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Senate

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

(Continued)

AMENDMENT NO. 4049

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

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

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

Mr. EXON. I object.

The PRESIDING OFFICER. Objection is heard.

Who yields time?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

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

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

I quote from her statement:

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

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

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

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

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

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

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

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

STATEMENT OF SECRETARY OF ENERGY HAZEL O'LEARY

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

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

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

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

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

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

Sincerely,

JOHN D. HOLUM,
Director.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. EXON. I yield 2 more minutes.

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

Mrs. MURRAY. I continue the quote.

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

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

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

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator from Arizona.

Mr. THURMOND. I yield myself 2½ minutes.

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

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

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

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

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

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

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

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I thank the Chair.

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

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

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Nebraska.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NUCLEAR TEST BAN TALKS ENTER THE HOME STRETCH

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

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

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

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

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

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

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

[From the Boston Globe, June 6, 1996]

TOWARD THE TEST BAN

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

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

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

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

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

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

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

A NUCLEAR TEST BAN WITHIN REACH

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

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

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

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

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

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

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

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

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

[From the Washington Post, June 14, 1996]

40 YEARS LATER

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

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

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

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

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

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

The PRESIDING OFFICER. Who yields time?

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

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

I yield 5 minutes to the Senator from Ohio.

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

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

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

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

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

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

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

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

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

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

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

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

Mr. GLENN. Might I have 1 more minute?

Mr. EXON. I yield 1 more minute.

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

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

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

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

Continuing the letter:

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

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

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

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

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

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

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

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

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

The Senator from Nebraska.

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

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

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

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

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. KYL. That is correct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. KEMPTHORNE addressed the Chair.

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. KYL. I am happy to respond.

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

Mr. KYL. That is correct.

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

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

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

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

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

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

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

Mr. KEMPTHORNE. Without any involvement of Congress?

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

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

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

I yield my time back to the Senator from Arizona.

Mr. KYL. I inquire how much time remains.

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

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

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

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

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

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

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

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

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

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

I yield the floor.

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

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

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

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

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

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

I reserve the balance of my time.

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

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. Ten minutes.

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

Mr. HATFIELD. About 4 minutes.

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

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

Mr. NUNN. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

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

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

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

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

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

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

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

desperately wants to knock that cornerstone out of the foundation.

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. Who yields time?

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

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

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

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

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

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

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

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

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

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

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

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

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

> If the President of the United States is informed by the Secretary of Defense and the Secretary of Energy, advised by the Nuclear Weapons Council, Directors of the DOE's Nuclear Weapons Laboratories, and the Commander of the U.S. Strategic Command that a high level of confidence in the safety and reliability of a nuclear weapon type, which the two Secretaries consider to be critical to our nuclear deterrent, could no longer be certified, the President, in consultation with Congress, would be prepared to withdraw from the CTBT under the standards of the Supreme National Interest Clause, if in order, to conduct whatever testing might be required.

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. Two minutes fifty seconds.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

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

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

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

PRIVILEGE OF THE FLOOR

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

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

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I move to table the Kyl amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

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

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

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

[Rollcall Vote No. 176 Leg.]

YEAS—53

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

NAYS—45

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

NOT VOTING—2

Bingaman	Bumpers

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

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

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

The motion to lay on the table was agreed to.

TRICARE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

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

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

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

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

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

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

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

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

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

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

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

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

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

MILITARY TRAFFIC MANAGEMENT COMMAND'S PERSONAL PROPERTY REENGINEERING PROGRAM

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

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

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

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

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

VANCE AFB MILITARY CONSTRUCTION PROGRAM

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

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

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

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

QUADRENNIAL DEFENSE REVIEW

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

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

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

there was no one with specific background expertise in National Guard issues.

Mr. THURMOND. That is correct.

Mr. FORD. Mr. President, if I may, I remember that incident very clearly and as the ranking member of the Armed Services Committee will remember, in the endgame of that Commission's work, the Secretary did finally appoint a member with National Guard expertise but it was well after the bulk of the work had been completed.

Mr. NUNN. The Senator is correct.

Mr. FORD. The Senate from Missouri and I want the Secretary of Defense be aware of the National Guard Caucus' grave concerns and urge you to ensure that this independent review team be truly balanced.

Mr. NUNN. I assure the Senator that I am aware of his concerns and will keep them in mind as we deliberate with the Secretary of Defense.

Mr. BOND. Mr. President, I ask the Chairman, to be resolute in his insistence that at least one member of the panel have a recognized understanding of National Guard functions when consulting with the Secretary of Defense on the composition of the panel and I and Senator FORD would be more than willing to lend any assistance the Chairman and the ranking member might require during those consultations.

Mr. THURMOND. I want to thank the senior Senator from Missouri for raising his concerns on this matter. The Senator has always been a stalwart supporter of Guard interests and the points he raises with the senior Senator from Kentucky are compelling. I assure the Senators that I will insist that the concerns of the National Guard will be adequately represented in the review panel.

DEPARTMENT OF ENERGY LIABILITY FOR NATURAL RESOURCE DAMAGES

Mr. THOMAS. Mr. President, I am pleased that earlier today the Senate approved my amendment to S. 1745, the Department of Defense authorization bill, dealing with the Department of Energy's liability for damages to natural resources with respect to Federal Superfund sites. I want to thank Chairman THURMOND and Ranking Member NUNN and their respective staffs for working with me to ensure the passage of this amendment.

My amendment requires the Department of Energy to conduct a study of the Department's natural resource damages liability at its Superfund sites and report back to the appropriate committees of Congress 90 days after enactment of this bill. This is an issue of great importance and one that has been surrounded by uncertainty. Since the beginning of the 104th Congress, the Environment and Public Works Committee, under the leadership of Subcommittee Chairman SMITH and Committee Chairman CHAFEE, has been working tirelessly to bring much-needed reform to the Superfund Program. During the course of hearings held on this topic, significant questions were raised regarding the Department of Energy's liability for natural resource damages at its Superfund sites. During testimony at a hearing in 1995, a Department official speculated that the Department's liability could be in the hundreds of billions of dollars. It has been reported that he termed the Department's liability for natural resource damages the sleeping giant of Superfund. However, during a follow-up hearing in April of this year the Department changed its tune. When asked about earlier statements, the same Department official who had a year earlier called natural resource damages a serious problem produced a study by the Council on Environmental Quality that claimed these damages are a ''minor problem.'' While the timing of the release of the study was obviously circumspect, it became increasingly clear that the contents of the study were equally so.

The CEQ study estimated the Department of Energy's NRD liability at between $200 and $500 million. In the meantime, GAO has also been conducting its own study of Department liability and their preliminary results put the estimate at between two and $15 billion. Mr. President, you can see why this issue has raised so many questions. We have a Department of Energy official estimating liability in the hundreds of billions of dollars, then his superiors in the White House overruling him and painting the problem as minor, and finally a GAO study which will come down somewhere in the middle.

I find this all rather troubling, Mr. President, and frankly it seems like this situation has created more questions than when we began. There are several aspects of CEQ's study that I find remarkable to say the least. I understand CEQ is currently modifying their first study and will shortly issue a corrected study, but fundamental questions about their assumptions remain. It is my intention, as chairman of the Senate Energy and Natural Resources Subcommittee on Oversight, to hold a hearing later this summer to address some of these questions. But what I find most troubling of all, Mr. President, is that the Department of Energy has not undertaken their own study of this issue. The Department of Energy is the single biggest responsible party at Superfund sites in the Nation. That means the taxpayers of this country are on the hook for the biggest piece of liability at Superfund sites. Yet the Department has not done one study to determine what their liability might be in the second phase of superfund liability—the lurking, sleeping giant that is only now awakening—natural resource damages liability. My amendment corrects that incredible oversight in the hope that we can have an accurate estimate, done by those with the most knowledge about the nature of this complicated situation. In addition, my amendment ensures we will have a realistic view of that liability by forcing the folks conducting the study to use the same program parameters that the private sector has been dealing with. This is the only fair way to calculate the Department's liability.

Again, I want to thank the Chairman and Ranking Member, and I want to thank my colleagues in the Senate for passing this important amendment.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, if I can just report from this side of the aisle to our colleagues, we had a very productive day today because we stayed on the defense bill. We, basically, handled amendments on the defense bill all day except for one amendment, which was worked out and was unanimously agreed to on a rollcall vote on a very important matter.

If we can do that tomorrow, we have a good chance of finishing this bill tomorrow night. If we do not finish it tomorrow night, we can finish it on Friday. If we get back on amendments not related or relevant to the defense bill, then we will be—I understand the majority leader has to speak to this—we will be on this bill for a long time, and it will be up to the majority when we complete this bill.

We have 35 amendments we have worked out. We have accepted 27 already. We have 7 or 8 more we will be able to work out tonight. The minority leader on this side has done a lot of work, working with us, and Senator DORGAN and Senator FORD have led the effort to get our list of amendments on the Democratic side down as low as we can. We are working on that now.

Many of these amendments, I think, can be worked out. We have two or three more major hurdles that we have to get over to give us a clear sailing to finishing this bill, but those matters are being worked on, and I think they have a good chance, a reasonable chance, of being worked out sometime tomorrow so we can conclude this bill.

That is the report from our side of the aisle. I know the chairman of the committee will have some thoughts on his side of the aisle.

Mr. THURMOND. Mr. President, I commend the Members of the Senate and thank them for the progress that we have made today.

Mr. ROCKEFELLER. May we have order? There are at least 12 conversations taking place.

The PRESIDING OFFICER. The Chair hears the request of the Senator from West Virginia. The Senate is not in order. The Senate will be in order before we proceed.

The Senator from South Carolina.

Mr. THURMOND. Again, I thank the Members of the Senate for the progress we have made today. If we can just avoid amendments that are not related to defense, we can finish this bill by tomorrow night. If we work hard, stay on the job, be here and take up the amendments—I am anxious for us to get

through this bill tomorrow night if possible. The majority leader wants this bill finished by tomorrow night. So I ask for the cooperation of all the Senators. Let us work together and get through this bill and not have to be here over the weekend.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I certainly share the concern and the attitude of the chairman and the ranking member. They are working hard to deal with these amendments. I hope work is being done very seriously now to identify a finite list of amendments.

I want to say, again, so everybody will know, the intent here is that we are going to finish the DOD authorization bill this week. That could mean not only Thursday night, it could mean Friday, it could mean Friday night and, if necessary, it could mean Saturday.

I want to be very much sympathetic to Members' desires to be with their families at night and certainly during the recess, but in order for the leader to be able to do that, I have to have the cooperation of Members on both sides of the aisle.

This is very important legislation, the Department of Defense authorization bill. So I am asking Members, help work with the leadership to get this bill done. We need to get it done so we can move on to the DOD appropriations bill and the military construction appropriations bill, so we can get our work done.

It can be done tomorrow night, but if it takes going over to Friday, we have no option but to do that. I know the chairman and ranking member will do that. Expect us to be here Friday and voting in order to complete it.

We are going to keep moving ahead. We always want to try to be reasonable. Tonight, the intent will be to have Senator NUNN lay down his amendment and have debate tonight, and the vote would occur in the morning at 9:30.

So there will be no more recorded votes tonight, but we are going to keep pushing ahead on this bill until we can get an agreed-to list of amendments, until we can get them resolved.

With that, Mr. President, I yield the floor, so we can proceed with the amendment.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. We are not in a quorum call, Mr. President?

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

MARINE GENERALS

Mr. GRASSLEY. Mr. President, I am not going to offer an amendment, but I do want to discuss, while there are still leaders of the committee, both Republican and Democrat, on the floor, a very important issue, as far as I am concerned. It may be very easy to explain to my colleagues. I know even many people who are not on the committee may know the issue. But I want to raise the issue with the committee of why this legislation provides for 12 additional Marine generals when the Marines are very much in a downsized mode.

This deals with what is called section 405. Section 405 would increase the number of general officers on active duty in the Marine Corps. If enacted, it would increase the number of generals in the Marine Corps from 68 to 80. That is 12 more Marine generals.

I think it is legitimate to ask why does the Marine Corps need an extra 12 generals when it is downsizing? In 1987, Marine end strength was at 199,000. At that time the Marine Corps had 70 generals; 199,000 marines, 70 generals.

As the Marine Corps began downsizing, the number of generals dropped slightly by 2 in 1991 to 68. But Marine end strength continued a gradual decline until last year it leveled off at 174,000. We used to have 70 generals, 199,000 marines. Today, we have 68 generals, 174,000 marines, a reduction of 25,000 since the late 1980's.

Despite this drop in end strength, the number of generals stayed right at 68 until right now. If this bill becomes law, section 405, the number heads north again. Why? I really do not understand. I hope somebody can explain it. Why do 25,000 fewer marines need 12 more generals giving them orders?

I suppose somebody could say that a possible explanation would be what is on page 279 of the committee report. I will quote:

> This increase is intended to permit the Marine Corps to have greater representation at the general officer level on the Department of the Navy/Secretariat staff and in the joint arena. As a general rule, the Committee is reluctant to act on independent service requests of this nature * * *

So this explanation is given in the committee report. I repeat, in the way of emphasizing, the additional 12 would ''permit the Marine Corps to have greater representation at the general officer level on the Department of the Navy/Secretariat staff and in the joint arena.''

I suppose the second possible explanation might be that the committee would say that technology has changed and the nature of warfare has changed and more generals are needed to run the battles. I suppose they could also say the Goldwater-Nickles Act is the culprit and requires it. Those are possible explanations. One of them, obviously, is somewhat of an explanation being in the committee report.

But let me suggest this, that when you figure that war is conducted on the battlefield—and that is where the lives are going to be put in danger—it seems to me, the extent to which we need 12 more generals ought to be related to the number of people that are going to be fighting and potentially shedding their blood.

In regard to the Goldwater-Nichols Act, it did place special emphasis upon joint operations, joint staff, and joint duty. I suppose that is how this works its way into the committee report. But it seems to me that that should not constitute a license to expand joint headquarters staff when force structure is shrinking, shrinking by 25,000 marines. In fact, joint headquarters should replace duplicative service headquarters. If the Marines need more generals in joint billets, then they should reduce the number assigned to Marine headquarters.

The report language makes it clear that the extra generals are not needed for combat jobs. Instead, they are needed for bureaucratic in-fighting in the Pentagon budget wars. Those are my words. I suppose the people that write the reports are going to take exception to that explanation on my part. But when you talk about more people needed at the Navy/Secretariat level, to make the points of view for the Marines, that is the way I read it.

I suppose it also sounds like the Marines want to be topheavy with rank, just like the other services, like the Navy, for example. The Navy is approaching the point where it has one admiral for every ship. I suppose, to be more accurate, I should say 1.67 ships per admiral.

The Navy got the job done with 20 ships per admiral in World War II. If we apply the World War II ratio to today's fleets, the Navy should have no more than 20 admirals to get the job done. But the Navy has 218 admirals.

The proponents of section 405 might also suggest that technology creates a need for more generals. That is possible. But the reverse is also possible. Technology could reduce the need for so many generals and admirals.

I would like to have you take C CUBED-I, for example. This is the command, control, communications and intelligence. This bill contains billions of dollars for C CUBED-I. C CUBED-I gives the top generals and admirals the capability to run the battles from the Pentagon. It gives them the ability to communicate directly down to the smallest unit, the smallest unit operating anywhere in the world.

I do not expect you to take the judgment of the Senator from Iowa on that. But it seems to me, if you read Colin Powell's book, ''My American Journey,'' you can see how he did it. If he did it just a few short years ago, we ought to be able to do it.

So C CUBED-I technology could reduce the need for having so many admirals at sea with the fleet. It could reduce the need for having so many generals forward deployed with the fleet Marine force.

So, Mr. President, I do not understand or see the need for the increase in the number of generals provided for in section 405. The number of generals should be decreased as the Marine Corps gets smaller, as I said, down from 199,000 to 174,000 today. Yet we are going to increase the number of marines, potentially, from 68 to 80.

Now, again, you may not want to believe Colin Powell in his book, ''My American Journey,'' you may not want to listen to the Senator from Iowa, but maybe you would like to listen to a marine general, John Sheehan, commander in chief of the U.S. Atlantic Command. I quoted him very extensively on some debate last week. I quoted him when I was trying to make my case to freeze defense infrastructure costs. General Sheehan, Marine Corps general, argues that, ''Headquarters should not be growing as the force shrinks.'' Could I repeat that. We have a Marine Corps general saying that ''headquarters should not be growing as the force shrinks.''

The force is shrinking, from 199,000 to 174,000. That is a fact of life already. The number of marine generals is suggested to increase from 68 to 80. The possible explanation in the committee report—need more generals at the Navy Secretary level, so the marines have more of a voice at the higher echelons of decisionmaking. General Sheehan, a marine general, same branch of the military, as we are increasing the number of marines, commander of Atlantic forces, General Sheehan hits the nail right on the head when he says, ''The growth in headquarters staff jobs is threatening the military's war-fighting capability.'' He says that after he said, ''Headquarters should not be growing as the force shrinks.''

Surely marines in the U.S. Senate—and I have not served in the military; I want to make that very clear. I am no military hero, as Senator MCCAIN and a lot of other people in this body, but I can read. I do not know why any marine in this Senate would question General Sheehan when he says, ''Headquarters should not be growing as the force shrinks.''

''The growth of headquarters staff jobs is threatening the military's war-fighting capability.''

General Sheehan has identified the root cause of the problem. He helps me understand why the Department of Defense cannot cut infrastructure costs, as I tried to do a week ago on my amendment. The growth in headquarters staff is being driven by one powerful force—excess generals and admirals searching for a mission. Each senior officer needs a place to call home and to hoist a flag. Every senior officer needs a command, a headquarters, a base, a staff, or a large department of some kind, somewhere, someplace. Each general, then, created by section 405, will need some new real estate that is going to cost our tightly written defense budget very much. It is going to weaken our defense and not provide the national security that it ought to provide.

All of this makes me think, Mr. President, that this new section 405, increasing the number of generals from 68 to 80, may not be such a hot idea, particularly when Marine General John Sheehan says, ''Headquarters should not be growing as the force shrinks.'' And when it does, he says, ''The growth of headquarters staff jobs is threatening the military's war-fighting capability.''

I hope my colleagues on this floor who, out of their heart and probably even out of their intellect, firmly believe and so state on the floor of this body that we do not have enough money for defense—and I may disagree with them on that point, but I know my colleagues who say that sincerely believe it—if they do believe it, and we have a defense dollar that is so terribly squeezed, why we are adding this number of personnel at the highest ranks of the marines at the same time the marine force is shrinking.

I yield the floor.

Mr. WARNER. Mr. President, I will have the opportunity to study in some detail the comments of my distinguished colleague. I am not prepared at this time to respond to the detailed statement that he made, but I think it is very worthy of having a response. I will make certain tomorrow that I will address the issues.

I know first and foremost that comes to mind, having served in the Navy Secretariat and dealt with the flag, promotions, and the need for flag officers, and listening to the Senator harken back to the days of World War II when, indeed, an admiral did command a good number of units, what has changed is the joint service arena, requiring so many flag officers to participate in joint service assignments. That has made up, in large measure, for the expansion of the numbers of our flag and general officers, particularly in the Navy and the Marine Corps.

However, tomorrow, Senator—your statement is highly deserving of a reply—I will present my own views on it.

Mr. GRASSLEY. Mr. President, if I could have a moment to respond to the Senator from Virginia.

Thank you very much for giving it the thought that I know the Senator will give it and the explanation the Senator will give. I would particularly like to have the Senator comment, as the Senator thinks about it, on what Marine Corps General Sheehan has said and written about. I have quoted him, but he has also published, as well, in one of the defense publications on a longer basis than what I quoted. I think he ought to have considerable credibility in this area, because he is making the same criticisms.

Second, I am not sure I can be here, and I do not have to be here, but if the Senator will notify me when the Senator will be on the floor to respond, I would appreciate that.

Mr. WARNER. I will acknowledge both of those requests, and, indeed, I share the distinguished Senator's high regard for General Sheehan.

AMENDMENT NO. 4349

(Purpose: To take measures to protect the security of the United States from proliferation and use of weapons of mass destruction)

Mr. NUNN. Mr. President, I ask unanimous consent that the pending amendment temporarily be laid aside, and I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself, Mr. LUGAR, Mr. DOMENICI, Mr. DASCHLE, Mr. BIDEN, Mr. GRAHAM, Mr. LIEBERMAN, and Mr. SPECTER, proposes an amendment numbered 4349.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I now ask unanimous consent that the agreement reached yesterday be further modified to reflect that there be no small business tax amendments offered by the two leaders in order and all remaining provisions in the agreement still in place.

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

ORDERS FOR THURSDAY, JUNE 27, 1996

Mr. LOTT. Mr. President, so that Members will know what the timeframe is going to be tonight and in the morning, I now ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until the hour of 8 a.m., Thursday, June 27; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, that no resolutions come over under the rule, that the call of the calendar be dispensed with, the morning hour be deemed to have expired and the time for the two leaders reserved for their use later in the day.

I further ask unanimous consent that there be a period of morning business until the hour of 9:30 a.m., with Senators permitted to speak for up to 5 minutes each, with the following Senators in control of the designated time: Senator MURRAY, 10 minutes; Senator DEWINE, for 10 minutes; Senator LEAHY, from 8:30 until 8:45; Senator DORGAN, from 8:45 to 9 o'clock; Senator THOMAS, from 9 o'clock to 9:30.

Further, at 9:30, the Senate proceed to resume consideration of the DOD authorization bill, and there be 10 minutes remaining for debate on the Nunn-Lugar-Domenici amendment to be equally divided in the usual form, and a vote to occur following the conclusion or yielding back of time on the Nunn-Lugar-Domenici amendment, with no second-degree amendments in order to that amendment.

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

Further, I ask that following the vote on the Nunn amendment the Senate proceed to a cloture vote with respect to the DOD authorization bill with the mandatory quorum waived.

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

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, there will be a vote, then, on the Nunn-Lugar-Domenici amendment, to be followed, if necessary, by a vote on a motion to invoke cloture, beginning at 9:40 a.m. tomorrow morning. The cloture vote may be vitiated if a reasonable list of amendments can be reached. However, if the cloture vote occurs, and it is invoked, it is hoped that the Senate will complete action on the defense bill in a timely manner. If cloture is not invoked, Senators who have amendments are encouraged to offer those amendments during Thursday's session to enable the Senate to complete action on the bill this week.

As I said earlier, if we do not get it done tomorrow night, we will go into Friday, and beyond that, if necessary. Rollcall votes will occur throughout tomorrow's session.

Mr. FORD. Will the Senator yield?

Mr. LOTT. I yield the floor.

Mr. FORD. Regarding the time allotted to Senator DORGAN from 8:45 to 9:00, would you kindly change that to be Senator BRADLEY?

Mr. LOTT. I am glad to amend the unanimous consent request agreement to that effect, if Senator DORGAN agrees with that.

Mr. FORD. Yes.

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

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

Mr. NUNN. Mr. President, in just a moment, Senator LUGAR, myself, and Senator DOMENICI will explain this amendment. I know the chairman of the committee would like to make some comments on the amendment.

At this point, I will yield the floor for whatever the chairman is prepared to say.

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

Mr. THURMOND. Mr. President, I rise in support of the amendment offered by the Senators from Georgia, New Mexico, and Indiana, to authorize the establishment of an emergency assistance program to train and equip State and local authorities to respond to domestic terrorist use of weapons of mass destruction.

The amendment would also expand authorities for the DOD and DOE cooperative threat reduction programs, as well as increase the funding for these programs.

I have grave concerns about increasing the funding for DOD and DOE's cooperative threat reduction programs, as well as expanding the scope of the programs in DOD and DOE.

Based on my review of the amendment and the new activities authorized by this amendment, DOD and DOE will require significant funding authority in the outyears to complete these programs.

For example, how much money are we talking about in the defense bill to complete the program to replace the reactor cores at Tomsk 7 and Krasnoyarsk 26?

How much money will it take to convert, or eliminate, the chemical and biological facilities in all the independent states of the former Soviet Union?

We have not received any information from DOD, DOE, or the National Security Council on the budgetary impact of the increases for these two programs, or whether funds will be included in the future years defense plan for this program, as well as DOE plan.

I would point out that none of the funds necessary for the increases in this amendment have been appropriated.

Mr. President, I believe the efforts of the sponsors of this amendment are laudable. I do not question whether its appropriate, or not, to conduct these programs. I question whether its appropriate for the funds to come out of the defense budget for these foreign assistance programs.

I would also point out that DOE has not even spent the funds authorized for it currently in the materials, protection, control and accountability account. The same is true for funds in DOD's program. Although DOD has done a better job at proposing to obligate funds.

Clearly, with the recent terrorist events at the World Trade Center, in Oklahoma City, and in the Tokyo subway, we need to provide assistance to our State and local authorities to prepare them to provide emergency assistance, in the event a domestic terrorist WMD incident occurs.

I think that we should provide more in the way of establishing this particular program, and providing a regional NBC emergency stockpile.

I want to commend the senior Senator from Virginia, Senator WARNER, for the work that he has done throughout the years to ensure that DOD, DOE and the intelligence community are conducting activities to prevent or combat the proliferation of weapons of mass destruction. I also want to commend him for his work in authoring the provisions in the last two defense bills that provided the authority for DOD to provide emergency assistance to State and local authorities in the event of a domestic terrorist WMD incident.

I want to work with my colleagues, however, I want to emphasize my concerns about increasing funds in the DOD and DOE budget for cooperative threat reduction activities, for which there are no appropriations.

Lastly, I would ask, is it wise for the United States to provide this type of assistance to Russia, while it continues to build SS–25's; continues to transfer nuclear technology and knowledge to Iran and China?

