmation. That means section 505 of this bill would do away with Senate confirmation of three-star and four-star officers who are retiring.

When Senator HUTCHISON and Senator NUNN, and others, first introduced this measure, it was introduced as S. 635 and introduced on March 28 of this year. At that time, I very much opposed the idea, and I joined Senator BOXER and Senator MURRAY in signing a letter to the committee on May 11 of this year expressing opposition to the bill by Senators HUTCHISON and NUNN. We felt that S. 635 would undermine congressional oversight, that it would undermine civilian control of the military, and would undermine accountability.

Our most senior military officers, we felt—because they are entrusted with tremendous power and responsibility—ought to, in all instances, be proven to do that. So, for that reason, and that reason alone, we feel that they must be held to the very highest possible standards.

Well, section 505 of this bill is not much different from the original S. 635. The language has not changed much, but I can say that we have changed as we viewed the intent of the NUNN-HUTCHISON bill.

Our initial reaction to S. 635 was tempered by several very difficult and controversial retirement nominations last year. Remember Admiral Kelso, Gen. Buster Glosson, General Barry, Admiral Mauz. We thought that we had good reason to question those nominations for retirement. We thought our concerns were justified. We still do.

Well, after the Hutchison-Nunn bill was introduced, I asked the American Law Division of the Congressional Research Service to assess all of the bill's implications. Mr. Bob Burdette, legislative attorney with the division, was kind enough to prepare a very thoughtful and helpful analysis of the proposed changes to the law, as suggested by our colleagues. Mr. Burdette's report helped to lay most of my concerns to rest.

I ask unanimous consent to have that report printed in the RECORD at this point.

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

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, July 20, 1995.

To: Hon. Charles E. Grassley. Attention: Charlie Murphy.

From: American Law Division.

Subject: The Legal Effect of Enacting Section 505 Of S. 1026, 104th Cong., 1st Sess., Respecting Retirements of Commissioned Officers Who Have Served At Grades O–9 and O–10.

This memorandum explains the legal effect of enacting Section 505 of S. 1026, 104th Cong., 1st Sess. (1995). This section of the proposed legislation would make four changes in the provision presently codified at 10 U.S.C. §1370. By way of ''conforming amendments,'' this section would also repeal provisions presently codified at 10 U.S.C. §§3962(a), 5034, and 8962(a).

The proposed legislation would not amend paragraph (1) of subsection (a) of 10 U.S.C. §1370. That is, regardless of whether the proposed legislation is enacted, this paragraph will still specify a general rule that a commissioned officer of the Army, Navy, Air Force, or Marine corps shall, except as provided in paragraph (2) of 10 U.S.C. §1370(a), be retired in the highest grade in which he served on active duty satisfactorily for at least six months.

SECTION 505(A)(1) OF THE BILL

The first change, which would be made by section 505(a)(1) of the bill, is substantive in nature. It would strike out the words ''and below lieutenant general or vice admiral'' which presently appear at 10 U.S.C. §1370(a)(2)(A). With such words excised from subparagraph (A) of §1370(a)(2), that subparagraph would read, as follows:

In order to be eligible for voluntary retirement under any provision of this title in a grade above major or lieutenant commander [...], a commissioned officer of the Army, Navy, Air Force, or Marine Corps must have served on active duty in that grade for not less than three years, except that the Secretary of Defense may authorize the Secretary of a military department to reduce such period to a period not less than two years in the case of retirements effective during the nine-year period beginning on October 1, 1990.

As a consequence of the excision, commissioned officers serving, or who have served, at the grades of O–9 and O–10 would be eligible to retire at such grades only after serving at them for at least either three years or, if authorized by both the Secretary of Defense and the Secretary of the military department concerned, as little as two years in the case of retirements occurring during the specified nine-year window.

Subparagraph (B) of §1370(a)(2) would not be amended by the proposal. Hence, it would still confer none-delegable authority on the President to ''waive subparagraph (A)'' in individual cases involving either extreme hardship or exceptional or unusual circumstances. In other words, a relevant presidential waiver made under the conditions specified could render a particular commissioned officer above the grade of O–4 (albeit now including officers serving, or who have served, at the grades of O–9 and O–10) eligible to retire at the highest grade at which that officer had served without regard to the length of time he had served at that highest grade.

SECTION 505(A)(2) OF THE BILL

The second change, which would be made by section 505(a)(2) of the bill, is likewise substantive in nature. It would strike out the words ''and below lieutenant general or vice admiral'' which presently appear at 10 U.S.C. §1370(d)(2)(B). Subsection (d) of 10 U.S.C. §1370 relates generally to retirements of reserve officers under chapter 1225 of Title 10. Paragraph (1) of 10 U.S.C. §1370(d) specifies that a person entitled to retired pay under chapter 1225 is to be credited with satisfactory service in the highest grade in which that person served satisfactorily at any time. With the relevant words excised from subparagraph (B) of §1370(d)(2) as indicated in the proposed legislation, that subparagraph would read, as follows:

In order to be credited with satisfactory service in an officer grade above major or lieutenant commander [...], a person covered by paragraph (1) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than three years. A person covered by the preceding sentence who has completed at least six months of satisfactory service in grade and is transferred from an active status or is discharged as a reserve commissioned officer solely due to the requirements of a nondiscretionary provision of law requiring that transfer or discharge due to the person's age or years of service may be credited with satisfactory service in the grade in which serving at the time of such transfer or discharge, notwithstanding failure of the person to complete three years of service in that grade.

As a consequence of the excision, reserve commissioned officers serving, or who have served, at the grades of O–9 and O–10 would be eligible to retire at such grades only after serving at them for at least either three years or, in the specified circumstances, as little as six months.

It might be pointed out that no authority is presently (or, under the proposed legislation, would be) conferred on the President to ''waive subparagraph (A)'' in individual cases involving either extreme hardship or exceptional or unusual circumstances. Thus, eligibility for high-grade retirement presently does (and under the proposed legislation would continue to) differ as between regular and reserve officers.

SECTION 505(b)(1) OF THE BILL

The third change, which would be made by section 505(b)(1) of the bill, is nonsubstantive. It would amend subsection (c) of 10 U.S.C. §1370 by replacing certain words with certain other words. That is, the words ''Upon retirement an officer'' would be stricken out and replaced by the words ''An officer.'' All this amendment does is simply remove excess verbiage.

SECTION 505(b)(2) OF THE BILL

The fourth change, which would be made by section 505(b)(1) of the bill, is substantive in nature. It would amend subsection (c) of 10 U.S.C. §1370 by striking out the words ''may, in the discretion'' and all that follows and replacing them with certain other words. This amendment would alter the thrust of the subsection entirely. At present, subsection (c) is the provision which allows officers serving at grades O–9 and O–10 while on active to duty to be retired at those grades, at the discretion of the President and subject to Senate confirmation. The proposed amendment would change the subsection, as already amended by section 505(b)(1) of the bill, to read, as follows:

''An officer of the Army, Navy, Air Force, or Marine Corps who is serving in or has served in a position of importance and responsibility designated by the President to carry the grade of general or admiral or lieutenant general or vice admiral under section 601 of this title may be retired in the higher grade under subsection (a) only after the Secretary of Defense certifies in writing to the President and the Senate that the officer served on active duty satisfactorily in that grade.''

One obvious effect of this change would be to eliminate the requirement of Senate confirmation for officers retiring at grades O–9 and O–10. Another effect of this change is less obvious.

As noted at the outset of this memorandum, paragraph (1) of subsection (a) of 10 U.S.C. §1370 presently specifies a general rule that a commissioned officer of the Army, Navy, Air Force, or Marine Corps shall be retired in the highest grade in which he served on active duty satisfactorily for at least six months. The language setting out that general rule is preceded by the caveat ''[u]nless entitled to a higher retired grade under some other provision of law.'' The words ''higher grade'' used in this caveat are not used anywhere else in subsection (a). Consequently, when the new language that would be added to subsection (c) of 10 U.S.C. §1370 refers to ''the higher grade under subsection (a),'' it clearly implies that there may be instances in which officers who would not otherwise be entitled to retire at higher grades under the terms of 10 U.S.C. §1370 (e.g., because they have not served long enough at those higher grades) could under some unspecified ''other provision of law'' be entitled to retire at those higher grades so long as the Secretary of Defense ''certified'' served satisfactorily for an unspecified period of time in the grade concerned and supplied such certification to the President and to ''the Senate.'' The transmittal of such a certification to ''the Senate'' is of unknown significance.

ROBERT B. BURDETTE,
Legislative Attorney.

Mr. GRASSLEY. Mr. President, it is very hard to argue with the fairness and the justice embodied in Section 505 of the bill. Under Section 505, the retirement of three-star and four-star officers will be considered under the same standards and under the same procedures as the retirement of one-star and two-star generals. In fact, the retirement of all officers above the rank of major or lieutenant commander will be handled in the same way.

Under the new law, then, assuming this bill is enacted, once these officers have served 3 years in grade, they would be allowed to retire with their highest grade without Senate confirmation. I cannot argue with that, and it seems to me that that is the right way to do it. But in investigating this, I came up with this concern that I hope my colleagues feel is legitimate.

Under the law, the Secretary of Defense and service secretaries will still have broad discretionary authority to waive time in grade requirements. That is a potential loophole, as far as I am concerned. Hence my amendment.

I would like to offer a hypothetical scenario. Say a three-star general, with only a few months in grade, gets caught violating a regulation or law. The IG is called in to investigate. The IG finds that the general has violated the law and lied about it to his investigators. The IG then recommends disciplinary action. The service secretaries reject the IG's recommendation, as is too often the case. The secretaries

choose, instead, to waive time in grade requirements, allowing the officer to retire with full rank, as a three-star general. This would end the controversy, but it would give the officer an unearned promotion.

Mr. President, once we do away with the confirmation of three-star and four-star retirements, this scenario might be more than hypothetical. It might be very real.

My amendment, then, is meant to plug that loophole. Under my amendment, time in grade requirements could not be waived if an officer were under investigation for an alleged misconduct or if adverse personnel action was pending.

Mr. President, this would address the concerns that we have —meaning Senator MURRAY and Senator BOXER and myself—arising out of the controversial retirement nominations we wrestled with last year and, hence, our letter to the Armed Services Committee in May of this year.

Mr. President, with that one minor modification that will be in my amendment, I would support Section 505. We will still have ample opportunity to scrutinize the performance and conduct of our most senior military officers through the regular confirmation process.

All three-star and four-star active duty promotions and assignments will still be subject to Senate confirmation.

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 2083.

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

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

The amendment is as follows:

On page 159, line 3, before the end quotation marks insert the following: ''The 3-year time-in-grade requirement in paragraph (2)(A) of subsection (a) may not be reduced or waived under such subsection in the case of such an officer while the officer is under investigation for alleged misconduct or while disposition of an adverse personnel action is pending against the officer for alleged misconduct.''.

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

Mrs. MURRAY. Mr. President, I rise in support of the Grassley amendment, which seeks to modify section 505 of this bill. Section 505, which is almost identical to S. 635, would eliminate Senate confirmation of retiring three-star and four-star officers.

Currently, the President nominates senior officers for retirement and they come before the Senate for confirmation. As we all know, in recent years, there has been great cause for Senate involvement in the confirmation of retiring officers. This new section would allow officers who have served 3 years in grade the ability to retire with their highest grade without action by the Senate.

On May 11 of this year, I joined Senators GRASSLEY and BOXER in sending a letter to the Armed Services Committee outlining our concerns with the provisions in S. 635. At a minimum, we asked that public hearings be held before proceeding with this action. Obviously, my concerns with this section have not been alleviated.

Mr. President, I ask unanimous consent that the complete text of the letter sent to the Armed Services Committee be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, May 11, 1995.

Hon. STROM THURMOND,
Chairman, Senate Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to express our concern regarding S. 635, legislation recently introduced to eliminate the Senate's role in confirming the retirement nominations of military officers who hold three- and four-star rank and who have served three years or more in grade.

As you know, the law governing the Senate role in approving the retirement nominations of three- and four-star military officers was enacted in 1947 and has been amended several times since. Available information on the legislative history of this issue indicates that the introduction of Senate confirmation of senior military officers in 1947, for promotion or retirement, was principally an issue of separation of powers. One of the goals of the original statute, the Officer Personnel Act of 1947, was to reinforce civilian control over the military and increase Congressional purview over what had once been an exclusive function of the Executive Branch. We believe these principles are as valid today as they were in 1947.

Perhaps even more importantly, Congress' governing power and authority over the Nation's armed forces is clearly set out in Article I, Section 8 of the Constitution. Of additional relevance is Article II, Section 2, which describes the Advice and Consent role of the U.S. Senate with regard to Presidential appointments.

Therefore, we would like to take this opportunity to outline our concerns regarding S. 635 and to respectfully challenge the rationale behind its introduction.

Upon introduction of S. 635, the argument was made that our Nation's highest ranking military officers should be treated like their civilian superiors and other government officials. We believe that civilian comparisons are not relevant to this situation. The military, and indeed the Committee, have often taken the position that civilian rules and laws are not appropriate when applied to the unique role and mission of our Nation's armed forces. It is precisely for these reasons that we have concluded that requiring our highest ranking military officials to come before the Senate for their retirement nominations provides an important safeguard for their civilian leadership and the American taxpayer.

Likewise, we disagree with the argument that standards acceptable in the private sector are relevant to the military. For a variety of reasons, including the involvement of taxpayer funds, public service really bears no comparison to private sector service when it comes to standards of accountability and compensation.

Perhaps most importantly, we are concerned with this issue as it relates to leadership and command accountability in our Nation's armed services. The central issue in considering retirement nominations has been, and remains, that service in our Nation's military, especially at the highest levels, is a privilege and an honor. We continue to believe that the military should be governed by the highest standards, and that command accountability to those standards should in no way be compromised.

An additional argument made in support of S. 635 is that this legislation will ''reduce the administrative work load of the Senate Armed Services Committee and the Department of Defense.'' We are sympathetic with this goal, but we believe that S. 635 fails to provide an effective and prudent response to this problem. We understand that in fiscal year 1993, for example, the Committee was asked to review just six grade 0–10 officers for retirement, and less than twenty at grade 0–9. In total, these retirement nominations represented just a fraction of the total number of nominations reviewed by the Committee—which we have been told numbered in the thousands. According to the Congressional Research Service, the numbers for 1993 are typical of the work load presented in other years by these retirement nominations.

Moreover, we reject the idea that military nominations, be they for promotions or retirements, are nothing more than routine ''administrative workload.'' Reviewing military nominations is one of the Armed Services Committee's most important responsibilities. It is a Constitutional responsibility and an important tool for maintaining civilian control and accountability. It is also a way of keeping the Senate involved in the crucial process of nurturing military leadership.

Since the passage of the Officer Personnel Act of 1947, your Committee has held the view that the top-most military and naval officers in the Nation should be subject to Senate approval. The reason for this is quite simple: the question of who gets the ''top rank'' will in the log-run determine the overall quality of the leadership in the Armed Forces. And having top quality military officers is probably the single most important ingredient of military strength.

Keeping the Senate involved in the promotion and retirement process as the final, independent check will help to ensure that only the best are rewarded with top-level promotions. Most of those promotions go to future leaders, but some are given as rewards at retirement for outstanding service.

Retirement nominations are no less significant than others handled by the Committee. As you know, retired members of the armed forces can be recalled to active duty at any time, voluntarily or involuntarily, and therefore the status conferred on those individuals at the time of retirement carries much more than ceremonial significance.

Finally, last year we were encouraged by the Senate's almost unanimous support of the Moseley-Braun/Murray amendment to the FY 1995 Defense Authorization Act which required that the armed services improve the procedures by which discrimination and sexual harassment complaints are processed. In part, the amendment states:

''The Secretary of Defense shall ensure that the Department of Defense regulations governing consideration of equal opportunity matters in evaluations of the performance of members of the Armed Forces include provisions requiring as a factor in such evaluations consideration of a member's commitment to elimination of unlawful discrimination or of sexual harassment in the Armed Forces.''

This statutory language reflects an important public policy, but we are concerned that

without strong enforcement mechanisms DoD will not get the message. It is our understanding that so far DoD has missed every deadline for reporting to Congress and adopting the new anti-discrimination regulations required under the Amendment. This foot dragging underscores the need to maintain congressional oversight, including the Senate confirmation of retirement nominations where relevant leadership can be questioned on these types of matters. We believe it would be very unwise to relinquish this important tool for assuring compliance with national anti-discrimination policies and others critical to military readiness. In addition, less senior members of our armed forces who cannot turn to an independent judiciary with an unresolved but persistent discrimination or whistleblowing complaint deserve to know that their leadership is routinely held accountable to the highest standards.

In short, we have serious reservations about S. 635, and we hope you will consider our views carefully when reviewing this legislation. At a minimum, we strongly urge the Committee to hold a public hearing on this issue before any further action is taken.

Thank you very much for your consideration.

Sincerely,

PATTY MURRAY.
CHARLES GRASSLEY.
BARBARA BOXER.

Mrs. MURRAY. At this time I would like to outline a few of my concerns as described in the letter with this section.

Several arguments have been made in support of this section. For instance, it has been argued that military officers should be treated as their civilian counterparts. However, civilian comparisons are not relevant because of the unique role and mission required of our Nation's Armed Forces.

It has been argued that the confirmation of retiring officers increases the administrative workload of the Senate Armed Services Committee. In fiscal year 1993, the committee reviewed just six grade 0–10 officers for retirement and less than 20 at grade 0–9. I do not believe that is an unreasonable number. In addition, reviewing military nominations is a constitutional responsibility that helps maintain civilian control and accountability.

Most importantly, by removing Senate involvement in the confirmation of retiring officers, we remove congressional oversight. We remove our ability to play a role in the very process that has been so troublesome in recent years.

Mr. President, Senator GRASSLEY's amendment would prohibit waiving time in grade requirements if an officer is under investigation for alleged misconduct or if adverse personnel action was pending. While I do not feel this is the ultimate solution to this problem, I do feel it is a move in the right direction toward making this section more acceptable.

There is no reason for an officer to receive a promotion while an investigation into alleged misconduct is pending.

As I have stated, I still have concerns with the wholesale repeal of congressional oversight as it relates to the confirmation of retiring officers. I believe we have a duty and an obligation to ensure that there are standards of accountability.

Mr. President, I urge my colleagues to vote in favor of the Grassley amendment.

Mr. THURMOND. Mr. President, we will accept the amendment on this side.

Mr. NUNN. Mr. President, I want to make sure that I understand the amendment. I believe I do. The Senator from Iowa can check me on this. This basically would preclude the waiver by the President of time in grade requirements that exist in the law for three-star and four-star retirements if there is an investigation or disciplinary action pending at that time?

Mr. GRASSLEY. That is my intent, a narrow application of exception to the purpose of your original bill.

Mr. NUNN. As I understand it, Mr. President, the waiver in this amendment would actually—by the President—would not happen on very many occasions, but if it does not happen, it should not happen when there is an investigation or disciplinary action pending. That is what the Senator is trying to accomplish. This would nail it down and make sure that does not happen.

Mr. GRASSLEY. At that point, if the President wanted to retire them under those circumstances, it would have to come before the Senate for approval.

Mr. NUNN. Mr. President, I think that we should not compromise on accountability in this area. If the Senate confirmation is going to be changed in the three- and four-star area, then I think we must make sure that the waivers are not granted when, at any point, it would undermine accountability of the officer in question. I therefore think it is a good amendment, and I urge its approval.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 2083) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, we are ready to go forward with other votes. If Members have any amendments, we are glad for them to come forward.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT

Mr. THURMOND. Mr. President, I ask unanimous consent that when the Senate resumes the DOD authorization bill at 9 a.m. on Thursday, Senator DORGAN be recognized to offer his amendment, and there be 90 minutes equally divided in the usual form, with no second-degree amendments in order, and following the conclusion or yielding back of time, the Senate proceed to vote on or in relation to the Dorgan amendment.

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

SECTIONS 631 AND 632

Mr. CRAIG. Mr. President, I rise to express some concerns I have about sections 631 and 632 of the Department of Defense authorization bill for fiscal year 1996, S. 1026. These two sections Nos. 631 and 632, will grant unlimited commissary shopping privileges to ready reservists, certain retired reservists and to all their dependents.

Mr. President, I am a strong supporter of the men and women who serve this Nation, including those who serve in the Ready Reserve. Their commitment to this Nation's security is strong, and they deserve our support. My concerns about sections 631 and 632 are not about the Ready Reserve, but rather about the budgetary impact of these proposed changes.

In total, Mr. President, these sections give an estimated 2 million people unlimited access to military grocery stores here in the United States and overseas.

This is quite a dramatic expansion over current law, which limits reservists to shop at commissaries while on active duty plus an additional 12 shopping trips during the course of a year.

Up until now, only active duty, career military men and women enjoyed unlimited commissary shopping privileges. However, under section 631 and 632 the Congress will be bestowing this special benefit to 2 million civilians. Stated differently, if we adopt this language, civilian reservists will have the same compensation benefit as career active duty military personnel.

Mr. President, I have been advised that according to the Department of Defense, there will be no budgetary implications associated with granting unlimited shopping privileges to the ready reservists, retired reservists, and their families. I hope this is in fact true, because this is not the same message that we heard when such an expansion was contemplated in the fiscal year 1994 defense authorization bill.

According to Pentagon testimony just 3 years ago in 1992, every dollar of sales in a commissary store requires about 16 cents in appropriated funding. In other words, it takes roughly 16 cents of taxpayer money to subsidize a dollar sale in a commissary store. Back in 1992, the Defense Department also told Congress that $24 million in tax dollars is needed for every additional 100,000 commissary patrons.

Now, here we are in 1995, and all of a sudden, everything has changed. Now,

according to the Pentagon, it won't cost the American taxpayer a single dime to grant 2 million civilians unlimited access to commissary stores. If this is true, and commissary stores have become efficient, streamline operators, this has to be one of the most astounding success stories in recent memory for the Pentagon.

Mr. President, let me conclude by saying that many of us in this Chamber have been working very hard to reduce the Federal deficit and to achieve a balanced budget by the year 2002. Therefore, it is my concern that section 631 and section 632 may be taking us in the wrong direction if this expansion results in the need for greater appropriations and taxpayer subsidies next year. This is especially true in light of the multitude of needs we are trying to fulfill for both active personnel and reservists, within growing budget constraints.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. ASHCROFT. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for up to 10 minutes.

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

WELFARE IN AMERICA

Mr. ASHCROFT. Thank you for this opportunity to address the Senate, as I have done on 3 or 4 previous evenings. I am here to talk again about a topic which will confront the Senate very dramatically later this week. It is the topic of welfare reform.

It is time for the Senate to begin to focus not only on the cost of welfare reform in terms of dollars and cents, but the cost of the welfare tragedy in terms of the human cost—not numbers, but lives.

In each of the previous evenings when I have had an opportunity to address the Senate on this topic, I have talked about specific individuals. Individuals who have a story; individuals who were tragic victims of our welfare system.

The story I want to talk about tonight is the story of Jack Gordon Hill, Jr., of French Camp, CA. Mr. Hill's story is not a particularly uplifting story, for it is yet another story of human suffering at the hands of the welfare system.

Mr. President, I believe that Mr. Hill's story is the personification of a system that has replaced responsibility with rights, and has replaced opportunity with entitlement.

This picture beside me is one bright spot in Mr. Hill's welfare legacy. About a year ago, Mr. Hill credited the Federal Government's Supplemental Security Income Program with saving his life, and all the indications seemed to support his assertion. He was physically strong. He was mentally prepared, and ready once again to accept a place in America.

Mr. President, Jack Gordon Hill, Jr, had a serious problem with drugs and alcohol his entire adult life. His cocaine and whiskey cost him everything he had. Years ago he lost his job, and shortly thereafter he lost his family. He and his wife divorced. He gave up an infant son for adoption. Most tragically, he abandoned his two small daughters in Baltimore, unable or unwilling to take care of them.

In short, Mr. Hill was rushing ever faster toward rock bottom and almost hit, he claims, when he discovered SSI, which provides special payments for addicts. In his words, ''It is like I've been falling in a bottomless pit all my life, and all of a sudden there was this one thin branch sticking out. I grabbed it. Now I am climbing out.''

It turns out that the branch of SSI did not save him. It accelerated his fall. Mr. Hill's branch was a $458 a month governmental check, with which he was able to enter a drug and alcohol treatment center and get away from the street corner he had haunted.

In an interview with the Baltimore Sun last July, he sat in his room, in the California rehab center, playing with his kitten, Serenity—its name represented a new-found state of peace in his life. This world of contrived contentment was built on a foundation of sand.

Six months after that interview, the Baltimore Sun found Mr. Hill back on the same corner where he had begun, drunk and doped up. His Federal funds were now being used to support his renewed addiction to cocaine.

His use of these funds is far from exceptional. The system under which he got them spends $1.4 billion per year of taxpayers' funds. Unlike Mr. Hill, however, most of the individuals who received these funds—hundreds of thousands, according to the Baltimore Sun—never enter treatment centers, or seriously try to beat their addictions. The $458 a month they receive only speeds their inevitable demise.

One drug counselor at a health clinic for the homeless told the Sun that drug dealers flock around the recipients of these Government checks whenever the checks come in. Speaking of his patients who had died from drug overdoses, the drug counselor said, ''All the dealers came circling around the patient of the day like vultures. A week later he would crash from whatever dope he was doing and feel terrible. Those were the times he would go looking for help. The problem was that we could never find help for him when that check came in the mail on the first of the month, and the whole cycle started over again.''

This cycle of abuse, funded by the Federal Government, this welfare system which provides funding for the maintenance of these habits, is a tragedy which is costing us a tremendous toll in terms of human lives. When our welfare system clearly and openly supports a policy which runs contrary to every law and principle in our Government, we cannot be so blind as not to see the immediate and overwhelming need for an overhaul of the welfare system.

I have come before this body repeatedly to relate the personal stories of real Americans, stories which demonstrate how bankrupt our current welfare system is, how it enslaves its beneficiaries, how it traps them and robs them of their independence, their hope, and their futures. It is hard enough to break out of the cycle of poverty and dependence which the welfare system creates economically, but when the welfare system buys drugs for addicts, it virtually guarantees they will not escape and they will never be anything but wards of the Federal Government.

Mr. Hill did not only find himself abused, but he tried to do something. Mr. Hill did more than most of the SSI substance abuse recipients. He tried to get treatment. Yet, because Washington, DC, perceived the solution to his problems to be a wad full of Federal money—because the helping hand of Washington extends money to those who are in need and does not do much else—it destroyed his capacity. True charity cannot come from the Federal Government, it must come from concerned citizens who know the problems of their own communities, know the citizens in those communities, and truly want to solve the problems. And Federal money, money alone, cannot solve the problem. We need to involve the communities. We need to involve the States. We need to involve people—people who have the chance to introduce those on welfare to opportunities that lift them out of welfare.

Federal money should be administered to the States directly, allowing them the freedom to direct funds where they are needed. Federal funds should not be administered from a distant Washington bureaucrat and directed in ways that are not meaningful on the local level. Welfare, as it is currently practiced, simply provides a means for Mr. Hill and others like him to continue their self-destructive behavior. This behavior costs not only Mr. Hill, it costs us—not only in terms of our resources but it costs us productivity and lives. It has cost his three children an association with a father. It has been a tragedy, not just in financial terms, but in personal terms. It provides a means for Mr. Hill and others like him to continue their destructive behavior.

This is not a time for us to engage in half measures of welfare reform, and it is not a time for silence. Unfortunately, silence is exactly what we are getting from the Democrats who are making proposals which they call welfare reform. Every Republican plan

that has been proposed eliminates the drug addiction and alcoholism disabilities from SSI. The Democrats are silent. President Clinton is silent on this issue. On issues as important as these, silence is death.

We have been down the road of half measures before. It was called the 1988 Family Support Act. It made big promises. It was going to put people to work. We had hoped, with the so-called Welfare Reform Act of 1988, that the devotion of additional resources, that additional Washington management, that additional one-size-fits-all solutions from the Nation's Capital would somehow provide a solution to the problem. But if we take a good look at what has happened in terms of welfare spending, we did not solve the problem in 1988. The problem skyrocketed in 1988. Half measures, the rearrangement of the deck chairs on the welfare *Titanic*, will do no more than provide a basis for taking the line on this chart right off the page.

We need to have real reform. We need to understand that welfare that is simply the Federal Government's handing individuals a wad of money, like the welfare reform proposal made available to Mr. Hill, is not welfare reform. That is welfare entrapment. We need to be involved in welfare replacement.

We must do more, we must ask for more, we must involve more people in the program. We must ask that civic groups and nongovernmental organizations be allowed to work with States. We must send the resources to the States to give them flexibility. The idea that there is a single solution in Washington that will provide the opportunity for everyone everywhere is an idea that has been proven to be a failure.

My family has an average size. If we were to try to buy pajamas based on the average size, one-size-fits-all would translate into one-size-fits-none.

When the Government in Washington, DC, tries to have a one-size-fits-all solution, it frequently fits none. It is time for us to turn the opportunity over to the States, States that can involve institutions that care for people, States that have the courage to make basic reforms, States that will have the courage to say to those on drugs and alcohol, ''We will not continue to support your habit.''

The real costs of welfare are not just the costs that we face as a result of the budget crunch. They are the costs in terms of human tragedy, costs like those endured by the Hill family as a result of the fact that, as a Government, we have chosen to fund one's addiction rather than to provide the kind of care that would help an individual leave the welfare system and become a productive individual.

This Saturday we will begin the welfare debate. We will have the opportunity to make a decision to pull together the information which will lead us to an inevitable conclusion that the one-size-fits-all Washington system has failed. We will have the opportunity to give the States, which have been begging for decades now, the flexibility to do what works, to give them the resources through block grants, to allow them to make the kinds of changes and to have the kinds of conditions and requirements that will lift people by enlisting nongovernmental organizations and others in their communities to help individuals on welfare become productive members of our cities and towns.

It is with this in mind that we need to understand that welfare reform cannot be tinkering around the edges. It must be substantial. It must be real renovation and reformation, for without renovation and reformation in the system, we will not have a new opportunity for the citizens of the land. Indeed, that is what citizens who now are on welfare desperately need.

I thank the Chair.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

NOT THE TIME FOR MORNING BUSINESS

Mr. FORD. Mr. President, I have enjoyed the statement by the Senator from Missouri related to welfare reform. I think that is one thing that this country is looking forward to. But I do object to no morning business. Now we have not had morning business, or been allowed morning business for over a week. We come in here on a defense authorization bill and we take 10 minutes to talk about welfare reform. I am sitting here trying to get an amendment on the bill.

So we have morning business periodically during the day. That is fine. This is prime time, and I know it is a lot better than 8 o'clock in the morning or 9 o'clock in the morning. But we have a Defense authorization bill here. I would like to get that done. We are going to have welfare reform. You can talk all day Saturday if you want to, about welfare reform.

As I say, I have enjoyed what the Senator said. I appreciate what he is trying to do. But we are also trying to get a Defense authorization bill through, and I think we ought either to have morning business and do it then, or we should have morning business late in the evening, instead of going through and interrupting the flow of business in the Senate.

I thank the Chair and suggest the absence of a quorum.

Mrs. KASSEBAUM addressed the Chair.

Mr. FORD. I withdraw that suggestion.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, the cold war is over, and in some ways we all long for the old certainties it provided. The Armed Services Committee has grappled with the difficult task of matching our national security interests to the new realities of international politics, and I commend them for their hard work in this area.

But I also want to take this opportunity to express serious concern about certain provisions in this legislation which, in my view, would discard a generation of progress toward arms control that serves our national security needs.

In terms of arms control—and, in terms of our Nation's solemn commitment to its treaty obligations—I have strong reservations about the paths charted by the committee legislation. I hope the Senate fully appreciates the weight and implications of proposals now before us.

I know that there are some negotiations that are going on regarding language, and I am pleased to hear that.

By my count, this legislation puts at risk at least four important arms control agreements. It puts us on a path toward abrogating two treaties which the United States has ratified with the advice and consent of the Senate—agreements which, in accordance with the processes of our Constitution, our Nation has pledged to honor. It also takes policy steps that may jeopardize our chances to successfully conclude and implement at least two other important agreements that our Nation long has pursued.

The stakes are high:

The Anti-Ballistic Missile [ABM] Treaty has been in force in the United States since 1972. This bill would put us on a path to abrogate the ABM treaty by setting a date to deploy national ballistic missile defenses and by unilaterally imposing a line of demarcation to separate ballistic missile defenses, which are covered by the treaty, from theater defense systems, which are not. This important demarcation issue is the subject of ongoing negotiations—and, yet, this bill would have us act alone. Perhaps, as its critics suggest, the ABM Treaty no longer serves our national interests. But if that is so, we should review our commitment to the treaty through a deliberate process—we should not simply take steps toward no longer complying.

The safeguards agreement between the United States and the International Atomic Energy Agency [IAEA] has been in force since 1980.

This is another aspect of language in the agreement that I find troubling, and perhaps this has been addressed.

This legislation would walk away from that agreement by setting unrealistic criteria that must be met before any IAEA safeguards inspection

can take place. When the Senate ratified the safeguards agreement, we believed that placing many of America's nuclear materials under safeguards would strengthen our ability to press other countries to accept safeguards as well. Our national interests are well served when other countries accept safeguards, and our interests are at risk when safeguards are rejected, as we have learned bitterly in Iraq and in North Korea. If the Senate today walks away from our safeguards commitment, what message are we sending to those whose nuclear ambitions we oppose?

The third concern I have is that the Comprehensive Test Ban Treaty [CTBT] to ban nuclear testing is on schedule for completion in 1996. Our negotiators have pursued this agreement for decades, and their hand was significantly strengthened by the decision of the United States during the Bush administration to impose a moratorium on our own nuclear tests. Yet, this legislation would commit funds to prepare the United States to resume testing, even before our own self-declared testing moratorium has expired. If we take this step, we will signal to the world that we are not serious about a test ban, and we will put the treaty's successful conclusion in serious jeopardy.

Finally, we all are aware of the importance of START II, the basic agreement for implementing President Reagan's vision of deep cuts in the strategic nuclear arsenals of the United States and the former Soviet Union. The treaty now is pending before the Senate and before the Russian Parliament for ratification. Yet, the legislation before us today would halt for at least a year the retirement of U.S. strategic nuclear weapons, would substantially restructure our nuclear forces to retain greater capacity, and would strengthen our ability to quickly reconstruct weapons in excess of our treaty commitment. At a time when hard-line elements in the Russian Parliament are searching for reasons to kill the START II treaty—and when certain elements in Russia have stated clearly that they expect the United States to adhere to its commitments under the ABM treaty—any actions such as those proposed in this legislation would, I fear, significantly diminish the prospects for Russian ratification of the treaty.

Perhaps this again is something that we do not want to undertake at this time. But I think that we ought to have then a more full-blown discussion of the importance of the START II treaty.

Mr. President, I will oppose efforts that endanger these important agreements that serve the interests of our Nation. The provisions I have discussed do not serve our national security or foreign policy interests. I believe in a strong national defense, but I also believe that arms control has a place in America's national security strategy and that America should not lightly abandon its solemn treaty obligations. I urge my colleagues to think long and hard before proceeding with the courses of action this bill proposes.

Mr. NUNN. Mr. President, I want to commend the Senator from Kansas for her remarks. And I made remarks this morning and went over most of the same items and expressed many—not all but many—of the same concerns, particularly in relationship between what I call an anticipatory breach of the ABM Treaty which is in this bill, and the relationship between that and the START treaties which are pending. But not only that; the START I Treaty which has not completely been implemented.

I think it would be the height of folly if we end up increasing the threat that would otherwise be aimed at the United States by doing something in a bill that prevents the deep reductions that are taking place in both START I and START II.

So I share the views of the Senator from Kansas on this. I think she is on point.

I also share the concerns she has expressed about prematurely going back into manufacturing of nuclear weapons where we have not had decisions made yet by DOE on that point. I believe in prodding DOE to make sure we have nuclear safety and security. But I think we are making decisions in this bill that go too far at this time.

It is my hope that we will be able to have amendments that will iron out each of these problems as we go through this bill. And on the ABM question, the question that the Senator from Kansas raised, we will have at least two or three amendments tomorrow—early, I hope—on those key questions because she has identified I think the major concerns with this bill.

Mrs. KASSEBAUM. Mr. President, if I may, I appreciate the comments of the Senator from Georgia. I was in a markup all morning and did not hear his speech. I have the highest regard for the chairman, Senator THURMOND, and the ranking leader of Armed Services Committee, Senator NUNN. I know they know these issues well, and have great dedication to them.

I appreciate the Senator's comments.

Mr. NUNN. I have learned over the years that the Senator from Kansas does not necessarily need to listen to any of my speeches in order to come to the right conclusion.

Mr. WARNER. Mr. President, could I say to my distinguished colleague that I was not able to be present throughout the presentation of her statement. But I know it addressed several provisions that I was the author of in the bill. I will have an opportunity tomorrow after examining the statement in full, Mr. President, to reply I hope in full and perhaps to the satisfaction of my distinguished colleague.

AMENDMENT NO. 2084

(Purpose: To authorize additional military construction projects)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina (Mr. THURMOND), for himself, Mr. BURNS, Mr. REID, Mr. FORD, Mr. BOND, and Mr. NUNN, proposes an amendment numbered 2084.

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

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

The amendment is as follows:

On page 404, in the table following line 10, insert before the item relating to Fort Knox, Kentucky, the following project in Kentucky:

	Fort Campbell	$10,000,000

On page 405, in the table following line 2, insert after the item relating to Camp Stanley, Korea, the following:

	Yongsan	$4,500,000

On page 406, line 14, strike out ''$2,019,358,000'' and insert in lieu thereof ''$2,033,858,000''.

On page 406, line 17, strike out ''$396,380,000'' and insert in lieu thereof ''$406,380,000''.

On page 406, line 20, strike out ''$98,050,000'' and insert in lieu thereof ''$102,550,000''.

On page 408, in the table following line 4, in the item relating to Bremerton Puget Sound Naval Shipyard, Washington, strike out ''$9,470,000'' in the amount column and insert in lieu thereof ''$19,870,000''.

On page 410, in the table preceding line 1, add after the item relating to Norfolk Public Works Center, Virginia, the following new items:

Washington	Bangor Naval Submarine Base	141 units	$4,890,000
West Virginia	Naval Security Group Detachment, Sugar Grove	23 units	$3,590,000

On page 411, line 6, strike out ''$2,058,579,000'' and insert in lieu thereof ''$2,077,459,000''.

On page 411, line 9, strike out ''$389,259,000'' and insert in lieu thereof ''$399,659,000''.

On page 412, line 3, strike out ''$477,767,000'' and insert in lieu thereof ''$486,247,000''.

On page 415, in the table following line 18, in the item relating to Maxwell Air Force Base, Alabama, strike out ''$3,700,000'' in the amount column and insert in lieu thereof ''$5,200,000''.

On page 415, in the table following line 18, in the item relating to Eielson Air Force Base, Alaska, strike out ''$3,850,000'' in the amount column and insert in lieu thereof ''$7,850,000''.

On page 416, in the table preceding line 1, in the item relating to Mountain Home Air Force Base, Idaho, strike out ''$18,650,000'' in the amount column and insert in lieu thereof ''$25,350,000''.

On page 416, in the table preceding line 1, in the item relating to McGuire Air Force Base, New Jersey, strike out ''$9,200,000'' in the amount column and insert in lieu thereof ''$16,500,000''.

On page 416, in the table preceding line 1, insert after the item relating to Cannon Air Force Base, New Mexico, the following:

	Holloman Air Force Base.	$6,000,000

On page 416, in the table preceding line 1, insert after the item relating to Shaw Air Force Base, South Carolina, the following:

South Dakota ...	Ellsworth Air Force Base.	$7,800,000

On page 416, in the table preceding line 1, in the item relating to Hill Air Force Base, Utah, strike out ''$8,900,000'' in the amount column and insert in lieu thereof ''$12,600,000''.

On page 418, in the table preceding line 1, insert after the item relating to Nellis Air Force Base, Nevada, the following:

	Nellis Air Force Base.	57 units .	$6,000,000

On page 419, line 17, strike out ''$1,697,704,000'' and insert in lieu thereof ''$1,740,704,000''.

On page 419, line 21, strike out ''$473,116,000'' and insert in lieu thereof ''$510,116,000''.

On page 420, line 10, strike out ''$281,965,000'' and insert in lieu thereof ''$287,965,000''.

On page 421, in the table following line 10, in the matter relating to Defense Medical Facilities Offices, insert before the item relating to Luke Air Force Base, Arizona, the following:

	Maxwell Air Force Base, Alabama.	$10,000,000

On page 422, in the table preceding line 1, in the matter relating to the Special Operations Command at Fort Bragg, North Carolina, strike out ''$2,600,000'' in the amount column and insert in lieu thereof ''$8,100,000''.

On page 424, line 22, strike out ''$4,565,533,000'' and insert in lieu thereof ''$4,581,033,000''.

On page 424, line 25, strike out ''$300,644,000'' and insert in lieu thereof ''$316,144,000''.

On page 429, line 14, strike out ''$85,353,000'' and insert in lieu thereof ''$148,589,000''.

On page 429, line 15, strike out ''$44,613,000'' and insert in lieu thereof ''$79,895,000''.

On page 429, line 19, strike out ''$132,953,000'' and insert in lieu thereof ''$167,503,000''.

On page 429, line 22, strike out ''$31,982,000'' and insert in lieu thereof ''$35,132,000''.

Mr. THURMOND. Mr. President, I am pleased to be joined by Senator NUNN, the ranking member on the Senate Armed Services Committee, and Senators BURNS and REID, the chairman and ranking member of the Subcommittee on Military Construction and Senators BOND and FORD in sponsoring this amendment which authorizes an additional $228 million for construction projects which are currently appropriated in the military construction appropriations bill for 1996. The amendment would authorize an additional 46 projects to enhance the readiness of our Armed Forces and improve the living and working conditions of soldiers, sailors, airmen, and marines across the country.

Mr. President, last Friday, I spoke against an amendment to the military construction bill that would have reduced the funding in the bill by $300 million. I will not repeat all the arguments I propounded at that time, other than to say that all the services acknowledge they have a significant shortfall and backlog in the repair and maintenance of the facilities. The facts also indicate that in excess of 70 percent of the family and unaccompanied housing does not currently meet Department of Defense standards.

Mr. President, I ask unanimous consent that a list of the additional projects authorized be printed in the RECORD.

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

State/Country	Service	Installation name	Project title	(thousands)
Kentucky	Army	Ft. Campbell	Whole Barracks Renewal, ph I	10,000
Korea	.....do	Yongsan	Child Development Center	4,500
Total				14,500
Washington	Navy-FH	Bangor Naval Sub Base	141 Units	4,890
Do	Navy	Puget Sound Naval Ship	Physical Fitness Center	10,400
West Virginia	Navy-FH	Sugar Grove NSDG	23 Units	3,590
Total				18,800
Alabama	Air Force	Maxwell AFB	Computer Software Facility	1,500
Alaska	.....do	Eielson AFB	Boiler Rehabilitation	4,000
Idaho	.....do	Mountain Home FB	Base Civil Engineering Warehouse	1,800
Do	.....do	.....do	Avionics Shop	4,900
Nevada	Air Force-FH	Nellis AFB	57 Units	6,000
New Jersey	Air Force	McGuire AFB	Dormitory	7,300
New Mexico	.....do	Holloman AFB	Learning Center	6,000
South Dakota	.....do	Ellsworth AFB	Consolidated Administrative Support Complex	7,800
Utah	.....do	Hill Air Force Base	Depot Fire Protection	3,700
Total				43,000
Alabama	Defense Agencies	Maxwell AFB	Ambulatory Healthcare Center, phase I	10,000
North Carolina	.....do	Fort Bragg	SOF Barracks	5,500
Total				15,500
Arkansas	Army National Guard	Camp Robinson	Military Operations in Urban Trg Facility	2,853
Florida	.....do	Camp Blanding	Wastewater Treatment Plant, Phase II	5,300
Do	.....do	.....do	Water Distribution System Upgrade	4,200
Louisiana	.....do	Plaquemine	OMS rehabilitation/renovation	776
Do	.....do	Ruston	OMS	1,638
Maryland	.....do	Camp Frettard	.....do	2,700
Minnesota	.....do	Camp Ripley	CSMS, phh II	8,150
Mississippi	.....do	Camp Shelby	Multipurpose Range Complex, ph I	5,000
Missouri	.....do	Jefferson City	Multipurpose Baffle Range	2,236
Montana	.....do	Ft. Harrison	Training Site Support Facility	7,854
Nebraska	.....do	Hastings Training Range	Instructional Facility	761
Oregon	.....do	Camp Withycombe	CSMS	4,769
Do	.....do	Salem	Airfield Operations Building	2,972
Tennessee	.....do	Johnson City	OMS, AMSA & VMF	1,937
Utah	.....do	Camp Williams	Replace/Upgrade Portable Water Distrib. Syste	800
Wisconsin	.....do	West Bend	Army Aviatio Complex	5,235
Wyoming	.....do	Camp Guernsey	Utility Upgrade	6,055
Total				63,236
Kansas	Army Reserve	Witchita	HQ 89th ARCOM	8,389
Nevada	.....do	Las Vegas	Armed Forces Reserve Center/OMS	9,000
New Hampshire	.....do	Manchester	AFRC/AMSA/OMS	17,893
Total				35,282
Alaska	Air National Guard	Eielson AFB	Aircraft Engine Shop	2,550
Do	.....do	.....do	Base Engineer Maintenance Facility	4,400
Arkansas	.....do	Little Rock AFB	Base Supply Complex	4,800
Iowa	.....do	Sioux City Gateway AP	Upgrade Access Taxiway	750
Kansas	.....do	McConnell AFB	B–1 Fuel Maintenance Hangar	7,900
Missouri	.....do	Jefferson Barracks	Upgrade Sewer System	2,700
South Dakota	.....do	Joe Foss Field	Vehicle Maintenance and Storage Complex	4,400
Tennessee	.....do	McGhee Tyson Airport	Squadron Operations Facility	4,400

State/Country	Service	Installation name	Project title	(thousands)
Vermont	do	Burlington Airport	Add/Alter Operations and Training Facility	2,650
Total				34,550
Colorado	Air Force Reserve	Peterson AFB	Composite Maintenance Facility	3,150
				3,150
Grand Total				228,098

Mr. THURMOND. I further ask that because the Senate has previously approved these projects by an overwhelming vote of 84 to 10, we can agree to a time limit on the debate and a vote on this amendment.

Mr. NUNN. Mr. President, this is a military construction amendment which we have discussed. This amendment has been worked carefully on both sides of the aisle, with Senator THURMOND's staff and my staff and the staff of other members of the committee, and I am in favor of this amendment and certainly hope it will pass.

It is my understanding that each of these projects meet the committee criteria. Those criteria are that it has to be a part of the 5-year defense plan of the Department of Defense. So these are high-priority projects. They must be the highest priority in the State or the base in question. Each one of the projects must be executable in fiscal year 1996. It must be consistent with the BRAC process and they must be mission essential.

So this is a list of projects for which the appropriators have already appropriated the money. It fits within the 602(b) funding allocation, and this would make the authorization committee and the Appropriations Committee in sync as I understand it. So I think that this amendment should be accepted. I hope it will be accepted.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I understand the distinguished Senator from Arizona [Mr. MCCAIN] will be in in a little bit to speak against this amendment. I wanted to make that announcement now.

Mr. BINGAMAN. Mr. President, I just wanted to clarify, if I could, exactly what the amendment is and then make a short statement.

Am I correct, if I could address a question to the chairman or ranking member, either one, this amendment brings up the amount of funds authorized for military construction to the level that we decided to appropriate to last week in the appropriations bill? Is that essentially what is being done here?

Mr. THURMOND. Mr. President, that is correct.

Mr. BINGAMAN. Am I also correct that the level of funding for military construction this year in this bill, the 1996 authorization bill as requested by the administration, was about $2 billion over what was requested and appropriated in the 1995 bill?

Mr. THURMOND. That is correct.

Mr. BINGAMAN. Am I also correct that what we are essentially doing here is authorizing what the House has already appropriated, or the House appropriation/authorization provides, and that is about $500 million more than the administration request?

Mr. THURMOND. They appropriated $500 million. We are only appropriating here about $300 million.

Mr. BINGAMAN. We are going above the administration's request by this amount, is that correct?

Mr. THURMOND. Correct.

Mr. BINGAMAN. I appreciate the Senator's responses very much.

Mr. President, this is the same vote we cast last week where I indicated my opposition to adding additional money. I think the figures we had last week were that we were adding $474 million to what was requested by the administration, and in addition another $300 million. I tried to persuade my colleagues to not add the additional $300 million and was unsuccessful. We had a vote on it.

I understand that the Senate supports the amendment that the Senator from South Carolina is offering here, and I will not ask for a rollcall vote, but I would like the record to show that I oppose the amendment and have me recorded in opposition at the time this is voted by voice.

Mr. THURMOND. Mr. President, Senator MCCAIN I believe is ready now.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, it is with disappointment that I come to the floor. I do not know where my colleagues have been lately. I do not know if they have been seeing what is being written in the newspapers and editorials all over America about spending too much money on unneeded projects out of defense dollars.

You know what we are running the danger of here? We are running the danger of losing support for defense spending if we keep this up, if we keep spending money on things that we do not need.

If the chairman and the distinguished ranking member of this committee can find me one military leader, one military leader that would come over and say this $228 million is a priority, I would like to meet that person. What they will say, if you ask the military leaders what they need the money for, they will say they need it for depot maintenance; they will say they need it for force modernization, they need it for readiness, more ammunition. I can give you 20 things, 20 priorities that rank above more military construction.

My colleague from New Mexico last week tried to stop additional military construction money. We got a total of 17 votes, or was it 19? I do not remember. Seventeen votes. It is a little embarrassing to lose a vote by that much. But this is wrong. This is wrong.

I do not understand who we think we are kidding here. We have 54,000 young men, military families today on food stamps—on food stamps—and we are going to build more MilCon. Before the subcommittee, of which I am the Chair, the outgoing Commandant of the Marine Corps said the following. He said, yes, we want our military families to live in good housing, but I do not want the widow of a Marine living in a good house when we come to tell her that her husband has been killed because we did not supply him with the right equipment.

That is what the Commandant of the Marine Corps said. What he was saying was that they have a higher priority, they have a number of higher priorities than additional MilCon.

The Senate appropriators added a great deal already, $200 million, in response to the request of the Secretary of Defense that we improve the standard of living and the military housing situation for both married and unmarried military personnel. And we did that. And they were pleased.

Then we added another $125 million in the markup. Now we are adding another $228 million. I guess my question to the chairman and ranking member is, how much is enough? How much is enough? If I sound frustrated by this, it is because I continuously talk to people in the military who say to me: What are you guys doing adding all this MilCon money? I get that from captains and lieutenants and majors and lieutenant commanders. They say, why is it—we have a depot maintenance backlog of 3 and 4 years, and yet you guys keep adding MilCon money.

I have been around this body long enough to know, Mr. President, where the votes lie.

I have been around this body to know that we would probably get another 17 votes if a recorded vote on this was called for. And I do not particularly feel like putting the body through this drill. But I want to tell you, Mr. President, I want to tell you in all sincerity, more and more and more stories are coming out about defense pork. And the confidence and commitment of the American people for us to spend money on defense where it is truly needed is getting less and less and less. So, I guess—I do not know if the ranking member can answer, the distinguished Senator from Georgia. I would like to

ask him, How much is enough? How much MilCon money is enough? But I guess there is not any answer because there may not be enough. Because if there is another billion or couple million, we will probably put it in MilCon.

So I want to strongly object to this. I think it is wrong. I think that there are other priorities. Those have been made clear time after time by our military leaders. And we are making a serious mistake because the time is going to come when we really need to spend some money on defense or some project and we will have lost the confidence of the American people in our ability to spend those funds wisely.

Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I hope that my colleague from Arizona will understand that there are some of us that just sincerely disagree with him—and I will be glad to yield to the Senator—that we disagree and sincerely disagree. And so I hope that somehow or other we can look at the defense of our country in another light.

Now, this MilCon, as I understand it, met the criteria of the mission essential. It met the criteria of highest priority. And, Mr. President, one of the things we see as we downsize, we must support and improve the position of our Reserve, our National Guard. We have 66 Members of this Senate that are members of the National Guard Caucus. When we go back home we see the 130–H's and see them in Panama or Somalia or Bosnia and those places. Those are the National Guard. Those are the ones we want to train. These are the people in this MilCon that we are trying to support. So we are trying to strengthen the National Guard and give them the kind of training centers, the ranges, those things that would make them better military personnel.

And I understand that you do not want to go to a fine house and talk to a widow. But I also understand that if you are going to have quality personnel in the military, if you are going to continue to get, keep and recruit high-quality personnel, then we have to have a quality of life for the military personnel. And housing is one of the most important things that you can do.

And so, Mr. President, under this bill we have an appropriated amount. And we voted on that, 80-some-odd votes approving this particular amendment.

Now, we want to approve this amendment in the authorization part of the DOD bill. And I think it is only fair that we put it in the authorization now so that we can go on with supporting the quality of life of our military personnel, to strengthen the National Guard and the Reserve to meet our highest priority and mission essential. So I hope that we will vigorously support this amendment as I believe and sincerely believe it is in our best interest in the defense of our country.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I am glad that we are using the criteria that we established in the Readiness Subcommittee on the Armed Services Committee over the last couple of years, the criteria for setting the ground rules for how we move forward on items like this. I must, however, join my friends, Senator MCCAIN and Senator BINGAMAN, in their concerns about what we are doing. I recognize fully that we did vote for the appropriations bill last week that had these things in it, but it was done on the contingency, as I understand it, that we pass the authorization. Senator BINGAMAN disapproved of it then and wanted to move that money out of that appropriations bill and into contingency operations. And I supported that amendment of his.

Now we have $228 million we seem to have found here. It seems to me that that money would be better spent for what Secretary of Defense Perry has called one of his highest priorities; that is, getting the money to pay for Bosnia and Iraq and the other operations that we have going all around the world. So it would lessen the amount they would have to come up in the supplemental one of these days.

The criteria that were established says that if an item is on the FYDP, the 5-year defense plan, that we can move it forward. But one of the hurdles that would have to be jumped would be that one of having it on the 5-year defense plan. As I understand it, all of these items that are on the proposal for the $228 million expenditure do comply with those criteria being on that plan.

However, to me, we have so many other things that we are contending with on the defense budget this year. We have depot maintenance that is required. We are shortchanging that. We are shortchanging military housing. We are shortchanging a lot of other things and, in effect, moving these items forward to a higher priority than some of those items. We are moving things forward on what was going to be taken care of somewhere out in the 5-year defense plan.

We are moving it forward basically because some Members want these things in their districts, as I see it. And I can appreciate that. I have no quarrel with people wanting things in their particular districts or their particular States. But I just think that we are getting our priorities a little bit out of line when we move things forward on that 5-year defense plan and move them ahead of other requirements that I think are much more pressing than most of the things that this $228 million would be spent for.

So I appreciate the fact that we are using the criteria that has been established. I do not think we are setting our priorities right, though, when we move this $228 million ahead of some of the other priorities where money is more desperately needed in the defense budget than for these items. I realize they have already been put through the appropriations process. But I think they are wrong. And I would follow my colleagues earlier and ask that, if this is to be passed on a voice vote—I am not asking for a rollcall vote on this; I do not believe that has been done—but I would follow the lead of Senator BINGAMAN and say, if there is to be a voice vote, I wish to be recorded against it. I know that will be probably a losing effort. But I think that we have to stand up on some of these things. We have established a pattern in the Armed Services Committee of opposing some of these things the last couple of years. And I would want to do the same thing here even though we did pass the appropriations bill a week or so ago. So I would ask that, if there is a voice vote on this, that I be recorded in opposition.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. I would just like to point out to the Senator from Ohio—and I appreciate his leadership in this area and his remarks—that there are a number of these projects that are family housing projects. There are a number of these projects that are barracks. That was one of the high priorities that was mentioned. That is one of the things we talked about. There are three of these projects that are day-care centers and fitness centers. We are talking about high-quality, priority projects. None of these have been drawn out of the air. As I understand it, all of them are on the 5-year priority list for the defense plan.

I think people ought to understand, as we hear this talk about waste and so forth, that the reason the military construction add-ons are having to occur here is because the administration itself has requested a whole lot less money in military construction over the last couple of years because the BRAC process was going on. We now know what happened in BRAC. We did not know that, the administration did not know that, when they submitted their defense budget this year or last year. So that defense request, that is going to be the measurement.

If anything is going to be labeled waste that goes over the administration request in military construction, I think that is really a misleading kind of portrayal, because the BRAC process was ongoing when the administration put the budget together. They did not request a number of projects that are now high-priority projects. An awful lot of this money is going to barracks and to housing and to daycare, and to quality-of-life projects. We have one project on here, for instance, in Joe Foss Field in South Dakota, a World War II facility, a vehicle maintenance and storage complex. It is of World War II vintage. And it does not meet the

fire and safety standards. It is in violation.

So I think people ought to be very careful and look at this on a project-by-project basis. I know the Senator from Ohio has done that, or will do that. But an awful lot of this effort here goes directly to the very areas that are a priority.

Mr. GLENN. Will the Senator yield?

Mr. NUNN. Yes.

Mr. GLENN. I do not quarrel with the fact that some of the funding in this goes to MilCon projects that are good and under the 5-year plan would be fine. But if we found $228 million to spend, it seems to me if we want to spend that on MilCon projects, we should have gone back to the Defense Department and said, where do you need it most, where are the worst barracks, where are the people living in the most intolerable conditions, and let them prioritize where the greatest needs are.

I submit most of these items were placed back on this agenda and moved ahead on the 5-year plan because of a personal interest of a particular Senator, and this was not done on a priority basis where the greatest needs are in the military. That is my objection to it.

I know that we followed some of the criteria on the 5-year defense plan that we used as one of our criteria. I think if we can find this kind of money, it should be put to use in places where the Pentagon says they need it most, not just in those areas where the Members were getting something back for their particular States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I want to thank my ranking minority member on the subcommittee because we worked together on this. I want to assure the Senators, not only did we follow the criteria, but the suggestions of the different services that appeared before our committee. This is where they wanted housing built. This is where they wanted the construction.

We increased family housing $111 million, in family housing alone, and this touches every service. There is no one service, but these were the high priority units requested by each of the services. We have a total deficit of 273,000 units which are inadequate or entirely unavailable.

When we went to the all-volunteer Army, in all the services, we changed our relationship with our military personnel.

As my friend from Arizona pointed out, he is hearing from captains and lieutenants about the construction, ''Why are we getting this money?'' I will tell you that there is not a lot of it that is going into officer's quarters. If you will look at where this money is going, it is going to the enlisted personnel. We have a deficit of barrack spaces. We are 161,000 units short of that.

Then Dr. Perry, when we talked to him, the Secretary of Defense, said, ''I have a new housing initiative, but give me a little money and I can lever in the private sector.''

He wants a pilot program on that to see if it will work on off-base housing for some of our married personnel. We gave that to Dr. Perry because it is very high on his priority list.

He said maybe we can double the availability of housing that we have. So when I say that my friend from Nevada and I, when we had the hearings and our staffs got together—and there has been nobody better to work with on this committee in trying to prioritize what we do with this money than Senator REID—we know that the BRAC has taken a lot more money out of MilCon than we first thought it ever would, because of the environmental cleanup. We are not through that yet. In fact, we do not really know what the bottom line is going to be on that or what the cost is going to be before these bases that are being closed and bases are being realigned, before those bases become available and can be moved into the private sector, because right now they have no value to us at all until we complete the mission of environmental cleanup.

So when we look at the totality of what we have, the dollars are very well invested and all meet the criteria that was set forth by the Armed Services Committee.

I want to thank the Armed Services Committee, because they have done an excellent job in setting priorities on this particular piece of legislation.

I thank the Chair, and I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I appreciate the kind comments of the chairman of the subcommittee, the junior Senator from Montana.

I support this amendment that has been offered by the chairman of the Armed Services Committee. Mr. President, this conforms the military construction projects in the authorization bill to those already approved by the Senate in the military construction appropriations bill. I am a cosponsor of this amendment and hope the Senate will support it as strongly as it did, an identical provision, by a vote of 77 to 18 a week or so ago when we considered the military construction appropriations bill.

Mr. President, these projects are critical, worthy, well-scrubbed, quality-of-life projects which are needed in this era of an all-volunteer force. The chairman of the subcommittee very well outlined how our military force has changed. We depend much more today than we did 5 years ago, 10 years ago on a Reserve and Guard component, as we should. Any suggestion, as indicated by the senior Senator from Ohio in his remarks just a short time ago, that military housing is shortchanged is certainly true. That is what we are trying to rectify partially in this bill, and this amendment will allow us to do that.

Military housing has been shortchanged. I agree with the Senator from Ohio. We built many homes for the military during the Second World War. Those homes were to last for 5 years, 10 years at the most. People are still living in them after 50 years.

In many places, the military cannot live in the houses provided. No. 1, some of them are so bad they cannot live in them with their families, and at other times they just do not exist. So they have to live off base. Because housing is so expensive, they have to go on food stamps. One out of every 10 of our military is on food stamps. Why? Because housing is so outrageously expensive, they have no choice.

What the chairman of the subcommittee did and the ranking member is try to do a little bit to solve that problem—dormitories, barracks where single military can live. We did not go for officer's quarters. We looked to the enlisted men, what we could do to help the enlisted men and women of this country live a little better.

There is a tremendous backlog. We only do a little bit, but that little bit will help those people concerned.

I have to say, Mr. President, if you are in the military and you want to live and live decently, you are really more concerned about that than some new weapons system. If we are going to have a strong military, one of the things we must have are people who feel good about being in the military; they have a decent place to live.

So I strongly endorse the remarks made by the chairman of the Military Construction Subcommittee, the distinguished Senator from Montana, my friend, Mr. BURNS. He has done a great job on this subcommittee.

As he has said, each project meets strict criteria. First, these projects are all mission essential.

Second, each of these projects has already been programmed in the Department's outyear budget.

Third, a construction site has been selected for each of these projects, not by members of the subcommittee, not by members of the committee, but by the military.

Fourth, each project is considered by the base commander as their highest priority, not a priority, but their highest priority.

And fifth, each of these projects can be awarded in this 1996 fiscal year.

As I have said on the floor in the past, I do not think anyone would consider the chairman of the Armed Services Committee, the senior Senator from South Carolina, as a big spender. I have never heard the senior Senator from South Carolina referred to as a big spender. I do not know of anyone in the history of the U.S. Senate that has gained a stronger reputation for watching how the money of this country is spent than the Senator from South Carolina, the sponsor of this amendment. And probably running a close

second is the Senator from Georgia, the senior Senator from Georgia, the ranking member, formerly the chairman of this full committee. The senior Senator from Georgia, on all issues, not only military issues, watches where the pennies are spent.

Well, Mr. President, during the floor action to approve the military construction bill, we heard from both cochairmen of the National Guard Caucus. We heard from Senator BOND of Missouri today and then we heard from Senator FORD of Kentucky. Their statements reflect the degree to which the active services tend to protect their own. The Pentagon always looks out for their own and not very often do they look out for the guard and reserve. That is an obligation traditionally that we have had, and I do not shirk that responsibility. Their statements, I repeat, reflect the degree that the active services tend to protect their own, neglecting adequately to consider and promote the National Guard and Reserve components. The active services can, therefore, budget their forces in the active force request and they traditionally underfund the guard and reserve. This year is no different. That is not the way it should be, but that is the way it is.

The guard and reserve deserve more than what the Pentagon and administration requested in this budget and in budgets in the past. When the going gets tough and there is a potential crisis on the horizon, the guard and reserve are called. I recently received a call from my friend who is a major in the Nevada National Guard. This man left his business during the gulf crisis to serve his country for 1 year. He was a combat veteran from Vietnam. He wanted to go to combat again in Iraq. They would not let him do it. They needed his service in the Pentagon. He has now been asked to go to Germany because he is an expert in something they need. That is what the guard and reserve is all about. They deserve more than what the administration and Pentagon requested in this budget. My friend, Maj. Evan Wallot, is debating in his own mind whether he is going to go to Germany. We in Congress are traditionally forced into the position of putting the priorities into a better balance—I am glad we have done that—which means adding needed funds to projects in the guard and reserve. These funds are for nothing lavish.