Mr. President, in closing, I want to re-emphasize my support for the efforts of the sponsors to provide assistance to State and local authorities to respond to domestic terrorist use of WMD. I hope that we can increase the funding for this assistance in the conference.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, I wish to commend the distinguished chairman of the Armed Services Committee. I particularly thank him for the references to the work he and I and others on the committee have done in previous years, which, in some respects, laid a modest foundation for the important additions that are presented in the amendment soon to be submitted by the senior Senator from Georgia.

However, I share with the chairman the views that I have, which coincide with his, regarding these expenditures at this particular time. And in the course of the deliberation on this amendment, I shall address specific questions to the Senator from Georgia, the Senator from New Mexico and, indeed, the Senator from Indiana on the points the chairman has raised.

Mr. NUNN. Mr. President, I first thank the chairman of the committee, as well as Senator WARNER, for their support of this amendment. I am pleased that we are able to present it this evening and that we are likely to get a vote on it tomorrow.

Mr. President, this amendment deals with one of the most urgent national security problems America faces today. That is the threat of attack on American cities and towns by terrorists, malcontents, or representatives of hostile powers using radiological, chemical, biological, or nuclear weapons.

Mr. President, because Senator LUGAR is on the floor, Senator DOMENICI is on the floor, and my statement will probably run 15 to 20 minutes, I ask to be notified in 10 minutes, and then I intend to yield and complete my statement after they have made their remarks.

If the Chair could notify me when 10 minutes expires.

The PRESIDING OFFICER. The Chair will do so.

Mr. NUNN. This threat is very different from the threat of nuclear annihilation with which our Nation and the world has dealt during the cold war. During the cold war, both we and the Soviet Union recognized that either side could destroy the other within about an hour, but only at the price of its own destruction.

In the course of carrying out that mutual assured destruction, most of the rest of the civilized world would have been destroyed, in greater or lesser degree, as well. Today, this kind of

cataclysmic threat is greatly reduced. And if we are able to continue to implement START I and START II Treaties on both sides, reducing the number of warheads dramatically, it will be reduced further.

Tragically, the end of the cold war, however, has not brought peace and stability, but rather has seemingly unleashed countless small bloody wars around the globe. The end of the cold war also encouraged a number of states that are hostile to the United States to try to acquire weapons of mass destruction and appropriate delivery means as an adjunct to their conventional military forces. They are motivated by two beliefs. One is that the possession of such weapons of mass destruction will advance regional status and power relative to neighboring and often rival states. Second is that they believe possession of weapons of mass destruction, coupled with the threat to use them, can both deter superpower states from interfering in regional conflicts and blackmail them into favorable courses of action.

While here I am not speaking of nuclear weapons, I am including that. In many of these countries, probably a greater threat is the chemical and biological proliferation we now see going on.

Finally, Mr. President, fanatics, small disaffected groups and subnational factions or movements who hold various grievances against governments, or against society, all have increasing access to, and knowledge about the construction of, weapons of mass destruction. Such individuals and groups are not likely to be deterred from using weapons of mass destruction by the classical threat of overwhelming retaliation.

In many past instances of terrorism, we have not even known who the perpetrators were or where they were based. It is very hard to threaten retaliation when you do not know who did it or where they came from or where they were based. These groups are not deterred by the threat of a nuclear counterstrike. A national missile defense system, no matter how capable, is sometimes and often irrelevant to this kind of terrorism.

The Permanent Subcommittee on Investigations, which Senator ROTH chairs, and I am the ranking Democrat on that committee, held a series of hearings over the last year on the proliferation of weapons of mass destruction. We heard from representatives of the intelligence and law enforcement communities, the Defense Department, private industry, State and local governments, academia, as well as foreign officials.

These witnesses described a threat that we cannot ignore and which we are virtually unprepared to handle. CIA Director John Deutch, for one, candidly observed that ''we have been lucky so far.''

Mr. President, the release of deadly sarin gas in the Tokyo subway system should have been a warning bell for America. Prior to those attacks, this Aum Shrinkiyo sect that made this attack was unknown to the United States intelligence and was poorly monitored by Japanese authorities. The Aum Shrinkiyo sect actually conducted several test releases of lethal chemicals prior to the subway attack. Yet, their capacity to manufacture and store those chemicals was unknown to Japanese authorities, this in spite of the fact that they had over 50,000 members in Russia. They were recruiting nuclear scientists. They owned a radio station in Vladivostok and tested sarin gas in Australia against sheep. In addition to many other things they have done, they were not on the radar screen.

We received an even louder warning bell in the World Trade Center bombing which brought it home to America. It was here in the United States, not halfway around the world. The trial judge, at the sentencing of those responsible in that terrible terrorist incident, pointed to several factors that could have made the tragedy far worse.

First, in an effort to get that tower to fall down over its twin tower next door, the killers wanted to park the truck in front of a key structural member of the outer corner of the building. But they could not find an empty parking space. So they went elsewhere.

Second, the killers had access to chemicals to make lethal cyanide gas and, according to the judge, probably put them into the truck bomb. Fortunately, the chemicals appeared to have been vaporized by the force of the blast. Otherwise, the smoke and fumes that were drawn into and up through the tower would have been far more lethal.

So, Mr. President, in all likelihood, it is very likely that the United States has already had, without really focusing on it, our first chemical attack by terrorists. That is the World Trade Center bombing. Fortunately, those chemicals did not activate.

Mr. President, we had a third warning bell in the bombing of the Alfred P. Murrah Federal Building in Oklahoma City. This showed yet again the ease of access to simple, widely available commercial products that when combined can create powerful explosions. This knowledge, and much more, is available today over the Internet for anyone who wants to tune in.

The Department of Defense invested billions in the design and protection of binary chemical weapons. A binary chemical weapon contains two chemicals, each of which is harmless when used separately, and they are widely used industrial chemicals. Yet, when mixed together, they create lethal chemical weapons. You can find lists of the ingredients needed to make binary weapons on the Internet today.

Now let me turn to the current state of our domestic efforts to deal with nuclear, chemical, biological, or radiological attack.

In recent years, several modest test exercises have been held. In one large exercise, the first hundred or so emergency response personnel—police, firemen, medical personnel—arriving at the scene of the mock simulated disaster rushed headlong into the emergency scene and were promptly declared dead by the referees. In other words, the people who came to the rescue were among the first victims.

In the second exercise, featuring both chemical and biological weapons, contaminated casualties brought to the nearest hospital were handled so carelessly by hospital personnel that within hours most of the staff were judged to have been killed or incapacitated by spreading contamination.

Mr. President, my purpose is not to frighten the American people; it is to persuade the Congress and the American people that we face a new and severe national security threat for which all governments at all levels are woefully inadequately prepared. We must begin now to prepare what surely threatens us already. To do this effectively requires three things.

First, it requires taking the expertise that has been built up over the years in both the Department of Defense and Department of Energy by successive defense budgets and making that expertise available—and rapidly available—to Federal, State, and local emergency preparedness and emergency response teams.

The Department of Defense and the Department of Energy need to bring training to the other officials in our State, local, and Federal Government in the detection, recognition, containment, and treatment of acute crises arising from the use of some form of weapon of mass destruction to those on the front lines in our major metropolitan areas.

DOD and DOE need to train them in the use of detection equipment and in the use of protective gear to avoid becoming casualties themselves. DOD needs to train emergency medical personnel in the appropriate treatment, for triage, and the administration of antibiotics.

There is much to do, and doing it will require DOD and DOE funding. There is simply no other practical source of this kind of expertise. The time to do it is now and not after we suffer a great tragedy.

I, like many of my colleagues, believe there is a high likelihood that a chemical or biological incident will take place on American soil in the next several years. We do not want to be in a posture of demanding to know why we were not prepared. We do not want a domestic Pearl Harbor.

This training and equipping function is the heart of the amendment, but it is not the whole amendment. There are other parts of the amendment dealing with Customs and dealing with the stopping of these weapons of mass destruction at the source.

At this point in time, I will reserve the remainder of my remarks, and I

yield the floor to my two partners in this endeavor, Senator LUGAR and then Senator DOMENICI.

Mr. WARNER. Mr. President, I wonder if I might ask of the principal sponsor and two cosponsors about the availability of the three to respond to questions at an appropriate time this evening. I intend to pose a number of questions. I am quite anxious to join with these three distinguished Senators because I certainly wholeheartedly support the domestic portions of this legislation. But I would like to ask a question in terms of the overseas portion and designs, and I wonder if the Senators will be available.

Mr. DOMENICI. I would be available, if we do not stay too late. It is pretty tough for me to answer questions if we stay too late.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, when Chechen rebels placed a 30-pound package of radioactive material in a Moscow park last November, it marked the first act of nuclear terrorism in the post-cold-war era. Although the container was not equipped with the explosives needed to disperse the cesium, the Chechens demonstrated a credible terrorist threat to employ nuclear material attached to explosives as radiological dispersion devices in Russia.

The act crossed a new threshold in terrorism. Demonstrating on Russian television the ability to penetrate Moscow's increased security, Chechen rebels were now in a position to panic the Russian public by issuing similar threats of radiological contaminants.

Terrorism was alive and well in another part of the world at roughly the same time. The worldwide activities of the Japanese Dooms-Day Cult, the Aum Shrinkiyo were not on the radar screen of United States law enforcement and intelligence agencies before the sarin gas attack on the Tokyo subway last March. This is alarming, considering the cult accumulated over $1 billion in assets and established offices in six countries on four continents.

Cult members actively recruited scientists and technical experts in Japan, Russia, and elsewhere in order to develop weapons of mass destruction. They succeeded in producing chemical weapons, including toxic chemical agents such as sarin, VX, and sodium cyanide; and they were in the process of developing biological weapons, including anthrax, botulism, and ''Q'' fever.

We have since learned how much more devastating the attacks in Tokyo could have been if the cult had simply perfected their delivery systems. The arrest and subsequent interrogation of members of the Japanese cult has shed more light on the activities of the group, particularly with respect to the extent and nature of its efforts in the area of offensive biological agents.

The Japanese cult conducted extensive research on the manufacture of offensive biological agents, including anthrax and botulinum toxin, and tested their dispersal against specific targets on at least three occasions between 1990 and 1995.

The dispersal incidents were attempts to test the effectiveness on humans of Aum-produced toxins and to judge whether they could be used as weapons. Although the cult's tests caused no known casualties, the relative ease with which the botulinum bacteria and anthrax spores were obtained and the need for only basic scientific knowledge to conduct research on biological agents suggests either Aum members still at large or other terrorist groups may be more successful in the future.

We have also learned how close we have come to witnessing acts of terrorism involving weapons of mass destruction directed toward the United States. Listen to the words of Judge Duffy in his sentencing statement before the perpetrators of the World Trade Center bombing:

> The harm actually caused by the World Trade Center bombing was enormous, but what is even more frightening is what was intended by you and your cohorts . . . The bomb was big and that's what you intended, but that's not quite all that was intended . . . The evidence clearly indicated that you attempted to enhance the destructive force of the (device) . . . If the bomb had the explosive force that you envisioned, placed as it was at the base of the north tower next to a diagonal brace, you might have succeeded in your nefarious plot to topple over the north tower into the south tower just like a pair of dominoes.
>
> Had that happened, we'd be dealing with tens of thousands of deaths and billions of dollars of damage, but death is what you sought to cause. You had sodium cyanide around, and I'm sure it was in the bomb. Thank God the sodium cyanide burned instead of vaporizing. If the sodium cyanide had vaporized, it is clear that what would have happened is the cyanide gas would have been sucked into the north tower and everybody in the north tower would have been killed.

I say to my colleagues: Here we have three incidents involving materials and weapons of mass destruction—in Russia, in Japan, and in the United States. The fact that the destruction wrought by the attempted use of these materials was not more massive owes more to luck or accident than to prevention, deterrence, or consequence management.

The threat of weapons of mass destruction is real, and it is now.

As a consequence of the collapse of the Soviet totalitarian command and control society, a vast potential supermarket of weapons and materials of mass destruction is becoming increasingly accessible. The collapse of the Soviet Union and the subsequent decay of the custodial system guarding the Soviet nuclear, chemical, and biological legacy has eliminated this proliferation chokepoint, since states and possibly even sub-state groups can now buy or steal what they previously had to produce on their own. This central fact has transformed the nature of the proliferation problem for the United States as well as the rest of the world.

If this is a fair description of the nature of this threat, the prevailing view that there is today no direct threat to U.S. national security is dead wrong. It is my view that the risk of a nuclear, chemical, or biological weapon detonation on American soil has increased. While the probability of large-scale nuclear war between the United States and Russia has mercifully decreased dramatically, the probability that one, or two, or a dozen weapons of mass destruction detonate in Russia, or Japan, or Europe, or the Middle East, or even the United States has increased.

However, because this new threat comes in a form so unfamiliar, indeed, so radically different from prior experience, and because the instruments and policies to address it are so unlike the business our White House and national security establishments have pursued for decades, the American political leadership, the Congress, and the American people have great difficulty in awakening to this fact.

But, let us be clear. Absent a U.S. response to this threat of leakage of weapons and materials of mass destruction that is as focused, serious, and vigorous as America's cold war strategy, Americans may have every reason to anticipate acts of nuclear, chemical, or biological terrorism against American targets before this decade is out.

To oversimplify, there are three main lines of defense against these emerging threats:

The first is prevention and this must entail activities at the source.

The second is deterrence and interdiction and involve efforts to stem the flow of illicit trade in these weapons and materials of death.

The third line of defense is crisis and consequence management and involves greater efforts at domestic preparedness.

As we have explored the weapons material leakage and proliferation problem, one point has become increasingly clear. If the United States is to have any chance of stopping the detonation of a weapon of mass destruction on our soil, prevention must start at the source, the weapons and materials depots and research institutions in the former Soviet Union.

We have found that the former Soviet storage facilities are unsafe and insecure. We have learned that there are people and organizations in the world who are attempting to acquire these weapons and materials for terrorist purposes.

The most direct line of defense against these dangers is negotiated, verified reductions in nuclear, chemical, and biological forces. It makes no sense to be for missile defenses and against the START treaties and the Chemical Weapons Convention. Likewise, defense spending that facilitates threat reduction in the former Soviet Union is a wise investment. This is the essence of the Nunn-Lugar or Cooperative Threat Reduction Program.

I favor a prudent approach to strengthening our third line of defense—namely crisis and consequence management, including defense against ballistic missiles—but not at the expense of shoring up the front lines of defense—namely, prevention and deterrence. It is important to point out that a ballistic or cruise missile is not the likely delivery vehicle a terrorist or rogue nation will use to attack the United States. Rather, a Ryder truck, an already proven form of delivery, or a minivan, is much more likely.

Many refuse to believe that this type of drive-up nuclear, chemical, or biological attack is likely. I say it is the most likely. We must protect ourselves from missile attack, but at the same time, we must also be willing to expend the resources necessary to prevent, deter, and interdict this much simpler and more likely form of attack.

In my view, the potential costs of ignoring the threats and problems associated with the spread of weapons of mass destruction are so enormous that they demand a national mission on par with the Manhattan Project—Manhattan II. We need to assemble the best minds, with massive resources, to come up with, in a relatively short period of time, the kinds of technical tools that will allow our policymakers to develop truly credible responses and plans in the areas of nonproliferation and counterproliferation.

It will take time. But we can jump start that effort here in the Congress today. And that is the purpose of the amendment being offered by Senator NUNN, Senator DOMENICI, and myself.

There are three basic elements or components to our amendment. The first component stems from the recognition that the United States cannot afford to rely on a policy of prevention and deterrence alone, and therefore must prudently move forward with mechanisms to enhance preparedness domestically not only for nuclear but chemical and biological incidents as well.

The second component addresses the supply side of these materials, weapons and know-how in the states of the former Soviet Union and elsewhere. Building on our prior Nunn-Lugar/CTR experience, and recognizing that it is far more effective, and less expensive, to prevent WMD proliferation in the first place than to face such weapons on the battlefield or the school playground, our amendment includes countermeasures intended to firm up border and export controls, measures to promote and support counterproliferation research and development, and enhanced efforts to prevent the brain-drain of lethal know-how to rogue states and terrorist groups.

The third and last major component stems from the recognition much of the current effort to deal with the NBC threat crosscuts numerous Federal departments and agencies and highlights the need for the creation of a national coordinator for nonproliferation and counterproliferation policy in order to provide a more strategic and coordinated vision and response.

Let me deal briefly with each of these components.

The first component of our amendment concerns domestic preparedness for terrorism involving weapons of mass destruction. Senator NUNN has described this part of the amendment and I will not repeat his explanation. Let me simply say that our hearings have demonstrated that the United States is woefully unprepared for domestic terrorist incidents involving weapons of mass destruction. Although recent Presidential decision directives address the coordination of both crisis and consequence management of a WMD incident, the Federal Government has done too little to prepare for a nuclear threat or nuclear detonation on American soil, and even less for a biological or chemical threat or incident.

The second component of our amendment focuses on further constricting the supply side of the proliferation of weapons of mass destruction. Since the disintegration of the Soviet Union, the Nunn-Lugar or cooperative threat reduction program and related initiatives has sought to address the threat to United States security posed by the nuclear weapons, scientists, and materials of the former Soviet Union. The mission to secure these nuclear assets, as well as their chemical and biological equivalents, is unfinished.

We week to capitalize on the progress achieved in dismantling nuclear weapons of the former Soviet states and in preventing the flight of weapons scientists over the past 5 years and to expand the core mission of the program so as to address strategically the emerging WMD threats that compromise our domestic security. The resources that will be required to implement programs proposed in the amendment are not intended to supplant, but rather to supplement, current Nunn-Lugar funding levels.

More specifically:

First, cooperative programs to improve the protection, control, and accounting of nuclear materials must be accelerated and expanded to encompass all of the nuclear facilities that handle sensitive nuclear materials and components.

Second, the security of nuclear materials during transportation between nuclear facilities must receive greater attention. Transportation risks will grow as more nuclear warheads are disassembled and their materials are shipped to interim or permanent storage sites.

Third, greater programmatic emphasis needs to be placed on safeguarding highly enriched uranium fuel used in Russian naval propulsion. We need to accelerate and expand our programs with the Russian Navy to encompass all unirradiated enriched uranium fuels used for ship propulsion.

Fourth, we need to get on with the business of closing down plutonium production facilities in Russia. Russia agreed to a United States proposal to cease plutonium production for weapons but action has been stymied by the fact that the three reactors in question also produce heat and electricity. These reactors can be converted so that they can no longer produce weapons-grade plutonium while permitting them to continue to produce heat and electricity.

Fifth, in order to expand our transparency program efforts with the Russians, we need to undertake new efforts to evaluate technologies and techniques to verify that weapons are being dismantled and to verify the quantities of nuclear materials from disassembled warheads.

Sixth, in the area of securing weapons and materials, it is time to make a concerted effort at chemical and biological threat reduction. Opportunities do exist to secure materials that can be used to make chemical and biological weapons, and we need to determine the feasibility and priority of moving beyond nuclear threat reduction and beyond chemical-weapons demilitarization efforts to explore possibilities for improving security for chemical and biological weapons materials.

Seventh and last, in addition to enhanced efforts to secure the weapons and materials of mass destruction, we must recognize that the combination of organized crime, porous borders, severe economic dislocation and corruption in the states of the former Soviet Union has greatly increased the risk that lethal materials of mass destruction as well as the know-how for producing them can pass rather easily through the borders of the former Soviet Union.

Although Nunn-Lugar programs have begun to offer training and equipment to establish controls on borders and exports throughout the former Soviet Union, much more needs to be done. Much of the training that is done by the U.S. Customs Service will lapse this year.

The third component of the amendment focuses on the need for a national nonproliferation coordinator. There is a broad consensus that WMD proliferation is now, and will remain for the foreseeable future, the top threat to U.S. national security interests. Yet the American response to this proliferation threat remains scattered and unfocused.

The present nonproliferation and counterproliferation efforts include dozens of departments and agencies that have responsibilities in one way or another to protect the United States from such threats. This patchwork effort suffers from lack of coordination, overlap, and duplication. The very nature of the WMD threat demands not just the attention of our armed services and diplomatic corps, but also our law enforcement community, our scientific community, and our intelligence community.

In my view, our Nation's nonproliferation effort is in need of a strategic and coordinated government-wide plan.

In order to best address the cross-cutting nature of the proliferation challenge, we propose to establish the position of the national nonproliferation coordinator who will be charged with coordinating policies and activities to combat the threat posed by WMD both domestically and internationally. The coordinator should have the authority to review the budgets of all agencies with programs in nonproliferation, counterproliferation, and related areas of intelligence and law enforcement. The office of the coordinator should be augmented with nonproliferation and counterproliferation experts from the Departments of State, Defense, Justice, Energy, Commerce, the intelligence community, and such other agencies as may contribute to the mission of the national coordinator.

To support a comprehensive approach to nonproliferation, the national coordinator should chair a new committee on proliferation, crime, and terrorism, to be established within the National Security Council. That committee should include the Secretaries of State, Defense, Justice, Energy, the DCI, and other department and agency heads the President deems necessary. This committee within the National Security Council should serve as the focal point for all government nonproliferation, counterproliferation, law enforcement, intelligence, counterterrorism, and other efforts to combat threats to the United States posed by weapons of mass destruction.

Mr. President, it is time to go beyond a recitation of the threats posed by the proliferation of weapons of mass destruction and to start developing an appropriate strategic, coordinated response. We know what the threats and the problems are. We even have the knowledge and expertise to deal constructively with these threats.

Difficult as it is, identifying a new challenge is the easier part of the problem. Summoning the political leadership, the political will and resources, and the support of the American people to act is harder still. Despite the threat of loose weapons of mass destruction and weapons-usable materials, will the political leadership of this country, including this Congress, step up to the plate?

Or will this new threat be given the priority it deserves only on the morning after the first act of nuclear, chemical, or biological terrorism takes place on American soil? What will we wish we had done?

This amendment represents our considered judgment as to the appropriate starting points for a national effort to deal with the threats posed by the proliferation of weapons of mass destruction. We have held over 20 hearings during the course of the last year. We have worked with experts in the executive branch—in the law enforcement area, in the Energy Department, in our national laboratories. And we have consulted with officials at the State and local levels—with first responders who will be on the firing line if our efforts at prevention and deterrence should fail.

Senator NUNN, Senator DOMENICI and I are convinced that the programs and measures outlined in the amendment are doable. And we ask for the support of our colleagues in agreeing to this amendment.

I yield the floor.

Mr. DOMENICI addressed the Chair.

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

Mr. DOMENICI. Mr. President, I first want to indicate to my good friends, Senator NUNN and Senator LUGAR, how appreciative I am that we have been able to work together to put this comprehensive amendment before the U.S. Senate.

While this is not a session this evening attended by very many Senators, I believe if this amendment is adopted tomorrow and if it remains part of the authorization bill and if it is signed by the President, then this will have been a red-letter day in the future of the United States and our people, because it appears to me that we ought to do everything we can to avoid a catastrophe that can occur in the United States with reference to a nuclear weapon being detonated here or a biological or chemical weapon, which I believe most experts say is probably more apt to happen and more dangerous today to America's future. If we can get our country started in a preventive program and in a coordinated program of using the finest talent we have, scientific and technological, to bear down on this issue, then I believe this will have been an extremely productive defense authorization bill.

Having said that, I would like to make a part of the RECORD the following: a letter dated June 26 to myself from the Secretary of Energy. I will merely paraphrase it. The Secretary says:

> Finally, the amendment will improve both our near-term and long-term work to prevent and counter the growing threat of weapons of mass destruction to the United States. We look forward to working with the Congress to address these priority concerns . . .

I ask unanimous consent that this letter be printed in the RECORD.

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

THE SECRETARY OF ENERGY,
Washington, DC, June 26, 1996.

Hon. PETE V. DOMENICI,
U.S. Senate, Washington, DC.

DEAR SENATOR DOMENICI: I am writing to state my strong support for your efforts to enhance U.S. national security in the face of the increasing threat posed by weapons of mass destruction.

The Amendment No. 4181 that you have proposed to the Defense Authorization bill and published yesterday in the Congressional Record would contribute significantly to our ability to protect the American people and the world from threats posed by unsafeguarded nuclear material.

It would enable us to complete nuclear materials upgrades on an urgent basis at key sites in Russia which were agreed to between Vice President Gore and Prime Minister Chernomyrdin since our budget was submitted. It would aid our ability to fund our very successful ''Lab-to-Lab'' materials, protection, control and accounting program which has been the pace setter in gaining access to vulnerable sites in the former Soviet Union where nuclear materials are stored and are in need of security upgrades. Our progress in these areas has outpaced available funding. The faster such sites are secured, the less likely that weapons grade material will be diverted to rogue states or terrorist groups. The costs of prevention are far less than the costs of defending against diverted material or coping with the potentially catastrophic consequences of terrorist use of such material.

The amendment also augments our Nuclear Emergency Search Team, or NEST, capability to be transported quickly anywhere in the United States or the world to deal with finding and disarming a nuclear device.

The amendment would leverage existing research and development capabilities of the Department's National Laboratories to better verify and secure U.S. and Russian nuclear weapons pits awaiting disposition, and make full use of DOE's capabilities to detect and counter nuclear smuggling and other weapons of mass destruction.

Finally, the amendment will improve both our near term and long term work to prevent and counter the growing threat of weapons of mass destruction to the United States. We look forward to working with the Congress to address these priority concerns of the Administration.

Sincerely,

HAZEL R. O'LEARY.

(Mr. LUGAR assumed the chair.)

Mr. DOMENICI. Mr. President, on June 26, Senator NUNN received a letter—it was actually for all of us and for this amendment—from Defense Secretary Perry. I quote the last paragraph:

> Taken together, the amendment's provisions will result in important improvements to the Defense Department's capabilities to prevent and respond to the threats both here and abroad posed by terrorists and weapons of mass destruction.

I ask unanimous consent that this letter be printed in the RECORD.

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

THE SECRETARY OF DEFENSE,
Washington, DC, June 26, 1996.

Hon. SAM NUNN,
U.S. Senate, Washington, DC.

DEAR SENATOR NUNN: I am writing to express my appreciation and support for your efforts to improve our ability to protect the American people, our troops and allies from the threats posed by weapons of mass destruction and terrorists who might use them.

The amendment you have proposed to the Defense Authorization bill on this issue would provide important support to enhance our defense capabilities against these threats. It would assist us in our efforts to improve our domestic preparedness to prevent and, if necessary, deal with a potential domestic terrorist incident involving weapons of mass destruction. It would also strengthen our ongoing efforts in Cooperative Threat Reduction and other programs to

prevent proliferation by reducing and improving control over such lethal weapons and materials at the source and strengthening the international community's ability to interdict them at borders.

Taken together, the amendment's provisions will result in important improvements in the Defense Department's capabilities to prevent and respond to the threats both here and aboard posed by terrorists and weapons of mass destruction.

Sincerely,

WILLIAM J. PERRY.

Mr. DOMENICI. Mr. President, within the last 3 or 4 days, a very interesting report has been forthcoming. I believe it is a godsend for us. It is called ''A Nuclear Black Market,'' and it was a report issued under the auspices of the Center for Strategic and International Studies. It is very significant, because many of the participants in this study have great credibility with many Senators with reference to issues of this type.

Arnaud De Borchgrave, who many know as former editor of the Washington Times, was the project director of this report. I am not going to make it a part of the RECORD; I am merely going to suggest to those who wonder whether this amendment moves us in the right direction, I suggest if they want the recommendations of this group, headed by the person that I just talked about, under the auspices of a very reliable think-tank group and containing the following prognosis—and if this does not sound something like the speeches just given by Senators NUNN and LUGAR—let me share it with you.

The prognosis says—and that is all I will read and urge that Senators or their staffs interested should read it—the prognosis says:

In the near term, several key variables in the nuclear smuggling equation appear likely to remain bad or may even worsen. Barring an unlikely economic turnaround in the former Soviet Union, struggling nuclear workers will continue to be tempted to steal material. Disarray in the Russian military is apt to worsen in the near term, threatening security at nuclear weapons storage sites.

The current trafficking situation shows a disturbing upward trend. Substantial quantities of materials are likely to remain at large, and the potential for an accident or use of smuggled nuclear materials probably is increasing, partly as a result of dismantling.

By contrast, certain trends are favorable. Improvements in the materials protection and controlled accounting in the former Soviet Union are progressing slowly. The number of deployed warheads and assembled weapons is shrinking and facilities are consolidating. Transit states are beginning to deploy technical detectors and are acquiring needed training and experience. Meanwhile, the international community is starting to respond to this severe challenge. Although any prediction is tenuous, the situation seems likely to get worse over the near term and will not improve unless immediate security enhancements are made.

Then one might be surprised to read the recommendations. The recommendations begin to sound like this bill. For that, I am very pleased, because the three of us and our staffs and an assemblage of experts, not including those who put this report together, have worked very hard in an effort to bring a comprehensive bill before the U.S. Senate tonight.

So, Mr. President, after yesterday's bombing in Saudi Arabia, my colleagues do not need to be reminded of the devastation of a conventional bomb. I am not aware of any of my colleagues who had the opportunity to observe an above-ground nuclear blast, but I believe my colleagues recognize the devastation that such an explosion would have if a nuclear weapon were to explode in New York City or in Indianapolis or in Atlanta or in Chicago.

We are less familiar, however, with the threat of chemical weapons, although we do have some experience from the Tokyo subway incident, which has been discussed thoroughly here tonight, from observing the use of chemical weapons in the Iran-Iraq war, and from dealing with accidental chemical leaks in events such as railroad car derailments.

I think very few of us are aware of what could happen if a rogue nation or group attacked the United States with a biological device. The device could very well be made in a laboratory the size of a kitchen.

My colleagues recognize all the equipment necessary to culture a biological agent. Most of it can be found in a high school or college chemistry laboratory, or ordered, I might say, from a number of mail-order houses in the United States and around the world.

In that kitchen laboratory, the first drop of an agent would be cultured until it multiplied billions of times. To turn those germs into a weapon would be very straightforward. The biological agent would be placed in a container designed to open and disperse the material into the air, possibly with a small fan. The device would be most effective placed in locations of which significant airflows interact. And when that interacts with large numbers of people, they have almost a special place for this kind of destruction: A metro station, the air-conditioning system of a large building, an airport.

People passing through would breathe the agent into their lungs, where it would continue to multiply with every breath. The unknowing transporter would exhale some of the agent, to be breathed in by others. The first illness might not occur for several days. First, those directly exposed would start to die. Then their co-workers, their families, their friends would start to die.

Initially hospitals would be overwhelmed, like we found when we have had viruses before, including the Ebola virus. The virus would flourish at the hospitals, turning them into killing grounds. I could go on.

I do this because I truly think it is imperative that somehow we get the message to the policymakers of this country and ultimately to the people of this Nation that just as we amassed in the Manhattan project the greatest of our scientists with a mission, a mission to save America by developing the atomic bomb, it is imperative that we coordinate our best efforts and resources, our best scientists and technicians to lodge an attack on the impending potential disasters that can come from biological and chemical destruction and the forces that can be set forth and lay millions of people to waste.

There are no easy answers. But there were not easy answers to some of these gigantic technical and scientific problems that we have faced in the past. The longer we sit by and assume it will all be taken care of because a lot of people are working on these kinds of issues, the longer we are being fooled. So we have put together a bill that addresses these issues on many fronts.

Clearly, it addresses the issue of the nuclear black market. That has already been discussed in great detail. I merely want to say to Senators who might wonder whether it is in America's interests to negate this black market or whether it is in somebody else's interest, there can be no question, it is in our interest, the whole notion of a black market coming out of the Soviet Union, because they are dismantling, are in a state of disarray, building down their nuclear weapons, all of which contributes an enormous potential for the dissemination of those kinds of things from whence nuclear bombs can be made.

It is in our interest that we continue, as difficult as it is, to put some resources into trying to tame that which is being loosed on the world through individual conduct in the Soviet Union and in some cases through organized conduct. The genie is out of the bottle there, but it behooves us to try to make that as small as humanly possible. And we can do better.

If we adopt this amendment, and find the resources to fund it, it will be just another very positive stride in the direction of doing what is prudent for our people in reference to this very, very serious threat.

It is kind of amazing and somewhat ironic that as we end the cold war, we turn loose a new hot substance. It is no longer necessarily the fleet of rockets aimed at us, but it is the tremendous inventory from plutonium to enriched uranium and everything in between that can be turned loose because a country cannot control its people and does not have the money to pay its scientists to keep working and do productive things. What a tremendous, difficult situation we are confronted with, difficult enough to do something serious about.

This bill clearly takes some giant steps in the right direction. It directs the Department of Defense to create an emergency response team similar to the Department of Energy's nuclear emergency search team. This team

could be called upon to locate and deactivate chemical or biological devices or try to contain them once detonated.

The amendment directs the Departments of Energy and Defense to develop new technologies to detect the production and transportation of these agents. Just think of how tough this one is. But if we do not tell our scientists to try to find ways to detect these devices and the places of their origin, then what chance do we have to make any real strides in inhibiting the devastating potential, a little piece of which I described in my early remarks.

Metro medical strike teams are established. I will not go into great detail. Joint exercises are provided for, and an effort to help our local law enforcement, not take over, but to help them become more proficient in this potential and thus more able to be of help and be part of prevention rather than wait until something happens and then have the clamor that nobody knew what to do, nobody was trained.

We are smart enough to know that these things can happen. Tonight my two colleagues have already explained how they have already happened and how close we have come in our own country to a major—to a major—biological disaster in New York City.

There is much more I could say tonight. Most of my remaining remarks would have to do with the former Soviet Union and certain programs that are working fairly well, some that we ought to enhance and make better. But I will not do that because between Senators NUNN and LUGAR, they have touched on it. I am sure when Senator NUNN finishes his remarks tonight, since he has started in this arena in the former Soviet Union, he will make additional remarks about what we ought to be doing.

I merely want to say that I got some very good education about this from some of our national laboratories. I participated in two national seminars hosted by Los Alamos National Laboratory, and in the last case by them and Harvard University, when they brought the best thinkers together to tell us about the reality of this situation.

Are we pipe dreaming or is it real? If it is real, what should we be doing about it? From those kinds of contacts, I have arrived at the conclusion that if one is going to leave a legacy around here, one ought to leave a legacy in this area of calling this kind of problem to the attention of the policymakers and then doing something about it.

If one would have been part of originating the Manhattan project, one might have been very proud of having a part in assembling this massive talent, managed in an appropriate way, to bring America the first atomic bomb. The same thing might be happening here, for our great scientists might permit us to evolve from this legislation into something that might really preserve and save literally millions of people and literally millions of Americans now and in the future.

Now, let me turn to the threat of nuclear weapons. At its peak in 1992, the Soviet Union possessed approximately 45,000 nuclear warheads and weapons grade nuclear material to fabricate thousands more.

The Soviet Union also produced an unknown amount of highly enriched uranium for reactors and for their nuclear navy. That material is also weapons usable.

While we will never know for certain how much of this material exists, the number 1,200 metric tons of weapons-usable material is frequently used.

If one considers that a simple nuclear weapon requires 15 kilograms of highly enriched uranium and 4 kilograms of plutonium, there is enough weapons usable nuclear material in Russia to build more than 63,000 nuclear weapons, each of which could fit in a briefcase.

That material cannot be accounted for—the best concrete example we have is Project Sapphire.

Project Sapphire occurred when the Government of Kazakhstan found 600 kilograms—enough material for 32 nuclear weapons—of highly enriched uranium that had been inadvertently left in Kazakhstan when the Soviets left.

Not only was 600 kilograms left behind, but the inventory of that material conducted according to Soviet measuring techniques was off by 4 percent—enough to make almost two nuclear weapons.

In the Sapphire case, the Department of Energy secured that material and transported it to the Oak Ridge National Laboratory. But that case demonstrates how lacking inventory control systems are in the former-Soviet Union.

Even when the material is in dedicated storage facilities it represents a threat. At Chelyabinsk-65, bulk plutonium is stored in a warehouse with glass windows and a padlock on the door. Inside the facility are over 10,000 ingots of separated plutonium stored in thermos-sized containers—perfect for picking up and walking out.

If the terrorists who tried to blow up the World Trade Center had used a nuclear weapon made of that weapons usable nuclear material, Manhattan—all the way up to Gramercy Park, would have disappeared. If such a device had been set off in Oklahoma City, most of Oklahoma City would have disappeared.

The examples I have given are using a simple weapon design that is available over the Internet. If a rogue nation were to hire a Russian weapons designer and have access to the necessary material, that designer could build a sophisticated, multiple-stage weapon many times more powerful.

My colleagues need to understand that the weapons used in Nagasaki and Hiroshima were much cruder designs than are easily available today. If a terrorist or rogue nation gains control of weapons usable nuclear material—they immediately become a nuclear power more advanced than the United States was when we bombed Hiroshima and Nagasaki. We cannot let that happen.

For the past 5 years, under the leadership of Senators NUNN and LUGAR, Congress has provided $300–$400 million per year to address this problem. Unfortunately, when the original legislation authorizing that work was enacted in 1991, it included numerous restrictions on its use.

I understand why those restrictions were put in place—when Nunn-Lugar was first enacted, the hammer and sickle of the Soviet Empire still flew over Red Square. But there have been some real successes—a lot of which resulted from the less formal interactions of the Department of Energy with their counterparts in the Russian Ministry of Atomic Energy.

It turns out that these scientists; ours at Los Alamos, Lawrence Livermore, and Sandia; and theirs at Arzamas, Tomsk, and Chelyabinsk; think alike. They have been following each other's work for years and have tremendous respect for one another. So when the Cold War ended, they started getting together and found they have a great deal in common.

Out of those informal relationships have developed some very important programs.

MATERIALS PROTECTION, CONTROL, AND ACCOUNTING

The Department of Energy has already secured nuclear material at 35 facilities in the former-Soviet Union. Those security systems include, cameras, gates, portal monitors, and tagging devices to track nuclear material.

At the January Gore-Chernomyrdin meeting, six more sites were added to the list of sites to which DOE will have access to secure nuclear materials.

Because these sites were only agreed to in January, funds were not included in the President's budget request. However, these sites are a top priority—one of the sites is Krasnoyarsk-26, one of the sites of Russia's remaining three plutonium production reactors.

The amendment includes an additional $15,000,000 for the program.

LAB-TO-LAB

The close relationships developing between the national laboratories here and the Russian Institutes is the foundation of our success to date.

Lab-To-Lab efforts are intentionally diverse. Currently, efforts are focusing on ways to safeguard and transport assembled Russian nuclear weapons.

This amendment expands the Lab-To-Lab Program to include all the states of the former-Soviet Union and provides an additional $20,000,000.

COOPERATION WITH RUSSIAN NAVY ON NUCLEAR MATERIALS SECURITY

Highly enriched uranium intended for naval propulsion can be used in nuclear weapons. To date, our material protection, control, and accounting efforts have focused on the Ministry of

Atomic Energy and have not involved the Russian Navy.

Through the Lab-To-Lab Program, the Department of Energy has met with Russian naval officers. In April, a delegation of Russian naval officers visited Oak Ridge, Sandia, and Los Alamos to familiarize themselves with our protection, control, and accounting systems.

In turn, Department of Energy officials have visited Murmansk and an agreement is now in place to secure fresh Russian naval fuel at two locations.

The amendment includes $6,000,000 to initiate this work and expand to eventually include 10 to 15 locations and a navy-wide accounting system.

INDUSTRIAL PARTNERING PROGRAM

Weapons usable nuclear material is a clear threat. However, if that material is combined with someone knowledgeable enough to build a sophisticated, multiple-state system, the threat increases dramatically.

The Industrial Partnering Program seeks to bring together Russian nuclear scientists with U.S. industry to provide new careers so those individuals are less likely to be lured into the service of rogue nations or groups.

U.S. companies benefit from the exceptional technical capabilities of these scientists and engineers, but we also gain the knowledge that at least some of these potentially dangerous people have found a way to feed their families without endangering our national security.

Because the Armed Services Committee has already increased funding for IPP to $50,000,000 from $15,000,000, this legislation simply expands IPP's mandate to include facilities once used to produce biological and chemical weapons.

TECHNOLOGY DEVELOPMENT

The United States has to develop better means of detecting nuclear, biological, and chemical materials.

Using current remote sensing technology, a chemical or biological weapons factory is almost impossible to differentiate from a fertilizer factory or a brewery. Our experience in Iraq demonstrates that, even in a country that allows International Atomic Energy Agency inspections, it is difficult to detect a covert nuclear program.

The amendment includes an additional $20,000,000 to develop technologies so that we can assess whether our enemies are developing nuclear, biological, or chemical weapons capabilities.

PLUTONIUM REACTOR CORE CONVERSION

Unlike the United States, the reactors used to produce plutonium for Soviet nuclear weapons, also produced electricity to heat surrounding towns. Three of those reactors continue to operate and produce plutonium; two at Krasnyarsk-26 and one at Tomsk-7.

Russia has refused to shut the reactors down because they are desperate for the electricity. However, the Russian Ministry of Atomic Energy has agreed to convert the cores of the three reactors so they no longer produce weapons grade plutonium.

It is my understanding that the conversion will cost $70,000,000 to $90,000,000.

The amendment includes $15,000,000 to complete the necessary design analysis and to begin procuring the necessary components.

VERIFICATION, CONVERSION, AND DISPOSITION OF WEAPONS GRADE MATERIAL

Russia is currently dismantling 2,000 warheads per year and storing the nuclear components in facilities one Russian advisor has referred to as ''an old warehouse''.

The first priority must be to secure that material through the MPC&A Program but our long term objective must be the permanent disposition of that material.

Recently Los Alamos National Laboratory won an R&D 100 award for a new technology that enables us, for the first time, to transform plutonium from weapons into non-weapons usable forms in a verifiable manner.

This is a significant accomplishment because the Russians refuse to let us see the plutonium from their weapons since the shape of the plutonium is one of their most closely guarded secrets.

However, the new ARIES technology will enable us to verifiably transform weapons grade plutonium, removed directly from a weapon, into an ingot of plutonium oxide or hydride unsuitable for weapons use.

The amendment provides $10,000,000 to initiate a joint program in this area.

THIS IS NOT FOREIGN AID

These are the programs we have determined are of the highest national security—they are not foreign aid.

As a result of these programs, we will safely and permanently dismantle and inventory Russian nuclear weapons, and tie up their weapons expertise.

When the original Nunn-Lugar legislation was enacted, it was accompanied by all sorts of requirements for certifications that Russia was meeting certain requirements. That logic is exactly backwards—we are undertaking these programs where they are in our national security interest and the Russian Federation is willing to cooperate.

Again, I am very proud to be part of this amendment. We have worked very hard together on it. I am very grateful to the two Senators, the occupant of the chair and Senator NUNN, for letting me join you in this effort. I hope it does reach fruition. I yield the floor.

Mr. NUNN. Mr. President, I thank my friend from New Mexico and my friend from Indiana who now occupies the chair. This has truly been a partnership. I say that the Senator from New Mexico has been really a part of this overall effort from the very beginning.

I remember very well when we had the original Nunn-Lugar amendment on the floor and the Senator from New Mexico came and spoke up very vigorously in favor of that, as did the Senator from Virginia. The Senator from Virginia has been very helpful in this legislation from the very beginning.

So the Senator from New Mexico has made immense contributions here and in the DOE lab program, the many other programs that the Department of Energy is involved in. And primarily it is the work of the Senator from New Mexico. So we are very proud to be partners in this endeavor, and it is truly a bipartisan endeavor.

I know the Senator from Virginia would like to ask questions. I am going to abbreviate my concluding remarks.

Mr. President, as I said earlier, this training and equipping function is the heart of this amendment, but not the whole amendment. Other parts of the amendment are designed to beef up our customs capability to try to interdict the smuggling of weapons of mass destruction and their components into the United States, and to provide the latest detection technology to customs officials. The best way to prevent a terrorist incident involving a nuclear, radiological, chemical, or biological weapon is to stop these dangerous materials at our ports and airfields and borders. While some equipment is available that is capable of detecting materials related to these weapons, this equipment is not yet widely deployed, and we must speed up the process. In addition, we must speed the development of new technologies that can detect nuclear, chemical, and biological materials before they reach the terrorist who will assemble them, or detect the materials in an assembled weapon before it can be set off. Better technology is essential to guard our borders, and it is essential for our domestic law enforcement.

We are also concerned about interdicting supplies of dangerous materials across frontiers in Eastern Europe, the Caucusus, and along the southern flank of the former Soviet Union, where many newly-independent states effectively have no customs capability. Therefore, the amendment provides modest funding for US customs to train counterparts in those countries, upon request.

In addition, the amendment allocates some funds for expansion and continuation of the original Nunn-Lugar concept through programs run both by the Department of Energy and by the Department of Defense's Cooperative Threat Reduction Program. We are seeking to expand these programs both in Russia, and, increasingly, in other states of the former Soviet Union. My cosponsors will describe these activities in more detail.

Finally, there are three serious deficiencies in planning for contingencies. First is the lack of coordination of activities across the many Federal agencies who have some responsibility for some portions of the overall problem. Second is the lack of coordination of Federal agencies and activities with those of the states and municipalities

who will be first to bear the brunt of future attacks. Third is the lack of a national security funding mechanism to match the new national security missions in many of the Federal agencies whose actions must ultimately be integrated with those of DOD and DOE. To address these fundamental problems, this legislation establishes a coordinator in the office of the President to try to bring a degree of order to the fragmented responsibilities that exist today.

With this introduction and description of the main purpose of the legislation, Mr. President, let me next give a brief section-by-section overview of the amendment.

Title One focuses on the need to better train, equip and coordinate our emergency response personnel who are presently unprepared to deal with terrorist incidents involving nuclear, chemical or biological agents. Our bill makes efficient use of the expertise in our military and energy departments to train local officials to response to incidents involving WMD. Our hearings highlighted weaknesses in federal preparedness for WMD incidents, especially regarding coordination among agencies. Our legislation goes a long way toward improving this situation by establishing a chemical and biological response team, modeled after the Department of Energy's nuclear emergency search team. Such assistance and expertise could only be brought to bear if called up by civil authorities to implement the Federal disaster response plan, and would be limited by language that respects the proper demarcation between our military and civilian agencies. Keeping in mind these precautions, it is possible to apply our Nation's hard-won expertise in chemical and biological warfare to this urgent national security threat without infringing on our political traditions.

Additionally, this legislation creates medical responses teams throughout the United States. These highly trained and deployable health care teams will assist the existing local resources in our cities and towns to respond to and mitigate a WMD incident.

Title II includes countermeasures against the smuggling of WMD materials when they do leak from their source. This legislation supports efforts to tighten border security and export controls both at our boarders, and elsewhere on likely routes that these lethal materials might take through states of the former Soviet Union. It also supports research for development of technical means to detect the unauthorized transportation of these lethal materials. Finally, it recommends greater penalties for those criminals involved in smuggling of these materials.

Title III builds upon the successes of the Nunn-Lugar program to address the full range of the proliferation threats to our country. The Nunn-Lugar/cooperative threat reduction programs focus on the problem at its source by improving safeguards on weapons, weapons materials, and expertise inside the FSU. Since its inception, this program had made an enormous contribution to improving the security of our Nation. As of June 1, Ukraine, which held far more nuclear weapons than any state other than the United States and Russia, is no longer a nuclear state. Kazakstan became nuclear free last year, and Belarus will become nuclear free by this fall. Our legislation provides funds to the Defense and Energy Departments in order to promote efforts at control of these weapons and materials, and conversion of facilities that produce them. I often ask the critics of these programs how much it is worth—in terms of our security—to destroy Soviet missiles and to dismantle their warheads, and to keep the resulting nuclear weapons materials out of the hands of terrorists and rogue nations? How much did we spend to deter the use of these same missiles during the cold war?

Finally, what is needed is a comprehensive strategy that encompasses the many facets of the proliferation threat. The time has come to adopt our Government to the complexities of the post cold war national security situation. WMD proliferation crosscuts numerous agencies and departments, including some such as the Customs Department, the FBI and the Department of Health and Human Services, that have not previously been recognized as having major responsibilities for national security. The convergence of proliferation with terrorism and organized crime, the growing awareness of the potential use of chemical and biological agents in a terrorist incident, further complicates the implementation of a comprehensive approach to this problem.

Title IV establishes a national coordinator to pull together the different parts of our nonproliferation policy. The national coordinator would be appointed by the President to serve in the Executive Office of the President. He or she would oversee the senior directors for nonproliferation, counterproliferation, arms control, terrorism and global crime to assure that we remain focused, that our priorities receive consistent high-level attention, and that vital proliferation threats do not slip through the cracks.

I am convinced that we must address this issue before the unthinkable happens. Can we afford to dismiss the possibility that another World Trade Center or Oklahoma City bombing could involve chemicals, biological organisms or radioactive materials? We do so at our peril. The trends are clear: more nations and groups are exploiting increased availability of information, technology, and materials to acquire mass destruction or mass terror capabilities. There is no reason to believe they are not willing to sue them. I have heard too many experts whose opinions and credentials I respect, tell me that it is not a question of if but only of when. I believe this legislation, while only a beginning, responds to a very urgent national security concern of our Nation.

Mr. President, in essence, we have three different ways of trying to protect the American people from weapons of mass destruction in terms of proliferation.

One way is the original Nunn-Lugar program, which is an effort to stop the material at its source, not to have the material, the scientists, the know-how come out of the former Soviet Union and spread all over the world, ending up threatening either the United States and our people or our allies. That is what we are beefing up here. We are trying to accelerate some of the good programs that are ongoing there. So that is step No. 1. Just as we have tried to stop drugs at their source, we are trying to prevent this proliferation from getting out of the former Soviet Union. That is not just Russia.

I hear people talk about ''foreign assistance.'' This is not foreign assistance. We have other programs that are foreign assistance. This program is national security. It is in our national security interests not to have the Russian nuclear weapons, nuclear material, nuclear know-how, scientists all over the world ending up threatening both the United States and our military forces wherever they are deployed, but also threatening American people. This is in no way foreign assistance. As a matter of fact, there is no cash involved here. We are not furnishing cash to Russians. They do not have any way to convert this cash to their own defense programs that do not relate to this. They are basically being furnished equipment and know-how for a specific purpose. There is one cash provision, I believe, going to the Ukraine. That is the only one and that is subject to very strict accounting procedures.

Stopping the proliferation at its source is the best, most productive, the most effective, the most efficient way of dealing with this problem. We ought to continue that effort as long as the window of opportunity is open. It remains open today in Russia and it remains open in Belarus, and it remains open in Ukraine and Kazakhstan. We have succeeded beyond what any of us thought was possible in this regard. Since September 1990, over 4,000 warheads have been removed from operational status in the former Soviet Union; over 1,000 missiles have been removed from launches; over 800 missile launchers and bombers have been destroyed; controls, safety guards and a myriad of nuclear facilities in Russia have been enhanced, adding new layers of defense against proliferation efforts.

Outside of Russia, the most significant event, which I know the occupant of the Chair now, and I, believed at one time was not likely to happen, and that is the other countries that could have become nuclear powers—Ukraine, Kazakhstan and Belarus—are no longer headed down that road. In Kazakhstan,

all the nuclear weapons have been removed. No nuclear hand on the trigger or finger on the trigger in Kazakhstan. About a week and a half, 2 weeks ago, the last nuclear warhead came out of the Ukraine. I have been informed by people in Belarus and my own officials that the last warhead will come out of Belarus this year. If nothing else, if nothing else, having one nuclear hand on the trigger, that is Russia, instead of four countries that we have to deal with and defend against and worry about is an enormous accomplishment.