The amendment helps emphasize the importance of housing for our military families. This amendment replaces housing that suffers. Some places have suffered more than 50 years of neglect; they were built around the Second World War as temporary structures, built just for that war era.

It was not for the Second World War, not for Korea, not for Vietnam, not the cold war, or for Iraq, not for Haiti. Although that Second World War is long since gone, our military personnel continue to survive in these outdated residences. These projects are not budget busters. Each Senator should understand that the Military Construction Subcommittee was totally within our 602(b) allocation. Every penny was within the 602(b) allocation. It is just this simple. The committee evaluates rather than the Pentagon.

The budget requested by the Department of Defense has been, once again, as in past years, neglected, and I use that word pointedly to address the military construction needs of the National Guard. It is $182 million for guard and reserve military construction, as compared to $574 million appropriated just last year. When approved, this amendment will authorize 20 percent less than last year, some $452 million.

Once again, I emphasize this amendment addresses the long, overlooked quality of life initiative, particularly, Mr. President, in family housing and barracks, the initiative making up nearly one-third of the total military construction authorization. I repeat, as the senior Senator from Ohio said, military housing is usually shortchanged. We recognize that. That is why a third of what we are talking about here goes to military housing.

Mr. President, these programs are wasteful. The chairman of the full committee has sponsored this amendment and has come here to say that these that these projects are important. We must do a better job with the persons defending our country. We must recognize the necessity of the total bill and the effect of this amendment will help to authorize its completion.

Mr. COATS. The Senator from Arizona and I have joined together on a number of items. This is an area where we happen to disagree.

Mr. NUNN. If the Senator will yield, I thank my friend from Nevada for his leadership in this military construction area and for his remarks on the floor, and also my friend from Montana, chairman of that subcommittee. They have done a splendid job, and we have enjoyed working with them.

Mr. COATS. Mr. President, some time ago, I contacted the Department of Defense raising my concerns about the status of military housing. As chairman of the Personnel Subcommittee and someone that is charged with looking out for the quality of life of our military personnel, survey after survey, inquiry after inquiry, letter after letter kept raising the issue of the quality, or lack thereof, of military housing, both family housing and single soldier housing. And so I contacted the Department of Defense, and they confirmed my worse suspicions and gave me information that, frankly, was far worse than what I thought I would hear. That is, that military housing is in a deplorable State.

Much of the housing is more than 30 years old. It has suffered from lack of adequate maintenance and repair because funds have been diverted to other uses. Whenever there is a crunch on the utilization or need for funds, it seems like housing has always been pushed aside to be dealt with next year.

The Secretary of Defense saw that problem in his travels around the world in talking with troops, commanders, and others, and he identified this as a priority and has testified before our committee that this is one of his top priorities. He has articulately drawn the link between quality of life and readiness, and he has displayed for us and outlined for us the very sad state of military housing throughout our military. It has been neglected.

We have young men and women who are committing a career to service for this country, who are given the very best of training; they are given the very best of leadership that this country can offer; they are given the very best of equipment to operate and to utilize that this country can produce. We are attracting some of the very best people that our institutions are graduating to the services today. But when it comes to providing for their living conditions, they are given not the best, not anywhere close to the best, but some of the worst housing you can find in any of our cities across the country.

I have personally visited a number of barracks and a number of family housing units and a number of different bases. These are facilities that do not begin to measure up to minimum standards that we would expect. Some of the statistics are stunning: 60,000 Air Force housing units do not measure up to contemporary standards, and they are probably the best of the services; 75 percent of the Army's family housing does not even meet Department of Defense standards.

I just want to inform my colleagues that Department of Defense standards are not standards that you normally find outside of the military. They are lower; they are smaller in square footage; they require less in terms of quality construction than what is normally found.

I think it is a disgrace that we are putting some of our military people in some of the kind of housing that we find in our military bases.

Nearly 85 percent of the Army's barracks—facilities that house single sailors and soldiers and Air Force and marines—80 to 85 percent of the Army's barracks do not meet current Department of Defense standards. So we have a huge backlog of dilapidated housing in which we are putting our Army families and putting our system military people.

We have leaking roofs, air conditioners that do not work. We have latrine facilities that do not begin to meet the needs of those living in the units. Four shower heads, usually two that are not working, for about 60 to 65 soldiers. We have toilets that do not flush. We have mold that is rotting away the tile and rotting away some of the walls. We have windows that do not provide adequate seals. We have rooms that are of such small square footage

that the military personnel cannot begin to put their stereo, their TV, or just a basic dresser drawer to put their clothes in.

We are looking at a program here that is going to take a number of years, at least a decade, to begin to bring the facilities up to standard.

When we have been able to come up with some additional funds, I think one of the top priorities for those funds needs to be adequate housing for our military personnel.

I cannot speak to the portion of the military construction budget that goes to fund other items. I know we have infrastructure and other maintenance problems throughout the military. I cannot speak to that, but I can speak to the portion that goes to the housing.

I am pleased that the committee has designated this as a priority. I am pleased they have adopted the criteria established by the Senate Armed Services Committee for evaluating these needs. I have had a number of discussions with the chairman of the MilCon Appropriations Subcommittee, and he has outlined for me that they have faithfully followed the criteria and the recommendations to try to get at some of the worst housing on a priority basis.

To the extent that we can accelerate some funding for this crucial area, I think we ought to do that. I am supportive of this particular effort. There is a housing initiative that has been undertaken by the Department. We granted some new authority for that to the Department of Defense.

Passage of this authorization bill and acceptable conference of the item will provide the Department of Defense with needed new authority to privatize some of this construction and maintenance effort, rebuilding efforts, and renovation effort. That is necessary if we are ever going to provide the kind of housing on a decent timetable for our military personnel.

The combination of the military construction funds that are utilized now for building new and renovating military family housing and barracks housing and the initiative that has been undertaken by the Department of Defense with both the inside task force group and an outside task force group headed by former Secretary of the Army John Marsh, a two-pronged effort to try to deal with a very significant problem that exists today in our armed services.

We have directed considerable funds to a number of tactical systems, to modernization, to readiness. If we had more, we could direct more. We wish we had more.

We cannot continue to defer the construction of housing and the renovation of housing for our military personnel and claim that we are providing the necessary quality of life for themselves and their families, that will attract the kind of people we want for our military. We cannot continue to do that. We are forfeiting the future.

We have postponed this now for more than a decade. It is time we undertook this project. I am thankful for the work by the chairman and the ranking member of the Appropriations Subcommittee. I hope that we can successfully move this forward as we attempt to finalize the legislation on this effort.

I yield the floor.

Mr. THURMOND. Mr. President, I just want to remind the Senate that the House has already passed $500 million for these facilities. In this amendment we are asking only for $228 million. The defense appropriations has approved this amount already.

We are ready to vote.

The PRESIDING OFFICER. Is there further discussion? If there is no further discussion, the question is on agreeing to amendment numbered 2084, offered by the Senator from South Carolina.

The amendment (No. 2084) was agreed to.

Mr. THURMOND. I move to reconsider the vote.

Mr. COATS. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2085

(Purpose: To exclude the Associate Director of Central Intelligence for Military Support from grade limitations applicable to members of the Armed Forces)

Mr. NUNN. Mr. President, I send an amendment to the desk and ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], proposes an amendment numbered 2085.

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

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

The amendment is as follows:

On page 403, between lines 16 and 17, insert the following:

SEC. 1095. ASSOCIATE DIRECTOR OF CENTRAL INTELLIGENCE FOR MILITARY SUPPORT.

Section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended by adding at the end the following:

''(e) In the event that neither the Director nor Deputy Director of Central Intelligence is a commissioned officer of the Armed Forces, a commissioned officer of the Armed Forces appointed to the position of Associate Director of Central Intelligence for Military Support, while serving in such position, shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the armed force of which such officer is a member.''.

Mr. NUNN. This amendment to the National Security Act of 1947 provides, in the event neither the director or deputy director of Central Intelligence is a commissioned officer of the Armed Forces, a commissioned officer of the Armed Forces appointed to the position of associate director of Central Intelligence for Military Support, while serving in such position, shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officers authorized for the Armed Force of which such officer is a member.

Mr. President, the law now provides that a commissioned officer of the Armed Forces appointed as either the Director or Deputy Director of the Central Intelligence Agency shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the Armed Force of which such officer is a member.

At the present time, neither the Director nor Deputy Director of the CIA is a commissioned officer. At the same time, an important new position of Associate Director of the CIA for Military Support is being created. The incumbent of the new position, who will be a three-star admiral, will serve as the principal advisor to the Director and Deputy Director of the CIA on military issues, with particular emphasis on Intelligence Community support for military forces and operations. This will include serving as liaison between the Intelligence Community and senior military officers of the Joint Staff and the unified combatant commands; evaluating the adequacy of intelligence support for all military purposes, including operations, training, and weapons acquisition; reviewing intelligence resources in the light of military needs; representing the Director of Central Intelligence on various boards and interagency groups established for crises and issues that potentially involve the deployment of U.S. military forces; and serving as the Director's principal liaison with foreign military organizations.

This new position will be of critical importance under the circumstances when, as now, neither the Director nor Deputy Director of CIA are commissioned officers. However, because of Congressionally mandated grade limitations, the Navy, which will be providing the 3-star officer for this position, does not have a 3-star number available and has had to borrow a number from the Army. The Army will need that number in a couple of months.

This amendment, by enabling the assignment of a three-star officer without counting against that officer's Armed Force, would facilitate the performance of this critically important function at times when, as at present, neither the Director nor Deputy Director of CIA is a commissioned officer.

What this amendment does, since there is no military officer either as director or deputy director, it simply shifts over and allows this exemption on counting against the officers in the military services to apply to the new position, which is the associate director for military matters.

This is a new position. It will carry out the spirit of what we had done in the past with this exemption.

I believe this amendment is acceptable to both sides. I hope it would be supported.

Mr. THURMOND. Mr. President, we have no objection to this amendment. It will make it possible for one qualified service military officer to be assigned to the CIA without counting against the limit on senior officers within the Department of Defense.

I join the distinguished Senator from Georgia in supporting this amendment and urge its adoption.

The PRESIDING OFFICER. If there is no further discussion, the question is on agreeing to the amendment numbered 2085, offered by the Senator from Georgia.

The amendment (No. 2085) was agreed to.

Mr. NUNN. I move to reconsider the vote.

Mr. THURMOND. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2086

(Purpose: To authorize a land conveyance, Naval Surface Warfare Center, Memphis, TN)

Mr. THURMOND. Mr. President, on behalf of Senator Thompson, I send an amendment to the desk and ask for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. THOMPSON, proposes an amendment numbered 2086.

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

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

The amendment is as follows:

On page 487, below line 24, add the following:

SEC. 2838. LAND CONVEYANCE, NAVAL SURFACE WARFARE CENTER, MEMPHIS, TENNESSEE.

(a) AUTHORITY TO CONVEY.—The Secretary of the Navy may convey to the Memphis and Shelby County Port Commission, Memphis, Tennessee (in this section referred to as the ''Port''), all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) consisting of approximately 26 acres that is located at the Carderock Division, Naval Surface Warfare Center, Memphis Detachment, Presidents Island, Memphis, Tennessee.

(b) CONSIDERATION.—As consideration for the conveyance of real property under subsection (a), the Port shall—

(1) grant to the United States a restrictive easement in and to a parcel of real property consisting of approximately 100 acres that is adjacent to the Memphis Detachment, Presidents Island, Memphis, Tennessee; and

(2) if the fair market value of the easement granted under paragraph (1) exceeds the fair market value of the real property conveyed under subsection (a), provide the United States such addition consideration as the Secretary and the Port jointly determine appropriate so that the value of the consideration received by the United States under this subsection is equal to or greater than the fair market value of the real property conveyed under subsection (a).

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be carried out in accordance with the provisions of the Land Exchange Agreement between the United States of America and the Memphis and Shelby County Port Commission, Memphis, Tennessee.

(d) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and of the easement to be granted under subsection (b)(1). Such determinations shall be final.

(e) USE OF PROCEEDS.—The Secretary shall deposit any proceeds received under subsection (b)(2) as consideration for the conveyance of real property authorized under subsection (a) in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) and the easement to be granted under subsection (b)(1) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Port.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) and the easement granted under subsection (b)(1) as the Secretary considers appropriate to protect the interests of the United States.

Mr. THURMOND. The committee has reviewed the amendment. It provides for the exchange of property at fair market value, which ensures that the Federal Government is fully compensated.

The amendment appears to be in the best interest of the Navy and the communities.

I recommend approval of the amendment.

Mr. NUNN. Mr. President, this amendment is supported by the Department of Navy.

I have a letter dated July 28 from the principal deputy of the Department of Navy, Office of the Assistant Secretary, and I ask it be printed in the RECORD.

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

DEPARTMENT OF THE NAVY,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, DC, July 28, 1995.

Hon. STROM THURMOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR THURMOND: Based on the inquiries from your staff, this is to advise you that the Department of the Navy would support the proposed legislation pertaining to a proposed land agreement involving the Naval Surface Warfare Center, Memphis Detachment and Memphis and Shelby County Port Commission. The property is located at Presidents Island, Memphis, Tennessee.

The proposed legislation will provide a buffer zone between the river and the Cavitation Channel facility, which will increase mission efficiency. In addition, the Navy has no immediate need for the crane which if transferred to the Ports Authority will be maintained in operable condition and available for our use in the future if required.

If I may be of further assistance, please do not hesitate to call.

Sincerely,

CHERYL KANDARAS,
Principal Deputy.

Mr. THOMPSON. Mr. President, this amendment will allow a transfer of property between the U.S. Navy and the Port of Memphis, TN. The Navy will receive 100 acres of land to act as both a security and acoustic buffer zone for its Naval Service Warfare Center in Memphis. In return, the port will obtain from the Navy a 1,250-ton stiff leg derrick crane. The crane will give the port a facility to load and offload specialty cargo. In fact, no other port in the Central United States will have such lifting capabilities. This will be a great benefit for recruitment of future industry to Memphis and Shelby County.

This is something the Navy wants and the Port of Memphis and others in the community want. Local officials say it will bring new industry and more jobs to the Memphis area. As this is beneficial for both sides and there are no new costs involved, I urge adoption of this amendment.

Mr. NUNN. I urge approval of the amendment.

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

The amendment (No. 2086) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. COATS. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 5 minutes each.

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

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 5:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 21. An act to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

MEASURES PLACED ON THE CALENDAR

Pursuant to the order of August 2, 1995, the following bill was read the first and second times by unanimous consent and placed on the calendar:

H.R. 714. An act to establish the Medewin National Tallgrass Prairie in the State of Illinois, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on August 2, 1995 he had presented to the President of the United States, the following enrolled bill:

S. 21. An act to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1267. A communication from the President of the United States, transmitting, pursuant to law, the report on foreign economic collection and industrial espionage; to the Select Committee on Intelligence.

EC–1268. A communication from the Director of the U.S. Arms Control and Disarmament Agency, transmitting, the summary report and compliance annexes to the ACDA annual report for calendar year 1995; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–262. A petition from a citizen of the State of Missouri relative to National Cemeteries; to the Committee on Veterans' Affairs.

POM–263. A resolution adopted by the TLWH Association of Retired Commissioned Officers of the Armed Forces of the Philippines relative to the proposed ''Filipino Veterans' Equity Act of 1994''; to the Committee on Veterans' Affairs.

POM–264. A concurrent resolution adopted by the House of the General Assembly of the State of Indiana; to the Committee on Veterans' Affairs.

''HOUSE RESOLUTION NO. 75

''Whereas, over 27,619 Hoosiers have given their lives for their country in World War I, World War II, the Korean Conflict, the Vietnam War, and the Persian Gulf Conflict, and over 37,510 Hoosiers remain living with service-connected disabilities from injuries inflicted on them while they were serving their country;

''Whereas, those servicemen and servicewomen who have chosen to make a career of defending their country are integral to the success of our military forces throughout the world;

''Whereas, currently disabled veterans receive compensation proportionate to the severity of their injuries; and, military retirees, who have served at least 20 years, accrue retirement pay based on longevity;

''Whereas, federal legislation has been introduced to amend Title 38 of the U.S. Code to eliminate an antiquated inequity which still exists in the federal law applicable to retired career service personnel who also receive service-related disability benefits;

''Whereas, under the 19th century law, these disabled career service personnel are denied concurrent receipt of full retirement pay and disability compensation benefits. They must choose receipt of one or the other or waive an amount of retirement pay equal to the amount of disability compensation benefits;

''Whereas, this discrimination unfairly denies disabled military retirees the longevity pay they have earned by their years of devoted patriotism and loyalty to their country. It, in effect, requires them to pay for their own disability compensation benefits;

''Whereas, many retirees actually returned to active duty to service in Operation Desert Storm and returned home disabled; but, when these loyal Guardsmen and Reservists arrive back home, they were not eligible to receive both VA disability and retirement pay;

''Whereas, no such inequity applies to retired Congress-persons, Federal civil service job-holders, or other retirees who are receiving service-related disability benefits;

''Whereas, America's career service-personnel's commitment to their country—in pursuit of national and international goals—must be matched by their own county's allegiance to them for those sacrifices; and

''Whereas, a statutory change is required to correct this injustice: Now, therefore, be it

''*Resolved by the House of Representatives of the General Assembly of the State of Indiana:*

''Section 1. That the General Assembly of the State of Indiana urges the United States Congress to amend the United States Code relating to the computation of retired pay to permit full concurrent receipt of military longevity retired pay and service-connected disability compensation benefits.

''Section 2. That the Principal Clerk of the House of Representatives shall send certified copies of this resolution to the presiding officers and the majority and minority leaders of both houses of the Congress of the United States, to the Secretary of the Senate and the Clerk of the House of Representatives of the Congress of the United States, to the President of the United States, to the Secretary of Defense, and to each member of the Indiana Congressional delegation.''

POM–265. A resolution adopted by the House of the Legislature of the Commonwealth of Massachusetts; to the Committee on Veterans' Affairs.

''RESOLUTION

''Whereas, the Massachusetts House of Representatives urges the Congress of the United States to retain veterans benefits at their present level of funding; and

''Whereas, the Republican house budget resolution calls for a twenty-seven billion dollar cut in VA programs and a three billion dollar cut in disability compensation payments, while the Republican Senate Budget Resolution calls for a cut of thirty-two billion in VA programs and a six billion cut in disability compensation payments; and

''Whereas, these cuts include placing a cap on the disability compensation for veterans suffering from post traumatic stress disorder, as well as a permanent reduction in the ''COLA'' (cost of living adjustment) for recipients of the Montgomery GI bill; and

''Whereas, House Republicans have also proposed a freeze on veteran medical care that will hold funding at current levels for the next seven years and this would mean that veterans would lose twenty-four billion toward their health care, and as a result an estimated four and one-half million veterans would be denied care entirely; and

''Whereas, further proposals call for the closing of thirty-five to four hundred and twelve VA medical facilities, effectively eliminating the convenience of traveling to a VA medical facility close to home for severally disabled veterans and as for the remaining VA medical facilities, they face a proposed one billion cut in funding for improvements of existing hospitals; and

''Whereas, the proposal to cut the fifty million that was appropriated last year to hire VA benefits officers will discourage veterans from filing new compensation claims; and

''Whereas, many of these veterans and widows of veterans are in their sixties and seventies living on fixed incomes, and they can ill-afford these lengthy delays in having their claims resolved; Therefore be it

''*Resolved,* That the Massachusetts House of Representatives urges the Congress of the United States to retain veterans benefits at their present level of funding; and be it further

''*Resolved,* That a copy of these resolutions be forwarded by the Clerk of the House of Representatives to the Presiding Officer of each branch of congress and to the Members thereof from the Commonwealth.''

POM–266. A concurrent resolution adopted by the Legislature of the State of Louisiana; referred jointly, pursuant to the order of August 4, 1977, to the Committee on the Budget, and to the Committee on Governmental Affairs.

''A CONCURRENT RESOLUTION NO. 842

''Whereas, the Highway Trust Fund, the Aviation Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund are wholly user financed and do not contribute one dime to the federal deficit; and

''Whereas, currently a thirty-three billion dollar cash balance, including eighteen and one-half billion dollars of which is unobligated balance, is languishing in these trust fund accounts through an accounting measure designed to mask the actual size of the federal deficit and federal spending in other areas; and

''Whereas, every time a motorist puts gas into the tank of a motor vehicle or a traveler buys an airline ticket user fees are paid into the Highway and Aviation Trust Funds; and

''Whereas, Congress imposed these fees and other taxes with the assurance to the American public that they would be spent on infrastructure improvements; and

''Whereas, economists agree that investment in infrastructure helps productivity, creates jobs, and is essential for economic growth; and

''Whereas, infrastructure spending is the one area that has widespread public support and actually provides a return on taxpayer investment; and

''Whereas, by combining these trust funds with the federal General Fund Budget, these trust fund balances have accrued at the expense of billions of dollars in productivity and safety; and

''Whereas, House Resolution 842, known as the ''Truth in Budgeting Act,'' will remove these trust funds from the General Fund Budget and, by doing so, will restore integrity to the trust funds which are user financed, self-supporting, and directed to specific needs and will restore integrity to the General Fund Budget: Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United

States to approve House Resolution 842, and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana Congressional delegation.''

POM–267. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Appropriations.

''JOINT RESOLUTION NO. 41

''Whereas, the Conservation Biology of Rangelands Research Unit of the Agricultural Research Service, USDA, Reno, Nevada, was not included in the federal administration's budget for fiscal year 1995–1996, beginning on October 1, 1995; and

''Whereas, the closing of this Unit will have severe impacts on the management and restoration of rangelands in Nevada and adjacent intermountain states; and

''Whereas, this Unit has been consistently rated as one of the most productive in the nation per dollar spent per scientist, which is attributed to the frugal, appropriate and productive use of federal money; and

''Whereas, Nevada receives less than 1 percent of the federal money expended for agricultural research in the western states; and

''Whereas, the Conservation Biology of Rangelands Research Unit's research on both preventing wildfires and restoring burned vegetation is essential to this state because wildfires cost the residents of the State of Nevada millions of dollars annually for suppression, and for loss of livestock, wildlife, habitat, watershed cover, private property and on occasion the loss of human lives; and

''Whereas, the Unit's research on the replacement of, and biological suppression of, cheatgrass has great ecological and economic significance to Nevada because cheatgrass has increased in dominance from less than 1 percent to nearly 25 percent on 19,000,000 acres of sagebrush rangelands during the last 30 years, with the invasion greatly increasing the chances of ignition, rate of spread and the length of the wildfire season; and

''Whereas, this unit is the only research organization conducting weed control experiments in Nevada, with a major role in weed control of tall whitetop (Lepidium latifolium), potentially the most biologically and economically devasting weed ever to invade Nevada's meadows and croplands; and

''Whereas, the Unit's research on adapted plant material, seedbed preparation and seeding technology for arid and disturbed lands is important to Nevada because mining reclamation is critical to the mining industry, which in turn is critical to the economy of Nevada; and

''Whereas, the Unit's research in general is critically important to Nevada because it provides a communications link between the users of Nevada's wildlands and the concerned environmental, scientific community and because maintenance of biological diversity is a major scientific and environmental issue in Nevada; and

''Whereas, without the Conservation Biology of Rangelands Research Unit, Nevada would become the only significant agricultural state that does not have an Agricultural Research Service research unit; and

''Whereas, there are no existing research units capable of filling the loss created by closing the Nevada unit: Now, therefore, be it

''*Resolved by the Assembly and Senate of the State of Nevada, jointly*, That the members of the 68th session of the Nevada Legislature urge the Secretary of Agriculture to maintain funding in the fiscal year beginning on October 1, 1995, for the Conservation Biology of Rangelands Research Unit of the Agricultural Research Service, USDA, in the State of Nevada; and be it further

''*Resolved*, That Congress is hereby urged to appropriate money for the fiscal year beginning on October 1, 1995, for the Conservation Biology of Rangelands Research Unit of the Agricultural Research Service, USDA, in the State of Nevada; and be it further

''*Resolved*, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, the Secretary of Agriculture, the Chairmen of the Senate Committee on Appropriations, the Subcommittee on Agriculture, Rural Development and Related Agencies of the Senate Committee on Appropriations, the House Appropriations Committee and the House Subcommittee on Agricultural Appropriations and each member of the Nevada Congressional Delegation; and be it further

''*Resolved*, That this resolution becomes effective upon passage and approval.''

POM–268. A resolution adopted by the Greater Homestead/Florida City Chamber of Commerce of the City of Homestead, Florida relative to Homestead Air Reserve Base; to the Committee on Armed Services.

POM–269. A resolution adopted by the City and County of Denver, Colorado relative to securities; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

John Raymond Garamendi, of California, to be Deputy Secretary of the Interior.

Charles B. Curtis, of Maryland, to be Deputy Secretary of Energy.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources:

Jeanne R. Ferst, of Georgia, to be a Member of the National Museum Services Board for a term expiring December 6, 1999.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. BOXER (for herself and Mr. GRASSLEY):

S. 1102. A bill to amend title 10, United States Code, to make reimbursement of defense contractors for costs of excessive amounts of compensation for contractor personnel unallowable under Department of Defense contracts; to the Committee on Armed Services.

By Mr. GLENN (for himself and Mr. DEWINE):

S. 1103. A bill to extend for 4 years the period of applicability of enrollment mix requirement to certain health maintenance organizations providing services under Dayton Area Health Plan; to the Committee on Finance.

By Mr. ROTH:

S. 1104. A bill to suspend temporarily the duty on dichlorofopmethyl; to the Committee on Finance.

S. 1105. A bill to suspend temporarily the duty on thidiazuron; to the Committee on Finance.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 1106. A bill to amend the Internal Revenue Code of 1986 to provide the same insurance reserve treatment to financial guaranty insurance as applies to mortgage guaranty insurance, lease guaranty insurance, and tax-exempt bond insurance; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. SIMON, Ms. MOSELEY-BRAUN, Mr. LEAHY, and Mr. PRESSLER):

S. 1107. A bill to extend COBRA continuation coverage to retirees and their dependents, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SMITH:

S. 1108. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated.

By Mr. CAMPBELL:

S. 1109. A bill to direct the Secretary of the Interior to convey the Collbran Reclamation Project, Colorado, to the Ute Water Conservancy District and the Collbran Conservancy District, and for other purposes; to the Committee on Energy and Natural Resources.

S. 1110. A bill to establish guidelines for the designation of National Heritage Areas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 1111. A bill to amend title 35, United States Code, with respect to patents on biotechnological processes; to the Committee on Labor and Human Resources.

By Mrs. FEINSTEIN:

S. 1112. A bill to increase the integrity of the food stamp program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LAUTENBERG (for himself and Mr. SIMON):

S. 1113. A bill to reduce gun trafficking by prohibiting bulk purchases of hand guns; to the Committee on Judiciary.

By Mr. LEAHY:

S. 1114. A bill to amend the Food Stamp Act of 1977 to reduce food stamp fraud and improve the food stamp program through the elimination of food stamp coupons and the use of electronic benefits transfer systems, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER (for herself and Mr. GRASSLEY):

S. 1102. A bill to amend title 10, United States Code, to make reimbursement of defense contractors for costs of excessive amounts of compensation for contractor personnel unallowable under Department of Defense contracts.

DEPARTMENT OF DEFENSE CONTRACTS LEGISLATION

Mrs. BOXER. Mr. President, I rise to introduce legislation that will cap taxpayer reimbursement for the salaries of defense contractor executives at $250,000 per year. This legislation will permanently extend the temporary CAP established in the Fiscal Year 1995 Defense Appropriations Act. I am very pleased to be joined in this effort by the Senator from Iowa [Mr. GRASSLEY].

I began investigating this issue after hearing reports of multi-million-dollar bonuses awarded as a result of the Lockheed-Martin Marietta merger. As a result of that merger, $92 million in bonuses will be awarded—$31 million of which will be paid by the taxpayers.

I think it is wrong that corporate executives make so much money at a time when their employees are struggling just to make ends meet. What makes it even worse in this case is that these multi-million-dollar bonuses were given as a reward for a business deal resulting in 12,000 layoffs nationwide.

So the taxpayers buy rich executives $31 million worth of champagne and caviar, while laid-off defense workers struggle just to feed their families. I think the defense industry employees—in California and across the Nation—are the ones who deserve a bonus. The CEO's and multimillionaire executives are doing just fine.

As I investigated this issue further, I discovered that the problem was not limited to mergers or bonuses. Top defense industry executives routinely earn more than $1 million per year—sometimes even more than $5 million. And the taxpayers pick up most of the tab.

This legislation sets a $250,000 maximum for compensation that is reimbursable by the taxpayers. It applies to all forms of compensation including bonuses and salary.

It is important to understand that my bill sets no limit on the compensation that an executive can receive. That is an issue best left to the stockholders and directors of each company. If the stockholders believe that the Lockheed-Martin merger was such a fine business decision that they want to award their CEO a $9 million bonus—or for that matter a $90 million bonus—that is fine with me. All my legislation would do is stop them from passing the check to the taxpayers.

My legislation would add ''excessive compensation''—defined as all pay over $250,000 in any fiscal year—to an existing list of expenses that cannot be reimbursed by the taxpayers. Under current law, the Pentagon cannot reimburse contractors for expenses ranging from small items such as concert tickets and alcoholic beverages to large items, like golden parachutes and stock option plans. My legislation would add compensation in excess of $250,000 to this list.

Congress has studied this issue for a number of years and has noted with increasing concern that executive compensation seems to be spiraling out of control. In last year's DoD appropriations bill, Congress placed a 1-year $250,000 cap on executive compensation. This legislation takes the next logical step—making that cap permanent.

I think this legislation addresses the issue fairly and responsibly. I hope my colleagues will support this bill.

I ask unanimous consent that the full text of the bill be inserted in the RECORD.

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

S. 1102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REIMBURSEMENT FOR EXCESSIVE COMPENSATION OF DEFENSE CONTRACTOR PERSONNEL PROHIBITED.

Section 2324(e)(1) of title 10, United States Code, is amended by adding at the end the following:

''(P) Costs of compensation (including bonuses and other incentives) paid with respect to the services (including termination of services) of any one individual to the extent that the total amount of the compensation paid in a fiscal year exceeds $250,000.''.

By Mr. GLENN (for himself and Mr. DEWINE):

S. 1103. A bill to extend for 4 years the period of applicability of enrollment mix requirement to certain health maintenance organizations providing services under Dayton Area Health Plan; to the Committee on Finance.

DAYTON AREA HEALTH PLAN LEGISLATION

● Mr. GLENN. Mr. President, today, Senator DEWINE and I are introducing legislation which is necessary for the continued operation of the Dayton Area Health Plan.

The Dayton Area Health Plan is a mandatory managed care plan for 24,000 Medicaid recipients in Montgomery County, OH, which has been operating very successfully for over 6 years. It emphasizes preventive care and has developed two programs—Baby's Birth Right and Neighbors in Touch—to increase the use of prenatal and after-delivery care. In partnership with the Dayton School Board, it brings HealthChek physical exams to schoolchildren in Dayton.

Last fall, the Dayton Area Health Plan became the first Medicaid HMO in Ohio to publish a quality score card which assesses the plan's performance in the important areas of access to care, preventive care, success of medical care, consumer satisfaction, operational efficiencies, and quality assurance survey scores.

The Dayton Area Health Plan is operating under a waiver of the Federal 75/25 enrollment mix requirement for HMO's—a requirement that for every three Medicaid enrollees a plan must have one non-Medicaid enrollee. The current waiver expires at the end of the year, and the legislation we are introducing today extends it until December 31, 1999. This legislation is supported by the Ohio Department of Human Services, which received a waiver of the 75/25 enrollment mix requirement for HMO's participating in OhioCare, an 1115 Medicaid waiver program. However, the implementation of OhioCare has been delayed due to concerns about the level of Federal Medicaid funding for fiscal year 1996 and beyond.

The Dayton Area Health Plan has widespread community support and has been increasingly successful in providing high-quality, cost-effective care to Medicaid recipients in Montgomery County, OH. I urge my colleagues to support this legislation which extends the plan's waiver for 4 years.●

By Mr. ROTH:

S. 1104. A bill to suspend temporarily the duty on dichlorofopmethyl; to the Committee on Finance.

By Mr. ROTH:

S. 1105. A bill to suspend temporarily the duty on thidiazuron; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. ROTH. Mr. President, I rise to introduce two temporary duty suspension bills. It is my understanding that they are noncontroversial. I am introducing these on behalf of AgrEvo, a company located in my home State of Delaware, because they will help improve the company's overall competitive posture by lowering its costs of doing business.

While I recognize that it is exceedingly difficult to enact temporary duty suspensions, the administration has authority to proclaim certain tariff reductions in the context of additional progress in the WTO to harmonize chemical tariffs at lower levels. I urge the administration to achieve such progress, particularly through expanding the participation of other countries in the WTO's chemical tariff harmonization agreement. This would allow the administration to address growing demands for new duty suspensions on chemical products by utilizing existing tariff proclamation authority.

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

S. 1106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INSURANCE RESERVE RULES FOR FINANCIAL GUARANTY INSURANCE.

(a) IN GENERAL.—Section 832(e)(6) of the Internal Revenue Code of 1986 is amended—

(1) by inserting ''or a company which writes financial guaranty insurance'' after ''section 103'' in the first sentence, and

(2) in the second sentence—

(A) by inserting ''and to financial guaranty insurance'' after ''section 103,'',

(B) by inserting ''financial guaranty insurance or'' after ''in the case of'', and

(C) by inserting ''such financial guaranty or'' after ''revenues related to''.

(b) CONFORMING AMENDMENT.—The heading for section 832(e)(6) of such Code is amended by inserting ''; FINANCIAL GUARANTY INSURANCE'' after ''OBLIGATIONS''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.●

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 1106. A bill to amend the Internal Revenue Code of 1986 to provide the same insurance reserve treatment to financial guaranty insurance as applies to mortgage guaranty insurance, lease guaranty insurance, and tax-exempt bond insurance; to the Committee on Finance.

THE FINANCIAL GUARANTY INSURANCE ACT OF 1995

● Mr. D'AMATO. Mr. President, today my distinguished colleague, Senator MOYNIHAN, and I are introducing legislation to amend Section 832(e) of the Internal Revenue Code to extend the scope of its provisions to general financial guaranty insurance.

Financial guaranty insurance, commonly called bond insurance, is an insurance contract that guarantees timely payment of principal and interest when due. The bond insurance contract generally provides that, in the event of a default by an insured issuer, principal and interest will be paid to the bond holder as originally scheduled.

Originally enacted in 1967, currently, section 832(e) applies to underwriters of mortgage guaranty insurance, lease guaranty insurance, and state and local tax-exempt bond insurance. Congress enacted section 832(e) to alleviate the significant drain on insurance providers' working capital that State financial regulations place on those firms. Under section 832(e), a company writing mortgage guaranty insurance, lease guaranty insurance and tax-exempt bond insurance may deduct, for Federal income tax purposes, amounts required by state law to be set aside in a reserve for losses resulting from adverse economic cycles. The deduction cannot exceed the lesser of, first, the company's taxable income or, second, 50 percent of the premiums earned on such guaranty contracts during the taxable year.

Further, the deduction is available only to the extent that the taxpayer purchases non-interest-bearing tax and loss bonds equal to the tax savings attributable to the deduction. The taxpayer insurance company may redeem such bonds only as and when it restores to income the associated deduction for reserves. Reserves are restored to income as and when they are applied, according to state regulations, to cover losses, or to the extent that the company has a net operating loss in some subsequent year. In addition, the reserve deduction taken in any particular year must be fully restored to income by the end of the 10th subsequent year. For the tax-exempt bond insurance, this period is increased to 20 years.

Mr. President, our proposed legislation would expand the scope of section 832(e) to include general financial guaranty insurance. This reflects the fact that the guaranty industry has expanded, and now provides other insurance guaranty instruments not offered at the time section 832(e) was enacted. These new guaranties are regulated by the same State financial regulations that apply to insurance guaranties currently covered by section 832(e); producing the same extraordinary tax burden that existed for earlier guaranty insurance instruments. Thus, the proposed legislation constitutes a sensible modification of the code to reflect new forms of bond insurance, and does so in a way which both Congress and Treasury have previously found acceptable.

This bill would allow those insurance companies which are writing lease guarantee insurance and insurance guaranteeing the debt service of municipal bond issues, for example, obligations the interest on which is excludable from gross income under section 103 of the Code, to deduct additions to contingency reserves in accordance with the current treatment of such additions for mortgage guaranty insurance under section 832(e).

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

By Mr. DASCHLE (for himself, Mr. SIMON, Ms. MOSELEY-BRAUN, Mr. LEAHY, and Mr. PRESSLER):

S. 1107. A bill to extend COBRA continuation coverage to retirees and their dependents, and for other purposes; to the Committee on Labor and Human Resources.

THE RETIREE CONTINUATION COVERAGE ACT OF 1995

Mr. DASCHLE. Mr. President, in March I introduced a bill to address a serious problem brought to my attention by the retirees of the John Morrell meatpacking plant in Sioux Falls. Unfortunately, the situation has deteriorated in recent months and I feel that a new bill is needed to address the issues raised by this incident and to protect future retirees from being placed in a similar predicament.

Last January more than 3,000 retirees of the Morrell Co. in Sioux Falls and around the country found out that their health benefits were being terminated by their former employer.

With just a week's notice, these retirees, many of whom had accepted lower pensions in return for the promise of lifetime health benefits, were suddenly faced with the prospect of losing the benefits that they had assumed would be available for them and their spouses during their retirement years.

The bill I introduced in March would have required employers to continue to provide retiree health benefits while a cancellation of coverage was being challenged in court. However, the Supreme Court recently refused to hear the Morrell case, leaving this group no possibility of a judicial remedy for their problems.

Meanwhile, thousands of retirees and their families are left stranded without health coverage.

I am introducing a bill today to allow early retirees and their dependents who lost their health benefits to purchase continuing group insurance coverage until they become eligible for Medicare.

This would not prohibit employers from modifying their retiree health plans to implement cost-savings measures, such as utilization review or managed care. But it would protect retirees from suddenly losing their employer-sponsored health benefits.

This legislation simply extends COBRA coverage to early retirees and their dependents whose employer-sponsored health care benefits are terminated or substantially reduced. There would be no direct cost to the employer.

COBRA currently requires employers to offer temporary continuing health coverage for employees who leave their jobs. The employee is responsible for the entire cost of the premium, but is allowed to remain in the group policy, thus benefiting from lower group rates. This legislation would extend the COBRA law to cover early retirees and their families, until they are eligible for Medicare.

This bill would help secure health coverage for the most vulnerable retirees, at no cost to the Federal Government. It simply allows those workers who may not be able to purchase coverage elsewhere to take advantage of their former employer's lower group insurance rate.

These retirees deserve this kind of health security.

Workers often give up larger pensions and other benefits in exchange for health benefits. It never occurs to these employees that their benefits could be taken away, with no increase in their pensions or other benefits to compensate for the loss.

Early retirees have often been with the same company for decades, perhaps all of their adult lives. They rightfully believe that a company they help build will reward their loyalty, honesty and hard work.

When these hard-working people abruptly lose their health coverage, they suddenly have to worry that high medical costs will impoverish them or force them to rely on their children or the Government for financial help. Each day without insurance they live in fear of illness and injury.

In this particular case, Morrell retirees received a simple, yet unexpected, letter stating their health insurance plan was being terminated, effective midnight, January 31, 1995—only a week later. The benefits being terminated, the letter said, included all hospital, major medical and prescription drug coverage, Medicare supplemental insurance, vision care, and life insurance coverage.

For those retirees under 65, this action poses a particular problem. While Morrell did give them the option of paying for their own coverage for up to 1 year, for many that is simply not

enough time. For example, if a retiree leaves the company at age 59, he or she will not be eligible for Medicare for 6 years; the original offer from the company could have left him or her without coverage for 5 years.

This bill will help many Morrell retirees; but there are thousands of other workers who could also benefit from this legislation. A 1994 Foster-Higgins report found that two-thirds of American companies surveyed had plans to reduce retiree health benefits or to shift more costs to retirees in the coming years, and 2 percent said that they were actually eliminating benefits altogether.

The presence of preexisting conditions can make it impossible for elderly Americans to purchase health insurance; insurers may refuse to enroll people who they expect to be heavy users or they may price the policies so that they are simply unaffordable. Consequently, early retirees with medical conditions, such as heart disease and diabetes, need to be continuously covered until they become eligible for Medicare.

This bill is not a cure, but it is a step in the right direction. It will help secure coverage for early retirees who cannot afford to buy an individual insurance policy. Under this legislation, Morrell retirees could be paying a premium of $500 a month per couple. While this is a lot of money for retirees on limited incomes, it is substantially less than if they purchased coverage on their own. And, of course, many are currently unable to purchase insurance at any price.

As I have said repeatedly, the long-run solution is comprehensive health reform that guarantees every American citizen—and every American employer—access to affordable health care.

I have fought over the years for comprehensive health reform and was deeply disappointed when the 103d Congress was unable to pass legislation addressing some of our health care system's most serious problems. If we had passed health reform, the Morrell retirees I have spoken about today would not face this loss of their health benefits.

Clearly, the problems we talked about in last year's health reform debate did not solve themselves when the session ended.

But some of these problems, like the one the Morrell retirees face, cannot wait for the long-run.

I hope we can pass this measure expeditiously, to help alleviate the harshest aspects of the injustice created by the Morrell Co. decision to eliminate retiree health coverage, and so that others are helped as they face the problem Morrell retirees are grappling with today.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 1107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Retiree Continuation Coverage Act of 1995''.

SEC. 2. EXTENSION OF COBRA CONTINUATION COVERAGE.

(a) PUBLIC HEALTH SERVICE ACT.—

(1) PERIOD OF COVERAGE.—Section 2202(2)(A) of the Public Health Service Act (42 U.S.C. 300bb–2(2)(A)) is amended by adding at the end thereof the following new clause:

''(v) QUALIFYING EVENT INVOLVING SUBSTANTIAL REDUCTION OR ELIMINATION OF A RETIREE GROUP HEALTH PLAN.—In the case of an event described in section 2203(6), the date on which such covered qualified beneficiary becomes entitled to benefits under title XVIII of the Social Security Act.''.

(2) QUALIFYING EVENT.—Section 2203 of the Public Health Service Act (42 U.S.C. 300bb–3) is amended by adding at the end thereof the following new paragraph:

''(6) The substantial reduction or elimination of group health coverage as a result of plan changes or termination with respect to a qualified beneficiary described in section 2208(3)(A).''.

(3) NOTICE.—Section 2206 of the Public Health Service Act (42 U.S.C. 300bb–6) is amended—

(A) in paragraph (2), by striking ''or (4)'' and inserting ''(4), or (6)''; and

(B) in paragraph (4)(A), by striking ''or (4)'' and inserting ''(4), or (6)''.

(4) DEFINITION.—Section 2208(3) of the Public Health Service Act (42 U.S.C. 300bb–8(3)) is amended by adding at the end thereof the following new subparagraph:

''(C) SPECIAL RULE FOR RETIREES.—In the case of a qualifying event described in section 2203(6), the term 'qualified beneficiary' includes a covered employee who had retired on or before the date of substantial reduction or elimination of coverage and any other individual who, on the day before such qualifying event, is a beneficiary under the plan—

''(i) as the spouse of the covered employee;

''(ii) as the dependent child of the covered employee; or

''(iii) as the surviving spouse of the covered employee.''.

(b) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) PERIOD OF COVERAGE.—Section 602(2)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(2)(A)) is amended by adding at the end thereof the following new clause:

''(vi) QUALIFYING EVENT INVOLVING SUBSTANTIAL REDUCTION OR ELIMINATION OF A GROUP HEALTH PLAN COVERING RETIREES, SPOUSES AND DEPENDENTS.—In the case of an event described in section 603(7), the date on which such covered qualified beneficiary employee becomes entitled to benefits under title XVIII of the Social Security Act.''.

(2) QUALIFYING EVENT.—Section 603 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1163) is amended by adding at the end thereof the following new paragraph:

''(7) The substantial reduction or elimination of group health plan coverage as a result of plan changes or termination with respect to a qualified beneficiary described in section 607(3)(C).''.

(3) NOTICE.—Section 606(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1166) is amended—

(A) in paragraph (2), by striking ''or (6)'' and inserting ''(6), or (7)''; and

(B) in paragraph (4)(A), by striking ''or (6)'' and inserting ''(6), or (7)''.

(4) DEFINITION.—Section 607(3)(C) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(2)) is amended by striking ''603(6)'' and inserting ''603(6) or 603(7)''.

(c) INTERNAL REVENUE CODE OF 1986.—

(1) PERIOD OF COVERAGE.—Section 4980B(f)(2)(B)(i) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new subclause:

''(vi) QUALIFYING EVENT INVOLVING SUBSTANTIAL REDUCTION OR ELIMINATION OF A RETIREE GROUP HEALTH PLAN.—In the case of an event described in paragraph (3)(G), the date on which such covered qualified beneficiary becomes entitled to benefits under title XVIII of the Social Security Act.''.

(2) QUALIFYING EVENT.—Section 4980B(f)(3) of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new subparagraph:

''(G) The substantial reduction or elimination of group health coverage as a result of plan changes or termination with respect to a qualified beneficiary described in subsection (g)(1)(D).''.

(3) NOTICE.—Section 4980B(f)(6) of the Internal Revenue Code of 1986 is amended—

(A) in subparagraph (B), by striking ''or (F)'' and inserting ''(F), or (G)''; and

(B) in subparagraph (D)(i), by striking ''or (F)'' and inserting ''(F), or (G)''.

(4) DEFINITION.—Section 4980B(g)(1)(D) of the Internal Revenue Code of 1986 is amended by striking ''(f)(3)(F)'' and inserting ''(f)(3)(F) or (f)(3)(G)''.

SEC. 3. EFFECTIVE DATE.

This Act shall take effect as if enacted on January 1, 1995.

By Mr. SMITH:

S. 1108. A bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated.

THE TAXPAYER DEBT BUY-DOWN ACT

• Mr. SMITH. Mr. President, today I am reintroducing the Taxpayer Debt Buy-Down Act. The proposal is specifically designed to give taxpayers an unprecedented role in the budget process and provide a mechanism for an annual national referendum on Federal spending. If Congress fails to reign in Federal spending, this bill allows the taxpayers of America to speak out every April 15.

The proposal would amend the IRS Code to allow taxpayers the opportunity to voluntarily designate up to 10 percent of their income tax liability for the purpose of debt reduction. All moneys designated would be placed in a national debt reduction fund established in the Department of the Treasury, and used to retire the public debt, except obligations held by the Social Security trust fund, the civil service, and military retirement funds.

On October 1, the Treasury Department would be required to estimate the amount designated through the check-off. Congress would then have until September 30 of the following year to make the necessary cuts in Federal spending. The Debt Buy-Down Act does not micromanage the spending cuts. Congress retains complete authority to cut any Federal spending program it deems appropriate.

To coordinate this measure and the efforts to balance the budget, the checkoff will apply only if the amount designated is greater than the cuts that Congress has already implemented. For example, if Congress passes a reconciliation bill this year that designates cuts of $50 billion in 1998, and the checkoff in 1998 totals $60 billion, the $50 billion will count toward the checkoff and only an additional $10 billion will need to be cut.

If Congress failed to enact spending reductions to meet the amount designated by the taxpayers, an across-the-board sequester would occur of all accounts except the Social Security retirement benefits, interest of the debt, deposit insurance accounts and contractual obligations of the Federal Government. If Congress enacted only half of the necessary cuts, the sequester would ensure the other half. The Debt Buy-Down account would hold Congress's feet to the fire.

All spending cuts required by the act would be permanent—the cuts would permanently reduce the spending baseline. For example, if $1 billion of cuts are required and Congress eliminates a $1 billion program in the Department of Energy, that program would be gone forever. If Congress later decided that they needed the program, they would be required to cut $1 billion elsewhere. Although nothing in the legislation would prohibit Congress from increasing taxes, tax increases could not be used to substitute for the spending reductions designated by taxpayers.

Mr. President, we cannot allow the current talk about balanced budgets to deter us from our ultimate goal—elimination of the $4.9 trillion national debt. Yes, we must balance the budget first, and this proposal serves as a friendly enforcement mechanism to do just that. Balancing the budget, however, does not guarantee that we will begin to buy down our national debt. If our budget is balanced by the year 2002 as required by the congressional budget resolution, what happens next?

Under current law, the answer is: nothing. There is no requirement that Congress begin to attack the debt problem. This bill would change that. The American people would be allowed to tell us exactly how much debt reduction they believe is necessary and Congress would be required to act. That is the way our system of government is supposed to work.

Mr. President, the Taxpayer Debt Buy-Down Act was endorsed by then-President Bush at the 1992 Republican Convention. The House companion legislation, H.R. 429, is sponsored by Congressman BOB WALKER, and passed the House earlier this year as part of the Contract With America.

The legislation is supported by the National Federation of Independent Business [NFIB], Americans for a Balanced Budget, Americans for Tax Reform, The American Legislative Exchange Council [ALEC], The Council for Citizens Against Government Waste, Association of Concerned Taxpayers for a Fair and Simple Tax, the Institute for the Research on the Economics of Taxation [IRET], the National Taxpayers Union [NTU], and the U.S. Business and Industrial Council.

I urge my colleagues to support the Taxpayer Debt Buy-Down Act. It is an innovative proposal that makes ''We the People'' an integral part of the Federal budget process.●

By Mr. CAMPBELL:

S. 1109. A bill to direct the Secretary of the Interior to convey the Collbran reclamation project, Colorado, to the Ute Water Conservancy District and the Collbran Conservancy District, and for other purposes; to the Committee on Energy and Natural Resources.

THE COLLBRAN RECLAMATION PROJECT LEGISLATION

● Mr. CAMPBELL. Mr. President, today I am joined by my colleague from Colorado, Senator BROWN, in introducing legislation to transfer the Collbran project from the Federal Government to its real owners—the people who have paid for and own the water produced by this project.

This legislation will complete the repayment to the American people the amounts owed by the users of this project. Because this legislation involves a substantial payment from the Collbran and Ute Water Conservancy Districts to the Federal Treasury, this legislation helps us reduce the Federal deficit by a small, but important, amount.

Millions of people live, work, and play in Colorado and the other Western States. People are drawn to the rural areas of the West because these communities offer an attractive mix of economic opportunity and access to world-class natural resources. This high quality of life would not exist if it were not for the water and power provided from Federal reclamation projects constructed under the 1902 Reclamation Act.

The original vision of the Reclamation Act was that Congress would facilitate the construction of locally sponsored and locally controlled projects. Congress achieved this result by providing financing for these projects, subject to the requirement that a local entity repay the Federal investment in the irrigation portion of the project, and that power users in the West repay the remaining costs of the project.

Congress explicitly stated the water rights for reclamation projects were to be obtained in accordance with State law, and Federal courts have consistently ruled that the real owners of the water from reclamation projects are the people who put the water to beneficial use. The important point is that Federal ownership of these projects was always for the purpose of ensuring that the Federal investment was repaid; the Federal partnership in reclamation of the west was never intended to perpetuate Federal control over the use of land and water at the local level.

Water from reclamation projects allowed the development of irrigated agriculture, which provides an important complement to other industries such as mining, recreation, and tourism. Power from reclamation projects was and is an important part of extending the benefits of electricity beyond cities to people in the country. In short, the Reclamation Act has achieved its primary goal—the development of healthy and stable communities throughout the West.

While there is a continuing obligation to honor previous Federal commitments to complete reclamation projects, it is now time to reassess the Federal involvement in those projects which have been completed. In particular, the Federal Government should not be spending scarce resources on the operation and maintenance of projects when the project beneficiaries have or will repay all of their financial obligations to the United States. In these cases, the Federal Government should transfer the project to the local beneficiaries, subject to the requirement that the project continue to be operated for the purposes for which it was authorized.

The Collbran project meets these criteria. The project was authorized in 1952 for agricultural and municipal purposes, and included a power component. The project provides an important water supply for irrigated lands in the Collbran Conservancy District. In addition, the water released from the project provides an important domestic water supply for over 55,000 people in the Grand Valley served by the Ute Water Conservancy District. This legislation requires the districts to pay the net present value of the revenues which the United States would otherwise receive from the project, plus a premium of $2,000,000 and a significant contribution to promote additional protection for the Colorado River ecosystem.

The Federal goals of the project have been attained. It is now appropriate to transfer the project to the districts, with the United States retaining only its commitment to the State of Colorado on recreational facilities. This legislation not only establishes a good precedent for transfer of projects to reduce the Federal debt, but also fulfills the original vision of the 1902 Reclamation Act by ensuring that the project will continue to be used to benefit the people and communities for whom it was built.●

By Mr. CAMPBELL:

S. 1110. A bill to establish guidelines for the designation of national heritage areas, and for other purposes; to the Committee on Energy and Natural Resources.

THE NATIONAL HERITAGE ACT OF 1995

● Mr. CAMPBELL. Mr. President, I introduce the National Heritage Act of 1995.

Today, most of my colleagues are aware that the opportunity to create

new park units is most difficult in light of the current condition of the National Park System. The Park Service, facing a 37-year backlog in construction funding, a 25-year backlog for land acquisition, and a shortfall of over $846 million for park operation and management, is clearly in trouble.

However, these difficulties are compounded by the growing popularity in Congress to recognize and designate important areas of our country for inclusion in the National Park System. Over the last 10 years alone, Congress has designated over 30 new units of the Park System. These new additions, while meritorious, have added significantly to this huge backlog of funding facing the agency.

It is well known that when you create a new unit, limited fiscal and human resources must be taken away from existing park units. Unfunded and poorly managed parks will only contribute to the continued erosion of the existing Park System. As a result, it can be fairly stated that in our current system new additions can actually hinder rather than enhance the Park Service System.

I am aware of approximately 110 areas, some of which have already been introduced in Congress, that may be suitable for inclusion into the Park System as heritage areas. I know of eight areas in my own State of Colorado, that may deserve recognition. However, under the current system, the National Park Service may not be able to afford any new area, no matter how deserved it may be.

Thus, the question of how to lighten this overwhelming load on the Park Service, while maintaining Congress' ability to recognize and protect precious areas of our country's heritage is before us.

I believe that my legislation will provide the solutions to this problem. National heritage areas can be created and established as an alternative to the traditional National Park Service designation. This can be accomplished in a very cost effective and efficient method, without creating unnecessary Federal management and expense to the taxpayer.

My bill, when enacted, will encourage appropriate partnerships among Federal agencies, State, and local governments, nonprofit organizations, and the private sector, or combinations thereof, to conserve and manage these important resources.

This bill will authorize the Secretary of the Interior to provide technical assistance and limited grants to State and local governments and private nonprofit organizations, to study and promote the potential for conserving, maintaining, and interpreting these areas for the benefit of all Americans—now and in the future.

In addition, this legislation would direct the Secretary of the Interior to set the standards by which areas may be eligible and designated as national heritage areas.

Mr. President, most important, this legislation, when enacted, will empower individuals, groups, and organizations to be true partners with the Federal Government. By giving the groups the decisionmaking authority, as well as a share of the fiscal responsibility, they will be able to maintain local control and ultimate oversight of the very areas they work so hard to save. Who better to manage our natural and cultural heritage, than those who are already going above and beyond their duties as Americans to preserve, restore, and protect these wonderful areas.

Mr. President, I ask unanimous consent that a section-by-section analysis of the legislation be printed in the RECORD for the benefit of my colleagues.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS—NATIONAL HERITAGE ACT OF 1995

Section 1 entitles the Act the ''National Heritage Act of 1995''.

Section 2 sets forth Congressional findings.

Section 3 states the purposes of the Act.

Section 4 defines terms used in the Act.

Section 5(a) establishes a National Heritage Areas Partnership Program within the Department of the Interior to promote nationally distinctive natural, historic, scenic, and cultural resources and to provide opportunities for conservation, education, and recreation through recognition of and assistance to areas containing such resources.

Subsection (b) authorizes the Secretary of the Interior (the ''Secretary'' as used in this Act) (1) to evaluate areas nominated under this Act for designation as National Heritage Areas according to criteria established in subsection (c) below, (2) to advise State and local governments and other entities regarding suitable methods of recognizing and conserving thematically and geographically linked natural, historic, and cultural resources and recreational opportunities, and (3) to make grants to units of government and nonprofit organizations to prepare feasibility studies, compacts, and management plans.

Subsection (c) lists the eligibility criteria for designation as a National Heritage Area.

Subparagraph (1) states that the area shall be an assemblage of natural, historic, cultural, or recreational resources that represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use and that such resources are best managed as such an assemblage, through partnerships among public and private entities.

Subparagraph (2) states that the area shall reflect traditions, customs, beliefs, or folklife, or some combination thereof, that are a valuable part of the story of the Nation.

Subparagraph (3) states that the area shall provide outstanding opportunities to conserve natural, cultural, historic, or recreational features, or some combination thereof.

Subparagraph (4) states that the area shall provide outstanding recreational and educational opportunities.

Subparagraph (5) states that the area shall have an identifiable theme or themes, and resource important to the theme(s) shall retain integrity that will support interpretation.

Subparagraph (6) states that residents, nonprofit organizations, other entities, and governments within the proposed area shall demonstrate support for designation of the area and appropriate management of the area.

Subparagraph (7) requires that the principal organization and units of government supporting the designation be willing to enter into partnership agreements to implement the compact for the area.

Subparagraph (8) requires the compact to be consistent with continued economic viability in the affected communities.

Subparagraph (9) requires the consent of local governments and notification of the Secretary for inclusion of private property within the boundaries of the area.

Subsection (d) states that designation of an area may only be made by an Act of Congress, and requires that certain conditions be met prior to designation. An entity requesting designation must submit a feasibility study and compact, and a statement of support from the governor of each state in which the proposed area lies. The Secretary must approve the compact and submit it and the feasibility study to Congress, along with the Secretary's recommendation.

Section 6 describes the feasibility studies, compacts, and management plans.

Subsection (a)(1) requires that each feasibility study be prepared with public involvement and include a description of resources and an assessment of their quality, integrity, and public accessibility, the themes represented by such resources, an assessment of impacts on potential partners, units of government and others, boundary description, and identification of a possible management entity for the area if designated.

Subparagraph (2) requires that compacts include a delineation of boundaries for the area, goals and objectives for the area, identification of the management entity, a list of initial partners in developing and implementing a plan for the area and statement of each entity's financial commitment and a description of the role of the State(s) in which the proposed National Heritage Area is located. This subsection requires public participation in development of the compact and a reasonable time table for actions noted in such compact.

Subparagraph (3) describes the plan for a proposed area. Such plan must take into consideration existing Federal, State, county, and local plans and include public participation. The plan shall specify existing and potential funding sources for the conservation, management, and development of the area. The plan will also include a resource inventory, policy recommendations for managing resources within the area, an implementation program for the plan by the management entity specified in the compact, an analysis of Federal, State, and local program coordination, and an interpretive plan for the National Heritage Area.

Subsection (b) requires the Secretary to approve or disapprove a compact within 90 days of receipt and directs the Secretary to provide written justification for disapproval of a compact to the submitter.

Section 7(a) outlines the duties of the management entity for a National Heritage Area. Duties include development of a heritage plan to be submitted to the Secretary within three years of designation. This section directs the management entity to give priority to implementation of actions, goals, and policies set forth in the compact and management plan for the area. The management entity is directed to consider the interests of diverse units of government, businesses, private property owners, and nonprofit groups in the geographic area in developing and implementing the plan, and requires quarterly public meetings regarding plan implementation.

Section (b) states that eligibility for technical assistance is suspended if a plan regarding a National Heritage Area is not submitted in accordance with the above provisions.

Subsection (c) prohibits the management entity for a National Heritage Area from using federal funding to acquire real property or interest in real property.

Subsection (d) states that a management entity is eligible to receive technical assistance funding for 7 years following area designation.

Section 8(a) states that National Heritage Area designation continues indefinitely unless the Secretary determines that the area no longer meets the criteria in section 5(c), the parties to the compact are not in compliance with the terms of the compact, the management entity has not made reasonable and appropriate progress in developing or implementing the management plan, or the use, condition, or development of the area is incompatible with the criteria in section 5(c) or with the compact. If such determination is made, the Secretary is directed to notify Congress with a recommendation for designation withdrawal.

Subsection (b) requires the Secretary to hold a public hearing within the area before recommending designation withdrawal.

Subsection (c) states that withdrawal of National Heritage Area designation shall become final 90 legislative days after the Secretary submits notification to Congress.

Section 9(a) outlines the duties and authorities of the Secretary. The Secretary may provide technical assistance and grants to units of government and private nonprofit organizations for feasibility studies, compacts and management plan development and implementation. The Secretary is prohibited from requiring recipients, as a condition of awarding technical assistance, to enact or modify land use restrictions. This subsection directs the Secretary to investigate, study, and monitor the welfare of all National Heritage Areas whose eligibility for technical assistance under this Act has expired and directs the Secretary to report on the condition of such areas to Congress.

Subsection (b) states that other Federal entities conducting activities directly affecting any National Heritage Area shall consider the potential effects of such activities on the plan for the area and requires consultation with the State containing the area.

Section 10 states that this Act does not affect any authority of Federal, State, or local governments to regulate land use, nor does this Act grant zoning or land use powers to any management entity for a National Heritage Area.

Section 11 is a fishing and hunting savings clause.

Section 12 authorizes an appropriation of not more than $8,000,000 annually for technical assistance and grants as outlined in section 9(a), and states that technical assistance and grants under this Act for a feasibility study, compact, or management plan may not exceed 75 percent of the cost for such study, compact, or plan. This section also places a total funding limit of $1,000,000 for each National Heritage Area, with an annual limit of $150,000 for a National Heritage Area for a fiscal year.

Section 13 states that the authorities contained in this Act shall expire on September 30 of the 15th fiscal year beginning after the date of enactment of this Act.

Section 14 requires the Secretary to submit a report of the status of the National Heritage Areas Program to Congress every 5 years.

Section 15 is a savings clause, preserving existing authorities contained in any law that designates an individual National Heritage Area or Corridor prior to enactment of this Act.●

By Mr. HATCH (for himself and Mr. KENNEDY):

S. 1111. A bill to amend title 35, United States Code, with respect to patents on biotechnological processes; to the Committee on Labor and Human Resources.

THE BIOTECHNOLOGY PATENT PROTECTION ACT OF 1995

Mr HATCH. Mr. President, today, I rise with Senator KENNEDY to introduce the Biotechnology Patent Protection Act of 1995, S. 1111. This bill is similar to legislation which passed the Senate last year, and is identical to a measure reported by the House Judiciary Committee on June 7.

It is abundantly clear that the current patent law is not adequate to protect our creative American inventors who are on the cutting edge of scientific experimentation. Through biotechnological research, for example, scientists are using recombinant processes to mass-produce proteins that are useful as human therapeutics.

The potential for unfair foreign competition, however, threatens the capital base of the biotechnology research industry. Clearly, without a protected end product that can be sold or marketed, there is little incentive to invest millions of dollars in biotechnology research.

The Hatch-Kennedy legislation extends patent protection in biotechnology cases to the process if there is a patentable starting product, offering the biotechnology research industry valuable and needed protection.

Specifically, the Biotechnology Patent Protection Act modifies the test for obtaining a process patent by clarifying *In Re Durden*, 763 F. 2d 1406 (Fed. Cir. 1985).

In Durden, the Federal circuit held that the use of a novel and nonobvious starting material with a known chemical process, producing a new and nonobvious product, does not render the process itself patentable. The erroneous application of Durden, a nonbiotechnology process patent case, to biotechnology process patent cases has led to devastating results for the biotechnology industry.

Under the current Patent Code, an inventor may hold a patent and still be unable to bar the importation of a product made abroad with the use of the patented material, if the inventor has been unable to obtain patent protection for the process of using such material.

The biotechnology field is particularly vulnerable to abuse under Unfortunately, the naturally occurring human protein was extremely difficult to obtain or produce.

Amgen scientists, using recombinant DNA technology and molecular biology, were able to produce an erythropoietin product, for the first time ever. Amgen was able to obtain a patent for the gene encoding and for the host cell, but not for the process of making the product, or for the final product.