How much would we have paid during the cold war to basically find three countries that had weapons of mass destruction and be able to get rid of them? If the CIA or the Department of Defense had come in and said, ''If you will give us x number of dollars in our budget, we will guarantee you that we will get rid of the weapons in three countries that are now aimed at the United States,'' how much would we have paid for that? Ten billion dollars, $20 billion, $30 billion, $40 billion, $50 billion? Probably $60 billion or $70 billion. It would have been enormous. We spent trillions of dollars defending over the years. Now we have been able to accomplish this not because they were doing us a favor, but because these countries realized it was in their own best interests, their own national security interests to get rid of these weapons, to ship them back to Russia to keep them under central control.

We were able to use these funds to give them the incentive and the priority and the reason to their own people, to their own legislative bodies, to help justify what was fundamentally in their interests. Stopping these weapons at their source is the No. 1 effective way. I am very much in favor of the other parts of this bill, but this is the most effective money we will spend. I hope everyone recognizes that. If you look at what has been accomplished, you can see that very clearly.

The second way we are trying to deal with the problem is through the Customs Service. We are using, yes, DOD and DOE money to help the Customs Service beef up their capability to prevent weapons from coming into this country, so that the Customs Service is able to get from DOD and DOE the best technology we have to be able to detect weapons coming across the border—not just nuclear, but chemical and biological, as well. Also, we are beefing up the DOD–DOE work in finding better ways to detect these weapons.

I have been briefed many times on this subject, most recently this last week, and it is very clear that even with all the work DOD and DOE have done, we still have a long way to go to find, really, effective state-of-the-art methods of detecting particularly chemical and biological weapons. We are better at nuclear detection than chemical and biological. Those are the threats that are more likely to happen. Not only detecting coming across the borders but detecting these in airports, ports and major cities where an attack may be suspected. That is the second way, beefing up customs.

The other facet is customs will also, under this bill, be given a mandate and some money to help these other countries like Kazakhstan, Belarus, the southern countries in the former Soviet Union so that they will be able to beef up their own customs. These countries want to help, they want to be able to help prevent the spread of these weapons, but they do not have the know-how or the expertise. In many cases, they do not have the training, and they certainly do not have the equipment. This is the second way we are dealing with this problem.

Finally, we are dealing with it by acknowledging that we have a serious and fundamental problem in terms of our cities, our States, particularly our metropolitan areas, in being able to, No. 1, detect the materials that may be used for attack against soft targets, against population centers, against airports, against major sporting events, whatever, to detect it and prevent it. Second, to be able to deal with it if it happened. We are woefully unprepared to deal with this kind of catastrophic act of terrorism if it occurs. There is no doubt about that.

We have had before the permanent Subcommittee on Investigations, and the occupant of the Chair has had similar hearings in his Foreign Relations Committee, and we have had hearings in the Subcommittee on Investigations, and there is no doubt the police departments, the fire departments, are on record as saying, ''We need help.'' That is what we are trying to do here.

This will not solve the problem. This is a beginning. This is an effort to help train, probably first of all, some Federal people who can go out and train others. Probably we will have the FEMA people involved. They are not ready to do this now, but it is my hope that we will be able to phase DOD and DOE out of this kind of training for domestic law enforcement officials and firemen, sometime in the next 2 to 3 years. They are the best source now, but perhaps the administration will decide with the flexibility they have been given to train the Federal emergency management people so they can continue this training in the future. Right now, we have no choice but to deal with the expertise we have, and that is in the Department of Defense and the Department of Energy. We are encouraging that.

I know the Senator from Virginia, being a former Marine, would be very interested, and I know he is aware that the Marine Corps is beefing up a considerable amount of talents and capability now to be able to deal, as the NEST team does in the Department of Energy, with nuclear threat, to deal with the chemical and biological threat. The Department of Defense will make that decision as to who is the main resource there, but the Marine Corps is out front, and our special operation forces also very much are involved in this area. So we have some military capability there that is going to be developed.

Mr. President, the only other thing I add, we are beefing up the research capabilities of both DOE and DOD. I emphasize that because we need better methods, we need better tools, we need better equipment, we need better protective gear and we need to do everything we can to bring our considerable technology to bear to deter and to prevent and to detect and finally to deal with this threat, if necessary.

Rather than take more time now, I thank my colleagues. I thank the Senator from Virginia for his patience. I know he has some questions and I know they will be pertinent and relevant questions. Those should be answered here. I thank all of our colleagues and I thank the cosponsors of this amendment, Senator BIDEN, Senator GRAHAM, Senator SPECTER, Senator DASCHLE, and others who will be speaking, I am sure, on this subject in the hours ahead.

I yield the floor.

Mr. WARNER. Mr. President, I do join and commend the principal sponsors for their work product and for their many, many hours of labor devoted, together with staff, in preparing the amendment. I will ask some questions of my colleagues and I am certain they will see these in the spirit of constructive dialog.

First, the joint DOD-DOE report on preparedness of the Government to respond to nuclear, chemical and biological incidents.

That report, which was just issued recently—I think, in the last few weeks—recommended provided authority to establish a training program, authority to establish a chemical biological response team, and the establishment of a regional NBC stockpile, particularly for medical stockpiles and the like.

Can the proponents of the amendment inform the Senate with respect to that report and the parallelism in the amendment and that report?

Mr. President, I just learned of the report. It may well be that the sponsors have not had the opportunity to see it.

Mr. NUNN. I will supplement it for the RECORD. I have not studied that report at this stage. We have had a number of hearings in our committee. We have heard from these same officials, such as the Department of Energy Secretary, and I believe the Senator from New Mexico put a letter in the RECORD from the Department of Energy and Secretary of Defense Perry endorsing this legislation.

It is a strong endorsement for this effort from the DOE and DOD. So I am confident that this report, based on those endorsements, based on the numerous meetings we have had, and based on the testimony—I am sure this amendment would reinforce, supplement, and give impetus to the recommendations in that report. I would

have to supplement the RECORD on that particular answer because I have not had a chance to study the report itself.

Mr. WARNER. Mr. President, that is quite satisfactory. I will be glad to work with my colleagues.

Mr. DOMENICI. I just wanted to say we put in the Secretary Perry letter.

Mr. NUNN. Thank you.

Mr. WARNER. My understanding is that the pending amendment includes authority for the Department of Defense to provide assistance to the Department of Justice. There was a comparable attempt made in the antiterrorism bill, but that was specifically dropped in the conference. Can my colleagues enlighten me on that problem?

Again, Mr. President, I am perfectly understanding. Your amendment, Senator, has a provision for the Department of Defense to provide assistance to the Department of Justice. A similar effort was made in the antiterrorism bill, and that comparable provision was dropped in conference.

Mr. NUNN. Yes. I talked to Senator HATCH about that this evening. I have also conversed with Senator BIDEN, and our staffs have been in touch with both of them. This provision we have in this bill is very close to the amendment that passed the Senate overwhelmingly and that was worked out carefully between Senator HATCH and myself and Senator BIDEN. It does provide an extraordinary circumstance that the DOE and DOD can help State and local officials. For instance, if there were a subway attack in New York, if the fire department and police department were overwhelmed with the chemical sarin gas, there would be the ability to ask for emergency assistance. Then the Departments of Defense and Justice—the Secretary of Defense and Attorney General—could respond. It would have to be very narrowly prescribed circumstances, where they could respond to that situation only, in very unique circumstances, where the State and local governments and the normal law enforcement officials would not be capable of responding.

So that provision is in this bill. It was dropped—the Senator from Virginia is correct—from the antiterrorism bill in conference. I think that was a fundamental mistake, a flaw. But it is a part of this legislation.

Mr. WARNER. Mr. President, in essence, we have now renewed the attention of the Senate to the need for that provision.

Mr. NUNN. The Senator is correct.

Mr. WARNER. Two years ago, Mr. President, the Congress authorized $10 million for a joint DOD–FBI training program to assist the independent states of the former Soviet Union, the Baltics, and Eastern Europe to control the export of weapons of mass destruction.

Is there a current status report on that program available, and, if so, at some appropriate time, could it be made a part of the RECORD?

Mr. NUNN. I would also like to supplement that for the RECORD. Director Louis Freeh took a trip to the former Soviet Union, including Eastern Europe, and established liaison offices in a number of those countries. I also know that those countries were very anxious to have FBI cooperation. It also is clear that our Customs Service has liaison with their colleagues in these former Soviet Union countries, as well as all around the world. What we are trying to do here is give the Customs Service of this country the ability, the wherewithal, the mandate, and the funding to begin a much more vigorous program and that kind of coordination. That is where we stand on it, to the best of my knowledge.

Mr. WARNER. I thank my colleague. The costs of eliminating or converting chemical and biological facilities, as we know, are very high both here at home and indeed abroad in the former Soviet Union. What is the justification that we would provide to our taxpayers for authorizing funds for such activities in the former Soviet Union, and, particularly, why would we be authorizing an activity that would, in some respects, contravene our requirement under the CWT, which is to completely destroy the chemical facilities?

Mr. NUNN. I do not know of any contradiction between this legislation and the Chemical Weapons Treaty. Perhaps the Senator could amplify on that question. In fact, everything in this would be aimed toward helping the former Soviet Union countries—not just Russia, but others—comply with their obligations under the arms control agreements, including chemical, but not limited to that.

Mr. WARNER. The question dealt with the conversion as opposed to the destruction in the facility. I would suggest that, at some point, that be supplemented into the RECORD, if I might have that.

Mr. NUNN. We can look at that. Basically, a facility that is converted, from my definition of conversion, would lose its ability to have any kind of production capability. That would be my definition of conversion. If a facility were being assisted in terms of conversion by any of the funding here, it would certainly be my view that that facility should not continue to produce chemical weapons. But we have a long way to go in that regard. There is nothing that I know of that is taking place in that kind of conversion. There has been some conversion with the nuclear facilities, particularly missile fields and that kind of thing.

Mr. WARNER. Mr. President, speaking for myself, although other colleagues and the chairman spoke earlier, I wholeheartedly support the portions of this amendment which relate to the domestic requirements here in the United States. I thought the Senator from New Mexico spoke most eloquently about the contingencies; indeed, all three Senators did, but I was particularly taken by the remarks of the Senator from New Mexico. I, likewise, studied these and have spoken on the floor of the Senate, and elsewhere, about my deep concern facing the United States in view of the simplicity, particularly in the area of chemical and biological, and about the creation of even very small weapons of mass destruction.

My concerns with the amendment, however, are directly and primarily to the continued assistance to the former Soviet Union and the states therein. This is a substantial increase in spending, Mr. President, on this particular program. I point out that, according to my rough calculations here, we are in this bill for the cooperative threat, that is the CTR, with the Soviet Union, $327 million in DOD funds, $108 million in DOE funds, and this amendment would add around another $143 million to this sum.

I think Members of the Senate are hopeful that this amendment will pass. We should address these expenditures either in conference, or at some point in time, to determine the capability of expending such large numbers. Would the Senator wish to comment on that? I stated them in the aggregate. I do not think either Senator that presented it mentioned the other parts of the bill.

Mr. NUNN. If I could just elaborate on that last question, let me state that on the conversion and elimination what we have done in this amendment is provide flexibility because the Chemical Weapons Treaty has not entered into effect yet. So until that enters into effect there would be flexibility for us to assist in. But once it enters into effect, when and if it does—and, of course, we have not ratified it here in the Senate yet—at that stage the parties to that would be obligated to eliminate. And basically that elimination provision would be required. There would be no more conversion.

But I think it is clear that we would not intend to help them convert unless they stopped production. But they could convert, stop production, and not eliminate. But once the treaty goes into effect they would have to eliminate.

If I could elaborate just briefly because I have been handed the report that the Senator from Virginia alluded to between the Department of Energy and the Department of Defense signed by Walter Slocombe and Thomas Grumbly, Slocombe being Undersecretary of Defense, and Grumley being Undersecretary of Energy. And I think that is the one the Senator referred to.

Mr. WARNER. Mr. President, will the Senator give the date of the document?

Mr. NUNN. This was June 13. So that is it. I will quote one paragraph which I think goes right to the point that I think the Senator was asking about, page 24 of the report, paragraph 3:

> The focus of efforts to significantly improve our ability to manage the consequences of a terrorist incidence, however, should be on the first response by local police, fire, and rescue organizations. Local authorities need quick access to NBC detection—that is nuclear, biological, chemical—and

decontamination and transport equipment. When an incidence involving NBC materials is suspected, lack of timely arrival in well trained, community based teams, fully equipped with the state of art equipment, could cost thousands of lives in most communities today across the Nation. These casualties would include unacceptable numbers of irreplaceable emergency personnel.

So I think the heart of what we are trying to do is also in this joint report. I think the report is entitled ''Preparedness and Response to a Nuclear, Radiological, Biological, Chemical Terrorist Attack.''

Mr. WARNER. If I could just summarize that, as I understand for the proponents of the amendment, the objectives to the amendment are in parallel to, consistent and supportive of, the objectives in that report.

Mr. NUNN. That is correct.

I say to my friend from Virginia that in terms of the amount of money here it is not an insignificant sum. We are talking about a total amount under the Nunn-Lugar program thus far of $1.5 billion that has been spent.

Mr. WARNER. Since the inception of the program.

Mr. NUNN. Yes. This amendment tonight represents $235 million. It is not additional money to the DOD–DOE bill. It is shifting of funds within the bill.

So this is not an increase in DOD–DOE funding. I happen to believe—the Senator from Virginia may not share this; others may not—but I think it is clear and in that report that the CSIS just issued by Judge Webster, former head of the FBI and former head of the CIA—there is great respect for him I know in this body on both sides of the aisle, and for others on that very distinguished panel—they came to the conclusion, and I have come to this conclusion and stated it often, that this is our No. 1 one national security threat.

In the era we are in, this is the No. 1 one security threat to American people; that is, the proliferation of weapons of mass destruction—chemical, biological, nuclear, scientific know-how, and scientists themselves ending up in countries like Libya, Iran, Iraq.

As the Senator from Virginia will recall, after World War II the biggest contest we had in the first stages of the cold war was who was going to get the German scientists, whether it would be the Soviet Union or the United States. We got more of them than they did. Much of our space age came from that.

So we are in that unusual period of time when an empire has collapsed still containing 30,000 nuclear weapons, over 40,000 tons of chemical weapons, and no one knows how much in the way of biological weapons—tens of thousands of scientists and technicians that know how to make these weapons, know how to make weapons of mass destruction, with many of those people not knowing where their next paycheck is coming from and how they are going to feed their families.

So this is an unprecedented era that we are in. We have a window of opportunity now that may not be open very long, certainly not with all the countries there. We hope it will. But we could not have any assurance of that. While we have this window of opportunity open, I think that it is a priority expenditure in terms of helping them, focusing enough money, but not doing the job for them because they are spending far more of their money than we are. Ours is only a small part. It is seed money. But what it has succeeded in doing is it has focused their attention and helped them make this a priority.

In the final analysis, Russia, Kazakhstan, Ukraine, and Belarus are not doing us any favor and the other countries. They are going to take steps in their own national security interests. They are in very dire financial straits having cut back on their procurement budget in Russia by 80-some odd percent from the peak in that kind of condition. This kind of funding helps focus the attention and it gives us the ability to communicate with them. It opens them up for us telling them what we think about the threat, and it has an enormous psychological effect in terms of their capability.

I recall Secretary Cheney said—not on this program but on the START II treaty when that one was signed, I believe under the Bush administration—he said then that he recommended that we give substantial amount of aid to Russia so they could accelerate the START II schedule, and take down those missiles on a more rapid pace. That probably is still good advice.

So it is within that context that Secretary Cheney was saying this is our national security. And I would say this is a very small amount of money compared to the $260-some odd billion in our defense budget each year. This is a small amount of money if you compare it to almost any category of expenditure, and what we are getting for it. I think it may be the highest leverage defense money in terms of national security that we spend.

Mr. WARNER. Mr. President, let me reply. I want to make it very clear that the Senator from Virginia agrees entirely with the Senator's premise that this is the most serious national security threat posed against our Nation indeed, and I think the nations of the Western World. So I concur in that.

I simply feel it necessary to ask these various questions so that we have a complete record before the Senate such as they can vote I think in a fully informed manner tomorrow. I agree. I shall not expand beyond that.

I so stated my concern about weapons of mass destruction and about proliferation many, many times on the floor of this Senate, and I hope, may I say, for many years to come.

I yield the floor.

Mr. DOMENICI. Let me go through three or four things that we are doing, and point out to the Senate and in a roundabout way respond to one of your questions.

Some people are going to say that this is foreign aid. Right? This is not foreign aid as I see it. Let me cite a couple of these things we are doing and let us see what kind of aid it is: Materials protection control and accounting. What have we done and what are we going to do with the money?

The Department of Energy has already secured nuclear materials at 35 facilities in the former Soviet Union. Those security systems include cameras, gates, portal monitors, tagging devices to track nuclear materials. And in January when our Vice President met, six more sites were added to the list which the DOE will have access to secure these materials. Because these sites were only agreed upon in January, funds were not included in the President's budget request. We are including them here. And, obviously, that is another $15 million for that entire program.

Then there is a lab-to-lab program. It was developed informally. But because the Soviet nuclear scientists trusted the scientists of our nuclear laboratories in some very strange way they would rather deal with those who made the bombs while they were making the bombs than they would with a bunch of politicians or a bunch of State Department people. And all of a sudden the lab-to-lab relationship grew into something that is very fundamental. They are working together. They are doing things that will cause those labs to move in peaceful ways instead of military ways to produce peaceful products instead of military products, and we are gaining from it. That is a $20-million investment.

Is that foreign aid? It would appear to me that probably is the best kind of investment in national security that we could ever have. Not only what I have just described—but these great scientists who produce this nuclear capability in Russia are now friends with great American scientists. I mean that is sort of worth something even if they were not accomplishing the other things that they are.

Then we have the cooperation with the Russian Navy on nuclear materials—a tough one, a huge undertaking, but if it works, and if we get it started, it is not giving anything to the Soviet Union. In a sense, they get something, but look what we get from it.

We have an industrial partnering program that developed with a one-time expenditure of $35 million. It is doing marvelously. Can you imagine private sector American companies working with Soviet institutions and American laboratory scientists to disengage Soviet scientists from producing nuclear proliferation? They are producing things for their domestic market and moving dramatically away from what they have been doing for all these years.

Now, there are many more things that we are trying to do. We do not have enough money to do everything that is mentioned by our scientists and

military people. But I think the Senator asked some wonderful questions, and it is our responsibility here tonight to make sure our colleagues understand this is not foreign aid.

Mr. WARNER. Mr. President, let me press on with another question, perhaps the most troublesome one certainly from this Senator's standpoint, and that is, what do I say to the American taxpayer in reply to the following. It is my understanding as a member of the Armed Services Committee that Russia continues to develop and deploy a new generation of land-based ICBM's, follow-on to the SS–25, first. Second, Russia is pursuing a new generation of sea-launched ballistic missiles, follow-on to the SSN–20, second. Third, our intelligence community forecasts that the Russians are developing a new submarine for the purposes of sea-launched ballistic missiles.

Now, by comparison, the United States currently has no plans for any follow-on strategic systems—land-based, sea-based, not a one. Money is a fungible product. Money in Russia in the defense budget goes to these programs. How do we answer to the American taxpayer, why are they pursuing their modernization program and the United States is not, and yet we will be called upon for these significant expenditures to hopefully pursue and continue the demilitarization of a number of their strategic programs? That is a question with which I conclude tonight's debate with my colleagues.

Mr. NUNN. I say to my friend from Virginia, that is a very good question, and the American people have every right to get an answer to that question.

First of all, this program is much more broader than Russia, and we are encouraging in this amendment that it be broadened beyond the four former nuclear States, primarily to be focused on Kazakstan, Ukraine, Belarus, and Russia, but we think, for instance, the border States with Iran and the southern tier of Russia are very important in terms of border control, in terms of lab work. They may not have nuclear weapons now but the know-how and the chemical weapons and those kinds of technologies are there.

So, first of all, it is not just Russia. It is much broader than that.

Second, I would say to the Senator from Virginia that, as he well knows, the whole thrust of American arms control efforts for years was to get the Russians, then the Soviet Union, to de-MIRV, to get rid of the multiple warheads and move to single warhead weapons. That was what we ended up getting in START I and START II under the two Republican Presidents, President Reagan and President Bush.

That was the subject of an awful lot of debate on the MX, as you know. We felt that MIRV'd warheads had a chance of basically being used in a first strike, whereas single-warhead missiles, if you used one of them and you basically would be going after another single-warhead missile, therefore the ratio did not favor the offense, it did not favor the first strike—if we both had single warhead weapons. But if we had MIRV'd weapons, and they were vulnerable on a first strike and you could take 10 warheads and destroy 100 warheads by MIRVing and having them moved to different targets, then everybody was on more of an alert hair trigger.

So the effort of U.S. arms control, beginning really with Senator Jackson's amendment in this Chamber back in SALT I, was to move towards de-MIRVing and getting rid of the Soviet very heavy missiles.

That is what the Russians are now building, is the SS–25, a single-warhead missile. It would be the ultimate paradox if we told them, after all these years arguing with them and getting them to move toward that weapon, that we now expect them not to de-MIRV and not to replace. That is a replacement missile for the de-MIRVing that we hope is going to take place under START I and START II.

I would prefer that nobody in the world have weapons but us, but that is not the real world. I would say if you look at the U.S. expenditures in these areas the Senator has named compared to the Russian expenditures now, our expenditures overwhelm them both in submarines and submarine warfare and classified programs, as well as in our overall strategic deterrent.

I think that is appropriate because we have a responsibility all over the world, our allies. We do not have any longer the same equation we had then. The Russians have cut back very substantially. I do not defend some of the expenditures they are making. For instance, we are very concerned about the underground facility. That has come out in the paper. I do not know the answer to that, and we are probing that now, as we should. But I would still say that we are gaining when we can get the Russians to take down weapons that are aimed towards us.

I do not think the goal of this legislation can be or should be realistically to say to the Russians that we expect them to completely demilitarize. They have been a great power. One of these days they will be a great power again.

I do not think that is in the cards. I do think we can demand they use the funds wisely, that we can demand that as long as we are giving them assistance, they be used for their purpose. And I think we can measure that purpose in a way to make sure it is in our national security interest.

I see this as self-interest. If someone says, well, if the Russians were not getting these funds, then perhaps they would have to use their funds they are now using to build SS–25's or submarines for these purposes and thereby not build SS–25's and submarines. I think that would be very unlikely, based on anything I know about not just Russian history but about the history of any country, because no country is going to completely demilitarize. No country is going to put the control of warheads and dismantle warheads in front of what it perceives to be its own national security. We would not, and I think it is not realistic for us to expect them to completely demilitarize.

I would say, though, that one of the original provisions of the Nunn-Lugar amendment that has been certified by the President over and over again is that the Russians are living up to their arms control obligations, and that is a requirement of this amendment. If we find that they are breaching the arms control obligations, then the money is not supposed to be forthcoming. They either are in compliance or the President has to certify that they are intending to be in compliance, as in the case of the CFE Treaty where we know there have been problems, and so forth, but where they are moving forward.

There are occasions where the Russians do things with this equipment that we loan them that we think breach the spirit of the agreement, and in those instances that have come to my attention where that has happened, where we have gotten in touch with them and we have complained about it, they have taken immediate and corrective steps on it.

So we have to be vigilant. We have to be alert. We have to make sure that we understand all the time what is happening here, but again, while this window is open, I think it is very much in our fundamental national security interest to pursue it.

The bottom line, as I mentioned a few minutes ago, is that we have had thousands of warheads dismantled. We have had thousands of missiles that were pointed at the United States and our cities and our targets which are no longer pointed toward us. We have had a tremendous decrease in the risk of nuclear war, and we have had three nuclear states give up their nuclear weapons voluntarily.

In addition to that, we had Kazakhstan basically get in touch with us and tell us they had some weapons-grade uranium, highly enriched, that they would like to have us help them store safely and move out of that territory. That could have been sold for billions of dollars in places all over the globe. We use this Nunn-Lugar funding to help secure that, and that is no longer a threat.

So I would say if we stop right now and put up a scorecard of how much we basically improved our national security compared to the amount of money we have spent, it would be my view, and I may be biased on this one—I do not think too biased, though—that this would be the most effective defense expenditure we have had in many years.

Mr. WARNER. Mr. President, I thank my distinguished colleague. It is a debate he and I have had, I think, for about 3 years. On this very spot on the floor in years past, I posed this question.

I also mentioned, for the RECORD, we well know the United States, likewise,

has destroyed a number of its missile launchers and so forth. But all at the expense of the American taxpayer.

I just want to close out my comments tonight reading from a very interesting document called ''Worldwide Submarine Proliferation in the Coming Decade.''

Today, for the first time, Russia's front-line submarines are as quiet or quieter in some aspects than America's best. Programs to provide still further reductions in radiated noise are active today and expected to continue. By the year 2000, over half the remaining submarines in Russia will have incorporated stealth technologies on a par with those of modern Western submarines, and 20 percent of Russia's nuclear-powered attack submarines will be quieter than the U.S. Navy's front-line improved Los Angeles class SSN's.

That, to me, represents a tremendous expenditure of money. I do not know what the threat is, other than I suppose to our U.S. submarine force, to require them to pursue that much expenditure in an area where the United States has been preeminent for these many years.

Mr. President, I have no further questions at this time to propose to my distinguished colleagues. Therefore, I observe perhaps the debate on this amendment has concluded, and the Senate could now turn to conclusion of wrapup matters. Would that be correct?

Mr. NUNN. I certainly think so. I appreciate very much the questions and comments of the Senator from Virginia this evening. Perhaps the Chair would like to make further remarks in answer to these questions, because no one has more knowledge in these areas than the Senator from Indiana, who is now presiding.

Other than that, I think we are prepared to basically dispose of the amendments.

Mr. WARNER. I will be happy to take the Chair if the Presiding Officer cares to speak.

The PRESIDING OFFICER. The Chair observes there have been important questions and excellent responses, and suggests we proceed on to wrapup.

Mr. NUNN. I thank the Chair.

Mr. WARNER. Mr. President, at this time I advise my distinguished colleague there are several amendments on the pending bill, which I believe have been cleared and can be acted upon by the Senate, if the Senator from Georgia is prepared to proceed.

AMENDMENT NO. 4350

(Purpose: To express the sense of the Congres that the Secretary of the Navy should name one of the new attack submarines of the Navy the *South Dakota*)

Mr. NUNN. Mr. President, I believe we are ready to proceed. The first amendment I have, I believe, is the Pressler-Daschle amendment.

Mr. WARNER. That is correct. On behalf of Senators PRESSLER and DASCHLE, I offer an amendment that would express the sense of Congress that a submarine, one of the new attack submarine class, should be named the *South Dakota*.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. PRESSLER, for himself and Mr. DASCHLE, proposes an amendment numbered 4350.

The amendment is as follows:

On page 311, between lines 9 and 10, insert the following:

SEC. 1072. SENSE OF CONGRESS ON NAMING ONE OF THE NEW ATTACK SUBMARINE THE "SOUTH DAKOTA".

It is the sense of the Congress that the Secretary of the Navy should name one of the new attack submarines of the Navy the ''South Dakota''.

Mr. WARNER. Mr. President, if I might inquire of staff, what is the definition of a new class of submarine? Is it the current 688's or *Seawolf* class? What is the new attack submarine? I think we ought to lay this aside until we get clarification.

Being one who follows carefully matters of this nature, I suggest we lay this amendment aside and take it up later. I urge the sponsors of the amendment to advise the managers with respect to the meaning of the phrase ''new class of submarines,'' because that could apply to the 688 class being completed, the *Seawolf* class, the contemplated class of new attack submarines which are the subject of discussion.

I think we will just await a further time. I withdraw from further consideration the amendment.

The PRESIDING OFFICER. Amendment No. 4350 is laid aside.

AMENDMENT NO. 4351

(Purpose: To extend the authority of the Secretary of the Army to carry out the Armament Retooling and Manufacturing Support (ARMS) initiative)

Mr. WARNER. Mr. President, I offer an amendment which extends the Department of Defense authority to conduct the armament retooling and manufacturing support initiative for past fiscal year 1996.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 4351.

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

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

The amendment is as follows:

At the end of subtitle B of title I, add the following:

SEC. 113. PERMANENT AUTHORITY TO CARRY OUT ARMS INITIATIVE.

Section 193(a) of the Armament Retooling and Manufacturing Support Initiative Act of 1992 (subtitle H of title I of Public Law 102–484; 10 U.S.C. 2501 note) is amended by striking out ''During fiscal years 1993 through 1996,'' and inserting in lieu thereof ''During fiscal years 1993 through 1998''.

Mr. WARNER. Mr. President, I rise to offer this amendment to extend the Armament Retooling and Manufacturing Support [ARMS] Initiative. The ARMS program is intended to provide assistance to DOD ammunition depots in order for them to retool so that they can produce a commercial product while maintaining the industrial capacity to support the National Security Strategy. By producing commercial and defense products, the depots are able to utilize any excess infrastructure and operate more efficiently. Since the initiation of this program several years ago, it has been a remarkably successful defense conversion program.

Mr. President, the Committee recommended an authorization of $58.0 million for this program this year. While this should be sufficient authority to continue the program, this amendment would ensure that there is no question regarding this authority.

Mr. President, I ask my fellow Senators to support the ARMS program and vote to approve this amendment.

Mr. NUNN. Mr. President, I urge support of the amendment.

Mr. WARNER. I urge its adoption.

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

The amendment (No. 4351) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4352

(Purpose: To require a transfer to the Army of jurisdiction over certain lands in the Vernon Ranger District, Kisatchie National Forest, Louisiana)

Mr. NUNN. Mr. President, on behalf of Senators JOHNSTON and BREAUX, I offer an amendment that would direct the Secretary of Agriculture to transfer 85,000 acres of the national forest in Louisiana to the Secretary of the Army for use in connection with training and maneuver activities in connection with Fort Polk, LA.

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

Mr. WARNER. The Senator is correct.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. JOHNSTON, for himself and Mr. BREAUX, proposes an amendment numbered 4352.

The amendment is as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2828. LAND TRANSFER, VERNON RANGER DISTRICT, KISATCHIE NATIONAL FOREST, LOUISIANA.

(a) TRANSFER PURSUANT TO ADMINISTRATIVE AGREEMENT.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of the Army and the Secretary of Agriculture shall enter into an agreement providing for the transfer to the Secretary of the Army of administrative jurisdiction over such portion of land currently owned by the United States within the Vernon Ranger District of the Kisatchie National Forest, Louisiana, as the Secretary of the Army and the Secretary of Agriculture jointly determine appropriate for military training activities in connection

with Fort Polk, Louisiana. The agreement shall allocate responsibility for land management and conservation activities with respect to the property transferred between the Secretary of the Army and the Secretary of Agriculture.

(2) The Secretary of the Army and the Secretary of Agriculture may jointly extend the deadline for entering into an agreement under paragraph (1). The deadline may be extended by not more than six months.

(b) ALTERNATIVE TRANSFER REQUIREMENT.—If the Secretary of the Army and the Secretary of Agriculture fail to enter into the agreement referred to paragraph (1) of subsection (a) within the time provided for in that subsection, the Secretary of Agriculture shall, at the end of such time, transfer to the Secretary of the Army administrative jurisdiction over property consisting of approximately 84,825 acres of land currently owned by the United States and located in the Vernon Ranger District of the Kisatchie National Forest, Louisiana, as generally depicted on the map entitled ''Fort Polk Military Installation map'', dated June 1995.

(c) LIMITATION ON ACQUISITION OF PRIVATE PROPERTY.—The Secretary of the Army may acquire privately-owned land within the property transferred under this section only with the consent of the owner of the land.

(d) USE OF PROPERTY.—(1) Subject to paragraph (2), the Secretary of the Army shall use the property transferred under this section for military maneuvers, training and weapons firing, and other military activities in connection with Fort Polk, Louisiana.

(2) The Secretary may not permit the firing of live ammunition on or over any portion of the property unless the firing of such ammunition on or over such portion is permitted as of the date of the enactment of this Act.

(e) MAP AND LEGAL DESCRIPTION.—(1) As soon as practicable after the date of the transfer of property under this section, the Secretary of Agriculture shall—

(A) publish in the Federal Register a notice containing the legal description of the property transferred; and

(B) file a map and the legal description of the property with the Committee on Energy and Natural Resources, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Armed Services of the Senate and the Committee on Resources, the Committee on Agriculture, and the Committee on National Security of the House of Representatives.

(2) The maps and legal descriptions prepared under paragraph (1) shall have the same force and effect as if included in this subsection, except that the Secretary of Agriculture may correct clerical and typographical errors in the maps and legal descriptions.

(3) As soon as practicable after the date of the enactment of this Act, copies of the maps and legal descriptions prepared under paragraph (1) shall be available for public inspection in the following offices:

(A) The Office of the Secretary of Agriculture.

(B) Such offices of the United States Forest Service as the Secretary of Agriculture shall designate.

(C) The Office of the Commander of Fort Polk, Louisiana.

(D) The appropriate office in the Vernon Parish Court House, Louisiana.

(f) MANAGEMENT OF PROPERTY.—(1) If the transfer of property under this section occurs under subsection (a), the Secretary of the Army and the Secretary of Agriculture shall manage the property in accordance with the agreement entered into under that subsection.

(2)(A) If the transfer of property under this section occurs under subsection (b), the Secretary of the Army and the Secretary of Agriculture shall manage the property in accordance with the management plan under subparagraph (B) and the memorandum of understanding under subparagraph (C).

(B)(i) For purposes of managing the property under this paragraph, the Secretary of the Army shall, with the concurrence of the Secretary of Agriculture, develop a plan for the management of the property not later than two years after the transfer of the property. The Secretary of the Army shall provide for a period of public comment in developing the plan in order to ensure that the concerns of local citizens are taken into account in the development of the plan. The Secretary of the Army may utilize the property pending the completion of the plan.

(ii) The Secretary of the Army shall develop and implement the plan in compliance with applicable Federal law, including the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(iii) The plan shall provide for the management of the natural, cultural, and other resources of the property, including grazing, the management of wildlife and wildlife habitat, recreational uses (including hunting and fishing), and non-public uses of non-Federal lands within the property.

(C)(i) For purposes of managing the property under this paragraph, the Secretary of the Army and the Secretary of Agriculture shall enter into a memorandum of understanding in order to provide for—

(I) the implementation of the management plan developed under subparagraph (B); and

(II) the management by the Secretary of Agriculture of such areas of the property as the Secretary of the Army and the Secretary of Agriculture designate for use for non-military purposes.

(ii) The Secretary of the Army and the Secretary of Agriculture may amend the memorandum of understanding by mutual agreement.

(g) REVERSION.—If at any time after the transfer of property under this section the Secretary of the Army determines that the property, or any portion thereof, is no longer to be retained by the Army for possible use for military purposes, jurisdiction over the property, or such portion thereof, shall revert to the Secretary of Agriculture who shall manage the property, or portion thereof, as part of the Kisatchie National Forest.

(h) IDENTIFICATION OF LAND FOR TRANSFER TO FOREST SERVICE.—The Secretary of Defense shall seek to identify land equal in acreage to the land transferred under this section and under the jurisdiction of the Department of Defense that is suitable for transfer to the Secretary of Agriculture for use by the Forest Service.

Mr. JOHNSTON. Mr. President, it is with a great sense of urgency that I speak today with my good friend, the Senator from Louisiana [Mr. BREAUX], to bring to the attention of my colleagues an extremely important issue in my State of Louisiana.

Mr. President, since 1991, Fort Polk, Leesville, LA has been home to the Army's Joint Readiness Training Center, or the JRTC, and to elements of the Second Armored Cavalry Regiment. Fort Polk has the only combat training center in the continental United States dedicated to light infantry training. The National Training Center at Fort Irwin, CA, provides a somewhat comparable service to our men and women who train for armored units combat.

Each year, some 50,000 soldiers, sailors, airmen, and marines arrive at Fort Polk for rotational training in infantry maneuvers and joint operations. This involves special operation training, counterinsurgency operations, live fire, brigade defense, and brigade counterattack. The training received is unique, not only because of the terrain at Fort Polk, with its tree-covered grassy areas which are indigenous to western Louisiana, but the total realism this sort of training provides. Even to the extent that there is a complete field hospital set up to attend to simulated wounds and casualties. Our soldiers are given a certain level of comfort, knowing that if they are injured in combat, that they will be evacuated and receive treatment, quickly and efficiently.

Mr. President, I am proposing this amendment to increase the land area of Fort Polk, which will enable the Joint Readiness Training Center to train and maneuver over a larger land area. This is crucial to the continued usefulness of Fort Polk.

Some may ask, why is it necessary to provide additional land to Fort Polk? The answer, Mr. President, is fairly simple.

Fort Polk has a requirement for additional maneuver training lands to support its mission of conducting joint readiness training for Army rotational units as well as maintaining the combat readiness of units permanently home stationed at Fort Polk. Fort Polk and the JRTC currently have access to 40,000 acres of Forest Service land under an intensive-use permit but need additional access to the 45,000 acre limited-use permit parcel below it to meet its training requirements.

The total of 85,000 acres will enable the JRTC to conduct its primary mission—training infantry soldiers. Longer range weapons and sensors are changing the nature of land warfare. Greater ranges are now covered by a smaller force. A brigade will now maneuver in the space once used by a division. Our military must keep abreast of these changes, to maintain the utmost efficiency and to protect our troops in the event of real combat.

Some have raised concerns about how the Army would manage this new acreage. I submit that it would be substantially similar to how Fort Polk is currently managed, in full compliance with all laws and regulations. The Army has forest and land management plans for the Forest Service land it currently uses. When the transfer of land occurs, the Army will comply with all applicable Federal laws including NEPA. All existing land uses for fish and wildlife, hunting, cultural and natural resources management, forestry operations as well as private holdings will be followed.

Fort Polk is a good neighbor and steward of the natural resources they manage. The fort has received a nonjeopardy opinion for both their recovery plan and their training plan regarding the red-cockaded woodpecker. In less than 3 years the woodpecker population has almost doubled. Fort Polk

manages the forest using an ecosystem management approach rather than a commercial approach, i.e., the goal is to maximize a balanced ecology, not profit. The fort has reduced sediment loading, mapped all wetlands, and is in compliance with the Clean Water and Scenic Stream Act.

The fort is also a State Wildlife Management Area whose hunting seasons are adjusted to take into account training rotations. These practices will continue on the expansion area. An historic preservation plan has been completed and protection for known sites is in place. Curation facility meets State standards.

The fort is the winner of numerous environmental awards: Louisiana Association of Conservation Districts Good Land Use Award—first time awarded to a Federal facility. Second place winner, Secretary of Defense Natural Resources Conservation Award. U.S. Environmental Protection Agency, Region VI Beneficial Re-Use Award. National Park Service, Southeast Region Preservation Award. Environmentalist of the Year, Dr. Charles H. Stagg, Fort Polk, LA.

Let me go over some of the provisions of this amendment. Our amendment would provide 6 months for the Army and the Forest Service to come to an agreement on transfer of all or some portion of this property. The 6 months may be extended by another 6 months, by mutual agreement. The land transfers automatically if no agreement can be reached between the USDA and the Army.

The amendment does not allow for any live firings on transferred land, except on that land currently used for that purpose. It directs the Department of the Army to develop a management plan, and provides for the return of the property to the Agriculture Department if the land is no longer used by the Army for training purposes. The legislation would prohibit the Army from condemning any private inholdings.

This amendment has strong, broad support. The Army supports this initiative. There is overwhelming civic support, as the following communities and legislative bodies have passed resolutions supporting the transfer: Louisiana State Legislature; Vernon Parish, the local parish; Beauregard Parish; as well as the surrounding communities of Leesville, De Ridder, Alexandria, Pineville, Many, and Natchitoches.

Mr. President, Fort Polk is very important to Louisiana and to the Nation's overall military readiness and the Louisiana delegation overwhelmingly supports the transfer. The land transfer is critical to the fort's mission, light infantry training, and its future. The U.S. Army needs to train its infantry brigades in the most realistic manner possible. The time for our soldiers to learn from their mistakes is while at the Joint Readiness Training Center, not while in harm's way. Additional land will give the JRTC the resources it needs to properly train our Armed Forces to the highest level of readiness.

I ask unamious consent a letter from the Deputy Assistant Secretary of the Army to Mr. Lauffer of the Committee on Armed Services, be printed in the RECORD.

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

DEPARTMENT OF THE ARMY,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, DC, June 19, 1996.

GEORGE W. LAUFFER,
Deputy Staff Director, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. LAUFFER: The Department of the Army supports the legislation proposed by Senator J. Bennett Johnston, ''To require a transfer to the Army of jurisdiction over certain lands in the Vernon Range District, Kisatchie National Forest, Louisiana.'' The transfer would provide the Army with greater flexibility in accomplishing its training mission at Fort Polk, Louisiana.

Sincerely,

PAUL W. JOHNSON,
Deputy Assistant Secretary of the Army (Installations and Housing) OASA (I, L&E).

Mr. BREAUX. Mr. President, I rise today in support of the amendment I offered with Senator JOHNSTON transferring acreage in the Kisatchie National Forest to the Army at Fort Polk, LA. Fort Polk has a requirement for additional maneuver training lands to support its mission of conducting joint readiness training for Army rotational units as well as maintaining the combat readiness of units permanently home stationed at Fort Polk. Fort Polk, home of the Joint Readiness Training Center [JRTC], is very important to the Nation's overall military readiness and national security. It is the only place in the world where light infantry brigades are trained as a unit, complete with Air Force, Navy, and Marine Corps units. Between 50,000 and 64,000 troops are trained at Fort Polk every year. This amendment will enable Fort Polk to expand its training exercises while continuing its unique mission of providing our troops the best training possible.

At the JRTC, our troops participate in training scenarios that help prepare them for all type of missions, including combat, and the terrain in the Kisatchie Forest provides our troops ideal training area for this purpose. We need to ensure that Fort Polk's unique role in training our soldiers continues. Our goal is to train our troops effectively and in an environmentally sensitive way. This is an important point. Some concerns have been about the environmental impact this transfer would have but if you look at the Army's record over the past 5 years, this criticism is unfounded. Fort Polk is a good neighbor and steward of the natural resources they manage. Fort Polk has received a nonjeopardy opinion for both their recovery plan and their training plan regarding the red-cockaded woodpecker on the JRTC. In less than 3 years the woodpecker population has almost doubled. Fort Polk has also won several awards for its conservation and preservation efforts around the JRTC. Additionally, if this transfer occurs, the Army would comply with all applicable Federal laws including National Environmental Policy Act [NEPA].

This amendment would give the Forest Service and the Army 6 months to sit down and try to negotiate a transfer. Ideally, we would like this issue to be solved administratively and have both sides sit down and try to figure out a way to work this out. But if that can't happen, this amendment would automatically transfer the land. The JRTC can't wait a decade for this important transfer to happen. Additionally, the Secretary of Defense will seek to identify an equal number of acres, not required for military use, for conveyance to the Forest Service in exchange for this land. We also provide that if the Army no longer needs the land, it would be transferred back to the Forest Service.

All existing land uses for fish and wildlife, hunting, and forestry operations would remain.

I have also heard from private landowners who are concerned about the impact the transfer would have on them. Our amendment tries to address this concern by prohibiting the Army from expropriating any private property in the forest. The Army would still be able to enter into negotiations with willing sellers but could not condemn any private land.

To address the concerns of these groups and others, this amendment also provides for a period of public comment when the Army develops a management plan to ensure that the concerns of the local citizens are taken into account.

While there is some opposition to this transfer, there is also widespread support for it from the local communities. The transfer has been endorsed by the city councils in Leesville, DeRidder, Pineville, Many, Alexandria and Natchitoches, Beauregard Parish, the Vernon Parish Chamber of Commerce, and the Vernon Parish School Board. They understand that if the Army doesn't get this additional land, the future of Fort Polk and the surrounding communities could be affected. The fort has an annual economic impact in Louisiana of approximately $720 million.

Mr. President, the bottom line is that our Army needs to train its infantry brigades in the most realistic manner possible. The time for our soldiers to prepare for combat and other situations is during training at the JRTC, not while in harms way. The additional land we are seeking will give the JRTC the resources it needs to properly train our Armed Forces and make them ready to meet military challenges when they arise.

As importantly, we authorize this transfer with conditions attached which are sensitive to environmental and private property owners' needs. I

thank Senator JOHNSTON for his leadership and I urge adoption of the amendment.

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

The amendment (No. 4352) was agreed to.

Mr. WARNER. 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.

AMENDMENT NO. 4353

(Purpose: To authorize a land conveyance, Air Force Plant No. 85, Columbus, OH)

Mr. WARNER. Mr. President, on behalf of Senator DEWINE, I offer an amendment which would authorize the conveyance of approximately 240 acres from the former Air Force Plant No. 85 to the Columbus, OH, airport authority.

I believe this amendment has been cleared.

Mr. NUNN. It has been cleared. I urge the approval of the amendment. I urge its adoption.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DEWINE, proposes an amendment numbered 4353.

The amendment is as follows:

At the end of title XXVIII, add the following:

SEC. 2828. LAND CONVEYANCE, AIR FORCE PLANT NO. 85, COLUMBUS, OHIO.

(a) CONVEYANCE AUTHORIZED.—(1) Notwithstanding any other provision of law, the Secretary of the Air Force may instruct the Administrator of General Services to convey, without consideration, to the Columbus Municipal Airport Authority (in this section referred to as the ''Authority'') all right, title, and interest of the United States in and to a parcel of real property, together with improvements thereon, at Air Force Plant No. 85, Columbus, Ohio, consisting of approximately 240 acres that contains the land and buildings referred to as the ''airport parcel'' in the correspondence from the General Services Administration to the Authority dated April 30, 1996, and is located adjacent to the Port Columbus International Airport.

(2) If the Secretary does not have administrative jurisdiction over the parcel on the date of the enactment of this Act, the conveyance shall be made by the Federal official who has administrative jurisdiction over the parcel as of that date.

(b) REQUIREMENT FOR FEDERAL SCREENING.—The Federal official may not carry out the conveyance of property authorized in subsection (a) unless the Federal official determines, in consultation with the Administrator of General Services, that no department or agency of the Federal Government will accept the transfer of the property.

(c) CONDITION OF CONVEYANCE.—The conveyance required under subsection (a) shall be subject to the condition that the Authority use the conveyed property for public airport purposes.

(d) REVERSION.—If the Federal official making the conveyance under subsection (a) determines that any portion of the conveyed property is not being utilized in accordance with subsection (c), all right, title, and interest in and to such portion shall revert to the United States and the United States shall have immediate right of entry thereon.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Federal official making the conveyance. The cost of the survey shall be borne by the Authority.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Federal official making the conveyance of property under subsection (a) may require such additional terms and conditions in connection with the conveyance as such official considers appropriate to protect the interests of the United States.

Mr. DEWINE. Mr. President, this amendment provides for the transfer of 240 acres from the U.S. Air Force to the Port Columbus International Airport. The Columbus Airport Authority is seeking this transfer for the purpose of constructing a new 10,250-foot south runway. This amendment has been cleared by both the majority and minority side of the Armed Services Committee, the Air Force, and the General Services Administration.

I am pleased that Senator GLENN joins me in offering this amendment to facilitate this public benefit conveyance.

Mr. GLENN. Mr. President, I rise to endorse the amendment offered by my colleague from Ohio, Senator DEWINE, and I ask unanimous consent that I be added as an original cosponsor. This amendment conveys to the Columbus Municipal Airport Authority approximately 240 acres of land owned by the Air Force. This parcel is part of an Air Force industrial facility which has operated at the site for a number of years. In 1988 during consideration of the fiscal year 1989 Defense authorization bill, Congress directed that the entire parcel of more than 400 acres be sold, and the proceeds from the sale be used to pay for the environmental remediation of the property.

As a result of the 1988 legislation, the Air Force and the General Services Administration entered into an agreement to sell the property in 1992, with GSA acting as the Government's property manager. However, the Air Force and its contractors continued to use the facility until 1994. During this time, GSA made a determination after consulting with State and local authorities, that it would be in the best interest of all parties to divide the parcel into two pieces—a so-called industrial parcel and an airport parcel. GSA is currently marketing the industrial parcel and expects to complete the sale later this year. Since 1994 necessary actions, such as consultations with other Federal and DOD agencies, the State of Ohio Historical Preservation Office and some needed environmental remediation, have occurred.

When this amendment was originally brought to my attention, I had some concerns. In particular, I was concerned that the amendment would disrupt the planned sale of the industrial parcel. I was also concerned that the airport parcel be screened for other Federal interest. It is my understanding that in the absence of the 1988 legislation, the airport parcel would be eligible for conveyance to the Columbus Municipal Airport Authority as a public benefit conveyance. The amendment now accomplishes the goal of a public benefit conveyance, under conditions of a satisfactory Federal screen, without affecting the sale of the industrial property. It is also my understanding that this amendment will not alter the fact that the Air Force is liable for the environmental remediation of the site.

I am pleased to work with Senator DEWINE on this amendment, and I congratulate him for offering it.

Mr. WARNER. I urge adoption of the amendment.

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

The amendment (No. 4353) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4354

(Purpose: To delete $25,000,000 from the North Atlantic Treaty Organization Security Investment Program; to add $6,600,000 for phase II construction of the Consolidated Education Center at Fort Campbell, KY; and to add $10,800,000 for phase III construction of the Western Kentucky Training Site)

Mr. NUNN. Mr. President, I believe the next amendment will also have an amendment to it by Senator WARNER on behalf of Senator MCCAIN.

On behalf of Senator FORD, I offer an amendment which would delete $25 million for the NATO Security Investment Program, to add $6.6 million for phase II construction of the Consolidated Education Center at Fort Campbell, KY; and $10.8 million for phase 3 of the construction of the Western Kentucky Training Site.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. FORD, proposes an amendment numbered 4354.

The amendment is as follows:

In the table in section 2101(a), strike out the item relating to Fort Campbell, Kentucky, and insert in lieu thereof the following:

Kentucky	Fort Campbell	$67,600,000

Strike out the amount set forth as the total amount at the end of the table in section 2101(a), and insert in lieu thereof ''$363,050,000''.

In section 2104(a), in the matter preceding paragraph (1), strike out ''$1,894,297,000'' and insert in lieu thereof ''$1,900,897,000''.

In section 2104(a)(1), strike out ''$356,450,000'' and insert in lieu thereof ''$363,050,000''.

In section 2502, strike out ''$197,000,000'' and insert in lieu thereof ''$172,000,000''.

In section 2601(1)(A), strike out ''$79,628,000'' and insert in lieu thereof ''$90,428,000''.

Mr. FORD. Mr. President, I have an amendment that will provide $6.6 million for phase two construction of the

Consolidated Education Center at Fort Campbell, KY and provide $10.8 million for phase three construction of the Western Kentucky Training Site.

Not only are the costs of my amendments fully offset, but I know my colleagues will agree that because these two projects are already underway and because they represent an integral part of the training of our troops, continued funding is both appropriate and necessary.

This Congress has already invested $14.5 million into phase one of Fort Campbell's Education Center. Funding for the final phase, phase two, will provide additional needed classrooms, office space, and additional parking. As many of you may know, Fort Campbell has the largest educational program of any division-level installation in Forces Command. Funding for this last phase will assure we can take a state-of-the-art education program out of World War II-era buildings.

In addition, this Congress has dedicated funds to the first two phases of the Western Kentucky Training Site for a total of $11.1 million. Because this is a five-phase project, providing funding for phase three is critical to keeping this project on time and on track for completion.