With knowledge of Amgen's development, Chugai, a Japanese company, began manufacturing a similar protein in Japan using the patented recombinant host cell. Since the process of placing genes in host cells is prior art, thus unpatentable, and the end product is a previously known human protein, thus unpatentable, Amgen was without any recourse under our patent law when Chugai imported the erythropoietin product.

The proposed legislation would extend patent protection to the process of making new and nonobvious products. Thus, if a process makes or uses a patentable material, the process, too, will be patentable. The fact that the steps in the process, or most of the materials in the process are otherwise known in the art should not make a difference. Obviousness should be determined with regard to the subject matter as a whole, as the current Patent Code suggests.

S. 1111 will also make our patent law consistent, at least in the field of biotechnology, with the patent examination standards now practiced by the European and Japanese patent offices. American technology and research has been exploited by the legal loophole that can no longer be tolerated.

This bill is identical in substance to last year's Senate legislation, with one exception. This year's bill changes the definition of ''biotechnological process'' to include the wide range of technologies currently used by the biotechnology industry. New subparagraph 102(b)(3)(A) has been rewritten to cover the enhanced expression of a gene product—via the addition of promoter genes—and gene deletion and inhibition.

We were very disappointed when the Senate bill, which passed last year, died in the House Judiciary Committee. The House version of the bill introduced last year was drafted to address issues broader than biotechnology industry, due to then Chairman Hughes' insistence that the measure not be industry specific, an approach which was not acceptable to the Senate.

This Congress, CARLOS MOORHEAD, chairman of the Courts and Intellectual Property Subcommittee, has shown great leadership in sponsoring the narrower version, which was reported by the Judiciary Committee June 7. The bill we introduce today is identical to the House-reported measure.

Mr. President, the Hatch-Kennedy biotechnology process patent bill will restore fairness to inventors, promote and protect investment in biotechnology research, and eliminate the foreign piracy of our intellectual property. We commend this measure to our colleagues' attention.

By Mr. LAUTENBERG (for himself and Mr. SIMON):

S. 1113. A bill to reduce gun trafficking by prohibiting bulk purchases of

hand guns; to the Committee on the Judiciary.

THE ANTI-GUN TRAFFICKING ACT

● Mr. LAUTENBERG. Mr. President, today Senator SIMON and I are introducing legislation, the Anti-Gun Trafficking Act, to reduce interstate gun trafficking by prohibiting bulk purchases of handguns. The bill generally would prohibit the purchase of more than one handgun during any 30-day period.

Mr. President, the United States is suffering from an epidemic of gun violence. Tens of thousands of Americans die every year because of guns, and no communities are safe. Reducing the violence must be a top national priority,

Mr. President, my State of New Jersey has adopted strict controls on guns. We have banned assault weapons, and we have established strict permitting requirements for handgun purchases. Yet the effectiveness of these restrictions is substantially reduced because the controls in other States are far less strict.

Unfortunately, many criminals are making bulk purchases of handguns in States with weak firearm laws and transporting them to other States with tougher laws, like New Jersey. This has helped spread the plague of gun violence nationwide, and there is little that any one State can do about it.

A few years ago, the State of Virginia enacted legislation that was designed to prevent gunrunners from buying large quantities of handguns in Virginia for export to other States. Under the legislation, handgun purchases were limited to one per month.

The Virginia statute has proved very effective in controlling gun trafficking from Virginia. A study by the Center to Prevent Handgun Violence found that for guns purchased after the law's effective date, there was a 65-percent reduction in the likelihood that a gun traced back to the Southeast from the Northeast corridor would have originated in Virginia.

Mr. President, Virginia's experience suggests that a ban on bulk purchases can substantially reduce gunrunning. However, to truly be effective, such a limit must be enacted nationwide. Otherwise, gunrunners simply will move their operations to other States.

The legislation I am introducing today proposes such a nationwide limit.

Under the legislation, an individual other than a licensed firearms dealer generally would be prohibited from purchasing more than one handgun in any 30-day period. Similarly, the bill would make it unlawful for any dealer, importer, or manufacturer to transfer a handgun to any individual who has received a handgun within the last 30 days. Violators would be subject to a fine of up to $5,000 and a prison sentence of up to 1 year.

The legislation would provide an exception in the rare case where a second handgun purchase is necessary because of a threat to the life of the individual or of any member of the individual's household.

Mr. President, I do not claim that this bill will end all handgun violence. However, it is a reasonable and modest step in the right direction. I also would note that President Clinton has endorsed the adoption of a once-a-month handgun purchase limit.

I hope my colleagues will support the legislation.

I ask unanimous consent that a copy of the legislation be printed in the RECORD along with other related materials.

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

S. 1113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Anti-Gun Trafficking Act of 1995''.

SEC. 2. MULTIPLE HANDGUN TRANSFER PROHIBITION.

(a) IN GENERAL.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

''(y)(1)(A)(i) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer—

''(I) during any 30-day period, to transfer 2 or more handguns to an individual who is not licensed under section 923; or

''(II) to transfer a handgun to an individual who is not licensed under section 923 and who received a handgun during the 30-day period ending on the date of the transfer.

''(ii) It shall be unlawful for any individual who is not licensed under section 923 to receive 2 or more handguns during any 30-day period.

''(iii) It shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to transfer a handgun to an individual who is not licensed under section 923, unless, after the most recent proposal of the transfer by the individual, the transferor has—

''(I) received from the individual a statement of the individual containing the information described in paragraph (3);

''(II) verified the identification of the individual by examining the identification document presented; and

''(III) within 1 day after the individual furnishes the statement, provided a copy of the statement to the chief law enforcement officer of the place of residence of the individual.

''(B) Subparagraph (A) shall not apply to the transfer of a handgun to, or the receipt of a handgun by, an individual who has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the individual during the 10-day period ending on the date of the transfer or receipt, which states that the individual requires access to a handgun because of a threat to the life of the individual or of any member of the household of the individual.

''(2) Paragraph (1) shall not be interpreted to require any action by a chief law enforcement officer which is not otherwise required.

''(3) The statement referred to in paragraph (1)(A)(iii)(I) shall contain only—

''(A) the name, address, and date of birth appearing on a valid identification document (as defined in section 1028(d)(1)) of the individual containing a photograph of the individual and a description of the identification used;

''(B) a statement that the individual—

''(i) is not under indictment for, and has not been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

''(ii) is not a fugitive from justice;

''(iii) is not an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act);

''(iv) has not been adjudicated as a mental defective or been committed to a mental institution;

''(v) is not an alien who is illegally or unlawfully in the United States;

''(vi) has not been discharged from the Armed Forces under dishonorable conditions;

''(vii) is not a person who, having been a citizen of the United States, has renounced such citizenship;

''(viii) has not received a handgun during the 30-day period ending on the date of the statement; and

''(ix) is not subject to a court order that—

''(I) restrains the individual from harassing, stalking, or threatening an intimate partner of the individual or child of such intimate partner or of the individual, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child;

''(II) was issued after a hearing of which the individual received actual notice, and at which the individual had the opportunity to participate; and

''(III)(aa) includes a finding that the individual represents a credible threat to the physical safety of such intimate partner or child; or

''(bb) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury;

''(C) the date the statement is made; and

''(D) notice that the individual intends to obtain a handgun from the transferor.

''(4) Any transferor of a handgun who, after the transfer, receives a report from a chief law enforcement officer containing information that receipt or possession of the handgun by the transferee violates Federal, State, or local law shall immediately communicate all information the transferor has about the transfer and the transferee to—

''(A) the chief law enforcement officer of the place of business of the transferor; and

''(B) the chief law enforcement officer of the place of residence of the transferee.

''(5) Any transferor who receives information, not otherwise available to the public, with respect to an individual in a report under this subsection shall not disclose such information except to the individual, to law enforcement authorities, or pursuant to the direction of a court of law.

''(6) In the case of a handgun transfer to which paragraph (1)(A) applies—

''(A) the transferor shall retain—

''(i) the copy of the statement of the transferee with respect to the transfer; and

''(ii) evidence that the transferor has complied with paragraph (1)(A)(iii)(III) with respect to the statement; and

''(B) the chief law enforcement officer to whom a copy of a statement is sent pursuant to paragraph (1)(A)(iii)(III) shall retain the copy for at least 30 calendar days after the date the statement was made.

''(7) For purposes of this subsection, the term 'chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer, or the designee of any such individual.

''(8) This subsection shall not apply to the sale of a firearm in the circumstances described in subsection (c).

''(9) The Secretary shall take necessary actions to assure that the provisions of this

subsection are published and disseminated to dealers and to the public.''.

(b) PENALTY.—Section 924(a) of such title is amended by redesignating the 2nd paragraph (5) as paragraph (6) and by adding at the end the following:

''(7) Whoever knowingly violates section 922(y) shall be fined not more than $5,000, imprisoned for not more than 1 year, or both.''.

(c) EFFECTIVE DATE.—The amendments made by this Act shall apply to conduct engaged in 90 or more days after the date of the enactment of this Act.

[From the Washington Post, Mar. 10, 1993]

VIRGINIA ON GUNS: PLEASE COPY

Virginia's new handgun law won't produce a cease-fire across the state, nor will the Old Dominion benefit the most from the state's one-handgun-a-month limit on most purchasers. But what it should do—and can do—is more important. As the supporters were saying all along, the gunrunners up and down the East Coast won't have it so easy anymore. It was the state's reputation as the favorite stop-and-shop outlet for concealable weapons along the Atlantic Seaboard that propelled such strong bipartisan votes in Richmond. And it is those votes that should now signal Congress that a federal copy of the Virginia law would be politically possible and immensely popular.

For sure, the NRA will be all over Capitol Hill, warning that one handgun a month is just a cover for total disarmament of every peace-loving, government-fearing individual. That's what the lobbyists said in Richmond, but Republicans and Democrats—gun owners as well as those who wouldn't touch a firearm—didn't buy it. The lawmakers heard their constituents calling for reasonable ways to curb traffic in weapons that most people don't stockpile. They read polls showing intense public concern about the ease with which guns could be bought and resold in huge quantities for evil purposes. The legislators also learned that they could infuriate the NRA leaders, enact this measure and survive politically—with strong support from every major law enforcement organization in the country.

Now Virginia's delegation in Congress should spread the word that a federal version of this law would curb the trafficking of handguns that crosses state lines from coast to coast. With this reasonable purchase limit—and with passage of the Brady bill to establish a workable waiting period—America, like Virginia, might begin to shake its reputation as a global arsenal for criminals. The climate is right.

[From the New York Times, Feb. 4, 1993]

ONE GUN PER MONTH

Effective gun control requires national laws because so many firearms used in urban crime are smuggled across state lines. The latest proposal growing out of concern over gun trafficking in Virginia is simple and potentially powerful: Limit purchases of handguns by an individual to one per month.

Virginia's Governor, Douglas Wilder, has been pushing a one-gun-per-month bill for his state because it has become a source for illegal gun smuggling on the East Coast. Dealers from New York City, where local laws sharply restrict access to guns, drive to Virginia and fill the trunks of their cars with weapons purchased in stores with the help of local residents. Then they haul the guns back to New York and sell them illegally on the street at huge markups.

Since it wouldn't pay to travel back and forth for one gun at a time, limiting purchases to one per month could quickly put the smugglers out of business in Virginia.

But why put them out of business only there? Closing down the pipeline from Virginia will most likely result only in new ones opening elsewhere. After South Carolina enacted such a law in 1975, it ceased to be a crime gun supermarket. Smugglers apparently shifted much of their business to Virginia and Florida.

A Federal law imposing the limit for all states would shut down all the potential pipelines at once. Representative Robert Torricelli of New Jersey has introduced a bill to do just that. Like the Virginia law, it imposes a one-gun-per-month limit with provisions for those few cases of people who lose a recently purchased gun and have urgent need to buy another.

The gun lobby is already screaming about intolerable trespass on individual and commercial freedom. Yet South Carolina's law had no detrimental effects; it simply limited interstate trafficking that had gotten out of hand.

Even the most avid collector isn't likely to want—or be able to afford—more than 12 handguns a year. Legitimate gun dealers don't base their success on multiple sales to individuals.

Some supporters of gun control worry that the Torricelli bill could distract from the Brady bill, which would impose a national five-day waiting period between purchase and delivery of a handgun. That bill remains important to reduce both interstate trafficking and crime in general.

But with gun crime out of control, why should the nation have to choose? Both measures merit early attention in Congress and the support of all Americans who favor a common-sense approach to public safety.

EVALUATING THE IMPACT OF VIRGINIA'S ONE-GUN-A-MONTH LAW

(By Douglas S. Weil, Sc.D., and Rebecca Knox, M.P.H., M.S.W., Center to Prevent Handgun Violence)

EXECUTIVE SUMMARY

Introduction

In response to a growing reputation as a principal supplier of firearms to the illegal market—particularly in the Northeastern United States—Virginia enacted a law (which was implemented July 1993) restricting handgun purchases to one per month per individual. The purpose of this study was to determine whether limiting handgun purchases to one per month is an effective way to disrupt the illegal movement of firearms across state lines.

Hypothesis

The hypothesis tested was that the odds of tracing a gun, originally acquired in the Southeast region of the United States, to a Virginia gun dealer, if it was recovered in a criminal investigation outside of the region, would be substantially lower for guns purchased after Virginia's one-gun-a-month law took effect, than for guns purchased prior to implementation of the law.

Methods

The principal analytic method used in this analysis was to estimate the odds ratio for tracing a firearm to a gun dealer in Virginia relative to a gun dealer in the other Southeastern states (as defined by the Bureau of Alcohol, Tobacco and Firearms (BATF)), for guns purchased prior to Virginia's one-gun-a-month law's effective date compared to guns purchased after the law was enacted. The data, including information about 17,082 guns traced to the Southeast, come from the firearms trace database compiled by the BATF.

Results

The hypothesis was substantiated by the data. The odds of tracing a gun, originally acquired in the Southeast region, to a Virginia gun dealer, and not to a gun dealer in another Southeastern state, were substantially lower for firearms purchased after Virginia's one-gun-a-month law took effect, than for firearms purchased prior to implementation of the law.

Specifically, for guns recovered: Anywhere in the United States (including Virginia), the odds were reduced by 36%; in the Northeast Corridor (NJ, NY, CT, RI, MA), the odds were reduced by 66%; in New York, the odds were reduced by 71%; in New Jersey, the odds were reduced by 57%; and in Massachusetts, the odds were reduced by 72%.

Conclusion

Most gun control policies currently advocated in the United States (e.g., licensing, registration and one-gun-a-month) could be described as efforts to limit the supply of guns available in the illegal market. This study provides persuasive evidence that restricting handgun purchases to one per month per individual is an effective means of disrupting the illegal interstate transfer of firearms. Based on the results of this study, Congress should consider enacting a federal version of the Virginia law.

INTRODUCTION

In July 1993, a Virginia law limiting handgun purchases by an individual to one gun in a thirty day period took effect.[1] Prior to the one-gun-a-month law, individuals were able to purchase an unlimited number of handguns from licensed dealers.

The law was passed in response to Virginia's growing reputation as a principal supplier of guns to the illegal market in the Northeastern United States.[2] Statistics from the Bureau of Alcohol, Tobacco, and Firearms (BATF) provided evidence of the magnitude of gun trafficking from Virginia. The BATF reported that 41% of a sample of guns seized in New York City in 1991 were traced to Virginia gun dealers.[3] Virginia has long been a primary out-of-state source of recovered crime guns traced in Washington, D.C.[4] and Boston.[5]

Virginia is not the only out-of-state source of firearms illegally trafficked along the Eastern Seaboard. In fact, the BATF has identified the illegal movement of firearms from states in the Southeast northward to states along Interstate 95 (sometimes referred to as the ''Iron Pipeline''[6]), as one of three principal gun trafficking routes in the country.[7] The same BATF report that identified Virginia as the principal out-of-state source of guns used in crime in New York City noted that a high percentage of recovered guns also came from Florida and Georgia. Together, the three states accounted for 65% of all successfully traced firearms in New York City. Investigators also found that 25% successfully traced firearms recovered in Baltimore were originally purchased in the Southeastern United States.[8]

Interstate gun trafficking occurs, in part, because of the disparity in state laws governing gun sales. As a result, the ''street price'' of firearms in localities with restrictive gun laws is significantly greater than the retail price for the same guns purchased in states where laws are less stringent. For example, low quality, easily concealable guns like the Raven Arms MP–25, the Davis P–38 and the Bryco Arms J–22 which retail less than $100 can net street prices between $300 and $600.[9] The ability to buy many guns at a retail price to be sold elsewhere at a higher street price suggests that the purchase of multiple firearms in a single transaction is an integral part of the profit motive which supports the illegal market.

The objective behind Virginia's passage of the one-gun-a-month law was to undermine

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Footnotes at end of study.

the economic incentive created by the disparities in gun laws among the states—an objective supported by historical evidence. In 1975, South Carolina limited purchases of firearms to one gun in a thirty day period. Prior to enactment of the law, South Carolina was a primary out-of-state source of guns used in crime in New York City. After the passage of the law, South Carolina was no longer a primary source of guns for New York City.[10]

PURPOSE OF THE STUDY

The objective of this study was to assess the effect of Virginia's one-gun-a-month law on gun trafficking patterns, particularly along the ''Iron Pipeline.''

DATA

The data[11] used in the analysis come from the firearms trace database compiled by the Bureau of Alcohol, Tobacco and Firearms (BATF). Law enforcement agencies can request that the BATF trace a gun which has been recovered in connection with a criminal investigation. BATF staff at the National Tracing Center (NTC) contact the manufacturer of the firearm to identify which wholesaler or retail dealer received the gun. NTC staff then contact each consecutive dealer who acquired the firearm until the gun is either traced to the most recent owner or, until the gun can be traced no further. There is no requirement that records of gun transfer be maintained by non-gun dealers who sell a firearm. Consequently, the tracing process often ends with the first retail sale of the gun.

As part of the tracing process, information is collected on several variables including the location of the gun dealer or dealers who have handled the gun (by state and region); when the gun was purchased; when and where the trace was initiated; and, the manufacturer, model and caliber of the firearm being traced.

The firearms trace database contained in excess of a half million records pertaining to approximately 295,000 firearms (9/89 through 3/95). The database contains more records than firearms because two or more traces can be of the same gun, as part of the same criminal investigation. Multiple traces of a particular gun is an indication that the weapon was transferred from federally licensed firearms dealer to another dealer before it was sold to a non-licensed individual. Since 1990, the number of traces conducted each year has more than doubled to approximately 85,000 in 1994.

METHODS

The principal analytic method used in the study was to estimate the odds ratio for tracing a firearm to a gun dealer in Virginia relative to a dealer in the other Southeastern states (as defined by the BATF), for guns purchased prior to Virginia's one-gun-a-month law's effect date compared to guns purchased after the law was enacted.

In other words, the data were classified by two criteria: (1) where the gun was purchased (from a gun dealer in Virginia or from a dealer in another state in the Southeast region of the country), and (2) when a traced firearm was purchased (before or after implementation of the Virginia law). The odds ratio was calculated by comparing the odds of a gun being traced to a gun dealer in the state of Virginia relative to a dealer in another part of this region, for guns purchased prior to the law's implementation and for guns purchased after the law took effect.

The Southeast region was identified as the comparison group for Virginia because the region has long been identified as a principal source of out-of-state firearms for the Easter Seaboard.[7] In addition to Virginia, the Southeast region includes North and South Carolina, Georgia, Florida, Alabama, Mississippi and Tennessee. Only guns traced to a dealer in the Southeast region were incorporated into the analysis.

The BATF no longer traces firearms manufactured prior to 1985 without being specifically requested to do so. Results are reported in this analysis only for guns purchased since January 1985. However, a sensitivity analysis was conducted incorporating data for all firearms for which date of purchase information was available. The results of the analysis were essentially unchanged by the sensitivity analysis; the conclusions would not change.

The period studied for which there is data after implementation of the law was 20 months long. Consequently, the possibility that seasonal variation in gun trafficking patterns could have effected the results of the analysis was studied. A sensitivity analysis was conducted excluding guns purchased more than one full year after the Virginia law took effect. The results of the sensitivity analysis were not significantly different from those of the principal analysis; the conclusions would not change.

Date of purchase information was not available for all guns in the firearms trace data set. The distribution of guns traced to the Southeast region (to gun dealers in Virginia relative to the rest of the region) is similar for the subset of data for which date of purchase information was available (24%), and the subset for which date of purchase information was not available (21%).

The Virginia law pertains to acquisition of handguns by individuals who are not federally licensed firearms dealers. Therefore, the origin of a gun which had been transferred from a dealer in one state to a dealer in a second state was considered to be the last dealer's location. In other words, if a firearm was transferred by a dealer in Georgia to a dealer in Virginia, who then sold the gun to an individual who was not a licensed dealer, the gun would be considered a Virginia gun.

Odds ratios were estimated for traces initiated: (1) anywhere in the United States; (2) the Northeast corridor taken as whole (New Jersey, New York, Connecticut, Rhode Island and Massachusetts); and, (3) for each of the Northeast states individually considered. For each iteration, the hypothesis being tested remained the same, and was that: the odds of a gun, purchased after enactment of Virginia's one-gun-a-month law, being traced to a Virginia gun dealer relative to a gun dealer in another part of the Southeast, were significantly lower than for guns purchased prior to enactment of the law.

A significant reduction in the odds would provide evidence that the Virginia law effectively helped to reduce gun trafficking from the state.

RESULTS

The date a gun was purchased and the date the trace request was made was available for 55,856 (19%) of the guns in the database. Of these guns, 17,082 (30.6%) were traced to a dealer located in the Southeast region. Approximately one in four guns (24%) traced to the Southeast were traced to a Virginia gun dealer.

Cross-tabulations indicate that there is an association between when a firearm was acquired (before or after the Virginia law went into effect) and where it was obtained (either from a Virginia gun dealer or a gun dealer in another state located in the Southeast). Twenty-sever percent of all guns purchased prior to passage of the one-gun-a-month law (including guns recovered in Virginia), which were traced to a gun dealer in the Southeast, were acquired from a Virginia gun dealer. Only 19% of guns purchased after the law went into effect and similarly traced to a dealer in the Southeast were acquired in Virginia. In other words, there was a 36% reduction in the likelihood that a traced gun from anywhere in the nation was acquired in Virginia relative to another Southeastern state, for firearms purchased after the one-gun-a-month law took effect compared to guns purchased prior to enactment of the law (Odds Ratio=0.64; $p<0.0001$) (Table 1).

The magnitude of the association between when a gun was purchased and where it was acquired was greater when the analysis focused on gun traces initiated in the Northeast corridor of the United States (New Jersey, New York, Connecticut, Rhode Island or Massachusetts). For gun traces originating in the Northeast, there was a 66% reduction in the likelihood that a gun would be traced to Virginia relative to a gun dealer elsewhere in the Southeast for guns purchased after the one-gun-a-month law took effect when compared to guns purchased prior to law's effective date (OR=0.34;$p<0.0001$).

Even stronger associations were identified for gun traces initiated in individual states—specifically for traces of guns recovered in New York and Massachusetts. Among the guns from the Southeast recovered in New York, 38% purchased prior to implementation of the Virginia law were traced to Virginia gun dealers compared to 15% of guns from the Southeast which were purchased after the law took effect (OR=0.29;$p<0.0001$). In Massachusetts, the percentages were 18 and 6 (OR=0.28;$p<0.32$). In other words, implementation of the law was associated with a 71% reduction in New York and a 72% reduction in Massachusetts in the likelihood that a traced gun originally purchased in the Southeast would be traced to a Virginia gun dealer as opposed to a dealer in another Southeastern state.

TABLE 1

[Estimated odds ratio that a firearm, purchased after implementation of the Virginia one-gun-a-month law, would be traced to a Virginia gun dealer relative to a gun dealer in another state in the southeastern region of the country compared to firearms purchased prior to the law.]

Firearms recovered in	Guns traced to dealer in	Guns purchased prior to law (%)	Guns purchased after law implemented (%)	Odds ratio (95% CI)	p-value
All states (n=14606)[1]	VA	27.0	19.0	0.64 (0.58–0.71)	<0.0001
	SE–VA[2]	73.0	81.0		
Northeast Corridor (NJ, NY, CT, RI, MA) (n=4088)	VA	34.8	15.5	0.34 (0.28–0.41)	<0.0001
	SE–VA	65.2	84.5		
NJ (n=729)	VA	28.7	17.7	0.53 (0.35–0.80)	=0.003
	SE–VA	71.3	82.3		

TABLE 1—Continued

[Estimated odds ratio that a firearm, purchased after implementation of the Virginia one-gun-a-month law, would be traced to a Virginia gun dealer relative to a gun dealer in another state in the southeastern region of the country compared to firearms purchased prior to the law.]

Firearms recovered in	Guns traced to dealer in	Guns purchased prior to law (%)	Guns purchased after law implemented (%)	Odds ratio (95% CI)	p-value
NY (n=2991)	VA	38.2	15.3	0.29 (0.23–0.36)	<0.0001
	SE–VA	61.8	84.7		
CT (n=53)	VA	34.1	33.3	0.96 (0.21–4.39)	=0.97
	SE–VA	65.9	66.7		
RI (n=14)	VA	7.1	(3)	(3) (3)	(3)
	SE–VA	92.9	(3)		
MA (n=301)	VA	18.0	5.9	0.28 (0.80–0.94)	=0.032
	SE–VA	82.0	94.1		

[1] n=number of guns traced to the Southeast. [2] SE–VA=all states of the Southeast except Virginia. [3] Not available.

COMMENT

In 1993, 1.1 million violent crimes were committed with handguns.[12] Studies show that anywhere from 30% to 43% of criminals identified the illegal market as the source of their last handgun.[13] The illegal market exists for several reasons: would-be criminals may be unable to buy handguns because prior criminal records disqualify them from over-the-counter purchases, or the gun laws in their states prevent them from obtaining a handgun quickly and easily. In addition, would-be criminals do not want to make over-the-counter purchases because the handgun eventually can be traced back to them.

Local and state legislative bodies have created a patchwork of weak and strong laws regulating handgun sales across the country. In some jurisdictions purchasers may need a permit to possess a handgun,[14] or may be required to wait before the transfer is allowed to go forward.[15] In other jurisdictions, however, there are now restrictions on the sale of handguns beyond the few imposed by federal law.[16] Consequently, the jurisdictions with ''weaker'' gun retail laws attract gun traffickers who buy firearms in these jurisdictions and transport their purchases illegally to areas with ''stronger'' regulation. The guns are then sold illegally on the street to ineligible buyers (e.g., felons or minors), or to people who want guns that cannot be traced back to them.

The BATF recently completed a study on gun trafficking in southern California where a 15-day waiting period applies. The study found that more than 30% of the guns recovered in crime in that region which could be traced back to a gun dealer came from outside California.[17] Almost a third of these out-of-state guns were sold initially by dealers in Nevada, Arizona, and Texas, where the most exacting rules concerning handgun sales are the minimum restrictions set forth in federal law.[18] The experience in New York city is the same. For example, the BATF reports that 66% of all the guns recovered in crime in that city in 1991 and traced by the Bureau were originally obtained in Virginia, Florida, Ohio and Texas—states with ''weak'' gun laws compared to New York.[19]

The ability to purchase large numbers of firearms, which have a much higher street value than their commercial price, enables gun traffickers to make enormous profits and keep their ''business'' costs to a minimum. For example, convicted gun runner Edward Daily ''hired'' several straw purchasers to buy approximately 150 handguns in Virginia and North Carolina. Daily traded the handguns in New York City for cash and drugs and reaped profits of $300 per gun on smaller caliber handguns and $600 per gun for more powerful assault pistols like the TEC–9 and MAC–11.[20]

In March 1991, Owen Francis, a Bronx, New York, resident, drove to Virginia and, without having to show proof of residency, obtained a Virginia driver's license. Within a short time, Francis had purchased five Davis Saturday Night Specials—the most common handgun traced to crime between 1990–1991, according to the BATF[21]—and returned to New York and sold the guns. Francis was arrested a few weeks later when he returned to Virginia to buy four more Davis handguns.[22]

High-volume multiple sales are common. The BATF field division for southern California recently reviewed over 5,700 instances of multiple sales. Almost 18% of these multiple sales involved individual purchases of three or more guns.[23] Theoretically, prohibiting multiple purchase transactions should be an effective policy means to disrupt established gun trafficking patterns while ultimately reducing the supply of firearms available in the illegal market. The effects of the Virginia one-gun-a-month law seem to support the theory.

The results of this study provide strong evidence that restricting purchases of handguns to one per month is an effective way to disrupt the illegal movement of guns across state lines. The analysis of the firearms trace database shows a strong, consistent pattern in which guns originally obtained in the Southeast are less likely to be recovered as part of a criminal investigation and traced back to Virginia if they were purchased after the Virginia law went into effect. There was a 65% reduction in the likelihood that a gun traced back to the Southeast would be traced to Virginia for guns recovered in the Northeast Corridor; a 70% reduction for guns recovered in either New York or Massachusetts; and, a 35% reduction for guns recovered anywhere in the United States.

While evidence generated from this study is strong, a change in the laws governing gun purchases in the other southeastern states (e.g., Florida or Georgia) which makes the laws in those states more permissive after July 1993 could provide an alternative explanation for the findings. A review of laws related to private gun ownership in the southeastern region revealed no relevant changes, though Georgia will move to an instant check system and preempt local gun laws effective January 1996.[24]

While there are many strengths of this analysis, there are some limitations. First, additional research is needed to clarify what, if any displacement effects were created by the Virginia law (i.e., to what extent, if any, do gun traffickers successfully shift their activities to the next most attractive state for acquiring firearms). Second, all types of firearms are included in the analysis even though the Virginia law only restricts the purchase of handguns. This potentially results in an underestimate of the effect of the law. Third, the BATF does not trace all firearms recovered as part of a criminal investigation, and, for the firearms traced, some information (e.g., date of purchase) is not always available. Though it is unlikely that there is a systematic bias in the origin of guns from the Southeast which are recovered outside of the region, or with respect to which guns from the Southeast are traced (a gun's origin and date of purchase are not known prior to the trace), such a bias could alter the results leading to an over- or under-estimation of the association between passage of the Virginia law and the relative likelihood of Virginia guns turning up in the tracing data.

CONCLUSION

Most gun control policies currently being advocated in the United States (e.g., licensing, registration, and one-gun-a-month) could, most fairly, be described as efforts to limit the supply of guns available in the illegal market. In other words, these are policies crafted to keep guns from proscribed individuals. Once enacted, however, it is important to demonstrate that they are effective. This study, which looks at the impact of Virginia's one-gun-a-month law, provides persuasive evidence that a prohibition on the acquisition of more than one handgun per month by an individual is an effective means of disrupting the illegal interstate transfer of firearms. Based on the results of this study, Congress should consider enacting a federal version of the Virginia law.

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FOOTNOTES

[1] ''Code of Virginia,'' Section 18.2–308.2:2(Q). Often referred to as ''one-gun-a-month.''

[2] Larson, Erik, ''Lethal Passage: How the Travels of a Single Handgun Expose the Roots of America's Gun Crisis'', Crown Publishers, Inc., New York, 1994, p. 104

[3] BATF memo, ''Firearm/Homicide Statistics,'' June 16, 1992.

[4] Edds, Margaret, ''The Pipeline to the Streets of New York,'' Virginian-Pilot, January 3, 1993: A9.

[5] Montgomery, Bill, ''Guns Bought in Georgia Arm Northern Criminals,'' Atlanta Constitution, October 11, 1993: A1, A4.

[6] Id.

[7] Personal communication with Joe Vince of the Bureau of Alcohol, Tobacco, and Firearms, July 18, 1995.

[8] BATF and the Baltimore Police Department, ''1994 Baltimore Trace Study'', 1994: Appendix X.

[9] Freedman, Alix, Wall Street Journal, February 28, 1992: A1, A6.

[10] BATF memo, ''Firearm/Homicide Statistics,'' June 16, 1992.

[11] Obtained by the Center to Prevent Handgun Violence through the Freedom of Information Act.

[12] United States Department of Justice, Bureau of Justice Statistics, ''Guns Used in Crime'', July 1995.

[13] Sheley, Joseph F and Wright, James D, ''Gun Acquisition and Possession in Selected Juvenile Samples,'' National Institute of Justice and Office of Juvenile Justice and Delinquency Prevention, December 1993: 6; Beck, Alan, ''Survey of State Prison Inmates, 1991,'' National Institute of Justice, Bureau of Justice Statistics, March 1993: 19.