The Western Kentucky training facility, in conjunction with the high-technology training available at Fort Knox, puts Kentucky at the forefront of this country's military training. Last year, 16,000 soldiers trained there. But those numbers represent just the beginning in a long line of soldiers who will receive the best state-of-the-art training this country has to offer.

I believe this is an amendment my colleagues will have no trouble supporting.

AMENDMENT NO. 4355 TO AMENDMENT NO. 4354

(Purpose: To provide that funds may not be obligated or expended for the project if the project is not included in the current future-years defense program of the Department of Defense)

Mr. WARNER. I send to the desk on behalf of Senator MCCAIN an amendment to the Ford amendment, to provide the funds may not be obligated or expended until the Secretary of Defense certifies to Congress that the projects are included in current future-years defense program.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, proposes an amendment numbered 4355 to amendment No. 4354.

The amendment is as follows:

At the end of the amendment, add the following:

At the end of title XXVII, add the following:

SEC. 2706. PROHIBITION ON USE OF FUNDS FOR CERTAIN PROJECTS.

(a) PROHIBITION.—Notwithstanding any other provision of this Act, no funds authorized to be appropriated by this Act may be obligated or expended for the military construction project listed under subsection (b) until the Secretary of Defense certifies to Congress that the project is included in the current future-years defense program.

(b) COVERED PROJECTS.—Subsection (a) applies to the following military construction project:

(1) Phase II, Construction, Consolidated Education Center, Ft. Cambpell, KY.

(2) Phase III, Construction, Western Kentucky Training Site.

Mr. MCCAIN. Mr. President, as my colleagues know, I have consistently opposed funding for military construction projects that were not requested by the administration and which do not meet the Senate's criteria for consideration of unrequested military construction projects.

Let me reiterate the criteria to which the Senate agreed 2 years ago. Each project not included in the administration's budget request is judged against four criteria, namely: (1) it is mission essential; (2) it is not inconsistent with any BRAC actions; (3) it is executable during the fiscal year; and (4) it is included in the Future Years Defense Program (FYDP). In addition, there should be a reduction in some other defense program to offset the increased funding for each project.

The bill before the Senate includes $600 million for unrequested military construction projects which, for the most part, meet the first four criteria. However, none of these projects were funded by an offsetting reduction in some other defense account. Therefore, they do not meet all of the Senate's established criteria.

The amendment offered by my colleague from Kentucky, Senator FORD, as originally proposed, does not meet all five criteria. The amendment does include an offsetting reduction in another defense account, which makes it unique among the projects included in this bill. But according to information provided to the Committee by the Department of Defense, the project is not included in the current FYDP.

I am pleased to note, however, that my colleague from Kentucky, Senator FORD, has agreed to accept an amendment to his amendment. The second-degree amendment would prohibit obligation of the funds for this project until the Secretary of Defense certifies that the project is in the FYDP. If that certification is received, the project will then meet all five of the Senate's criteria, and the funds will become available to proceed with the project.

Mr. President, subject to the conditions stated in the modified amendment, I have no objection to including this military construction project in the authorization bill. I appreciate very much the opportunity to work with my colleague from Kentucky. His willingness to work together to resolve this matter is greatly appreciated, and I thank him for his understanding of my position with respect to military construction add-ons.

Mr. GLENN. Mr. President, members of this chamber have heard the Chairman of the Readiness Subcommittee and me speak on several occasions in opposition to funding unrequested military construction projects. Once again, I rise to speak in opposition to this on-going practice. The amendment offered by the Senator from Kentucky would add additional funds for phase II of an Education Center at Fort Campbell and phase III of the Western Kentucky Training Range for the Army National Guard. I would like to voice my opposition to this amendment and express my support for the Chairman of the Readiness Subcommittee's second degree amendment which would require the Secretary of Defense to certify that these projects are in the military services' Future Years Defense Plan (FYDP) before obligating the construction funds.

During the Committee's markup of the defense authorization bill, the two projects addressed in the amendment were screened by the services to determine if the projects met the Committee's criteria. The services indicated, at that time, that the projects were not in the FYDP. However,, I understand that different information regarding these projects has been made available to the Committee. Given the conflicting data on these projects, I believe it is appropriate, as the Senator from Arizona's amendment would require, for the Secretary of Defense to certify information on these projects before the funds are released.

As I have stated before, I will continue to work with the Chairman of the Readiness Subcommittee to reverse the practice of adding millions of dollars to the budget for unrequested projects.

Mr. WARNER. I ask unanimous consent to have the second-degree amendment adopted as well as the underlying amendment.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendment (No. 4355) was agreed to.

The amendment (No. 4354), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4356

(Purpose: To amend section 2821, relating to the transfer of lands at Arlington National Cemetery, VA, in order to place conditions on the transfer of certain lands)

Mr. NUNN. Mr. President, on behalf of Senators ROBB and WARNER, I offer an amendment which would modify section 2821 of S. 1745 to require the Secretaries of the Interior and the Army to submit summaries of the land-use plan, environmental assessment and cultural resources studies regarding the land transfer at Arlington Cemetery.

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

Mr. WARNER. The Senator is correct.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. ROBB, for himself, and Mr. WARNER, proposes an amendment numbered 4356.

The amendment is as follows:

Strike out subsection (a) of section 2821 and insert in lieu thereof the following new subsection (a):

(a) REQUIREMENT FOR SECRETARY OF INTERIOR TO TRANSFER CERTAIN SECTION 29 LANDS.—(1) Subject to paragraph (2), the Secretary of the Interior shall transfer to the Secretary of the Army administrative jurisdiction over the following lands located in section 29 of the National Park System at Arlington National Cemetery, Virginia:

(A) The lands known as the Arlington National Cemetery Interment Zone.

(B) All lands in the Robert E. Lee Memorial Preservation Zone, other than those lands in the Preservation Zone that the Secretary of the Interior determines must be retained because of the historical significance of such lands or for the maintenance of nearby lands or facilities.

(2)(A) The Secretary of the Interior may not make the transfer referred to in paragraph (1)(B) until 60 days after the date on which the Secretary submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives—

(i) a summary of the document entitled ''Cultural Landscape and Archaeological Study, Section 29, Arlington House, The Robert E. Lee Memorial'';

(ii) a summary of any environmental analysis required with respect to the transfer under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(iii) the proposal of the Secretary and the Secretary of the Army setting forth the lands to be transferred and the general manner in which the Secretary of the Army will develop such lands after transfer.

(B) The Secretary of the Interior shall submit the information required under subparagraph (A) not later than October 31, 1997.

(3) The transfer of lands under paragraph (1) shall be carried out in accordance with the Interagency Agreement Between the Department of the Interior, the National Park Service, and the Department of the Army, Dated February 22, 1995.

(4) The exact acreage and legal descriptions of the lands to be transferred under paragraph (1) shall be determined by surveys satisfactory to the Secretary of the Interior and the Secretary of the Army.

Mr. NUNN. I urge adoption of the amendment.

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

The amendment (No. 4356) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4357

(Purpose: To authorize funding for the Corps surface-to-air missile (SAM/Medium Extended Air Defense System (MEADS) program at the level requested by the President)

Mr. NUNN. Mr. President, I send to the desk an amendment by Senator LIEBERMAN from Connecticut that would authorize funding for the Corps surface-to-air missile, known as Corps SAM, at the level requested by the President. I am a cosponsor of this amendment. I believe it has been cleared on the other side of the aisle.

Mr. WARNER. The Senator is correct.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. LIEBERMAN, for himself, and Mr. NUNN, proposes an amendment numbered 4357.

The amendment is as follows:

At the end of subtitle C of title II add the following:

SEC. 237. CORPS SAM/MEADS PROGRAM.

(a) FUNDING.—Of the amount authorized to be appropriated under section 201(4)—

(1) $56,200,000 is available for the Corps surface-to-air missile (SAM/Medium Extended Air Defense System (MEADS) program (PE63869C); and

(2) $515,711,000 is available for Other Theater Missile Defense programs, projects, and activities (PE63872C).

(b) INTERNATIONAL COOPERATION.—The Secretary of Defense may carry out the program referred to in subsection (a) in accordance with the memorandum of understanding entered into on May 25, 1996, by the governments of the United States, Germany, and Italy regarding international cooperation on such program (including any amendments to the memorandum of understanding).

(c) LIMITATIONS.—Not more than $15,000,000 of the amount available for the Corps SAM/MEADS program under subsection (a) may be obligated until the Secretary of Defense submits to the congressional defense committees the following:

(1) An initial program estimate for the Corps SAM/MEADS program, including a tentative schedule of major milestones and an estimate of the total program cost through initial operational capability.

(2) A report on the options associated with the use of existing systems, technologies, and program management mechanisms to satisfy the requirement for the Corps surface-to-air missile, including an assessment of cost and schedule implications in relation to the program estimate submitted under paragraph (1).

(3) A certification that there will be no increase in overall United States funding commitment to the project definition and validation phase of the Corps SAM/MEADS program as a result of the withdrawal of France from participation in the program.

Mr. LIEBERMAN. Mr. President, I would like to propose an amendment to S. 1745 in order to correct an issue with important national security implications. Development of the corps-level surface to air theater missile defense system, called the Medium Extended Air Defense System [MEADS] is adversely affected by the current legislation. Unless the corrections, which I will describe in a moment, are made, the current provisions will likely halt the development of this important program.

First, let me address the necessity for MEADS. There are currently under development a number of theater missile defense systems. However, no system, except for MEADS, protects frontline troops in the corps' maneuver area. Hence, MEADS will fulfill an existing, urgent 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. The urgency of the need for MEADS is testified to by the support of the Commanders-in Chief of Central Command, Atlantic Command, Korean Command and of course, the European Command/NATO. These operational commanders, as well as, the Commandant of the Marine Corps and the Chief of Staff of the Army are all on the record documenting the urgency of the requirement for this system.

It should be noted that this operational need will only become greater with time. Estimates of future threats include the increasing ability of both major and lesser powers, as well as, substate actors, to acquire and utilize the rapidly accessible and increasingly affordable ballistic and cruise missile technologies against our forward deployed units.

The operational need for MEADS has been made clear by our allies. In addition to our partnership with Germany and Italy, in developing a theater missile defense system, for forward deployed, mobile forces, other nations have expressed a strong interest in purchasing such a system to meet their own security requirements.

I must repeat this most essential point: no other planned theater missile defense system can satisfy operational requirements with respect to defending soldiers and marines deployed in the forward area of the theater.

The MEADS system has additional advantages other than this most important operational requirement. It is the most cost-effective approach to meeting the operational requirements for forward coverage in the theater. Two U.S. industry teams, Hughes/Raytheon and Lockheed/Martin/Loral, have been awarded contracts to participate in the first phase of the program, largely because their proposals effectively leverage technology used in current surface to air and air to air missile systems. Both of the U.S. industrial teams propose a system architecture based on proven components and technology.

The program is further leveraged by participation of two key Allies, Italy and Germany. Both countries require a modern system to replace their aging HAWK systems. As a footnote, there are 22 additional nations currently employing HAWK. Those other users will require a replacement system during the next decade. Both partner countries provide technical capabilities that significantly enhance the MEADS Program's access to the world's best technology.

As a result of the leveraging of technology and the significant contributions of Italy and Germany, the United States funding requirement for system development has been reduced from the

original $3.1 Billion baseline estimate to about $1.7 Billion. This accounting of costs does not include the revenue and employment benefits that will accrue due to the expected high demand for the purchase of this system.

Given all of these benefits, the current bill does two disruptive things to the MEADS development program. It reduces the program authorization by $10.8 millions and it prohibits the United States from contributing above 50 percent of the funding among her allies. On the face of it, these bill items do not seem very damaging. However, the international nature of the program makes these problems quite damaging. The difficulties in the current bill are due, I believe, to costing assumptions that are no longer valid. The biggest change from last year's authorization bill is the withdrawal of France from the international agreement. However, the bill appears to have inadvertently placed cost constraints on the MEADS project as if France were still in the agreement. Let me now lay out some of the adverse consequences of the current bill's language.

First, the proposed $10.8 million reduction in authorizations for fiscal year 1997 will mean greater overall costs to the U.S. for developing MEADS in the project definition-validation phase of the project. This is due to the obvious stretching out of the development time period.

Second, and more importantly, Germany and Italy are committed to the MEADS Program at the highest levels of government. Neither country views any other system as a viable alternative to meeting its national requirements. As of May 28, 1996, Germany, Italy and the United States have formally agreed upon terms for the program and have signed an international agreement governing the initial program definition and validation phase of the program. Incidently, this satisfies the Armed Services Committee Report's requirement for a Memorandum of Understanding [MOU] among the Allies before funds are obligated.

Of course the memorandum of agreement just described is much different than the one envisioned a year ago. The withdrawal of France from the partnership on MEADS means that the United States cannot meet the 50 percent ceiling on funding, required in the committee report, given the previously agreed upon percentages among the Allies on burden sharing. The restructuring—resulting from the withdrawal of France—results in cost shares, now, of 60 percent for the United States, 25 percent for Germany, and 15 percent for Italy. Previously planned on percentages were: 50 percent for United States, 20 percent for Germany, 10 percent for Italy, and 20 percent for France. All countries in the international agreement have picked up some of the burden that was once assigned to France.

At this point, I must make clear that the requirement for the Corps SAM capability is a unilateral one. The United States needs this capability now, and would need to fund now, with or without Allied participation. The benefits of the partnership are clear. Also, the higher percentage of costs now assumed by the United States also means an accompanying higher percentage of revenues gained from the sale of the weapon system to U.S. Allies.

Paradoxically, restructuring of the program will actually reduce the U.S. cost for the PD/V phase of the program by $4 million, despite the percentage change that I just described. With the pull-out of France, the participating nations have adjusted the scope of the program so that the costs for the development phase are reduced. The reasons are reduced duplication and redundancies, and the elimination of French-unique program requirements which are not demanded by the other participating countries.

Because MEADS is the first major system new start the United States has attempted as a cooperative program in some time, it has received a great deal of attention around the world. Our friends and allies see MEADS as the litmus test of U.S. resolve to carry through on our promise to improve our record in armaments cooperation. MEADS demonstrates that our defense industry can work in concert with the defense industries of other nations.

The committee's report sends a negative signal concerning MEADS. Difficulties in resolving this partnership will invariably impact on other future, international armament partnerships; our credibility will be damaged. Partnerships such as JSTARS for NATO are put at risk by the proposed actions with respect to MEADS.

The Senate Armed Services Committee recommended the program be reduced by $10.8 million, a reduction that makes the program outlined in the recently completed international agreement unexecutable. Given such a reduction, our Allied partners will almost certainly consider the MOU null and void. This, in combination with the 50 percent ceiling, is very debilitating for the success of further cooperative efforts.

In sum, the legislative provisions in the current bill, unless corrected, will likely halt the international agreement on MEADS, halt MEADS development, and cause other international cooperative defense efforts to become suspect.

I believe the amendment that I am proposing will address these issues while also addressing the Armed Services Committee's very valid concerns that cost overruns not emerge from the program. Instead of limitations on percentages with respect to burden sharing among the allies, I propose a spending cap, as outlined in the amendment. This spending cap meets the rightful concerns of the SASC that costs be controlled in the development of MEADS. The $10.8 million put back into the program in this amendment is offset by reducing funding in a catch-all program entitled ''Other Theater Missile Defense programs, projects, and activities.''

The amendment ensures that the United States complies with her obligations under the international agreement between the United States, Germany, and Italy. By doing so, we bolster our credibility among our allies, while maintaining the existence and effectiveness of an important defense development program for our front-line troops.

Mr. NUNN. I urge adoption of the amendment.

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

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4358

(Purpose: To prohibit certain actions relating to the reorganization of the Army ROTC pending a report on the Army ROTC)

Mr. WARNER. Mr. President, on behalf of Senators THURMOND, FORD, SARBANES, BREAUX, DOMENICI, SANTORUM, HOLLINGS, WARNER, and JOHNSTON, I offer an amendment that would prohibit the Secretary of the Army from closing any Reserve officer training corps units until a comprehensive study is complete and the results reported to the Congress of the United States.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, for himself, Mr. FORD, Mr. SARBANES, Mr. BREAUX, Mr. DOMENICI, Mr. SANTORUM, MR. HOLLINGS, Mr. WARNER, and Mr. JOHNSTON, proposes an amendment numbered 4358.

The amendment is as follows:

At the end of subtitle C of title V, add the following:

SEC. 523. PROHIBITION ON REORGANIZATION OF ARMY ROTC CADET COMMAND OR TERMINATION OF SENIOR ROTC UNITS PENDING REPORT ON ROTC.

(a) PROHIBITION.—Notwithstanding any other provision of law, the Secretary of the Army may not reorganize or restructure the Reserve Officers Training Corps Cadet Command or terminate any Senior Reserve Officer Training Corps units identified in the Information for Members of Congress concerning Senior Reserve Officer Training Corps (ROTC) Unit Closures dated May 20, 1996, until 180 days after the date on which the Secretary submits to the congressional defense committees the report described in subsection (b).

(b) REPORT.—The report referred to in subsection (a) shall—

(1) describe the selection process used to identify the Reserve Officer Training Corps units of the Army to be terminated;

(2) list the criteria used by the Army to select Reserve Officer Training Corps units for termination;

(3) set forth the specific ranking of each unit of the Reserve Officer Training Corps of the Army to be terminated as against all other such units;

(4) set forth the authorized and actual cadre staffing of each such unit to be termination for each fiscal year of the 10-fiscal year period ending with fiscal year 1996;

(5) set forth the production goals and performance evaluations of each Reserve Officer Training Corps unit of the Army on the closure list for each fiscal year of the 10-fiscal year period ending with fiscal year 1996;

(6) describe how cadets currently enrolled in the units referred to in paragraph (5) will be accommodated after the closure of such units;

(7) describe the incentives to enhance the Reserve Officer Training Corps program that are provided by each of the colleges on the closure list; and

(8) include the projected officer accession plan by source of commission for the active-duty Army, the Army Reserve, and the Army National Guard.

(9) describe whether the closure of any ROTC unit will adversely effect the recruitment of minority officer candidates.

Mr. THURMOND. Mr. President, as an Army ROTC Program graduate and one who believes the program is vital to the national security of our Nation, I was disappointed to learn that the Army announced on May 20, 1996, that it will terminate the program at 31 universities and colleges throughout the Nation, including two in South Carolina.

I expect that many of my Senate colleagues have a strong affiliation for the ROTC Program and are prepared to speak to the merits of the program. I believe that many would echo the comments of Dr. Lee Vickers, the president of Francis Marion University who described the need for the ROTC Program as follows:

Service to one's community and to the Nation as one of the constituent values of the United States and one that is being heard more and more frequently throughout the higher education community these days. What more vital service can there be than that discipline, skills, and service learned by young men and young women fortunate enough to experience the leadership training of the ROTC Program? No one can easily deny the importance and the value of the present and future citizen-soldiers leaders that the ROTC Program has produced and continues to produce.

Mr. President, it troubles me that the Army terminated programs, not only at Francis Marion University, but also at Presbyterian College, and its two satellite programs at Lander University and at New Berry College. According to U.S. News and World Report Presbyterian College ranked second among 117 regional liberal arts colleges in the South. A key contributor to that reputation has been the ROTC Program which was started in 1919 with the activation of the Scottish Highlander Battalion. For 77 years, ROTC has been a respected and integral part of campus life at Presbyterian College, sending graduates to every major military campaign since World War I. To date, Presbyterian College has graduated 14 general officers and one Medal of Honor recipient and currently more than 100 Presbyterian College graduates serve in uniform.

Mr. President, when I asked the Army to tell me why these programs were being terminated, their answer was the requirements for commissioned officers has decreased and therefore the number of ROTC programs must be reduced. Although that answer may be rationale, the Army could not provide me with the criteria for selecting the ROTC programs to be terminated.

My amendment would require the Army to provide a report detailing the selection criteria and other information to justify the closure of the 31 ROTC units in 20 States. It would further require the Army to wait 180 days after submitting the report before initiating any action to reorganize the ROTC Program.

Mr. President, this is a reasonable amendment in view of the Army's action to terminate such an important program—a program that not only supports the security of our Nation but also impacts the lives of thousands of America's future leaders. I ask my Senate colleagues to show their support for the ROTC Program and adopt this amendment.

Mr. FORD. Mr. President, I rise in support of Senator THURMOND's amendment to the Defense Authorization bill to impose a temporary moratorium on college ROTC unit closures.

The current guidelines will adversely affect several universities across the country, including Murray State University in Kentucky, where the Army ROTC program is schedule for closure at the end of the 1996–97 school year.

Murray State has a long and distinguished ROTC tradition. Since its inception in 1952, over 1,000 ROTC graduates have passed through the program. Many of those graduates went on to serve this country with great distinction and honor both in times of war and peace.

Like ROTC programs across the country, the Army ROTC program at Murray State is not only an important component of the western Kentucky community, but of the entire armed services. And so, I urge my colleagues to support Senator THURMOND's amendment.

Mr. President, I ask unanimous consent that a letter from the president of Murray State University, Kern Alexander, be printed in the RECORD.

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

MURRAY STATE UNIVERSITY,
OFFICE OF THE PRESIDENT,
Murray, KY, June 17, 1996.

Hon. WENDELL FORD,
U.S. Senate, Senate Russell Office Bldg., Washington, DC.

DEAR SENATOR FORD: The Department of the Army has recently announced that the ROTC program at Murray State University will be closed at the end of the 1996/1997 school year. I am seeking your support and assistance in reversing this decision.

ROTC at Murray State University is an integral part of our campus. With over a thousand graduates since 1952, our ROTC program has a long and distinguished history. Many of the Army officers commissioned through our program have served their country with great honor in war and peace. It is important to our country and our Army that future commissioned officers understand and represent the regional values of the soldiers that they will lead in the various components of the Total Army.

As described in the attached fact sheet, our ROTC program has made a threefold enrollment increase in the last three years and has every expectation of fulfilling the requisite enrollment and commissioning goals in the future. We have initiated several dynamic programs to improve recruiting and retention.

I understand that shrinking defense resources will require the closure of several other regional ROTC programs to include Southeast Missouri University and the University of Tennessee at Martin. Given our historic support of ROTC, close proximity to Fort Campbell, excellent ROTC support facilities, and the academic excellence of our University, we could easily accommodate students from these other schools. In fact, we could easily become a primary commissioning source for Army nurses, a commissioned officer specialty of great demand.

I have made a personal commitment to the support of ROTC and intend to see the program flourish. I look forward to your assurance of commitment to this proposal.

Sincerely,

KERN ALEXANDER,
President.

Attachment.

FACT SHEET—REASONS TO KEEP MSU ROTC

1. We serve 38 counties in Western Kentucky plus we receive a large number of students from Northwest Tennessee, Southern Illinois, Indiana, and Southwest Missouri.

These students come to MSU for its high academic standing (top quartile of small regional liberal arts universities by *U.S. News and World Report*) as well as our rural setting.

With the closure of University of Tennessee at Martin, a large portion of West Tennessee and Western Kentucky would be excluded from participation in ROTC in a regional university.

MSU could cover both areas meeting the needs of rural families coupled with our border county agreements to provide in-state tuition.

2. MSU has tripled its overall enrollment over the past three years. We have commissioned nine lieutenants for the past two years, project nine for the next school. Enrollment numbers in ROTC have increased along with the enrollment figures for the University due to the faculty taking ownership of the program and recruiting.

3. We have taken great strides toward attracting ROTC students:

Ten $1,000 dorm scholarships for ROTC scholarship students.

Free room for all four-year ROTC scholarship students who attend MSU.

Ten guaranteed positions in our Nursing Program.

Due to this good rapport between ROTC and Nursing we have requested to be designated a Center for Nursing Excellence.

Nursing elective credit for Nurse Summer Training Program.

Academic Minor in ROTC.

Process of gaining General Education Credit for ROTC courses.

Extensive promotion of ROTC in University publications, brochures, and videos.

4. No other class gives students the education in leadership as does ROTC. We stress oral and written communication, self-confidence, and development of leadership skills.

5. ROTC provides between $250,000–$300,000 annually to MSU and the City of Murray in stipends, scholarships, salaries, and operating and recruiting funds. This money is

spent in restaurants, movie theaters, MSU's Bookstore, electric company, gas stations, and in MSU's general accounting office for tuition.

6. ROTC attracts top notch students and provides national marketing for MSU by having a program on campus. Additionally, it helps attract and promotes solid academic performance in athletes and minorities. (Currently 20% female, 10% African American, and 15 athletes enrolled.)

7. MSU has a strong tradition of providing officers for four state National Guard units—Kentucky, Tennessee, Illinois and Indiana. Additionally, numerous officers have played significant roles in the U.S. Army Reserve—most notable, Major General (Retired) Lindsay Freeman who was Commander of the 100th Training Division out of Fort Knox, Kentucky.

8. Long tradition of ROTC at MSU:

Has been an academic program since 1952.

Commissioned over 1,039 officers.

Produced three General officers.

Mr. NUNN. I urge adoption of the amendment.

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

The amendment (No. 4358) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4359

(Purpose: To provide service credit for service as senior ROTC cadets and midshipmen in the Simultaneous Membership Program)

Mr. NUNN. Mr. President, on behalf of Senator BYRD, I offer an amendment which would provide service credit for longevity and pay to individuals who simultaneously are senior ROTC cadets or midshipmen and members of the Selected Reserve under the Simultaneous Membership Program.

I believe this amendment has been cleared on both sides of the aisle. I urge the adoption of the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. BYRD, proposes an amendment numbered 4359.

The amendment is as follows:

At the end of subtitle A of title V add the following:

SEC. 506. SERVICE CREDIT FOR SENIOR R.O.T.C. CADETS AND MIDSHIPMEN IN SIMULTANEOUS MEMBERSHIP PROGRAM.

(a) AMENDMENTS TO TITLE 10.—(1) Section 2106(c) of title 10, United States Code, is amended by striking out ''while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve'' and inserting in lieu thereof ''performed on or after August 1, 1979, as a member of the Selected Reserve''.

(2) Section 2107(g) of such title is amended by striking out ''while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve'' and inserting in lieu thereof ''performed on or after August 1, 1979, as a member of the Selected Reserve''.

(3) Section 2107a(g) of such title is amended by inserting '', other than enlisted service performed after August 1, 1979, as a member of Selected Reserve'' after ''service as a cadet or with concurrent enlisted service''.

(b) AMENDMENT TO TITLE 37.—Section 205(d) of title 37, United States Code, is amended by striking out ''that service after July 31, 1990, that the officer performed while serving on active duty'' and inserting in lieu thereof ''for service that the officer performed on or after August 1, 1979.''.

(c) BENEFITS NOT TO ACCRUE FOR PRIOR PERIODS.—No increase in pay or retired or retainer pay shall accrue for periods before the date of the enactment of this Act by reason of the amendments made by this section.

Mr. BYRD. Mr. President, I propose an amendment that will modify Titles 10 and 37 of the United States Code. This amendment will correct a long-overlooked enlisted service period of selected military members. This amendment allows creditable service for military members who are serving, or have served as enlisted members of our National Guard and Reserve, while also earning a commission through the Simultaneous Membership Program [SMP]. Since the program's inception in 1979, a select number of enlisted soldiers have not received longevity credit for honorably performed duty that they so justly deserve. SMP cadets are enlisted soldiers with contracts and service obligations, they are deployable assets to their units, they are military occupational service qualified, and they are subject to all the regulations and reviews of any other enlisted soldier. this enlisted concurrent service must be creditable for all purposes. I urge my colleagues to support this worthy amendment.

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

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

The amendment (No. 4359) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4360

(Purpose: To authorize the Secretary of the Army to accept less than full reimbursement of costs under the agreement for instruction of civilian students at the Foreign Language Center of the Defense Language Institute)

Mr. NUNN. Mr. President, on behalf of Senator BOXER, I offer an amendment which would authorize the Secretary of the Army to accept less than full reimbursement costs under the agreement for instruction of foreign students at the Foreign Language Center of the Defense Language Institute.

I believe the amendment has been cleared by the other side.

Mr. WARNER. That is correct, Mr. President.

Mr. NUNN. I urge adoption of the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mrs. BOXER, proposes an amendment numbered 4360.

The amendment is as follows:

At the end of subtitle E of title III, add the following:

SEC. 368. REIMBURSEMENT UNDER AGREEMENT FOR INSTRUCTION OF CIVILIAN STUDENTS AT FOREIGN LANGUAGE INSTITUTE OF THE DEFENSE LANGUAGE INSTITUTE.

Section 559(a)(1) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2776; 10 U.S.C. 4411 note) is amended by striking out ''on a cost-reimbursable, space-available basis'' and inserting in lieu thereof ''on a space-available basis and for such reimbursement (whether in whole or in part) as the Secretary considers appropriate''.

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

The amendment (No. 4360) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4361

(Purpose: To provide additional pension security for spouses and former spouses of civil service employees with respect to the military service of such employees)

Mr. NUNN. Mr. President, on behalf of Senator MOSELEY-BRAUN, I offer an amendment which would provide that a former spouse of a military retiree whose military retired pay is part of a divorce settlement would continue to receive the amount of money directed by court order if the military retiree becomes an employee of the Federal Government and has military service count toward Civil Service retirement benefits.

I believe the amendment has been cleared.

Mr. WARNER. The Senator is correct.

Mr. NUNN. I urge adoption of the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Ms. MOSELEY-BRAUN, proposes an amendment numbered 4361.

The amendment is as follows:

At the end of subtitle D of title VI, add the following:

SEC. 636. PREVENTION OF CIRCUMVENTION OF COURT ORDER BY WAIVER OF RETIRED PAY TO ENHANCE CIVIL SERVICE RETIREMENT ANNUITY.

(a) CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 8332 of title 5, United States Code, is amended by adding at the end the following:

''(4) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this subchapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court

order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408.''.

(2) CONFORMING AMENDMENT.—Paragraph (1) of such subsection is amended by striking ''Except as provided in paragraph (2)'' and inserting ''Except as provided in paragraphs (2) and (4)''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 8411 of title 5, United States Code, is amended by adding at the end the following:

''(5) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this chapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408.''.

(2) CONFORMING AMENDMENT.—Paragraph (1) of such subsection is amended by striking ''Except as provided in paragraph (2) or (3)'' and inserting ''Except as provided in paragraphs (2), (3), and (5)''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on January 1, 1997.

Ms. MOSELEY-BRAUN. Mr. President, the amendment I am offering to the Department of Defense authorization bill would protect the military pension benefits awarded to a spouse upon divorce in cases where the retiree rolls the military pension into a civil service pension.

The Uniformed Services Former Spouses' Protection Act of 1982 provides that a court may only treat a military retirees ''disposable'' retired pay as marital property, and award no more than 50 percent of that amount to the former spouse in a divorce. The definition of disposable retired pay includes, among other deductions, a government pension.

The allowed deductions can leave former wives without pension benefits. For example, if an ex-husband leaves the military and enters the civil service, he can choose to waive his military retired pay and instead, have his military service counted in figuring his civilian retirement benefits. This leaves him without military retired pay and thus leaves his ex-wife without any of the pension benefits she was awarded by the court.

This amendment would merely require the transfer of the court award to the Government retirement system at the same time as the military retirement credits are transferred to the Government retirement system.

A woman's access to pension income determines, in no small part, the kind of life she will live in her older years. For a former military spouse, her access to her husband's pension can mean the difference between poverty and security.

Women married to men serving in the military are often prevented from earning pensions of their own, because they must live on or near a base, transfer from location to location, or live overseas in order to keep their family together. These requirements lessen job opportunities and limit job tenure.

Without working full-time, earning a decent salary, and spending many years at a particular job, it is nearly impossible to secure a pension at retirement. This amendment would provide women, divorced after many years of marriage, with a share of the pension earned during that marriage.

On May 14, I introduced the ''Women's Pension Equity Act of 1996,'' as a first step toward making pension law simpler and more equitable for women. The bipartisan legislation begins to tackle the problems created by a pension system that is not designed for working women, either those in the workforce or in the home. This amendment is one piece of that legislation.

In the population as a whole, women make up 60 percent of seniors over 65—but 75 percent of the elderly poor. Unmarried, widowed, and divorced women are particularly apt to be living in poverty. Nearly four times as many widows live in poverty as married women of the same age.

Too many elderly women spend their retirement years in poverty because less than one-third of all female retirees have pensions, and the majority of those that do, earn less than $5,000 a year. Women who are widowed or divorced are particularly hard hit. The current pension laws are often confusing and illogical, and leave widows and divorced women without any of the pension benefits earned by their husbands over many years of marriage. It is estimated that nearly 80 percent of women who are poor as widows were not poor before their husbands died.

I am keenly aware that we must address broader issues as well. And we will address them. We should focus on making participation in private pension plans easier, and not the game of roulette which all too often leaves people surprised at their retirement. This amendment is one step in the right direction, however, and I urge my colleagues to join me in supporting this amendment today.

The women, now divorced, who have spent their lives married to men in the military, should not spend their retirement years in poverty because of a loophole in the law.

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

The amendment (No. 4361) was agreed to.

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

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

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENTS OF THE SELECT COMMITTEE ON INTELLIGENCE, EN BLOC

Mr. WARNER. Mr. President, I ask unanimous consent that the amendments to S. 1745, offered by the Select Committee on Intelligence, be considered and agreed to, en bloc, and considered original text for the purpose of further amendment.

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

The committee amendments were agreed to.

AMENDMENT NO. 4254

(Purpose: To improve the committee amendments)

Mr. WARNER. Mr. President, I ask unanimous consent that Senator Thurmond be allowed to modify the committee amendments in more than one place with amendment No. 4254; that no further amendments be in order to the Intelligence Committee amendments; and that the Thurmond modification be deemed to be agreed to.

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

The amendment (No. 4254) was deemed agreed to, as follows:

On page 219, line 11, insert '', for the Secretary's consideration,'' after ''of Defense''.

On page 223, strike out lines 1 and 2 and insert in lieu thereof the following:

''(a) ESTABLISHMENT.—The National Imagery and Mapping Agency is a combat support agency of the Department of Defense and has significant national missions.

On page 223, strike out line 17 and all that follows through page 224, line 2 and insert in lieu thereof the following:

''(3) If an officer of the armed forces is appointed to the position of Director under this subsection, the position is a position of importance and responsibility for purposes of section 601 of this title and carries the grade of lieutenant general, or, in the case of an officer of the Navy, vice admiral.

Mr. THURMOND. Mr. President, for approximately the last 7 weeks, the Armed Services Committee and the Select Committee on Intelligence have been engaged in negotiations in an attempt to settle differences between the two committees on a range of intelligence reform measures in both the Defense authorization bill and the Intelligence authorization bill. I am pleased to report that most of our differences have been worked out. With regard to the Defense authorization bill, all our areas of difference have been completely settled.

Mr. President, on May 13, 1996, S. 1745, the Defense authorization bill, was referred to the Select Committee on Intelligence on sequential referral. This unprecedented action has delayed consideration of the Defense authorization bill and, in my view, made it more difficult to work out sound compromises in a timely manner. Although I have been clear and consistent in expressing my willingness to negotiate, I have made it equally clear that I would not be coerced into accepting bad compromises simply because the Defense authorization bill had been taken hostage.

The Intelligence Committee reported S. 1745 out of committee on June 11, 1996, with a series of proposed amendments. With three relatively minor exceptions, I support the Intelligence

Committee's amendments. With regard to the three areas where I do not agree with the Intelligence Committee's amendments, we have nonetheless worked out agreements. It is my intention to offer three perfecting amendments to the package of Intelligence Committee amendments. These have been cleared with the Intelligence Committee. Overall, therefore, I believe that we have an acceptable agreement.

Let me briefly describe the three areas that are the subject of the amendment that I will offer along with Senator NUNN.

The Intelligence Committee amendment would strike several sections from the Defense authorization bill that do not relate directly to the National Imagery and Mapping Agency. It also would insert a new section 906 relating to the role of the Director of Central Intelligence in the appointment and evaluation of the heads of certain intelligence agencies within the Department of Defense. With one exception, I do not oppose these changes. The amendment offered by myself and Senator NUNN would modify the Intelligence Committee language having to do with performance evaluations. In my view the Director of Central Intelligence should not be in the business of writing performance evaluations for the heads of defense agencies. The DCI himself has confirmed that this would be inappropriate. The alternative that Senator NUNN and I have offered would allow the DCI to provide input for consideration by the Secretary of Defense in preparation for his annual evaluations of the Defense Department intelligence agency heads. This would make it clear that the authority to write such evaluations resides with the Secretary of Defense, but that the views of the DCI must be taken into account.

The amendment offered by the Intelligence Committee makes a number of changes to the Armed Services Committee's reported legislation establishing the National Imagery and Mapping Agency. For the most part, these changes are the product of agreements that we have reached with the Select Committee over the last few weeks, with two exceptions. I will briefly describe these areas and the changes that the Thurmond/Nunn amendment will make.

First, the Intelligence Committee would strike the reference in the establishment clause to the National Imagery and Mapping Agency being a combat support agency. Since there are ambiguities regarding this issue in title 10 of the United States Code, and since the Department of Defense and the Joint Chiefs of Staff have insisted on NIMA being a combat support agency, the amendment that I am offering with Senator NUNN will restore the language on combat support to the establishment clause. Our amendment would also clarify that the new agency will also have ''significant national missions'' to make absolutely clear that it serves more than tactical military operations.

Second, the Intelligence Committee proposes a waiver of the cap on three star general officers for the director of the National Imagery and Mapping Agency, if the director is a military officer. The Armed Services Committee has a long standing position in opposition to providing waivers to this cap for defense agency heads. Senator NUNN and I simply propose to eliminate this waiver, while leaving the Intelligence Committee's language regarding the director otherwise unchanged.

Mr. President, given that the amendment offered by Senator NUNN and myself is agreed to between the two committees, it would be my recommendation that the Intelligence Committee amendment, as modified also be adopted. I believe that Senator NUNN and I have proposed reasonable and justifiable adjustments to the Intelligence Committee amendment. It is my intention to oppose any effort to undermine the agreements that have been reached between the two committees, either on the floor or in conference.

Mr. SPECTER. Mr. President, the Select Committee on Intelligence has been engaged over the last year in an intense examination of the Intelligence Community and its role in the post-cold-war world. The Intelligence Authorization Act for fiscal year 1997 reflects the conclusions of the Committee and its proposals for renewal and reform of U.S. intelligence and I hope the Senate will have an opportunity to vote on these proposals in the near future. Similarly, the National Defense Authorization Act for fiscal year 1997, as reported by the Armed Services Committee contained a number of intelligence reform provisions, including authorization for a major reorganization of the intelligence community through the creation of a new agency, the National Imagery and Mapping Agency, as well as a number of provisions directly conflicting with the committee's efforts this year to make substantial improvements in the management and operation of U.S. intelligence activities. In order to consider these provisions in the context of our overall reform effort, the Intelligence Committee sought referral of the Defense bill, pursuant to the Committee's charter, Senate Resolution 400.

After careful review, including extensive discussions and negotiations at the staff and member level with the Armed Services Committee and with the Director of Central Intelligence, the Deputy Secretary of Defense, and the Vice Chairman of the Joint Chiefs of Staff, the committee voted to report the bill with amendments on June 11—well before the expiration of the 30 days of session allotted in Senate Resolution 400 for consideration upon referral.

PRIOR COMMITTEE ACTION

These amendments to the National Defense Authorization Act, along with the Intelligence Authorization Act for fiscal year 1997, S. 1718, reflect the conclusions this committee has reached through 6 years of efforts aimed at making the U.S. intelligence community operate more effectively, more efficiently, and with greater accountability in light of the significant changes in the world over the last decade. In 1994, this effort led Congress, at the urging of Senator WARNER, Senator GRAHAM, and others, to establish a Commission on the Roles and Capabilities of the U.S. Intelligence Community—the ''Aspin-Brown Commission''—to conduct a ''credible, independent, and objective review'' of U.S. intelligence. The Commission was given a deadline of March 1, 1996, with the expectation that its report would inform a legislative debate resulting in enactment of needed changes during this Congress.

Armed with the Commission's report and enlightened by the committee's own examination, including numerous hearings, briefings, and interviews, the Select Committee on Intelligence voted on April 24, 1996, to report S. 1718, the Intelligence Authorization Act for fiscal year 1997, containing a number of measures to improve policy guidance to the intelligence community, strengthen the DCI's ability to manage the community on behalf of all intelligence consumers, and enhance the ability of the Congress and the American public to ensure that the secrecy necessary for the conduct of intelligence does not prevent the vigilance and oversight necessary for an effective democracy. The Armed Services Committee took the bill on a 30-day sequential referral as they have done every year since the establishment of the Select Committee on Intelligence.

On May 13, the Armed Services Committee reported out S. 1745, the National Defense Authorization Act for fiscal year 1997, which included a number of provisions for intelligence reorganization, including the creation of a new national imagery agency and a new structure for military intelligence under a Director of Military Intelligence [DMI]. The bill also included a number of other provisions that directly conflicted with the reform attempts of the Intelligence Committee contained in S. 1718. The Intelligence Committee requested referral of the bill to consider these intelligence provisions, pursuant to section 3(b) of Senate Resolution 400, which provides for referral to the Committee of any legislation containing provisions within its jurisdiction for up to thirty days, not counting days on which the Senate is not in session.

DISCUSSIONS WITH ARMED SERVICES COMMITTEE

During the weeks of negotiations that followed, the Intelligence Committee agreed to a number of changes in S. 1718 to address concerns raised by the Armed Services Committee about protecting the equities of the Secretary of Defense and the Joint Chiefs of Staff. Notwithstanding that the objective of the reform provisions in S.

1718 was to improve the quality of intelligence provided to all consumers, including the Department of Defense, the Armed Services Committee did not want any change that might diminish the current authority of the Secretary of Defense, who now controls about 85 percent of the intelligence community budget. The Intelligence Committee is concerned that the current arrangement, under which the Director of Central Intelligence is responsible for ensuring the nations intelligence needs are met effectively and efficiently yet has direct authority over only the CIA—which represents only a small portion of the intelligence budget—has led to problems. One clear example is the recent revelations regarding several billion dollars at the National Reconnaissance Office (NRO) in funds that were never expended and were carried forward year after year.

As the current DCI John Deutch, who was formerly Deputy Secretary of Defense, testified on April 24,

> [t]he Deputy Secretary of Defense has got a tremendous set of issues covering a much larger range of resources—10 times—managing ten times the resources * * * of the whole intelligence community. So to say that you are going to go to the deputy—and I am not talking about personalities—and say to the Deputy Secretary of Defense, why didn't you catch this, he's going to say, well, I count on the DCI to keep track of this and to let the Secretary of Defense know. So in some sense, if we are going to say that the Director of Central Intelligence does not view himself or herself as being responsible for the NRO, fundamentally nobody will be.

The Director of Central Intelligence is in a unique position to balance the cost and effectiveness of intelligence programs throughout the government. It makes sense to hold this person responsible for ensuring that the various elements of the intelligence community are more responsive to this national objective then to parochial, turf-driven goals that too often typify bureaucracies. Yet he lacks the authority needed to accomplish this objective, particularly with regard to the intelligence elements within the Department of Defense. The DCI can be given enhanced authority without removing the elements of the intelligence community from the various agencies in which they reside or interfering with the ability of those agency heads to manage their departments, i.e., without creating a ''Department of Intelligence.'' The reform provisions in the Intelligence Authorization Act for Fiscal Year 1997 were designed to accomplish this goal.

This fundamental difference of opinion over the need to strengthen the authority of the DCI to match his responsibility as the overall manager of US intelligence made reaching consensus with the Armed Services Committee over its provisions in the DOD bill and the provisions in the Intelligence bill difficult. However, both sides made accommodations and ultimately resolved all but a few issues, agreeing to changes in both bills. On June 6, the Armed Services report S. 1718 with amendments that reflected the consensus and one remaining area of disagreement. The next week, on June 11, the Intelligence Committee reported S.1745, the DOD Authorization bill, with amendments that similarly reflected the compromises reached with Armed Services Committee. Subsequently, the Armed Services Committee proposed some changes to our amendments, which we agreed to.

The area of disagreement that remains is a provision in the Intelligence bill that gives the DCI the ability to make adjustments in the allocation of funds within the National Foreign Intelligence Program (NFIP) during the fiscal year to meet unexpected intelligence needs. Director Deutch, along with all former DCI's who testified before the Committee, publicly supported this enhanced authority as important to effective management of the national intelligence community. The DCI has the authority today to make the initial allocations within the NFIP in formulating the budget. However, when unforeseen requirements arise during the fiscal year and funds are available from a lower priority intelligence activity, the DCI does not have the authority to transfer those funds unless the affected agency head does not object. S. 1718 contained a provision to enhance the DCI's authority by shifting the burden to the affected agency to convince the President or his designee that the transfer is unwarranted. The Armed Services Committee objected to giving the DCI this authority and amended S. 1718 to delete the provision.

With the exception of this reprogramming issue, the Committee believes the consensus reached by the two committees preserves significant elements of the reform effort and significantly enhances the ability of the DCI to manage intelligence activities. In addition, the Committee is comfortable that, with the changes agreed upon, the DCI will have the ability to ensure that a new National Imagery and Mapping Agency will be responsive to the needs of all national customers.

Specifically, the amendments we have agreed upon to the National Defense Authorization Act will strike provisions that were in direct conflict with the reform efforts in the Intelligence Authorization Act, a number of which would have seriously hampered the ability of the Intelligence Community to function even under existing mechanisms. For example, our amendments strike a prohibition on any non-DOD employee obligating DOD funds. This provision, apparently intended to ensure the DCI did not gain any additional budget execution authority, would have restricted non-DOD employees detailed to DOD intelligence agencies, such as NRO, from managing contracts or performing numerous other tasks they now commonly perform. It also would have interfered with transfers of funds under the Economy Act, which take places regularly when one agency performs a function of common concern on behalf of another agency for reasons of efficiency and effectiveness. In addition, our amendments mandate a larger and more formal role for the DCI in the appointment and evaluation of the heads of the key national agencies: NSA, NRO, and the new NIMA.

As I have noted, the Committee focused a good deal of effort on the provisions in the DOD bill that establish a new National Imagery and Mapping Agency—NIMA. Our amendments add statutory language giving the DCI clear authority to set imagery collection requirements and priorities, and to resolve conflicts among priorities. In addition, the Committee worked out language with Armed Services to ensure that NIMA's mission as stated in its establishment clause includes both combat support and its significant national missions. Finally, our Committee had concerns with the changes Armed Services had made to the provisions relating to the appointment and status of the Director of NIMA as worked out by the Administration. Our amendments restore the balance initially proposed by providing that (1) the Director of NIMA can be either a civilian or a military officer; and (2) that the Secretary of Defense must obtain the concurrence of the DCI, or note the non-concurrence of the DCI, when recommending an individual to the President for appointment as Director of NIMA.

The past few weeks have not been easy, but I believe they have produced a good outcome for U.S. intelligence and the nation and, based on assurances that the leadership of the Armed Services Committee will do likewise, I wish to state my commitment to joining my colleagues in supporting prompt disposition of both bills, opposing any effort to undermine the agreements we have struck, and fully supporting the Senate positions in our respective conferences.

Mr. KERREY. Mr. President, the bill the Senate is now considering, S. 1745, the National Defense Authorization Act for fiscal year 1997, raises many issues essential to our national security. None are more important, however, than the Intelligence Committee's amendments regarding renewal and reform of the Nation's intelligence apparatus, intended to enable that apparatus to respond effectively to the security threats of today and tomorrow.

The amendments under consideration were added to the bill when the Select Committee on Intelligence considered it on sequential referral. All of these amendments have been accepted by the Senate Armed Services Committee during the course of negotiations between our two committees regarding the intelligence provisions in S. 1745 and in S. 1718, the Intelligence Authorization Act for fiscal year 1997.

I would like to make special mention of the Intelligence Committee's proposed amendments to the provisions of

S. 1745 relating to the new National Imagery and Mapping Agency, or NIMA. NIMA would be created by consolidating nearly a dozen agencies or offices within the Department of Defense and the Central Intelligence Agency, including the Defense Mapping Agency, the Central Imagery Office, CIA's National Photographic Interpretation Center, into a single agency within the Department of Defense. The creation of NIMA will reduce redundancies in the processing and analysis of imagery, ensure more challenging career opportunities for those in the imagery and mapping fields, and create an important synergy between mapping and imagery—allowing maps to leave the paper and attain all the benefits of today's digital technology.

The creation of NIMA has been jointly proposed by the Director of Central Intelligence, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff. The establishment of a single national imagery agency was also endorsed by the Brown Commission. Nevertheless, the creation of NIMA constitutes a major reorganization of U.S.C. intelligence activities and includes the transfer of several imagery-related offices out of the CIA and into the Department of Defense. Accordingly, the Intelligence Committee focused considerable attention on the specific provisions in S. 1745 that would establish NIMA and define its responsibilities. We concluded that these provisions need to be modified in several key respects.

Most important, the committee concluded that the role of the Director of Central Intelligence with respect to the tasking of imagery satellites should be clarified. The DCI must have clear authority to set imagery collection requirements and priorities, and to resolve conflicts among priorities. The DCI has such authority under existing executive orders and presidential decisions, but, in light of the establishment of NIMA as an agency of the Department of Defense, the Committee believes the DCI's authorities should be restated in statute. The committee has amended S. 1745 to include these authorities in both title 10, U.S. Code (together with other provisions establishing NIMA) and in the National Security Act of 1947 in title 50 (which specifies the DCI's authorities as director of the intelligence community).

The committee also focused on the provisions of S. 1745 that define the responsibilities of NIMA to support intelligence consumers outside the Department of Defense. These provisions are especially important because with the consolidation of most of the imagery-related activities of the intelligence community into an agency within the Department of Defense there is a risk that the imagery needs of non-DOD customers might not be met. We concluded that the language of the provisions is sufficient to protect the interests of national consumers but that the provisions should be moved from title 10 to title 50, where they are more appropriately placed since they relate to the authorities of the DCI rather than the organization of the Department of Defense.

The committee was also concerned that, as reported by the Armed Services Committee, the very first provision relating to NIMA in S. 1745 would have stated that NIMA ''is a combat support agency of the Department of Defense.'' The term ''combat support agency'' was first used in the Goldwater-Nichols Department of Defense Reorganization Act of 1986 to describe certain DOD agencies that have wartime support functions and that are subject to periodic review by the Chairman of the Joint Chiefs with respect to their combat readiness. The four defense agencies designated by Congress as combat support agencies in 10 U.S. 193 are the Defense Communications Agency, the Defense Intelligence Agency, the Defense Logistics Agency, and the Defense Mapping Agency.

When Congress passed the Goldwater-Nichols Act, it specifically declined to list the National Security Agency as a combat support agency because NSA serves customers outside the Department of Defense. Congress, however, subjected NSA to the same JCS review procedures as other combat support agencies but only with respect to its combat support functions. The Intelligence Committee believes that it would have been most appropriate to treat NIMA like NSA, i.e. not list NIMA as a combat support agency but subject it to JCS review with respect to its combat support functions. The Department of Defense and the Armed Services Committee, however, have insisted that NIMA be listed as a combat support agency because the Defense Mapping Agency was listed as a combat support agency.