[14] N.Y. Penal Law Section 265.01, 265.20(f)(3) (no handgun purchases without previously receiving a license to possess a handgun). New York City law grants great discretion to the police commissioner in determining whether to issue a license to possess. N.Y.C. Admin. Code Section 10–131.

[15] Cal. Penal Code, Section 12071(b)(3)(A) (15 day waiting period for delivery of firearm).

[16] For example, Georgia law places no additional restrictions on the sale of handguns beyond those established by federal law. In fact, as of January 1996, Georgia will prohibit local jurisdictions from regulating handguns sales.

[17] Bureau of Alcohol, Tobacco and Firearms, ''Sources of Crime Guns in Southern California,'' 1995: 21–22.

[18] Id.

[19] BATF memo, ''Firearms/Homicide Statistics,'' June 16, 1992. See also Edds, Margaret, ''The Pipeline to the Streets of New York,'' Virginian-Pilot, January 3, 1993 at A9 (describing Project Lead data).

[20] ''Federal Firearms Licensing: Hearing Before the Subcomm. on Crime and Criminal Justice of the Committee on the Judiciary House of Representatives.'' 103rd Cong., 1st Sess., 8–10 (June 17, 1993) (hereinafter ''Housing Hearing'').

[21] Freedman, Alix, ''Fire Power: Behind the Cheap Guns Flooding the Cities is a California Family,'' Wall Street Journal, Feb. 28, 1992: A1, A6.

[22] Thomas, Pierre, ''Virginia Driver's License Is Loophole for Guns'', Washington Post, January 20, 1992: A1.

[23] BATF. ''Sources of Crime Guns in Southern California,'' 1995: 16–17.

[24] Laws reviewed included one-gun-a-month, bans on weapons, background checks, waiting period, regulation of private sales, license to purchase, and registration of sales.●

By Mr. LEAHY:

S. 1114. A bill to amend the Food Stamp Act of 1977 to reduce food stamp fraud and improve the Food Stamp Program through the elimination of food stamp coupons and the use of electronic benefits transfer systems, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE FOOD STAMP FRAUD REDUCTION ACT OF 1995

Mr. LEAHY. Mr. President, I want to invite all Members to cosponsor legislation with me which will eliminate illegal trafficking in food stamp coupons by converting to electronic benefit transfer, often called EBT, systems. I may offer this bill as an amendment to welfare reform or as an amendment to the farm bill or the Reconciliation Act.

Under President Bush, USDA noted that ''the potential savings are enormous'' if EBT is used in the Food Stamp Program.

The bill is designed to save the States money. Issuing coupons is expensive to States. Some States mail coupons monthly and pay postage for which they receive only a partial Federal reimbursement. When coupons are lost or stolen in the mail, States are liable for some losses.

It also saves State money by requiring that USDA pay for purchasing EBT card readers to be put in stores. Under current law, States pay half those costs.

Some States issue coupons at State offices, which involves labor costs. Under the bill, USDA pays for the costs of the cards and recipients are responsible for replacements and much of the losses. The bill does not allow the Secretary of Agriculture to impose liability on States except for their own negligence or fraud, as under current law. Other welfare reform proposals allow the Secretary to impose liability on States consistent with this administration's views on regulation E. I disagree with that policy.

The Federal EBT task force estimates that the bill will also save Federal taxpayers around $400 million over the next 10 years.

Under current law, States are required to use coupons, with some exceptions. About 2.5 billion coupons per year are printed, mailed, shipped, issued to participants, counted, canceled, redeemed through the banking system by Treasury, shipped again, stored, and then destroyed. That cost can reach $60 million per year in Federal and State costs. Printing coupons alone costs USDA $35 million a year.

EBT does not just cut State and Federal costs. The inspector general of USDA testified that EBT ''can be a powerful weapon to improve detection of trafficking and provide evidence leading to the prosecution of traffickers.''

The special agent in charge of the financial crimes division of the U.S. Secret Service testified that ''the EBT system is a great advancement generally because it puts an audit trail relative to the user and the retail merchant.''

Another Bush administration report determined that EBT promises ''a variety of Food Stamp Program improvements * * *. Program vulnerabilities to certain kinds of benefit loss and diversion can be reduced directly by EBT system features * * * [EBT] should facilitate investigation and prosecution of food stamp fraud.''

A more recent Office of Technology Assessment [OTA] report determined that a national EBT system might reduce food stamp fraud losses and benefit diversion by as much as 80 percent.

The bill is based on meetings with the U.S. Secret Service, the inspector general of USDA, the National Governors Association, the American Public Welfare Association, Consumers Union, the OTA, the Federal EBT task force, and the affected industries, and a full committee hearing last session of the Senate Agriculture Committee.

Perhaps nothing is totally fraud-proof, but EBT is clearly much better than the current system of paper coupons, and EBT under my bill will cut State costs. Let us be bold.

Under current law, 2.5 billion coupons are used once and then canceled—except for $1 coupons which may be used to make change. Would we consider it cost-efficient if all $5 bills, for example, could only be used once, then stored and destroyed?

EBT has an added benefit—it eliminates cash change. Under current law, food stamp recipients get cash change in food stamp transactions if the cash does not exceed $1 per purchase. That cash can be used for anything.

In conclusion, I am convinced that the single most important thing we can do to reduce fraud and State costs is to eliminate the use of coupons. I hope you will join with me in this effort.

The following is the summary of my EBT bill.

The bill alters the Food Stamp Act and requires that the Secretary of Agriculture no longer provide food stamp coupons to States within 3 years of enactment. In general, under current law States are required to use a coupon system.

Any Governor may grant his or her State an additional 2-year extension, and the Secretary can add another 6-month extension for a maximum of 5½ years.

At the end of that time period, coupons will no longer be provided to the State. Food benefits instead will be provided through electronic benefits transfer [EBT] or in the form of cash if authorized by the Food Stamp Act—for example, under a bill reported out the Senate Agriculture Committee by Senator LUGAR on June 14, 1995, States can cash out food stamp benefits as part of a wage supplementation program.

The bill is designed to piggy-back onto the current expansion of point-of-sale terminals found in many stores. The bill requires that stores, financial institutions and States take the lead in the conversion to EBT.

Under current law, States must pay for half the costs of the point-of-sale equipment put in stores, but USDA pays for 100 percent of the costs of printing coupons. Under Senator LEAHY's bill, USDA will pay for 100 percent of those equipment costs, and USDA will pay for 100 percent of the costs of the EBT cards.

My bill provides that regulation E will not apply to food stamp EBT transactions. Generally speaking, regulation E provides that credit card or debit card users are liable only up to the first $50 in unauthorized uses of lost or stolen debit cards—as long as such a loss is reported in a timely manner.

Under current law the State is considered the card issuer for food stamp EBT purposes. Regulation E has been a major impediment to implementation of EBT by States because States are liable for household fraud and nonhousehold member fraud.

While the risks are much lower for the Food Stamp Program than for debit cards—since EBT food cards only contain the balance of the unused food benefits rather than access to a bank account or a credit line, States are still worried about liability and oppose the application of regulation E rules.

Under my bill, USDA and the Federal Reserve Board are precluded from making States liable for losses associated with lost or stolen EBT cards—unless due to State fraud or negligence as under current law for coupons.

Under other welfare reform bills in the House and Senate, the Secretary of Agriculture would be allowed to impose additional liabilities on States for errors that should be charged to the recipient. For example, the Secretary could impose regulation E-type liabilities on States—although under these

bills the Federal Reserve Board would be barred from imposing those liabilities.

The bill specifically makes households liable for most EBT losses: however, they are not liable for losses after they report the loss or theft of the EBT card.

As under current law, States are liable for their own fraud and negligence losses.

The bill also provides that each recipient will be given a personal code number [PIN] to help prevent unauthorized use of the card.

Most of the liability provisions, unlike those in other welfare reform proposals, are based on the May 11, 1992, EBT steering committee report under the Bush administration which represents an outstanding analysis of the liability issue.

Under the bill, food stamp families will have to pay for replacement cards. However, once reported as lost or stolen, the old card will be voided, and a new card will be issued with the balance remaining.

The card holder will be responsible for any unauthorized purchases made between the time of loss and the household's reporting of the lost or stolen card. The card cannot be used without the PIN number. Households will be able to obtain transaction records, upon request, from the benefit issuer and that issuer will have to establish error resolution procedures as recommended by the 1992 EBT steering committee report.

Under the bill, USDA will no longer have to pay for the costs of printing, issuing, distributing, mailing and redeeming paper coupons—this costs between $50 million and $60 million a year.

Under the bill, in an effort to reduce the costs of implementing a nationwide EBT system, States and stores will look at the best way to maximize the use of existing point-of-sale terminals. They will follow technology, rather than lead technology.

The Federal EBT task force estimated that Federal costs could be reduced by $400 million under the proposed bill. I do not have an official CBO estimate yet.

Many stores now use or in the process of adding point-of-sale terminals which allow them to accept debit and credit cards. These systems can also be used for EBT.

Stores which choose not to invest in their own systems will receive reimbursements for point-of-sale card readers. USDA will pay for those costs.

If the store decides at a later date that it needs a commercial—debit or credit card—reader, the store will have to bear all the costs. In very rural areas, or in other situations such as house-to-house trade routes or farmers' markets, manual systems will be used and USDA will pay 100 percent of the costs of the equipment.

It is planned that this restriction—only Federal and State program readers paid for, with the upgrade at store expense—will encourage the largest possible number of stores to invest in their own point-of-sale equipment.

To the extent needed to cover costs of conversion to EBT, the Secretary is authorized to charge a transaction fee of up to 2 cents per EBT transaction—taken out of benefits. This provision is temporary. Households receiving the maximum benefit level—for that household size—may be charged a lower per transaction fee than other households.

While it is unfortunate that recipients have to be charged this fee they are much, much better off under an EBT system. In studies conducted regarding EBT projects participants have strongly supported its application.

In implementing the bill, the Secretary is required to consult with States, retail stores, the financial industry, the Federal EBT task force, the inspector general of USDA, the U.S. Secret Service, the National Governors Association, the Food Marketing Institute, and others.

In designing the bill we met with the Director of the Maryland EBT System, they have Statewide food stamp EBT, the National Governors Association, American Public Welfare Association, the Federal EBT task force, USDA Food and Consumer Services, Office of the inspector general of USDA, Food Marketing Institute, U.S. Secret Service, OMB, Treasury, Consumers Union, Public Voice for Food and Health Policy, the American Bankers Association, and representatives of retail stores.

I want to again invite each of you to cosponsor this legislation.

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

S. 1114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) IN GENERAL.—This Act may be cited as the ''Food Stamp Fraud Reduction Act of 1995''.

(b) REFERENCES.—Except as otherwise expressly provided, wherever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

SEC. 2. FINDINGS.

Congress finds that—

(1) Roger Viadero, Inspector General of the United States Department of Agriculture (USDA), testified before Congress on February 1, 1995, that: ''For many years we have supported the implementation of the Electronic Benefits Transfer, commonly called EBT, of food stamp benefits as an alternative to paper coupons.... EBT also provides a useful tool in identifying potential retail store violators. EBT-generated records have enabled us to better monitor and analyze sales and benefit activity at authorized retailers....[I]t can be a powerful weapon to improve detection of trafficking and provide evidence leading to the prosecution of traffickers.'';

(2) Robert Rasor, United States Secret Service, Special Agent in Charge of Financial Crimes Division, testified before Congress on February 1, 1995, that: ''The EBT system is a great advancement generally because it puts an audit trail relative to the user and the retail merchant.'';

(3) Allan Greenspan, Chairman of the Board of Governors, Federal Reserve System, has noted the ''importance of EBT for the food stamp program, and the potential advantages offered by EBT to government benefit program agencies, benefit recipients, and food retailers. (Indeed, EBT also would help reduce costs in the food stamp processing operations of the Federal Reserve System.)'';

(4) the Bush Administration strongly supported EBT for the food stamp program, including 1 report that noted ''The potential savings are enormous.'';

(5) in February 1991, a USDA publication noted that Secretary Yeutter proposed EBT as an element of the ''Department's strategy to reduce food stamp loss, theft, and trafficking.'';

(6) in March 1992, USDA noted: ''EBT reduces program vulnerability to some kinds of benefit diversion and provides an audit trail that facilitates efficient investigation and successful prosecution of fraudulent activity.... Benefit diversions estimated for an EBT system are almost 80 percent less.'';

(7) in tests of EBT systems, USDA reported during the Bush Administration that: ''EBT also introduces new security features that reduce the chance for unauthorized use of one's benefits as a result of loss or theft....[R]etailer response to actual EBT operations is very positive in all operational EBT projects.'';

(8) retail stores, the financial services industry, and the States should take the lead in converting from food stamp coupons to an electronic benefits transfer system;

(9) in the findings of the report entitled ''Making Government Work'' regarding the electronic benefits transfer of food stamps and other government benefits, the Office of Technology Assessment found that—

(A) by eliminating cash change and more readily identifying those who illegally traffic in benefits, a nationwide electronic benefits transfer system might reduce levels of food stamp benefit diversion by as much as 80 percent;

(B) with use of proper security protections, electronic benefits transfer is likely to reduce theft and fraud, as well as reduce errors, paperwork, delays, and the stigma attached to food stamp coupons;

(C) electronic benefits transfer can yield significant cost savings to retailers, recipients, financial institutions, and government agencies; and

(D) recipients, retailers, financial institutions, and local program administrators who have tried electronic benefits transfer prefer electronic benefits transfer to coupons;

(10) the food stamp program prints more than 375,000,000 food stamp booklets per year, including 2,500,000,000 paper coupons;

(11) food stamp coupons (except for $1 coupons) are used once, and each 1 of the over 2,500,000,000 coupons per year is then counted, canceled, shipped, redeemed through the banking system by 10,000 commercial banks, 32 local Federal reserve banks, and the Secretary of the Treasury, stored, and destroyed;

(12) food stamp recipients can receive cash change in food stamp transactions if the cash does not exceed $1 per purchase; and

(13) the printing, distribution, handling, and redemption of coupons costs at least $60,000,000 per year.

SEC. 3. ELIMINATION OF FOOD STAMP COUPONS.

Section 4 (7 U.S.C. 2013) is amended by adding at the end the following:

''(d) ELIMINATION OF FOOD STAMP COUPONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of this Act, effective beginning on the date that is 3 years after the date of enactment of this subsection, the Secretary shall not provide any food stamp coupons to a State.

''(2) EXCEPTIONS.—

''(A) EXTENSION.—Paragraph (1) shall not apply to the extent that the chief executive officer of a State determines that an extension is necessary and so notifies the Secretary in writing, except that the extension shall not extend beyond 5 years after the date of enactment of this subsection.

''(B) WAIVER.—In addition to any extension under subparagraph (A), the Secretary may grant a waiver to a State to phase-in or delay implementation of electronic benefits transfer for good cause shown by the State, except that the waiver shall not extend for more than 6 months.

''(C) DISASTER RELIEF.—The Secretary may provide food stamp coupons for disaster relief under section 5(h).

''(3) EXPIRATION OF FOOD STAMP COUPONS.—Any food stamp coupon issued under this Act shall expire 6 years after the date of enactment of this Act.''.

SEC. 4. IMPLEMENTATION OF ELECTRONIC BENEFITS TRANSFER SYSTEMS.

Section 7 (7 U.S.C. 2016) is amended—

(1) in subsection (i)—

(A) by striking ''(i)(1)(A)'' and all that follows through the end of paragraph (1) and inserting the following:

''(i) PHASE-IN OF EBT SYSTEMS.—

''(1) IN GENERAL.—Each State agency is encouraged to implement an on-line or hybrid electronic benefits transfer system as soon as practicable after the date of enactment of the Food Stamp Fraud Reduction Act of 1995, under which household benefits determined under section 8(a) are issued electronically and accessed by household members at the point of sale.'';

(B) in paragraph (2)—

(i) by striking ''final regulations'' and all that follows through ''the approval of'' and inserting the following: ''regulations that establish standards for'';

(ii) by striking subparagraph (A); and

(iii) by redesignating subparagraphs (B) through (H) as subparagraphs (A) through (G), respectively;

(C) in paragraph (3), by striking ''the Secretary shall not approve such a system unless—'' and inserting ''the State agency shall ensure that—''; and

(D) by striking paragraphs (5) and (6) and inserting the following:

''(5) CHARGING FOR ELECTRONIC BENEFITS TRANSFER CARD REPLACEMENT.—

''(A) IN GENERAL.—The Secretary shall reimburse a State agency for the costs of purchasing and issuing electronic benefits transfer cards.

''(B) REPLACEMENT CARDS.—The Secretary may charge a household through allotment reduction or otherwise for the cost of replacing a lost or stolen electronic benefits transfer card, unless the card was stolen by force or threat of force.''; and

(2) by adding at the end the following:

''(j) CONVERSION TO ELECTRONIC BENEFITS TRANSFER SYSTEMS.—

''(1) COORDINATION AND LAW ENFORCEMENT.—

''(A) CONVERSION.—The Secretary shall coordinate with, and assist, each State agency in the elimination of the use of food stamp coupons and the conversion to an electronic benefits transfer system.

''(B) STANDARD OPERATING RULES.—The Secretary shall inform each State of the generally accepted standard operating rules for carrying out subparagraph (A), based on—

''(i) commercial electronic funds transfer technology;

''(ii) the need to permit interstate operation and law enforcement monitoring; and

''(iii) the need to provide flexibility to States.

''(C) LAW ENFORCEMENT.—The Secretary, in consultation with the Inspector General of the United States Department of Agriculture and the United States Secret Service, shall advise each State of proper security features, good management techniques, and methods of deterring counterfeiting for carrying out subparagraph (A).

''(2) VOLUNTARY PURCHASE.—The Secretary shall encourage any retail food store to voluntarily purchase a point-of-sale terminal.

''(3) PAPER AND OTHER ALTERNATIVE TRANSACTIONS.—Beginning on the date of the implementation of an electronic benefits transfer system in a State, the Secretary shall permit the use of paper or other alternative systems for providing benefits to food stamp households in States that use special-need retail food stores.

''(4) STATE-PROVIDED EQUIPMENT.—

''(A) IN GENERAL.—A retail food store that does not have point-of-sale electronic benefits transfer equipment, and does not intend to obtain point-of-sale electronic benefits transfer equipment in the near future, shall be provided by a State agency with, or reimbursed for the costs of purchasing, 1 or more single-function point-of-sale terminals, which shall be used only for Federal or State assistance programs.

''(B) EQUIPMENT.—

''(i) OPERATING PRINCIPLES.—Equipment provided under this paragraph shall be capable of interstate operations and based on generally accepted commercial electronic benefits transfer operating principles that permit interstate law enforcement monitoring.

''(ii) MULTIPLE PROGRAMS.—Equipment provided under this paragraph shall be capable of providing a recipient with access to multiple Federal and State benefit programs.

''(C) VOUCHER BENEFITS TRANSFER EQUIPMENT.—A special-need retail food store that does not obtain, and does not intend to obtain in the near future, point-of-sale voucher benefits transfer equipment capable of taking an impression of data from an electronic benefits transfer card shall be provided by a State agency with, or reimbursed for the costs of purchasing, voucher benefits transfer equipment, which shall be used only for Federal or State assistance programs.

''(D) RETURN OF ELECTRONIC BENEFITS TRANSFER EQUIPMENT.—A retail food store may at any time return the equipment to the State and obtain equipment with funds of the store.

''(E) PRIOR SYSTEM.—If a State has implemented an electronic benefits transfer system prior to the date of enactment of the Food Stamp Fraud Reduction Act of 1995, the Secretary shall provide assistance to the State to bring the system into compliance with this Act.

''(F) NO CHARGE FOR ASSISTANCE.—Notwithstanding any other provision of this Act, the Secretary shall be responsible for all costs incurred in providing assistance under this paragraph.

''(5) APPLICABLE LAW.—

''(A) Disclosures, protections, responsibilities, and remedies established by the Federal Reserve Board under section 904 of the Electronic Fund Transfer Act (15 U.S.C. 1693b) shall not apply to benefits under this Act delivered through any electronic benefits transfer system.

''(B) Fraud and related activities which arise in connection with electronic benefit systems set forth in this Act shall be governed by section 1029 of title 18, United States Code, and other appropriate laws.

''(k) CONVERSION FUND.—

''(1) ESTABLISHMENT OF EBT CONVERSION ACCOUNT.—At the beginning of each fiscal year during the 10-year period beginning with the first full fiscal year following the date of enactment of this subsection, the Secretary shall place the funds made available under paragraph (2) into an account, to be known as the EBT conversion account. Funds in the account shall remain available until expended.

''(2) TRANSACTION FEE.—

''(A) IN GENERAL.—During the 10-year period beginning on the date of enactment of this subsection, the Secretary shall, to the extent necessary, impose a transaction fee of not more than 2 cents for each transaction made at a retail food store using an electronic benefits transfer card provided under the food stamp program, to be taken from the benefits of the household using the card. The Secretary may reduce the fee on a household receiving the maximum benefits available under the program.

''(B) FEES LIMITED TO USES.—A fee imposed under subparagraph (A) shall be in an amount not greater than is necessary to carry out the uses of the EBT conversion account in paragraph (3).

''(3) USE OF ACCOUNT.—The Secretary may use amounts in the EBT conversion account to—

''(A) provide funds to a State agency for—

''(i) the reasonable cost of purchasing and installing, or for the cost of reimbursing a retail food store for the cost of purchasing and installing, a single-function, inexpensive, point-of-sale terminal, to be used only for a Federal or States assistance programs, under rules and procedures prescribed by the Secretary; or

''(ii) the reasonable start-up cost of installing telephone equipment or connections for a single-function, point-of-sale terminal, to be used only for Federal or State programs, under rules and procedures prescribed by the Secretary;

''(B) pay for liabilities assumed by the Secretary under subsection (l);

''(C) pay other costs or liabilities related to the electronic benefits transfer system established under this Act that are incurred by the Secretary, a participating State, or a store that are—

''(i) required by this Act; or

''(ii) determined appropriate by the Secretary; or

''(D) expand and implement a nationwide program to monitor compliance with program rules related to retail food stores and the electronic delivery of benefits.

''(l) LIABILITY OR REPLACEMENTS FOR UNAUTHORIZED USE OF EBT CARDS OR LOST OR STOLEN EBT CARDS.—

''(1) IN GENERAL.—The Secretary shall require State agencies to advise any household participating in the food stamp program how to promptly report a lost, destroyed, damaged, improperly manufactured, dysfunctional, or stolen electronic benefits transfer card.

''(2) REGULATIONS.—The Secretary shall issue regulations providing that—

''(A) a household shall not receive any replacement for benefits lost due to the unauthorized use of an electronic benefits transfer card; and

''(B) a household shall not be liable for any amounts in excess of the benefits available to the household at the time of a loss or theft of an electronic benefits transfer card due to the unauthorized use of the card.

''(3) SPECIAL LOSSES.—(A) Notwithstanding paragraph (2), a household shall receive a replacement for any benefits lost if the loss was caused by—

''(i) force or the threat of force;

''(ii) unauthorized use of the card after the State agency receives notice that the card was lost or stolen; or

''(iii) a system error or malfunction, fraud, abuse, negligence, or mistake by the service provider, the card issuing agency, or the State agency, or an inaccurate execution of a transaction by the service provider.

''(B) With respect to losses described in clauses A (ii) and (iii) the State shall reimburse the Secretary.

''(m) SPECIAL RULE.—A State agency may require a household to explain the circumstances regarding each occasion that—

''(1) the household reports a lost or stolen electronic benefits transfer card; and

''(2) the card was used for an unauthorized transaction.

''(n) ESTABLISHMENT.—In carrying out this Act, the Secretary shall—

''(1) take into account the lead role of retail food stores, financial institutions, and States;

''(2) take into account the needs of law enforcement personnel and the need to permit and encourage further technological developments and scientific advances;

''(3) ensure that security is protected by appropriate means such as requiring that a personal identification number be issued with each electronic benefits transfer card to help protect the integrity of the program;

''(4) provide for—

''(A) recipient protection regarding privacy, ease of use, and access to and service in retail food stores;

''(B) financial accountability and the capability of the system to handle interstate operations and interstate monitoring by law enforcement agencies and the Inspector General of the Department of Agriculture;

''(C) rules prohibiting store participation unless any appropriate equipment necessary to permit households to purchase food with the benefits issued under the Food Stamp Act of 1977 is operational and reasonably available;

''(D) rules providing for monitoring and investigation by an authorized law enforcement agency or the Inspector General of the Department of Agriculture; and

''(E) rules providing for minimum standards; and

''(5) assign additional employees to investigate and adequately monitor compliance with program rules related to electronic benefits transfer systems and retail food store participation.

''(o) REQUESTS FOR STATEMENTS.—

''(1) IN GENERAL.—On the request of a household receiving electronic benefits transfer, the State, through a person issuing benefits to the household, shall provide a statement of electronic benefits transfer for the month preceding the request.

''(2) STATEMENT ITEMS.—A statement provided under paragraph (1) shall include—

''(A) opening and closing balances for the account for the statement period;

''(B) the date, the amount, and any fee charged for each transaction; and

''(C) an address and phone number that the household may use to make an inquiry regarding the account.

''(p) ERRORS.—

''(1) IN GENERAL.—Not later than 10 days after the date a household notifies a State agency of an alleged error, or the State agency discovers an alleged error, the State agency or a person issuing benefits to the household shall conduct an investigation of the alleged error.

''(2) CORRECTION.—If a State agency or person conducting an investigation under paragraph (1) determines that an error has been made, any account affected by the error shall be adjusted to correct the error not later than 1 day after the determination.

''(3) TEMPORARY CREDIT.—If an investigation under paragraph (1) of an error does not determine whether an error has occurred within 10 days after discovering or being notified of the alleged error, a household affected by the alleged error shall receive a temporary credit as though the investigation had determined that an error was made. The temporary credit shall be removed from the account on a determination whether the error occurred.

''(q) DEFINITIONS.—In this section:

''(1) RETAIL FOOD STORE.—The term 'retail food store' means a retail food store, a farmer's market, or a house-to-house trade route authorized to participate in the food stamp program.

''(2) SPECIAL-NEED RETAIL FOOD STORE.—The term 'special-need retail food store' means—

''(A) a retail food store located in a very rural area;

''(B) a retail food store without access to electricity or regular telephone service; or

''(C) a farmers' market or house-to-house trade route that is authorized to participate in the food stamp program.''.

SEC. 5. LEAD ROLE OF INDUSTRY AND STATES.

Section 17 (7 U.S.C. 2026) is amended by adding at the end the following:

''(m) LEAD ROLE OF INDUSTRY AND STATES.—The Secretary shall consult with the Secretary of the Treasury, the Secretary of Health and Human Services, the Inspector General of the United States Department of Agriculture, the United States Secret Service, the National Governor's Association, the American Bankers Association, the Food Marketing Institute, the National Association of Convenience Stores, the American Public Welfare Association, the financial services community, State agencies, and food advocates to obtain information helpful to retail stores, the financial services industry, and States in the conversion to electronic benefits transfer, including information regarding—

''(1) the degree to which an electronic benefits transfer system could be integrated with commercial networks;

''(2) the usefulness of appropriate electronic benefits transfer security features and local management controls, including features in an electronic benefits transfer card to deter counterfeiting of the card;

''(3) the use of laser scanner technology with electronic benefits transfer technology so that only eligible food items can be purchased by food stamp participants in stores that use scanners;

''(4) how to maximize technology that uses data available from an electronic benefits transfer system to identify fraud and allow law enforcement personnel to quickly identify or target a suspected or actual program violator;

''(5) means of ensuring the confidentiality of personal information in electronic benefits transfer systems and the applicability of section 552a of title 5, United States Code, to electronic benefits transfer systems;

''(6) the best approaches for maximizing the use of then current point-of-sale terminals and systems to reduce costs; and

''(7) the best approaches for maximizing the use of electronic benefits transfer systems for multiple Federal benefit programs so as to achieve the highest cost savings possible through the implementation of electronic benefits transfer systems.''.

SEC. 6. CONFORMING AMENDMENTS.

(a) Section 3 (42 U.S.C. 2012) is amended—

(1) in subsection (a), by striking ''coupons'' and inserting ''benefits'';

(2) in the first sentence of subsection (c), by striking ''authorization cards'' and inserting ''allotments'';

(3) in subsection (d), by striking ''the provisions of this Act'' and inserting ''sections 5(h) and 7(g)'';

(4) in subsection (e)—

(A) by striking ''Coupon issuer'' and inserting ''Benefit issuer''; and

(B) by striking ''coupons'' and inserting ''benefits'';

(5) in the last sentence of subsection (i), by striking ''coupons'' and inserting ''allotments''; and

(6) by adding at the end the following:

''(v) 'Electronic benefits transfer card' means a card issued to a household participating in the program that is used to purchase food.''.

(b) Section 4(a) of such Act (7 U.S.C. 2013(a)) is amended—

(1) in the first sentence, by inserting ''and the availability of funds made available under section 7'' after ''of this Act'';

(2) in the first and second sentences, by striking ''coupons'' each place it appears and inserting ''electronic benefits transfer cards or coupons''; and

(3) by striking the third sentence and inserting the following new sentence: ''The Secretary, through the facilities of the Treasury of the United States, shall reimburse the stores for food purchases made with electronic benefits transfer cards or coupons provided under this Act.''.

(c) The first sentence of section 6(b)(1) of such Act (7 U.S.C. 2015(b)(1)) is amended—

(1) by striking ''coupons or authorization cards'' and inserting ''electronic benefits transfer cards, coupons, or authorization cards''; and

(2) in clauses (ii) and (iii), by inserting ''or electronic benefits transfer cards'' after ''coupons'' each place it appears.

(d) Section 7 of such Act (7 U.S.C. 2016) is amended—

(1) by striking the section heading and inserting the following new section heading:

''ISSUANCE AND USE OF ELECTRONIC BENEFITS TRANSFER CARDS OR COUPONS'';

(2) in subsection (a), by striking ''Coupons'' and all that follows through ''necessary, and'' and inserting ''Electronic benefits transfer cards or coupons'';

(3) in subsection (b), by striking ''Coupons'' and inserting ''Electronic benefits transfer cards'';

(4) in subsection (e), by striking ''coupons to coupon issuers'' and inserting ''benefits to benefit issuers'';

(5) in subsection (f)—

(A) by striking ''issuance of coupons'' and inserting ''issuance of electronic benefits transfer cards or coupons'';

(B) by striking ''coupon issuer'' and inserting ''electronic benefits transfer or coupon issuer''; and

(C) by striking ''coupons and allotments'' and inserting ''electronic benefits transfer cards, coupons, and allotments'';

(6) by striking subsections (g) and (h);

(7) by redesignating subsections (i) through (q) (as added by section 4) as subsections (g) through (o), respectively; and

(8) in subsection (j)(3)(B) (as added by section 4 and redesignated by paragraph (7)), by striking ''(l)'' and inserting ''(k)''.

(e) Section 8(b) of such Act (7 U.S.C. 2017(b)) is amended by striking ''coupons'' and inserting ''electronic benefits transfer cards or coupons''.

(f) Section 9 of such Act (7 U.S.C. 2018) is amended—

(1) in subsections (a) and (b), by striking ''coupons'' each place it appears and inserting ''coupons, or accept electronic benefits transfer cards,''; and

(2) in subsection (a)(1)(B), by striking ''coupon business'' and inserting ''electronic benefits transfer cards and coupon business''.

(g) Section 10 of such Act (7 U.S.C. 2019) is amended—

(1) by striking the section heading and inserting the following:

''REDEMPTION OF COUPONS OR ELECTRONIC BENEFITS TRANSFER CARDS'';

and

(2) in the first sentence—

(A) by inserting after ''provide for'' the following: ''the reimbursement of stores for program benefits provided and for'';

(B) by inserting after ''food coupons'' the following: ''or use their members' electronic benefits transfer cards''; and

(C) by striking the period at the end and inserting the following: '', unless the center, organization, institution, shelter, group living arrangement, or establishment is equipped with a point-of-sale device for the purpose of participating in the electronic benefits transfer system.''.

(h) Section 11 of such Act (7 U.S.C. 2020) is amended—

(1) in the first sentence of subsection (a), by striking ''coupons'' and inserting ''electronic benefits transfer cards or coupons,'';

(2) in subsection (e)—

(A) in paragraph (2)—

(i) by striking ''a coupon allotment'' and inserting ''an allotment''; and

(ii) by striking ''issuing coupons'' and inserting ''issuing electronic benefits transfer cards or coupons'';

(B) in paragraph (7), by striking ''coupon issuance'' and inserting ''electronic benefits transfer card or coupon issuance'';

(C) in paragraph (8)(C), by striking ''coupons'' and inserting ''benefits'';

(D) in paragraph (9), by striking ''coupons'' each place it appears and inserting ''electronic benefits transfer cards or coupons'';

(E) in paragraph (11), by striking ''in the form of coupons'';

(F) in paragraph (16), by striking ''coupons'' and inserting ''electronic benefits transfer card or coupons'';

(G) in paragraph (17), by striking ''food stamps'' and inserting ''benefits'';

(H) in paragraph (21), by striking ''coupons'' and inserting ''electronic benefits transfer cards or coupons'';

(I) in paragraph (24), by striking ''coupons'' and inserting ''benefits''; and

(J) in paragraph (25), by striking ''coupons'' each place it appears and inserting ''electronic benefits transfer cards or coupons'';

(3) in subsection (h), by striking ''face value of any coupon or coupons'' and inserting ''value of any benefits''; and

(4) in subsection (n)—

(A) by striking ''both coupons'' each place it appears and inserting ''benefits under this Act''; and

(B) by striking ''of coupons'' and inserting ''of benefits''.

(i) Section 12 of such Act (7 U.S.C. 2021) is amended—

(1) in subsection (b)(3), by striking ''coupons'' each place it appears and inserting ''electronic benefits transfer cards or coupons'';

(2) in subsection (d)—

(A) in the first sentence—

(i) by inserting after ''redeem coupons'' the following: ''and to accept electronic benefits transfer cards''; and

(ii) by striking ''value of coupons'' and inserting ''value of benefits and coupons''; and

(B) in the third sentence, by striking ''coupons'' each place it appears and inserting ''benefits''; and

(3) in the first sentence of subsection (f)—

(A) by inserting after ''to accept and redeem food coupons'' the following: ''electronic benefits transfer cards, or to accept and redeem food coupons,''; and

(B) by inserting before the period at the end the following: ''or program benefits''.

(j) Section 13 of such Act (7 U.S.C. 2022) is amended by striking ''coupons'' each place it appears '' and inserting ''benefits''.

(k) Section 15 of such Act (7 U.S.C. 2024) is amended—

(1) in subsection (a), by striking ''issuance or presentment for redemption'' and inserting ''issuance, presentment for redemption, or use of electronic benefits transfer cards or'';

(2) in the first sentence of subsection (b)(1)—

(A) by inserting after ''coupons, authorization cards,'' each place it appears the following: ''electronic benefits transfer cards,''; and

(B) by striking ''coupons or authorization cards'' each place it appears and inserting the following: ''coupons, authorization cards, or electronic benefits transfer cards'';

(3) in the first sentence of subsection (c)—

(A) by striking ''coupons'' and inserting ''a coupon or an electronic benefits transfer card''; and

(B) by striking ''such coupons are'' and inserting ''the payment or redemption is'';

(4) in subsection (d), by striking ''Coupons'' and inserting ''Benefits'';

(5) in subsection (e), by inserting ''or electronic benefits transfer card'' after ''coupon'';

(6) in subsection (f), by inserting ''or electronic benefits transfer card'' after ''coupon'';

(7) in the first sentence of subsection (g), by inserting after ''coupons, authorization cards,'' the following: ''electronic benefits transfer cards,''; and

(8) by adding at the end the following:

''(h) GOVERNING LAW.—Fraud and related activities related to electronic benefits transfer shall be governed by section 1029 of title 18, United States Code.''.

(l) Section 16 (7 U.S.C. 2025) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting ''or electronic benefits transfer cards'' after ''coupons''; and

(B) in paragraph (3), by inserting after ''households'' the following: '', including the cost of providing equipment necessary for retail food stores to participate in an electronic benefits transfer system'';

(2) by striking subsection (d);

(3) by redesignating subsections (e) through (j) as subsections (d) through (i), respectively;

(4) in subsection (g)(5) (as redesignated by paragraph (3))—

(A) in subparagraph (A), by striking ''(A)''; and

(B) by striking subparagraph (B);

(5) in subsection (h) (as redesignated by paragraph (3)), by striking paragraph (3); and

(6) by striking subsection (i) (as redesignated by paragraph (3)).

(m) Section 17 of such Act (7 U.S.C. 2026) is amended—

(1) in the last sentence of subsection (a)(2), by striking ''coupon'' and inserting ''benefit'';

(2) in subsection (b)(2), by striking the last sentence;

(3) in subsection (c), by striking the last sentence;

(4) in subsection (d)(1)(B), by striking ''coupons'' each place it appears and inserting ''benefits'';

(5) in subsection (e), by striking the last sentence;

(6) by striking subsection (f); and

(7) by redesignating subsections (g) through (k) as subsections (f) through (j), respectively.

(n) Section 21 of such Act (7 U.S.C. 2030) is amended—

(1) by striking ''coupons'' each place it appears (other than in subsections (b)(2)(A)(ii) and (d)) and inserting ''benefits'';

(2) in subsection (b)(2)(A)(ii), by striking ''coupons'' and inserting ''electronic benefits transfer cards or coupons''; and

(3) in subsection (d)—

(A) in paragraph (2), by striking ''Coupons'' and inserting ''Benefits''; and

(B) in paragraph (3), by striking ''in food coupons''.

(o) Section 22 of such Act (7 U.S.C. 2031) is amended—

(1) in subsection (b)—

(A) in paragraph (3)(D)—

(i) in clause (ii), by striking ''coupons'' and inserting ''benefits''; and

(ii) in clause (iii), by striking ''coupons'' and inserting ''electronic benefits transfer benefits'';

(B) in paragraph (9), by striking ''coupons'' and inserting ''benefits''; and

(C) in paragraph (10)(B)—

(i) in the second sentence of clause (i), by striking ''Food coupons'' and inserting ''Program benefits''; and

(ii) in clause (ii)—

(I) in the second sentence, by striking ''Food coupons'' and inserting ''Benefits''; and

(II) in the third sentence, by striking ''food coupons'' each place it appears and inserting ''benefits'';

(2) in subsection (d), by striking ''coupons'' each place it appears and inserting ''benefits'';

(3) in subsection (g)(1)(A), by striking ''coupon''; and

(4) in subsection (h), by striking ''food coupons'' and inserting ''benefits''.

(p) Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''electronic benefits transfer cards or'' before ''coupons having''.

(q) This section and the amendments made by this section shall become effective on the date that the Secretary of Agriculture implements an electronic benefits transfer system in accordance with section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) (as amended by this Act).

ADDITIONAL COSPONSORS

S. 309

At the request of Mr. BENNETT, the names of the Senator from Indiana [Mr. LUGAR], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Vermont [Mr. JEFFORDS], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Vermont [Mr. LEAHY] were added as cosponsors of S. 309, a bill to reform the concession policies of the National Park Service, and for other purposes.

S. 593

At the request of Mr. HATCH, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Minnesota [Mr. GRAMS] were added as cosponsors of S. 593, a bill to amend the Federal Food, Drug, and Cosmetic Act to authorize the export of new drugs, and for other purposes.

S. 692

At the request of Mr. GREGG, the names of the Senator from Maine [Mr. COHEN] and the Senator from Kansas [Mr. DOLE] were added as cosponsors of S. 692, a bill to amend the Internal Revenue Code of 1986 to preserve family-held forest lands, and for other purposes.

S. 770

At the request of Mr. DOLE, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 833

At the request of Mr. HATCH, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 833, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

SENATE CONCURRENT RESOLUTION 3

At the request of Mr. SIMON, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Concurrent Resolution 3, a concurrent resolution relative to Taiwan and the United Nations.

SENATE RESOLUTION 147

At the request of Mr. THURMOND, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Illinois [Mr. SIMON], the Senator from Washington [Mr. GORTON], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Resolution 147, a resolution designating the weeks beginning September 24, 1995, and September 22, 1996, as ''National Historically Black Colleges and Universities Week,'' and for other purposes.

SENATE RESOLUTION 149

At the request of Mr. AKAKA, the names of the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Resolution 149, a resolution expressing the sense of the Senate regarding the recent announcement by the Republic of France that it intends to conduct a series of underground nuclear test explosions despite the current international moratorium on nuclear testing.

AMENDMENTS SUBMITTED

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

KYL (AND INHOFE) AMENDMENT NO. 2077

Mr. KYL (for himself and Mr. INHOFE) proposed an amendment to the bill (S. 1026) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 371, below line 21, add the following:

SEC. 1062. SENSE OF SENATE ON PROTECTION OF UNITED STATES FROM BALLISTIC MISSILE ATTACK.

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

(1) The proliferation of weapons of mass destruction and ballistic missiles presents a threat to the entire World.

(2) This threat was recognized by Secretary of Defense William J. Perry in February 1995 in the Annual Report to the President and the Congress which states that ''[b]eyond the five declared nuclear weapons states, at least 20 other nations have acquired or are attempting to acquire weapons of mass destruction—nuclear, biological, or chemical weapons—and the means to deliver them. In fact, in most areas where United States forces could potentially be engaged on a large scale, many of the most likely adversaries already possess chemical and biological weapons. Moreover, some of these same states appear determined to acquire nuclear weapons.''.

(3) At a summit in Moscow in May 1995, President Clinton and President Yeltsin commented on this threat in a Joint Statement which recognizes ''. . . the threat posed by worldwide proliferation of missiles and missile technology and the necessity of counteracting this threat . . . ''.

(4) At least 25 countries may be developing weapons of mass destruction and the delivery systems for such weapons.

(5) At least 24 countries have chemical weapons programs in various stages of research and development.

(6) Approximately 10 countries are believed to have biological weapons programs in various stages of development.

(7) At least 10 countries are reportedly interested in the development of nuclear weapons.

(8) Several countries recognize that weapons of mass destruction and missiles increase their ability to deter, coerce, or otherwise threaten the United States. Saddam Hussein recognized this when he stated, on May 8, 1990, that ''[o]ur missiles cannot reach Washington. If they could reach Washington, we would strike it if the need arose.''.

(9) International regimes like the Non-Proliferation Treaty, the Biological Weapons Convention, and the Missile Technology Control Regime, while effective, cannot by themselves halt the spread of weapons and technology. On January 10, 1995, Director of Central Intelligence, James Woolsey, said with regard to Russia that ''. . . we are particularly concerned with the safety of nuclear, chemical, and biological materials as well as highly enriched uranium or plutonium, although I want to stress that this is global problem. For example, highly enriched uranium was recently stolen from South Africa, and last month Czech authorities recovered three kilograms of 87.8 percent-enriched HEU in the Czech Republic—the largest seizure of near-weapons grade material to date outside the Former Soviet Union.''.

(10) The possession of weapons of mass destruction and missiles by developing countries threatens our friends, allies, and forces abroad and will ultimately threaten the United States directly. On August 11, 1994, Deputy Secretary of Defense John Deutch said that ''[i]f the North Koreans field the Taepo Dong 2 missile, Guam, Alaska, and parts of Hawaii would potentially be at risk.''.

(11) The end of Cold War has changed the strategic environmental facing and between the United States and Russia. That the Clinton Administration believes the environment to have changed was made clear by Secretary of Defense William J. Perry on September 20, 1994, when he stated that ''[w]e now have the opportunity to create a new relationship, based not on MAD, not on Mutual Assured Destruction, but rather on another acronym, MAS, or Mutural Assured Safety.''.

(12) The United States and Russia have the opportunity to create a relationship based on trust rather than fear.

(b) SENSE OF SENATE.—It is the sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballstic missile attack.

NUNN AMENDMENT NO. 2078

Mr. NUNN proposed an amendment to amendment No. 2077 proposed by Mr. KYL to the bill S. 1026, supra; as follows:

On page 5, beginning with ''attack,'' strike out all down through the end of the amendment and insert in lieu thereof the following: ''attack. It is the further sense of the Senate that frontline troops of the United States armed forces should be protected from missile attacks.

''(c) FUNDING FOR CORPS SAM AND BOOST-PHASE INTERCEPTOR PROGRAMS.—

''(1) Notwithstanding any other provision in this Act, of the funds authorized to be appropriated by section 201(4), $35.0 million shall be available for the Corps SAM/MEADS program.

''(2) With a portion of the funds authorized in paragraph (1) for the Corps SAM/MEADS program, the Secretary of Defense shall conduct a study to determine whether a Theater Missile Defense system derived from Patriot technologies could fulfill the Corps SAM/MEADS requirements at a lower estimated life-cycle cost than is estimated for the cost of the U.S. portion of the Corps SAM/MEADS program.

''(3) The Secretary shall provide a report on the study required under paragraph (3) to the congressional defense committees not later than March 1, 1996.

''(4) Of the funds authorized to be appropriated by section 201(4), not more than $3,403,413,000 shall be available for missile defense programs within the Ballistic Missile Defense Organization.

''(d) Section 234(c)(1) of this Act shall have no force or effect.''

BOXER AMENDMENT NO. 2079

Mrs. BOXER proposed an amendment to the bill S. 1026, supra; as follows:

At the appropriate place, insert the following:

RELEVANT AGENCIES OR DEPARTMENTS.

SEC. . ETHICS HEARINGS.

The Select Committee on Ethics of the Senate shall hold hearings in any pending or future case in which the Select Committee (1) has found, after a review of allegations of wrongdoing by a senator, that there is substantial credible evidence which provides substantial cause to conclude that a violation within the jurisdiction of the Select Committee has occurred, and (2) has undertaken an investigation of such allegations. The Select Committee may waive this requirement by an affirmative record vote of a majority of the members of the Committee.

McCONNELL AMENDMENT NO. 2080

Mr. McCONNELL proposed an amendment to the bill S. 1026, supra; as follows:

At the appropriate place in the bill, insert:

(A) The Senate finds that:

(1) the Senate Select Committee on Ethics has a thirty-one year tradition of handling investigations of official misconduct in a bipartisan, fair and professional manner;

(2) the Ethics Committee, to ensure fairness to all parties in any investigation, must conduct its responsibilities strictly according to established procedure and free from outside interference;

(3) the rights of all parties to bring an ethics complaint against a member, officer, or employee of the Senate are protected by the official rules and precedents of the Senate and the Ethics Committee;

(4) any Senator responding to a complaint before the Ethics Committee deserves a fair and non-partisan hearing according to the rules of the Ethics Committee;

(5) the rights of all parties in an investigation—both the individuals who bring a complaint or testify against a Senator, and any Senator charged with an ethics violation—can only be protected by strict adherence to the established rules and procedures of the ethics process;

(6) the integrity of the Senate and the integrity of the Ethics Committee rest on the continued adherence to precedents and rules, derived from the Constitution; and,

(7) the Senate as a whole has never intervened in any ongoing Senate Ethics Committee investigation, and has considered matters before that Committee only after the Committee has submitted a report and recommendations to the Senate;

(B) Therefore, it is the Sense of the Senate that the Select Committee on Ethics should not, in the case of Senator Robert Packwood of Oregon, deviate from its customary and standard procedure, and should, prior to the Senate's final resolution of the case, follow whatever procedures it deems necessary and appropriate to provide a full and complete public record of the relevant evidence in this case.

SPECTER AMENDMENT NO. 2081

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill S. 1026, supra; as follows:

On page 403, between lines 16 and 17, insert the following:

SEC. 1095. JUDICIAL ASSISTANCE TO THE INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA AND TO THE INTERNATIONAL TRIBUNAL FOR RWANDA.

(a) SURRENDER OF PERSONS.—

(1) APPLICATION OF UNITED STATES EXTRADITION LAWS.—Except as provided in paragraphs (2) and (3), the provisions of chapter 209 of title 18, United States Code, relating to the extradition of persons to a foreign country pursuant to a treaty or convention for extradition between the United States and a foreign government, shall apply in the same manner and extent to the surrender of persons, including United States citizens, to—

(A) the International Tribunal for Yugoslavia, pursuant to the Agreement Between the United States and the International Tribunal for Yugoslavia; and

(B) the International Tribunal for Rwanda, pursuant to the Agreement Between the United States and the International Tribunal for Rwanda.

(2) EVIDENCE ON HEARINGS.—For purposes of applying section 3190 of title 18, United States Code, in accordance with paragraph (1), the certification referred to in the section may be made by the principal diplomatic or consular officer of the United States resident in such foreign countries where the International Tribunal for Yugoslavia or the International Tribunal for Rwanda may be permanently or temporarily situated.

(3) PAYMENT OF FEES AND COSTS.—(A) The provisions of the Agreement Between the United States and the International Tribunal for Yugoslavia and of the Agreement Between the United States and the International Tribunal for Rwanda shall apply in lieu of the provisions of section 3195 of title 18, United States Code, with respect to the payment of expenses arising from the surrender by the United States of a person to the International Tribunal for Yugoslavia or the International Tribunal for Rwanda, respectively, or from any proceedings in the United States relating to such surrender.

(B) The authority of subparagraph (A) may be exercised only to the extent and in the amounts provided in advance in appropriations Acts.

(4) NONAPPLICABILITY OF THE FEDERAL RULES.—The Federal Rules of Evidence and the Federal Rules of Criminal Procedure do not apply to proceedings for the surrender of persons to the International Tribunal for Yugoslavia or the International Tribunal for Rwanda.

(b) ASSISTANCE TO FOREIGN AND INTERNATIONAL TRIBUNALS AND TO LITIGANTS BEFORE SUCH TRIBUNALS.—Section 1782(a) of title 28, United States Code, is amended by inserting in the first sentence after ''foreign or international tribunal'' the following: '', including criminal investigations conducted prior to formal accusation''.

(c) DEFINITIONS.—As used in this section:

(1) INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—The term ''International Tribunal for Yugoslavia'' means the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia, as established by United Nations Security Council Resolution 827 of May 25, 1993.

(2) INTERNATIONAL TRIBUNAL FOR RWANDA.—The term ''International Tribunal for Rwanda'' means the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, as established by United Nations Security Council Resolution 955 of November 8, 1994.

(3) AGREEMENT BETWEEN THE UNITED STATES AND THE INTERNATIONAL TRIBUNAL FOR YUGOSLAVIA.—The term ''Agreement Between the United States and the International Tribunal for Yugoslavia'' means the Agreement on Surrender of Persons Between the Government of the United States and the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law in the Territory of the Former Yugoslavia, signed at The Hague, October 5, 1994.

(4) AGREEMENT BETWEEN THE UNITED STATES AND THE INTERNATIONAL TRIBUNAL FOR RWANDA.—The term ''Agreement between the United States and the International Tribunal for Rwanda'' means the Agreement on Surrender of Persons Between the Government of the United States and the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, signed at The Hague, January 24, 1995.

FEINGOLD AMENDMENT NO. 2082

Mr. FEINGOLD proposed an amendment to the bill S. 1026, supra; as follows:

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

SEC. . SENSE OF THE SENATE REGARDING FEDERAL SPENDING.

It is the sense of the Senate that in pursuit of a balanced federal budget, Congress should exercise fiscal restraint, particularly in authorizing spending not requested by the Executive and in proposing new programs.

GRASSLEY AMENDMENT NO. 2083

Mr. GRASSLEY proposed an amendment to the bill S. 1026, supra; as follows:

On page 159, line 3, before the end quotation marks insert the following: ''The 3-year time-in-grade requirement in paragraph (2)(A) of subsection (a) may not be reduced or waived under such subsection in the case of such an officer while the officer is under investigation for alleged misconduct or while disposition of an adverse personnel action is pending against the officer for alleged misconduct.''.

THURMOND (AND OTHERS) AMENDMENT NO. 2084

Mr. THURMOND (for himself, Mr. BURNS, Mr. REID, Mr. FORD, Mr. BOND, and Mr. NUNN) proposed an amendment to the bill S. 1026, supra; as follows:

On page 404, in the table following line 10, insert before the item relating to Fort Knox, Kentucky, the following project in Kentucky:

	Fort Campbell	$10,000,000

On page 405, in the table following line 2, insert after the item relating to Camp Stanley, Korea, the following:

	Yongsan	$4,500,000

On page 406, line 14, strike out ''$2,019,358,000'' and insert in lieu thereof ''$2,033,858,000''.

On page 406, line 17, strike out ''$396,380,000'' and insert in lieu thereof ''$406,380,000''.

On page 406, line 20, strike out ''$98,050,000'' and insert in lieu thereof ''$102,550,000''.

On page 408, in the table following line 4, in the item relating to Bremerton Puget Sound Naval Shipyard, Washington, strike out ''$9,470,000'' in the amount column and insert in lieu thereof ''$19,870,000''.

On page 410, in the table preceding line 1, add after the item relating to Norfolk Public Works Center, Virginia, the following new items:

Washington	Bangor Naval Submarine Base	141 units	$4,890,000
West Virginia	Naval Security Group Detachment, Sugar Grove	23 units	$3,590,000

On page 411, line 6, strike out ''$2,058,579,000'' and insert in lieu thereof ''$2,077,459,000''.

On page 411, line 9, strike out ''$389,259,000'' and insert in lieu thereof ''$399,659,000''.

On page 412, line 3, strike out ''$477,767,000'' and insert in lieu thereof ''$486,247,000''.

On page 415, in the table following line 18, in the item relating to Maxwell Air Force Base, Alabama, strike out ''$3,700,000'' in the amount column and insert in lieu thereof ''$5,200,000''.

On page 415, in the table following line 18, in the item relating to Eielson Air Force Base, Alaska, strike out ''$3,850,000'' in the amount column and insert in lieu thereof ''$7,850,000''.

On page 416, in the table preceding line 1, in the item relating to Mountain Home Air Force Base, Idaho, strike out ''$18,650,000'' in the amount column and insert in lieu thereof ''$25,350,000''.

On page 416, in the table preceding line 1, in the item relating to McGuire Air Force Base, New Jersey, strike out ''$9,200,000'' in the amount column and insert in lieu thereof ''$16,500,000''.

On page 416, in the table preceding line 1, insert after the item relating to Cannon Air Force Base, New Mexico, the following:

	Holloman Air Force Base.	$6,000,000

On page 416, in the table preceding line 1, insert after the item relating to Shaw Air Force Base, South Carolina, the following:

South Dakota ...	Ellsworth Air Force Base.	$7,800,000

On page 416, in the table preceding line 1, in the item relating to Hill Air Force Base, Utah, strike out ''$8,900,000'' in the amount column and insert in lieu thereof ''$12,600,000''.

On page 418, in the table preceding line 1, insert after the item relating to Nellis Air Force Base, Nevada, the following:

	Nellis Air Force Base.	57 units .	$6,000,000

On page 419, line 17, strike out ''$1,697,704,000'' and insert in lieu thereof ''$1,740,704,000''.

On page 419, line 21, strike out ''$473,116,000'' and insert in lieu thereof ''$510,116,000''.

On page 420, line 10, strike out ''$281,965,000'' and insert in lieu thereof ''$287,965,000''.

On page 421, in the table following line 10, in the matter relating to Defense Medical Facilities Offices, insert before the item relating to Luke Air Force Base, Arizona, the following:

	Maxwell Air Force Base, Alabama.	$10,000,000

On page 422, in the table preceding line 1, in the matter relating to the Special Operations Command at Fort Bragg, North Carolina, strike out ''$2,600,000'' in the amount column and insert in lieu thereof ''$8,100,000''.

On page 424, line 22, strike out ''$4,565,533,000'' and insert in lieu thereof ''$4,581,033,000''.

On page 424, line 25, strike out ''$300,644,000'' and insert in lieu thereof ''$316,144,000''.

On page 429, line 14, strike out ''$85,353,000'' and insert in lieu thereof ''$148,589,000''.

On page 429, line 15, strike out ''$44,613,000'' and insert in lieu thereof ''$79,895,000''.

On page 429, line 19, strike out ''$132,953,000'' and insert in lieu thereof ''$167,503,000''.

On page 429, line 22, strike out ''$31,982,000'' and insert in lieu thereof ''$35,132,000''.

NUNN AMENDMENT NO. 2085

Mr. NUNN propsed an amendment to the bill S. 1026, supra; as follows:

On page 403, between lines 16 and 17, insert the following:

SEC. 1095. ASSOCIATE DIRECTOR OF CENTRAL INTELLIGENCE FOR MILITARY SUPPORT.

Section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended by adding at the end the following:

''(e) In the event that neither the Director nor Deputy Director of Central Intelligence is a commissioned officer of the Armed Forces, a commissioned officer of the Armed Forces appointed to the position of Associate Director of Central Intelligence for Military Support, while serving in such position, shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer authorized for the armed force of which such officer is a member.''.

THOMPSON AMENDMENT NO. 2086

Mr. THURMOND (for Mr. THOMPSON) proposed an amendment to the bill S. 1026, supra; as follows:

On page 487, below line 24, add the following:

SEC. 2838. LAND CONVEYANCE, NAVAL SURFACE WARFARE CENTER, MEMPHIS, TENNESSEE.

(a) AUTHORITY TO CONVEY.—The Secretary of the Navy may convey to the Memphis and Shelby County Port Commission, Memphis, Tennessee (in this section referred to as the ''Port''), all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) consisting of approximately 26 acres that is located at the Carderock Division, Naval Surface Warfare Center, Memphis Detachment, Presidents Island, Memphis, Tennessee.

(b) CONSIDERATION.—As consideration for the conveyance of real property under subsection (a), the Port shall—

(1) grant to the United States a restrictive easement in and to a parcel of real property consisting of approximately 100 acres that is adjacent to the Memphis Detachment, Presidents Island, Memphis, Tennessee; and

(2) if the fair market value of the easement granted under paragraph (1) exceeds the fair market value of the real property conveyed under subsection (a), provide the United States such additional consideration as the Secretary and the Port jointly determine appropriate so that the value of the consideration received by the United States under this subsection is equal to or greater than the fair market value of the real property conveyed under subsection (a).

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be carried out in accordance with the provisions of the Land Exchange Agreement between the United States of America and the Memphis and Shelby County Port Commission, Memphis, Tennessee.

(d) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and of the easement to be granted under subsection (b)(1). Such determinations shall be final.

(e) USE OF PROCEEDS.—The Secretary shall deposit any proceeds received under subsection (b)(2) as consideration for the conveyance of real property authorized under subsection (a) in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) and the easement to be granted under subsection (b)(1) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Port.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) and the easement granted under subsection (b)(1) as the Secretary considers appropriate to protect the interests of the United States.

NOTICES OF HEARINGS

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that two field hearings have been scheduled before the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources.

The purpose of the hearings will be to receive testimony on the proposed acreage limitation and water conservation rules and regulations issued by the Bureau of Reclamation, Department of the Interior on April 3, 1995.

The first hearing will take place on Monday, August 21, 1995, beginning at 9:30 a.m. in the cafeteria of the College of Southern Idaho, 315 Falls Avenue, Twin Falls, ID.

The second hearing will be held on Monday, August 21, 1995, beginning at 4 p.m. at the City Council Chamber, City of Riverton, 816 N. Federal Blvd., Riverton, WY.

Because of the limited time available for the hearings, witnesses may testify by invitation only. It will be necessary to place witnesses in panels and place time limits on the oral testimony. Witnesses testifying at the hearings are requested to bring 10 copies of their testimony with them on the day of the hearing. Please submit one copy of testimony in advance to the attention of James Beirne, Senior Counsel, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

Written statements may be submitted for the hearing record. It is necessary only to provide one copy of any material to be submitted for the record. If you would like to submit a statement for the record, please send one copy of the statement to the Subcommittee on Forests and Public Land Management, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information regarding the hearings, please contact James Beirne, Senior Counsel, at (202) 224–2564 or Betty Nevitt, Staff Assistant, of the Committee staff at (202) 224–0765.

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding

a markup on Wednesday, August 9, 1995, beginning at 9:30 a.m., in room 106 of the Dirksen Senate Office Building, on S. 487, a bill to amend the Indian Gaming Regulatory Act, and for other purposes.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Wednesday, August 2, 1995, session of the Senate for the purpose of conducting a hearing on the future of the Federal Aviation Administration.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, August 2, 1995, for purposes of conducting a full committee hearing which is scheduled to begin at 9 a.m. The purpose of this hearing is to discuss leasing of the Arctic Oil Reserve located on the coastal plain of the Arctic National Wildlife Refuge for oil and gas exploration and production and the inclusion of the leasing revenues in the budget reconciliation.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, August 2, 1995, for purposes of conducting a full committee business meeting which is scheduled to begin at 9 a.m. The purpose of this meeting is to consider the nomination of John Garamendi to be Deputy Secretary of the Interior.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DOLE. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to meet to conduct a business meeting to consider pending business Wednesday, August 2, at 10 a.m.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOLE. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, August 2, at 9 a.m. on the following nominations:

Jacob Joseph Lew, Deputy Director of OMB;

Jerome A. Stricker, Member, Federal Retirement Thrift Investment Board;

Sheryl R. Marshall, Member, Federal Retirement Thrift Investment Board;

William H. LeBlanc III, Commissioner, Postal Rate Commission; and

Beth Susan Slavet, Merit System Protection Board.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, August 2, 1995, beginning at 9:30 a.m., in 485 of the Russell Senate Office Building on the implementation of P.L. 103–176, the Indian Tribal Justice Act.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for an executive session, during the session of the Senate on Wednesday, August 2, 1995, at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOLE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, August 2, 1995, at 9:30 a.m. to hold an open hearing on Intelligence matters.

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

SELECT ON COMMITTEE ON INTELLIGENCE

Mr. DOLE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, August 2, 1995, at 2 p.m. to hold a closed hearing on Intelligence matters.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, August 2, 1995 at 9:30 a.m., to hold a hearing on ''Reauthorization of the Administrative Conference on the United States Court.''

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

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY AND NUCLEAR SAFETY

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property and Nuclear Safety be granted permission to conduct an oversight hearing Wednesday, August 2, at 2 p.m. on section 404 of the Clean Water Act.

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

SUBCOMMITTEE ON CONSTITUTION, FEDERALISM AND PROPERTY RIGHTS

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, Federalism, and Property Rights of the Committee on the Judiciary, be authorized to hold a business meeting during the session of the Senate on Wednesday, August 2, 1995, commencing at 2 p.m. to consider H.R. 660, the Older Americans Act.

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

SUBCOMMITTEE ON INTERNATIONAL FINANCE AND MONETARY POLICY

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on International Finance and Monetary Policy be authorized to meet during the session of the Senate on Wednesday, August 2, 1995, to conduct a hearing on the Dual Use Export Control Program.

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

SUBCOMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Post Office and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, August 2, 1995, to receive the Annual Report of the Postmaster General of the United States.

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

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. DOLE. Mr. President, I ask unanimous consent that the Subcommittee on Social Security and Family Policy of the Committee on Finance be permitted to meet Wednesday, August 2, 1995, beginning at 9:30 a.m. in room SD–215, to conduct a hearing on the privatization of the Social Security Old Age and Survivors Insurance program.

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

ADDITIONAL STATEMENTS

STAFFING OF DOD OVERSEAS SCHOOLS

• Mr. HOLLINGS. Mr. President I call the attention of my colleagues to an educational matter that requires continued attention. Americans serving in the armed services who are stationed overseas usually depend on Department of Defense Dependents Schools to educate their children. It has been a matter of concern that these overseas schools do not provide the same level of educational services as schools on military installations in the United States. I ask to have printed in the RECORD the executive summary of a recent study providing hard numbers substantiating this concern. I hope Senators will consider the findings of this study as we draw down forces in Europe and as we provide for an appropriate quality of life for members of our Armed Forces stationed overseas.

The Executive summary follows:

DoDDS—A Staffing Dilemma

EXECUTIVE SUMMARY

The process of staffing the Department of Defense Dependents Schools has reached a point where it needs to be reviewed.

The schools are staffed in the classical, enrollment-based manner which serves as a model for the larger school districts. Applying this method to DoDDS, while giving a favorable appearance on a system-wide basis, does not address the demographics of DoDDS with its many small and medium-sized schools located far apart and in isolated locations.

This briefing document describes and compares the configuration of the schools in the United States and in DoDDS-Europe. It shows how the sizes of the schools in the United States vary in enrollment patterns from those in DoDDS–E. A sampling of programs and services found in Section 6 schools is included. These schools are for military dependents located on military installations in the United States, and are supervised by the Department of Defense Education Activity (DoDEA), the same Activity which supervises DoDDS. The Section 6 schools provide a full range of educational programs.

DoDDS, because of its staffing model is enrollment-ratio-driven, will not be able to provide the same programs or services to the students attending its schools as those attending the Section 6 schools. This staffing model needs to be altered to accommodate the unique character of DoDDS. DoDDS must staff its schools in a manner guaranteed to maintain its current level of excellence.

This paper recommends that a staffing freeze be put in place, retaining the current staff, except for those locations where the schools are closing or enrollment is projected to drop sharply based upon next school year's enrollment data. The retention of this level of staffing is estimated to require 400 positions DoDDS–E wide. Since there will be a cut in staffing, this means that 400 fewer positions would be cut. At a work-year rate of $60,000 each, this would amount to a dollar cost of $24,000,000.

For the staffing in the coming years, DoDDS has stated that a Staffing Task Force has been established to develop new staffing criteria. Until this Task Force reports its findings and recommendations, all staffing actions should be frozen at present levels, then modified using the guidance developed by the Task Force. Assuming that this Task Force will develop a staffing model based upon program needs, this action is strongly recommended.

The educational services delivered by DoDDS are an integral part of the Quality of Life Program as well as of Force Readiness. It is essential that what needs to be done to maintain the current high standard be done.

Until the end of the current school year, SY 94–95, the Department of Defense Dependents Schools (DoDDS) has provided the educational services and programs of a premier school system.

DoDDS has the potential and resources to be a truly world-class school system—the standard bearer of the United States in the arena of global education. As evidenced by the DoDDS Strategic Plan promulgated by Dr. Lillian Gonzalez, Director of DoDDS, DoDDS has made a determined commitment in this direction. However, will the current proposed staffing reductions allow DoDDS to reach this serious goal?

As part of its ''rightsizing'' goal, DoDDS-Europe is eliminating over 900 positions. Most of these positions will be at the school level. The core of DoDDS' staffing planning is its concept of the ''super teacher,'' a concept based on the belief that the classroom teachers can absorb program cuts back into their basic classroom instruction. In other words, DoDDS is relying on the ''super teacher'' to cover or provide all the services and programs which have been eliminated by the cuts in staffing. DoDDS teachers are arguably a cut above their stateside counterparts, but to demand that they fulfill these expectations on a regular basis is unrealistic—the average teacher doesn't have the skills to: maintain a full-scale modern computerized media center (library); provide quality curricular offerings in physical education, music, and art; conduct all remedial assistance for students who would ordinarily be provided with special help through Reading Improvement Specialists (RIS) and Compensatory Education Specialists (Comp Ed); mainstream and assist students in need of English as a Second Language (ESL); be ready to apply first aid and administer medication or diagnostic assistance for students with health needs (school nurse); and, assess and administer help to students who qualify for learning impairment assistance (Special Education for the Learning Impaired, teachers—SPED) or for school-wide enrichment (SWEP, a.k.a. TAG—talented and gifted, teachers).

While most classroom teachers have some skill in these areas, they are not specialists in these areas—to assume or assert that they are simply will not create the skills. Saying it doesn't make it so—no matter how often it is said.

Next year DoDDS schools will have fewer specialists, a higher Pupil Teacher Ration (PTR), and fewer options for students, if the cuts now proposed and currently being implemented are allowed to stand. This briefing paper will present statistics on the DoDDS Mediterranean (Med) district and DoDDS–Europe (DoDDS–E) as a whole. We have the necessary documentation on the schools in this district because the Overseas Federation of Teachers is the exclusive bargaining agent for the teachers in these schools. DoDDS Med District represents approximately 1/6 of the enrollment of the odds-E student enrollment. Our proposal, therefore, is based on projecting our data on a 1:6 ratio, so that we can reach a conclusion on what is needed for all of DoDDS–Europe

We point out that even though the Med district is unique in geographic terms (most of the schools are located on islands and peninsulas), it can still be used a ''bellwether'' for the other schools and DoDDS–E Districts. As the drawdown in northern Europe continues the school distributions in England, the Benelux, and Germany are going to look more and more like those in the Med District in terms of size and isolation by geographic distance.

What programs do American schools commonly have now? To obtain pertinent information, we looked at a random sampling of three school systems servicing American military dependents in the United States—the Section 6 Schools—which are managed by the Department of Defense Education Activity (DoDEA). DoDEA is also the supervisory activity of the DoDDS schools and is also directed by Dr. Lillian Gonzalez. These schools range in size from 262 students to 768 students. From a telephonic survey conducted on May 16–18, 1995, the information (enrollment data) gleaned is presented on Table 2, see Appendix no. 7.

In the Section 6 Schools surveyed, full services and programs are available to students in the elementary schools. Table 3, Appendix no. 8, shows the comparison of services available to students in schools of various sizes in DoDDS–E and to students in Section 6 Schools. Here it is quite evident that the majority (61.5%) of the DoDDS–E elementary schools do not enjoy the same program benefits as the students attending the Section 6 Schools. This condition is unacceptable.

DoDDS has attempted to retain some services and/or programs that fall below its staffing criteria by staffing ''half-teachers,'' Combining ''halves'' does not benefit any program—it simply assumes that one teacher will do two full jobs in half the time and does not recognize the implied reduction in quality that must result. In the Med District, six full-time librarian positions were cut to half-time positions; three full-time art positions were cut to half-time.

An example of this is the situation at Vicenza Elementary School. This school has an enrollment and projected enrollment of slightly under 50 students in grades 1-6. The total enrollment tops 500 with the inclusion of pre-school and kindergarten but those students are not included when applying the DoDDS staffing standards for most of the DoDDS specialists.

At Vicenza, the high school media specialist—highly trained in the new computer-run library / media center—is cut for next year to a half-teacher. The elementary art teacher-who runs an outstanding DoDDS art program, recognized this year by the Advisory Council on Dependents Education (ACDE)-is also cut for next year to a half teacher.

The principals of the high school and elementary school are pooling their work year slots to create a full teacher, who will have to spend half a day in the high school media center and half a day teaching elementary school art classes. Will services be equal to current levels? No. Without a doubt next year both programs will not have the same quality of education that is now provided.

The National Profile (Table 94), Appendix no. 3. shows for elementary schools in the United States that the majority or 53% are in the range of 400+ student enrollment; for the unit schools (K-12) in the United States, the majority or 58% are in the range of 200+ student enrollment; and for high schools in the United States the majority or 53.5% are in the range of 500+ student enrollment.

The current practice in the United States is to keep elementary schools to a medium size, but to consolidate them if they get too small. For high schools, the standard practice is to consolidate. Consolidation of secondary schools (high schools) allows for larger staff and more electives and advanced course options for students—a depth and breadth of offerings not available in smaller secondary schools.

The Section 6 Schools generally follow the same stafing pattern as that in the United States. See Appendix No. 7. Table of school enrollments for the sampled Section 6 Schools. See below:

TABLE 3. COMPARISON OF SERVICES/PROGRAMS AND ELEMENTARY SCHOOLS—SECTION 6 VS. DODDS–E

Full services provided	K–6—Camp Lejeune (aver. 398)	1–6—Dodds-E Schools (1–400)	K–6—Fort Bragg (aver. 496)	1–6—Dodds-E Schools (400–499)	K–6—Fort Campbell (aver. 720)	1–6—Dodds-E Schools (500–749)	1–6—Dodds-E Schools (over 750)
Pre-school MNCP	Yes	?	Yes	?	Yes	?	?
Kindergarten	Yes	.5/25 kids	Yes	.5/25 kids	Yes	.5/25 kids	.5/25 kids

TABLE 3. COMPARISON OF SERVICES/PROGRAMS AND ELEMENTARY SCHOOLS—SECTION 6 VS. DODDS–E—Continued

Full services provided	K–6—Camp Lejeune (aver. 398)	1–6—Dodds-E Schools (1–400)	K–6—Fort Bragg (aver. 496)	1–6—Dodds-E Schools (400–499)	K–6—Fort Campbell (aver. 720)	1–6—Dodds-E Schools (500–749)	1–6—Dodds-E Schools (over 750)
Art	Yes	No	Yes	No	Yes	No	Yes
Music	Yes	No	Yes	No	Yes	Yes	Yes
Physical Ed. (P.E.)	Yes	No	Yes	No	Yes	Yes	Yes
Guidance counselor	Yes	No	Yes	No	Yes	1/600 kids	Yes
Reading improvement specialist	Yes	No	Yes	No	No	Yes	Yes
Talented and gifted teacher	Yes	Yes	Yes	Yes	Yes	Yes	Yes
English as a second language	No	1/40 kids (weighted)	Yes	1/40 kids (weighted)	Yes	1/40 kids (weighted)	1/40 kids (weighted)
Compensatory Ed. (Comp. Ed.)	Yes	1/70 kids in program	No	1/70 kids in program	No	1/70 kids in program	1/70 kids in program
Librarian	Yes	.5/126–348 in 1/349–999 kids	Yes	Yes	Yes	Yes	Yes
School nurse	Yes	.5/350–499 kids	Yes	.5/350–498 kids	Yes	Yes	Yes
Special education services (learned impaired, etc.).	Full range available	Authorized only in weighted numbers	Full range available	Authorized only in weighted numbers	Full range available	(1)	(1)

* Refer to Dodds–E MPWR Branch Staffing Standards, SY 95/96 for fuller explanations. Section 6 Schools surveyed: Camp Lejeune, NC; Fort Bragg, NC; Fort Campbell, KY. 61.5% of DODDS–E Schools have under 400 students enrolled. 11% of DODDS–E Schools have between 400–500 students enrolled. 17% of DODDS–E Schools have between 500–800 students enrolled. 10% of DODDS–E Schools have over 800 students enrolled.

[1] Authorized only in weighted numbers.

Overseas, in DoDDS schools, the opposite occurs. This is shown in Table 1. Type and Size of DoDDS–E Schools, found in Appendix No. 4, Tables 4, 5, and 6 in conjunction with Table 1, show that:

for DoDDS elementary schools, a majority or 61.5% are in the range of under 400 student enrollment; for DoDDS unit schools (K–12), the majority or 58% are in the range of under 200 student enrollment; and,

for DoDDS high schools, the majority or 81% are in the range of under 500 student enrollment.

In particular, it should be noted that there are NO DoDDS high schools with more than 700 students, while U.S.-wide, over half of all American high schools have MORE than 1000 students.

The explanation for this phenomenon is quite simple. The bulk of the DoDDS–E schools are spread too far apart to allow for the consolidation that occurs in the United States. For example, in Turkey if the DoDDS schools there could be consolidated, it would make staffing easier. The distances of hundreds of miles which separate these schools prevent this. This is the rule in DoDDS, not the exception.

In effect, stateside schools can be visualized as an inverse pyramid, with the largest schools being the consolidated high schools, the smallest ones being the neighborhood elementary schools. It is clear that the sizes of the elementary schools in the United States are generally considerably larger than those in DoDDS. In the overseas schools however, the pyramid is bottom-heavy, positioned in its normal fashion, with most of the enrollment in elementary schools and a paucity of students in the age groups for upper grades (grades 7–12).

Overseas schools are often located at distances of 200 to 300 miles away from each other with no way to consolidate, which results in decreasing student populations as students move up through the grades.

If these smaller schools are staffed based purely and strictly upon enrollment requirements set forth in the Staffing Documents found in Appendix no. 1, can they offer the programs that are available in the sampled Section 6 Schools? Just because students are required to go to schools with smaller enrollments, is it appropriate that they have fewer educational opportunities than their stateside peers?

Certainly not. Parents, driven by perception and reality, who are required to bring dependents overseas to schools in these isolated areas will not be satisfied: They will refuse to enroll their children in schools that are not offering at least the same programs that are offered in the United States—in fact, the programs would have to be better to be a real inducement; word will spread that DoDDS is not providing quality education; the Quality of Life available will be degraded; military recruitment will suffer; and, there will be a resistance to overseas assignments.●

GLADYS MANSON HAUG ARNTZEN TURNS 100 YEARS OLD IN AUGUST

● Mr. GORTON. Mr. President, a very valued constituent of mine, E.P. ''Pete'' Paup, executive vice president of the Manson Construction and Engineering Co. in Seattle, WA, has brought to my attention that his mother-in-law will reach the age of 100 years on August 13, 1995. Pete has kindly shared with me the life story of this remarkable woman.

Gladys Angelica Christine Manson was born in the small community of Dockton on Maury Island in the young State of Washington, August 13, 1895. Her parents, Minnie Carlson Manson and Peter Manson, were Swedish immigrants who had moved to Dockton from Tacoma in 1893.

Peter was employed by the local drydocking company and became dockmaster in 1903. The year before, 1902, little Gladys held a lantern when her mother dug up a glass jar full of $20 gold pieces from a crawl space beneath their house. Because of the bank failures during the panic of 1893, the Mansons didn't trust their money to banks, so they hid it. The gold from the mason jar was used to purchase a steam donkey engine for a floating pile driver. Today, Manson Construction and Engineering Co. is a major Pacific coast marine construction and dredging contractor.

In 1910, Gladys was a member of Dockton Grade School's first graduating class, whereupon she entered Burton High School. In 1912 she moved to Seattle with her family and graduated from Lincoln High School in 1914. After graduation, Glady's entered the University of Washington and graduated in 1918 with a degree in music.

Gladys later taught music in Brooklyn, Seattle, and Roslyn, WA and spent 3 years as a district music supervisor in Kent, WA.

In 1924 she married Andrew J. Haug and had three children, Irving, Peter, and Andrea. Andrew Haug died in 1965. Later Glady's married Edward J. Arntzen, a retired professor from Western Washington University in Bellingham, WA. Edward passed away in 1971.

Gladys is an active member of Grace Lutheran Church in Bellevue, WA and is a member of the Lincoln High School Alumni Association. She has also been a member of both the Sons of Norway and the Swedish Club.

Gladys Manson Haug Arntzen will celebrate her 100th birthday at her daughter's home, on August 13, 1995. I invite the attention of all my colleagues to this tremendous story and great community contribution, and in doing so, I wish Gladys Manson Haug Arntzen the happiest of birthday celebrations on August 13.●

APPOINTING SAM FOWLER, CHIEF COUNSEL FOR THE MINORITY, COMMITTEE ON ENERGY AND NATURAL RESOURCES

● Mr. JOHNSTON. Mr. President, today I would like to formally announce that I have named Sam Fowler the chief counsel for the minority on the Committee on Energy and Natural Resources. For several years Sam has been our counsel for the toughest issues and the person we turn to make sense of the most difficult assignments. I would like to recognize his importance to use with the title of chief counsel.

Sam follows in the footsteps of Mike Harvey, who has for two decades defined the role of chief counsel on this committee. Sam is cut from that same high quality cloth as Mike. I know that the committee's tradition of excellence in service to its members will be carried forward with Sam.

Sam is a graduate of the University of New Hampshire and the George Washington University Law School. He has served with the Smithsonian Institution, the Council on Environmental Quality, in private practice and with Mo Udall in the House of Representatives. Sam joined our staff in 1991. He has been invaluable, absolutely invaluable.

Sam's portfolio includes nuclear facility licensing, parliamentary procedure, the budget process, uranium enrichment, Russian reactor safety, cleanup of Department of Energy nuclear weapons production sites, alternative fuels, automobile fuel efficiency, low-level nuclear waste disposal, health effects of electromagnetic fields, the National Environmental Policy Act, constitution law, nominations, Government organization, Senate and committee standing rules and ethics issues. In addition, Sam can

take on anything else you can assign to him.

Sam is also our resident historian, defender of Thomas Jefferson, source of quotes that elucidate the wisdom of Winston Churchill and repository or precedents established in the Senate, the House of Representatives and the English Parliament. He is a partisan of good clear prose, a lover of poetry and our committee's best legislative draftsman. I cannot imagine the Energy and Natural Resources Committee without him. I am glad to call him my chief counsel.●

COMMEMORATION OF THE 100TH ANNIVERSARY OF THE FOUNDING OF MACKINAC STATE PARK

Mr. LEVIN. Mr. President, I rise today to commemorate the 100th anniversary of the founding of Mackinac Island State Park. From the island's beginnings as a fort fought over by the French, British, and Americans, to the peaceful calm of a historical vacation spot enjoyed by many, Mackinac Island State Park and the waters surrounding it are a rich and important part of our Nation's frontier and exploratory history.

Mackinac Island State Park became Michigan's first State park in 1895 after its transfer to the State from the Federal Government, ending its 20-year tenure as the Nation's second national park. The Mackinac Island State Park Commission was founded in 1895 to supervise the Mackinac Island State Park, including the 14 historic buildings comprising Fort Mackinac, which were built by the British Army in the late 18th century.

In 1904, the commission took on the administration of the site of Colonial Michilimackinac, established by the French in 1715 in Mackinac City and later dismantled and moved to Mackinac Island by the British. The area had been a fur-trade community, full of life and color. In 1975, the water-powered sawmill and 625-acre nature park known as Mill Creek were added to the land overseen by the commission. Mill Creek is located southeast of Mackinac City on the shore of Lake Huron. Over the years, the acquisition of land by the commission has led to a beautiful State park consisting of 1,800 acres and enjoyed by more than 800,000 visitors each year.

Mackinac Island State Park is dear to the hearts of many Michigan residents and visitors alike. The smell of Mackinac Island fudge brings childhood memories back to many a visitor while the clip-clop of horse hooves and the ring of bicycle bells on the automobile-free island recalls a by-gone time.

Mackinac Island State Park is a vital part of Michigan's history. It is home to the State's oldest known building still standing and the longest porch in the world, located at the opulent Grand Hotel. I know many people in Michigan and around the world will join me in celebrating the jewel of the Great Lakes in the commemoration of its 100 spectacular years.

LOWER MILITARY SPENDING YIELDS HIGHER GROWTH

● Mr. SIMON. Mr. President, I refer to my colleagues an article from the July 15 issue of The Economist. The article discusses the economic impact of reduced military spending in light of worldwide declines in defense budgets over the last decade. While the impact of such a peace dividend is difficult to calculate, the article brings up an interesting point:

> In the long run, most economists think that lower defense spending should stimulate growth. One reason for this is that cash can be switched from defense to more productive areas such as education. A second is that smaller military budgets should lead to lower overall government spending, hence lower borrowing than would otherwise have been the case. As a result, interest rates should be lower, stimulating private investment.

The article also refers to a recent IMF study which finds a clear relationship between lower military spending and increased economic growth. It concludes that a 2-percent per capita rise in GDP will result from the decreased spending worldwide in the late 1980's. Its authors also estimate that if global military spending is reduced to 2 percent of GDP—the United States currently spends 3.9 percent—the dividend will eventually lead to a rise in GDP per head of 20 percent.

I bring this to light as we consider increasing military spending by $7 billion, while making deep cuts in education, job training, health, and programs for the poor. Already, our Nation spends more on the military than the next eight largest militaries combined. It is a mistake to turn back against global trends to a course which, in the long run, will lead to lower growth and hurt our international competitiveness.

This Congress skewed priorities of spending more on the military and less on social investment will nullify the dividend we hope to reap through balancing the budget and lowering interest rates. Simply put, investment in a B–2 bomber creates a plane that sits there incurring operating costs, but investment in a child's education creates opportunity, productivity, and long-lasting benefits to society.

I ask that the article be printed in the RECORD.

The article follows:

[From the Economist, July 15, 1995]

FEWER BANGS, MORE BUCKS—SINCE THE END OF THE COLD WAR, MILITARY SPENDING HAS DECLINED IN MOST COUNTRIES, YET THE PROMISED ''PEACE DIVIDEND'' IS PROVING ELUSIVE

Francis Fukuyama, an American political analyst, claimed in 1989 that the collapse of communism heralded the end of history. Few believed him, but many looked forward to the end of at least one aspect of the cold war: high defence spending. No longer would countries waste precious resources building tanks and bombs. Instead, they could use the cash for more rewarding activities: higher social spending, more capital investment or increased aid to the world's poor. Was this optimism warranted?

That overall defence spending has fallen is uncontested. According to the United Nations' latest World Economic and Social Survey, world military expenditure decreased at an average rate of 7.2% a year between 1988 and 1993. The biggest declines came in former Warsaw Pact countries, where defence spending fell by an average of over 22% a year. In America, it fell by 4.4% a year (though the Republican Congress is planning to stem this decline). The cuts are not as steep as some had hoped; but the share of CDP devoted to military spending has fallen everywhere (see chart).

Assessing the economic impact is harder. One crude notion is to calculate what countries would have spent on defence without the cuts. A previous UN report in 1994 suggested that had governments maintained their defence budgets in real terms from 1988 to 1994, global defence spending would have been $933 billion higher than it was. That suggests a peace dividend of almost $1 trillion. But such a calculation is flawed: 1987 was a year of high defence spending; had another base year been chosen, the dividend would probably be lower. More important, the sums fail to take into account the broader economic impact of reduced defence spending.

As with any big reduction in public spending, defence cuts tend to reduce economic activity in the short term. That may cause unemployment to rise, particularly in regions where defence-related industries are heavily concentrated. Between 1988 and 1992, for instance, the increase in the unemployment rates of the four American states that are most dependent on defence spending—Connecticut, Virginia, Massachusetts and California—was some two-and-a-half times greater than that in the rest of the country. Such regional effects often make defence cuts politically awkward.

In the long run, however, most economists think that lower defence spending should stimulate growth. One reason for this is that cash can be switched from defence to more productive areas such as education. A second is that smaller military budgets should lead to lower overall government spending, and hence lower borrowing, than would otherwise have been the case. As a result, interest rates should be lower, stimulating private investment. Some economists also argue that lower defence spending will result in fewer distortions in an economy. They point in particular to anti-competitive mechanisms that often feature in military contracts or the trade preferences given to military imports.

But big defence budgets can also have positive side-effects. In countries such as South Korea and Israel, spin-offs from military research and development have helped to foster expertise in civilian high-technology industries. In poor countries with low levels of education and skills, military training might be a good way to improve the educational standard of the workforce. During the cold war some poor countries also relied on the rival superpowers not just for military assistance, but also for other aid. If their erstwhile benefactors cut this aid along with military support, it might leave them with fewer resources overall.

Until recently, there has been little conclusive evidence about the long-run economic impact of lower defence spending. This is partly due to the difficulty of getting

comparable data, and to the problem of separating short-term from long-term consequences. But in a recent working paper[1] Malcolm Knight, an economist at the IMF, and two colleagues, use a long-run growth model and sophisticated econometric techniques to measure the effect of military spending on growth in 79 countries between 1971 and 1985. They find a clear correlation between lower outlays and higher growth.

The authors then simulate what the long-run effects of the decline in military spending of the late 1980s are likely to be. Unsurprisingly, they are positive. Industrial countries, for instance, can expect a long-run absolute increase in GDP per head of 2% from the spending cuts that occurred up to 1990.

DELAYED PAYMENT

Mr. Knight and his fellow authors then try to estimate what the long-run effects of further cuts in world defence spending might be. They assume that global defence spending is reduced to under 2% of GDP (the current level in Latin America, the region with the world's lowest defence spending). If industrialised countries achieve such a target, the authors expect an eventual increase in their GDP per head of 20%. In other regions, such as Eastern Europe, the effects will be even greater. However, it will take a long time for these benefits to work through. Even after 50 years, for instance, the improvement in the level of GDP per head in rich countries would have reached only 13.2%.

Unfortunately, the model does not explain whether this increase would be attributable to more productive public investment, or to lower interest rates. In practice, the cuts in military spending since the 1980s appear to have been used to keep overall public spending under control. This means that the clearest long-term economic benefit from the end of the cold war is likely to come from lower interest rates—unless, of course, public spending rises for other reasons.

For those defence employees faced with the sack, it may be scant comfort to hear about the long-term gains to the economy that accompany fewer military bases. But, providing that governments keep public spending in check, the world will indeed benefit from a substantial peace dividend—even though it will not produce the immediate pay-off that optimists were hoping for.●

[1] ''The Peace Dividend: Military Spending Cuts and Economic Growth''. By Malcolm Knight, Norman Loayza and Delano Villanueva. IMF, May 1995.

ORDER OF BUSINESS

THE SITUATION IN BOSNIA

Mr. LIEBERMAN. Mr. President, last week the Senate sent a clear message to President Clinton and to our allies that the illegal and immoral arms embargo on the Bosnian Government should be lifted so that the Government and people of the Republic of Bosnia and Herzegovina can exercise their right to defend themselves and their homes. While we wait for the lifting to occur, the people of Bosnia remain under siege—with suffering, death and destruction an intrinsic part of everyday life.

I am particularly concerned by the tragic developments in the Bihac region of Bosnia. While NATO threatens tough action in response to attacks on Gorazde—a threat I hope NATO will actually act on—the attacks on the Bihac safe area continue. These are coordinated attacks by the Bosnian Serbs, the Krajina Serbs from Croatia, and even renegade Moslems who have sided with the Serbs. These are concerted attacks which, like so much of the fighting in Bosnia, include direct targeting of heavy weapons against the civilian population. These are inhumane attacks accompanied by efforts to deny food and water to the Bosnians in Bihac who are surrounded by Serbs.

The fall of Bihac—another U.N. safe haven—would result in more human tragedy, more ethnic cleansing, more refugees forced from their homes. But the consequences of the fall of Bihac would go well beyond the immediate tragedy for the Bosnians in the region.

The fall of Bihac would fundamentally change the strategic balance in Bosnia and Croatia to favor victory for the Serbs and the establishment of a greater Serbia. The establishment of a greater Serbia with no place for Bosnians and Croats of other races and other religions clearly remains the objective of the Serbs in Belgrade, Pale and Knin alike. For the fall of Bihac would free up Bosnian Serb and Krajina Serb troops to continue their campaign of terror elsewhere in Bosnia and Croatia.

The Croatian Government, recognizing these strategic as well as humanitarian implications, has agreed with the Bosnian Government to come to the aid of Bihac. This may lead to a wider war with renewed fighting in Croatia.

But the fall of Bihac will become imminent, and this safe area dependent on Croatian intervention, if the United Nations forces and NATO fail to protect the Bosnian people of the Bihac region. The United Nations Security Council has declared Bihac a safe haven, but UNPROFOR has failed to keep it safe. NATO has declared Bihac a heavy weapons exclusion zone, but NATO has not carried out airstrikes to enforce that exclusion zone. The dual key arrangement under which the United Nations has denied NATO the authority to eliminate the missile threat to NATO aircraft has increased the likelihood that Bihac will not be protected. The United Nations Security Council has declared Bosnia a no-fly zone, but NATO aircraft have not been able to prevent Krajina Serb jets from bombing Bihac, because United Nations and NATO rules don't allow NATO to pursue these planes into Croatian airspace or to hit them on the ground. We need to eliminate these rules and the dual key arrangements which stand in the way of effective action.

Mr. President, the United Nations and NATO failed to protect Srebrenica. The United Nations and NATO failed to protect Zepa.

The United Nations and NATO must not fail again in Gorazde. They must not fail in Bihac, Tuzla, Sarajevo or other areas where Bosnian civilians come under attack. The international community must not fail the people of Bosnia.

Mr. President, last week an important voice spoke out against the international failure to halt atrocities in Bosnia. Former Polish Prime Minister Mazowiecki resigned his position as the United Nations human rights investigator for the former Yugoslavia to protest the United Nation's inaction to address the human rights violations he reported and the United Nation's failure to protect the United Nations-declared safe havens of Srebrenica and Zepa.

Allow me to read a few passages from Mazowiecki's letter of resignation, since his words are surely more eloquent than mine:

> One cannot speak about the protection of human rights with credibility when one is confronted with the lack of consistency and courage displayed by the international community and its leaders.
>
> Human rights violations continue blatantly. There are constant blockages of the delivery of humanitarian aid. The civilian population is shelled remorselessly and the blue helmets and representatives of humanitarian organizations are dying.
>
> Crimes have been committed with swiftness and brutality and by contrast the response of the international community has been slow and ineffectual.

Mr. President, these are not the words of a partisan spokesman. These are the words of a statesman who has devoted years to impartially investigating human rights abuses for the United Nations. I hope that President Clinton, the U.N. Secretary General, the NATO Secretary General and other world leaders will hear these words and will heed them.

WAS CONGRESS IRRESPONSIBLE? CONSIDER THE ARITHMETIC

Mr. HELMS. Mr. President, on that evening in 1972 when I first was elected to the Senate, I made a commitment to myself that I would never fail to see a young person, or a group of young people, who wanted to see me.

It has proved enormously beneficial to me because I have been inspired by the estimated 60,000 young people with whom I have visited during the nearly 23 years I have been in the Senate.

Most of them have been concerned about the enormity of the Federal debt that Congress has run up for the coming generations to pay. The young people and I almost always discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 22, 1992. I wanted to make a matter of daily record of the precise size of the Federal debt which as of yesterday, Tuesday, August 1, stood at $4,954,700,676,689.14 or $18,808.12 for every man, woman, and child in America on a per capita basis.

NATIONAL HOSIERY WEEK

Mr. HELMS. Mr. President, while driving to the Capitol this morning, I fell to thinking about what a calamity it would be if, all of a sudden, the hosiery manufacturing business in America were to shut down. How many jobs would be lost? How would the economy be affected? How would our country's trade balance with other countries be affected? And how many grandchildren would have to think of something else to put under the tree for Grandpa next Christmas?

None of the above is an idle question, Mr. President, and I bring up the subject because next week will mark the 24th annual observance of National Hosiery Week. So, beginning Monday, August 7, will be a time to pay our respects to a great American example of free enterprise, the hosiery manufacturers of our Nation.

Now, regarding some of the questions I posed at the outset of these remarks: Last year, 1994, the U.S. hosiery industry made significant increases in exports. To be precise, shipments overseas increased 34 per cent to 240 million pairs of socks and stockings. Total U.S. production totaled 362 million dozen pairs—or, if you want to break it down, the total production comes to four billion 394 million pairs of hosiery. A mind-boggling number, indeed.

We are blessed with a great many hosiery manufacturers in North Carolina, Mr. President. All of these companies are good corporate citizens—and the men and women employed in the hosiery industry are fine hard-working Americans. I am told that there are 455 hosiery plans in America, employing more than 65,000 people. Together these companies and these workers added more than $6 billion to the U.S. economy.

But, Mr. President, it is in the many smaller communities where the hosiery industry makes its most significant contribution, because it is there that these companies constitute a large part of the local economy. In so many cases, a hosiery company is the major employer in the area, providing good, stable jobs for its employees.

Mr. President, I think it was Dizzy Dean who once remarked that ''braggin' ain't braggin', if you can prove it.'' Well, I can prove why National Hosiery Week is of special importance to me—it is because North Carolina is the leading textile and hosiery State in the Nation, generating more than half of the total U.S. hosiery production. I am proud of the leadership of the hosiery industry and the fine quality of life that it has provided for over 40,000 people.

On behalf of my fellow North Carolinians, I extend my sincere congratulations and best wishes to the hosiery industry and to its many thousands of employees for their outstanding contribution to our State and Nation.

MEASURE PLACED ON THE CALENDAR—H.R 714

Mr. COATS. Mr. President, I ask unanimous consent that H.R. 714, a bill to establish the Midewin National Tallgrass Prairie in the State of Illinois, be placed on the calendar.

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

ORDERS FOR THURSDAY, AUGUST 3, 1995

Mr. COATS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9 a.m. on Thursday, August 3, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then immediately resume consideration of S. 1026, the Department of Defense authorization bill, with Senator DORGAN to be recognized as under the previous order.

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

PROGRAM

Mr. COATS. Mr. President, for the information of all Senators, the Senate will resume the Department of Defense authorization bill at 9 a.m. tomorrow morning. At that time, Senator DORGAN is to be recognized to offer an amendment regarding national missile defense. That amendment has a 90-minute time limitation, therefore Senators should be aware that, if all debate time is used, a rollcall vote can be expected at approximately 10:30 a.m. tomorrow morning.

RECESS UNTIL 9 A.M. TOMORROW

MR. COATS. Mr. President, if there is no further business to come before the Senate, and no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:26 p.m., recessed until Thursday, August 3, 1995, at 9 a.m.