Given that the Defense Mapping Agency will comprise the largest activity within NIMA, the Intelligence Committee has agreed to have NIMA listed as a combat support agency in 10 U.S.C. 193 for purposes of JCS review (but only with respect to its combat support functions). But we continue to believe that it would be a mistake to establish NIMA as a combat support agency in the very first sentence, even if subsequent statutory provisions specifically state that NIMA also has national missions. The implication would be left that NIMA's primary purpose is to provide combat support, and the imagery support to other customers might suffer as a result.

Accordingly, the Intelligence Committee reported S. 1745 with an amendment to the provision establishing NIMA that would delete the reference to NIMA's establishment as a combat support agency. The Armed Services Committee has proposed to reinsert the reference to NIMA's status as a combat support agency in the establishment provision but to add in the same sentence that NIMA has significant national missions. We would not object to this formulation because it emphasizes that NIMA has two equally important functions: combat support and support for national missions.

Our Committee also had concerns regarding the provisions relating to the appointment and status of the Director of NIMA. The legislative package drafted by the Administration to create NIMA provided that (1) the Director of NIMA could be either a civilian or a military officer; and (2) that the Secretary of Defense must obtain the concurrence of the DCI, or note the non-concurrence of the DCI, when recommending an individual to the President for appointment as Director of NIMA. As reported by the Armed Services Committee, S. 1745 would have required that the Director of NIMA be a military officer and that the Secretary of Defense simply consult the DCI before recommending a nominee to the President. The Armed Services Committee's formulation would have prevented the President from appointing a civilian Director of NIMA (thus implying that NIMA performs exclusively military functions) and would have given the DCI only a minor voice in the appointment of the head of a critical national intelligence agency. The Armed Services Committee formulation was opposed by the DCI and by the Secretary of Defense. Accordingly, the two Committees agreed to amend the bill to revert to the Administration's proposal.

Finally, the two Committees agreed to delete from S. 1745 a provision that would have prohibited the Inspector General of the Central Intelligence Agency from conducting any inspection, investigation, or audit of NIMA without the written consent of DOD Inspector General.

We believe that, taken together, our amendments will help to clarify the responsibilities of the DCI with respect to the operation of NIMA and will serve to ensure that the imagery needs of consumers outside the Department of Defense are satisfied.

Mr. NUNN. Mr. President, I rise to support the agreement worked out by the Armed Services and Intelligence Committees on the provisions of our respective bills pertaining to the creation of a new DoD agency, the National Imagery and Mapping Agency known as NIMA, and the renewal and reform of the intelligence community.

By way of background, I want to note that the Armed Services and Intelligence Committees have been negotiating over a number of items in our respective authorization bills. In the course of these negotiations, a number of thorny issues have been settled and only one issue remains which relates to a provision in the Intelligence Authorization bill.

I want to make note of one issue in particular that we have worked out. That issue relates to the establishment of a new Department of Defense agency, called the National Imagery and Mapping Agency or NIMA, which combines the Defense Mapping Agency, the

Central Imagery Office, and the National Photographic Interpretation Center. NIMA will provide imagery intelligence and mapping support to both the Department of Defense and other agencies of the Government.

An issue arose concerning the designation of NIMA as a combat support agency. Under the agreement reached between our two committees, the new National Imagery and Mapping Agency will be designated in the agency's establishment clause as a combat support agency and it would also state that the Agency has significant national missions to meet the Intelligence Committee's concerns. Director Deutch, in a letter to Senator THURMOND dated June 6, 1996, stated in pertinent part that, and I quote, ''The essence of the NIMA concept for both the Intelligence Community and the Department of Defense is that NIMA be a combat support agency.'' I ask unanimous consent that the entire text of Director Deutch's letter to Senator THURMOND be printed in the RECORD.

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

THE DIRECTOR OF
CENTRAL INTELLIGENCE,
Washington, DC, June 6, 1996.

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

DEAR MR. CHAIRMAN: I write to underscore my previous statements to the leadership of the Select Committee on Intelligence and the Committee on Armed Services concerning legislation creating a National Imagery and Mapping Agency (NIMA) and permitting the collection of foreign intelligence on non-U.S. persons in support of U.S. law enforcement.

The essence of the NIMA concept for both the Intelligence Community and the Department of Defense is that NIMA be a combat support agency. At the same time, it is equally important that there be a clear statement of its national mission and that the authorities of the Director of Central Intelligence to manage and support the national mission of NIMA be undiminished except as required to establish NIMA, i.e., the transfer of operational control of CIA employees and funds to NIMA. NIMA must be responsive to the direction of the Secretary and the Chairman of the Joint Chiefs in its combat support role, but it must also follow the direction of the DCI in matters of collection and tasking to satisfy NIMA's national mission. NIMA resource issues obviously affect both the military and national missions and, as the Administration's legislative proposal makes clear, should be decided jointly. I strongly affirm the statements I made on these points during our meeting of May 23, 1996 including the placement of statutory language in titles 10 and 50 of the U.S. Code.

I also believe, as I have indicated in our previous conversations, that it is important to clarify the authority of the Intelligence Community to provide assistance to law enforcement agencies outside the United States by collecting intelligence information on non-U.S. persons. Much progress has been made in this area over the last few years, but I believe it is important to give the Intelligence Community clear statutory authority to provide such assistance so that our agencies can work together in an efficient and effective manner. Both the Intelligence Community and the Department of Justice support the legislative clarification contained in Sec. 715 of S. 1718.

It is my strongly held view that the Intelligence Community can provide important assistance to law enforcement agencies outside the United States in a far more effective manner than would be the case if law enforcement agencies were to expand their activities into areas traditionally dealt with by the Intelligence Community.

For decades, the Intelligence Community, and the CIA in particular, have developed close working relationships with law enforcement agencies and intelligence services outside the United States. This network of contacts and relationships provides a rich environment from which information required by U.S. law enforcement agencies can be gleaned. There is no reason to replicate it with an extensive law enforcement presence outside the United States. Indeed, such a presence would be counterproductive because it would be confusing, duplicative and undermine longstanding intelligence relationships. It would permit local governments to play one U.S. Government agency off against another and would lead, in my view, to less information reaching the United States, not more.

If I can provide any additional information on these or other matters, please do not hesitate to contact me directly.

An original of this letter is also being sent to Ranking Minority Member Nunn and to the Chairman and Vice Chairman of the Senate Select Committee on Intelligence.

Sincerely,

JOHN DEUTCH.

Mr. NUNN. I am pleased that we have been able to resolve our differences over the provisions in the Department of Defense authorization bill and I look forward to working with the Chairman and Vice Chairman of the Intelligence Committee on the one remaining issue relating to the Intelligence authorization bill. I urge the adoption of these amendments.

Mr. WARNER. Mr. President, I believe that it is the judgment of the managers that all matters relating to this bill that can be concluded on this day have been concluded. The Senate may now proceed to address the remaining matters.

Mr. NUNN. I concur with my friend from Virginia. I think we handled all the amendments we are able to handle now that have been cleared on both sides. We have a lot of amendments remaining, probably in the neighborhood of 50, 60 amendments on this bill. But there are an awful lot of them that are not relevant to this bill, and I hope they will be withdrawn or can be worked out. So I believe that today has been a productive day.

We have stayed on the defense bill by and large. The amendment that we took up that was not relevant to the defense bill was worked out, agreed to, and supported overwhelmingly in this body. So I think it has been a good day. I know Chairman THURMOND has put in a lot of hard hours. The Senator from Virginia has put in a lot of hard hours. We are working together. I think we can make further progress tomorrow. And with good luck, cooperation, good spirit, good will, we can finish this bill tomorrow night, if all that happens.

Mr. WARNER. Mr. President, I just do not know how many times the good Senator from Georgia and I have stood here and wished the Senate well. Let us do it once again. I do so on behalf of the distinguished chairman, Senator THURMOND.

Mr. NUNN. I thank the Senator. I can say, I have been here many times on defense bills when the light in the tunnel was not apparent at all, and I believe I saw a little glimmer earlier this evening.

Mr. WARNER. I am sure we did. I think we should also commend the respective leaders, Mr. LOTT and Mr. DASCHLE, because they indeed became engaged today to assist the matters.

Mr. NUNN. I agree.

Mr. WARNER. Mr. President, I ask unanimous consent that Senators have until the hour of 9:30 a.m., Thursday, in order to file second-degree amendments to the DOD bill.

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

MORNING BUSINESS

Mr. WARNER. 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 PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting one nomination which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT ON AERONAUTICS AND SPACE FOR FISCAL YEAR 1995—MESSAGE FROM THE PRESIDENT—PM 156

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I am pleased to transmit this report on the Nation's achievements in aeronautics and space during fiscal year 1995, as required under section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476). Aeronautics and space activities involved 14 contributing departments and agencies of the Federal Government, and the results of their ongoing research and development affect the Nation in many ways.

A wide variety of aeronautics and space developments took place during fiscal year 1995. The National Aeronautics and Space Administration (NASA) successfully completed seven Space Shuttle flights. A Shuttle program highlight was the docking of the Shuttle Atlantis with the Russian space station *Mir*.

NASA launched three Expendable Launch Vehicles (ELV), while the Department of Defense (DOD) successfully conducted five ELV launches. These launches included satellites to study space physics, track Earth's weather patterns, and support military communications. In addition, there were 12 commercial launches carried out from Government facilities that the Office of Commercial Space Transportation (OCST), within the Department of Transportation (DOT), licensed and monitored.

NASA continued the search for a more affordable space launch system for the coming years with its Reusable Launch Vehicle program. NASA hopes to develop new kinds of launch technologies that will enable a private launch industry to become financially feasible.

In aeronautics, activities included development of technologies to improve performance, increase safety, reduce engine noise, and assist U.S. industry to be more competitive in the world market. Air traffic control activities focused on various automation systems to increase flight safety and enhance the efficient use of airspace.

Scientists made some dramatic new discoveries in various space-related fields. Astronomers gained new insights into the size and age of our universe in addition to studying our solar system. Earth scientists continued to study the complex interactions of physical forces that influence our weather and environment and reached new conclusions about ozone depletion. Agencies such as the Environmental Protection Agency (EPA), as well as the Departments of Agriculture and the Interior, used remote-sensing technologies to better understand terrestrial changes. Microgravity researchers conducted studies to prepare for the long-duration stays of humans that are planned for the upcoming International Space Station.

International cooperation, particularly with Russia, occurred in a variety of aerospace areas. In addition to the Shuttle-*Mir* docking mission and the Russian partnership on the International Space Station, U.S. and Russian personnel also continued close cooperation on various aeronautics projects.

Thus, fiscal year 1995 was a very successful one for U.S. aeronautics and space programs. Efforts in these areas have contributed significantly to the Nation's scientific and technical knowledge, international cooperation, a healthier environment, and a more competitive economy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 26, 1996.*

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–3135. A communication from the Assistant Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''Pesticide Worker Protection Standard; Decontamination Requirements,'' (RIN2070–AC93); to the Committee on Agriculture, Nutrition, and Forestry.

EC–3136. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to pork and pork products from Mexico transiting the United States, received on June 25, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3137. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to screening at privately owned bird quarantine facilities, received on June 25, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3138. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to viruses, serums, toxins, analogous products, received on June 25, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3139. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a final rule relative to 1996 amendment to cotton board rules and regulations adjusting supplemental assessment on imports, received on June 21, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3140. A communication from the Administrator and Executive Vice President of the Commodity Credit Corporation, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of two final rules including a rule entitled ''End-Use Certificate Program,'' (RIN 0560–AE37) received on June 21, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3141. A communication from the Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''Pesticide Worker Protection Standard; Language and Size Requirement for Warning Sign,'' (RIN2070–AC93); to the Committee on Agriculture, Nutrition, and Forestry.

EC–3142. A communication from the Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''Notification Procedures for Pesticides Registration Modifications,'' (RIN2070–AC98); to the Committee on Agriculture, Nutrition, and Forestry.

EC–3143. A communication from the Under Secretary for Food, Nutrition, and Consumer, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Food Stamp Program: Automated Data Processing and Services; Reduction in Reporting Requirements,'' (RIN0584–AB92) received on June 25, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3144. A communication from the Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a final rule entitled ''Distance Learning and Telemedicine Grant Program,'' (RIN0572–AB77) received on June 24, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3145. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, the report relative to the assessment of whether major and non-major acquisition programs and achievements of cost performance, and schedule goals; to the Committee on Armed Services.

EC–3146. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, the report on payment of restructuring costs under defense contracts for fiscal year 1995; to the Committee on Armed Services.

EC–3147. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the report of the Securities Investor Protection Corporation for calendar year 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–3148. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of the regulation entitled ''Joint Agency Policy Statement: Interest Rate Risk,'' received on June 21, 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–3149. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, a draft of proposed legislation relative to flood damage reduction in the Chicago River; to the Committee on Environment and Public Works.

EC–3150. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, a draft of proposed legislation relative to flood damage reduction in Molly Ann's Brook, New Jersey; to the Committee on Environment and Public Works.

EC–3151. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a final rule relative to endangered and threatened wildlife plants, (RIN1018–AC71) received on June 13, 1996; to the Committee on Environment and Public Works.

EC–3152. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a final rule entitled ''Importation, Exportation, and Transportation of Wildlife,'' (RIN1018–AB49) received on June 13, 1996; to the Committee on Environment and Public Works.

EC–3153. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''Redwood National Park Bypass Project''; to the Committee on Environment and Public Works.

EC–3154. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of three final rules entitled ''Approval and Promulgation of Air Quality Implementation Plans,'' (FRL5463–3, 5375–6, 5519–6) received on June 11, 1996; to the Committee on Environment and Public Works.

EC–3155. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled ''Hazardous Air Pollutant List,'' (FRL5520–5, 5368–3) received

on June 13, 1996; to the Committee on Environment and Public Works.

EC–3156. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''National Priorities List for Uncontrolled Hazardous Waste Sites,'' (FRL5520–2) received on June 13, 1996; to the Committee on Environment and Public Works.

EC–3157. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the rule entitled ''The Environmental Review for Renewal of Nuclear Power Plant Operating Licenses,'' received on June 7, 1996; to the Committee on Environment and Public Works.

EC–3158. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to the seventh special impoundment message for fiscal year 1996; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Foreign Relations.

EC–3159. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the semiannual report of the Inspector General for the Period ending March 31, 1996; to the Committee on Governmental Affairs.

EC–3160. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, a rule relative to additions to the procurement list, received on June 19, 1996; to the Committee on Governmental Affairs.

EC–3161. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of General Accounting Office reports and testimony for May 1996; to the Committee on Governmental Affairs.

EC–3162. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting pursuant to law, the semiannual report of the Inspector General for the period October 1, 1995 to March 31, 1996; to the Committee on Governmental Affairs.

EC–3163. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC–3164. A communication from the Public Printer of the Government Printing Office, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC–3165. A communication from the Regulatory Policy Official, National Archives (College Park), transmitting, pursuant to law, the report of a final rule concerning Audiovisual Records Management (RIN3095–AA18), received on June 25, 1996; to the Committee on Governmental Affairs.

EC–3166. A communication from the Chairman and General Counsel of the National Labor Relations Board, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1995 through March 31, 1996; to the Committee on Governmental Affairs.

EC–3167. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the rule entitled ''Agency Relationships with Organizations Representing Federal Employee and Other Organization,'' (RIN3206–AG38) received on June 24, 1996; to the Committee on Governmental Affairs.

EC–3168. A communication from the Chairman of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the final report on the District of Columbia fiscal year 1997 budget and Financial Plan; to the Committee on Governmental Affairs.

EC–3169. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, the report of a rule relative to Indian country and detention facilities and programs (RIN1076–AD77), received on June 19, 1996; to the Committee on Indian Affairs.

EC–3170. A communication from the Assistant Secretary of the Interior (Indian Affairs), transmitting, pursuant to law, the report of a rule relative to leasing of tribal and allotted lands for mineral development, (RIN1076–AD82) received on June 29, 1996; to the Committee on Indian Affairs.

EC–3171. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report with respect to the Freedom of Information Act for calendar years 1994 and 1995; to the Committee on the Judiciary.

EC–3172. A communication from the Chairman of the United States Sentencing Commission, transmitting, pursuant to law, the report entitled ''Sex Offenses Against Children: Findings and Recommendations Regarding Federal Penalties''; to the Committee on the Judiciary.

EC–3173. A communication from the Chairman of the United States Sentencing Commission, transmitting, pursuant to law, the report entitled ''Adequacy of Federal Sentencing Guidelines Penalties for Computer Fraud and Vandalism Offenses; to the Committee on the Judiciary.

EC–3174. A communication from the Associate Attorney General, Department of Justice, transmitting, pursuant to law, the report with respect to the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–3175. A communication from the Director of the Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a final rule relative to affecting motions and appeals (RIN1125–AA01), received on June 21, 1996; to the Committee on the Judiciary.

EC–3176. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a final rule entitled ''Priority Dates for Employment-Base Petitions'' (RIN1115–AE24), received on June 21, 1996; to the Committee on the Judiciary.

EC–3177. A communication from the General Counsel of the Department of Energy, transmitting, pursuant to law, the interim final rule entitled ''Acquisition regulation; Department of Energy management and operating contracts,'' received on June 24, 1996; to the Committee on Energy and Natural Resources.

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–632. A resolution adopted by the House of Representatives of the Commonwealth of Pennsylvania, referred jointly, pursuant to the order of August 4, 1977, to the Committee on Governmental Affairs, and to the Committee on the Budget.

''HOUSE RESOLUTION NO. 341

''Whereas, The Federal Highway Revenue Act of 1956 and the Federal Airport and Airway Development Act of 1970 created the Federal Highway Trust Fund and the Federal Airport and Airway Trust Fund, respectively; and

''Whereas, These funds were established to deposit dedicated taxes and user fees to be used to construct and maintain a transportation infrastructure that is more safe and efficient than any nation in the world; and

''Whereas, The Federal Government has also established the Inland Waterways Trust Fund and the Harbor Maintenance Trust Fund maintained by taxes and user fees; and

''Whereas, Pennsylvanians paid approximately $635 million of the $14.7 billion paid into the Highway Trust Fund in 1994; and

''Whereas, The Highway Trust Fund balance has grown from $9.6 billion in 1983 to $21.4 billion in 1996, with the money being withhold as a way to make the Federal budget deficit appear smaller; and

''Whereas, By the year 2002, the cash balances with total $60.4 billion; and

''Whereas, The Federal Airport and Airway Trust Fund, with a balance of $11.4 billion in 1995, will grow to $17 billion in 2002 according to the President's proposed 1996–97 Federal budget; and

''Whereas, In Fiscal Year 1996–97 proposed transportation spending is reduced by $1 billion; and

''Whereas, The Federal Government is withholding and diverting billions of transportation trust fund dollars and delaying critically needed highway improvements; and

''Whereas, For nearly a decade Congress spent below the financial capacity of the trust funds while delaying critically needed highway improvements; and

''Whereas, Over $200 billion is needed to address current United States highway deficiencies; and

''Whereas, Pennsylvania infrastructure is in need of major repairs; and

''Whereas, Statistics show that for every $1 billion spent on infrastructure, 42,000 good high-wage jobs are created; and

''Whereas, Sound infrastructure is a major factor in business' decision on where to locate; therefore be it

''*Resolved*, That the House of Representatives of the Commonwealth of Pennsylvania memorialize Congress to remove the Transportation Trust Funds from the Unified Federal Budget and to release those revenues for transportation improvements; and be it further

''*Resolved*, That the House of Representatives of the Commonwealth of Pennsylvania support the efforts of Congress to vote on this issue in April 1996; and be it further

''*Resolved*, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.''

POM–633. A resolution adopted by the Board of Commissioners of the Town of Manteo, North Carolina relative to dredging projects and the Oregon Inlet; to the Committee on Appropriations.

POM–634. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations.

''ASSEMBLY JOINT RESOLUTION NO. 58

''Whereas, There are approximately 137,000 inmates incarcerated in California's 31 state prison facilities and 38 prison camps; and

''Whereas, The cost of housing one inmate in state prison in California for one year exceeds $21,000; and

''Whereas, The number of felons incarcerated in California's state prison system is expected to increase by 15,000 felons each year; and

''Whereas, Felons are often housed two per cell, and in double-bunked dormitory beds; and

''Whereas, The housing capacity within existing prisons is being rapidly filled with dangerous, violent, and repeat felons; and

''Whereas, All prison housing capacity in California will be exhausted by late 1998; and

''Whereas, Approximately 12 percent of all inmates incarcerated in California's state prison system are illegal, undocumented aliens; and

''Whereas, These illegal, undocumented aliens occupy the equivalent bed space of five prison facilities; and

''Whereas, Over the past 10 years, the budget of the California Department of Corrections has increased at an annual rate of about 8.1 percent, a much faster rate than budgets for other state agencies; and

''Whereas, Without this sizable illegal, undocumented alien population housed in California's state prison system, money that is currently being allocated to the California Department of Corrections could be used instead to build additional public schools and universities, or be appropriated to provide for increased public safety; and

''Whereas, It is the responsibility of the federal government to establish the nation's immigration policy; and

''Whereas, The federal government has been negligent in controlling the flow of illegal, undocumented aliens into the United States; and

''Whereas, The federal government has not adequately compensated the people of California for the costs incurred by the federal government's negligence in failing to control the flow of illegal, undocumented aliens into the United States; and

''Whereas, The undocumented inmates incarcerated in California's state prison system could be imprisoned within their country of origin at less expense to the people of California; and

''Whereas, The United States Constitution explicitly prohibits states from entering into a treaty with any foreign nation; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature requests the President of the United States, with United States Senate ratification, to make treaties with foreign governments to provide for the incarceration of illegal, undocumented alien prisoners in their respective countries of origin; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.''

POM–635. A concurrent resolution adopted by the Legislature of the State of Oklahoma; to the Committee on Veterans Affairs.

ENROLLED SENATE CONCURRENT RESOLUTION NO. 57

''Whereas, Oklahoma's atomic veterans showed steadfast dedication and undisputed loyalty to their country and made intolerable sacrifices in service to their country; and

''Whereas, these atomic veterans gave their all during the terribly hot atomic age to keep our country strong and free; and

''Whereas, these atomic veterans were unknowingly placed in the line of fire, after being assured that they faced no harm, and were subjected to an ungodly bombardment of ionizing radiation; and

''Whereas, the radiation to which they were exposed is now and will continue eating away at their bodies every second of every day for the rest of their lives with no hope of cessation or cure; and

''Whereas, because their wounds were not of the conventional type and were not caused by the enemy but by the United States Government, the atomic veterans did not receive service-connected medical and disability benefits and did not receive a medal such as the Purple Heart; and

''Whereas, many atomic veterans have already died and others will die a horrible and painful death: Now Therefore, be it

''*Resolved by the Senate of the 2nd session of the 45th Oklahoma Legislature (the House of Representatives concurring therein):*

''That atomic veterans be recognized by the federal government.

''That the United States Senators and Representatives from Oklahoma propose or support legislation granting service-connected medical and disability benefits to all atomic veterans who were exposed to ionizing radiation and propose or support legislation issuing a medal to atomic veterans to express the gratitude of the people and government of the United States for the dedication and sacrifices of these veterans.

''That copies of this resolution be distributed to the President of the United States, the Vice President of the United States, the Secretary of the United States Senate, the Clerk of the United States House of Representatives, the Secretary of Defense, the Secretary of Veterans Affairs, the Chairs of the United States House and Senate Veterans Affairs Committees, and each member of the Oklahoma Congressional Delegation.''

POM–636. A joint resolution adopted by the Legislature of the State of California; to the Committee on Judiciary.

''ASSEMBLY JOINT RESOLUTION NO. 44

''Whereas, In a complaint to the Los Angeles office of the United States Immigration and Naturalization Service (''the INS'') in 1991, INS Special Agent Phillip L. Bonner reported that his supervisors prevented him from investigating sewing shops that may have been using forced Thai labor; and

''Whereas, It has been reported that a Thai-speaking police officer in the Los Angeles Police Department reported, in an affidavit to the INS, an accurate description of the labor conditions that were subsequently discovered in the sewing shop raid in El Monte, California; and

''Whereas, Reports of that raid disclosed the existence of labor conditions involving the exploitation of undocumented immigrants through slavery and involuntary servitude in contravention of Section 6 of Article I of the California Constitution and the Thirteenth Amendment to the United States Constitution; and

''Whereas, The State of California encourages a cooperative effort for open communication between all state and federal agencies that are involved in the enforcement of fair labor standards; now, therefore, be it

''*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature memorializes the United States Department of Justice and the United States Department of Labor to conduct jointly a full and comprehensive investigation of the events that led to the sewing shop raid in El Monte, California, coordinating that investigation with all agencies involved, including, but not limited to, the INS and the Division of Labor Standards Enforcement of the California Department of Industrial Relations; and be it further

''*Resolved,* That the United States Department of Justice and the United States Department of Labor are further memorialized to provide to the California Legislature a preliminary report of the results of that investigation within 30 days of the date this resolution is adopted, and a final report of the results of that investigation within 90 days after that date; and be it further

''*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the Governor, the President and Vice President of the United States, the United States Department of Justice, the United States Department of Labor, the United States Immigration and Naturalization Service, the Speaker of the House of Representatives, each Senator and Representative from California in the Congress of the United States, the California Department of Industrial Relations, and the Los Angeles Police Department.''

POM–637. A petition adopted by the Legislature of the State of Maryland; to the Committee on the Judiciary.

''SENATE BILL 742

''Whereas, Traffic congestion imposes serious economic burdens in the Metropolitan Washington, DC area, costing commuters an estimated $1,000 each per year; and

''Whereas, the volume of traffic in the Metropolitan Washington, D.C. area is expected to increase by more than 70% between 1990 and 2020; and

''Whereas, the deterioration of the Woodrow Wilson Memorial Bridge and the growing population of the Metropolitan Washington, D.C. area contribute significantly to traffic congestion; and

''Whereas, the Woodrow Wilson Memorial Bridge serves as a vital link in the Interstate System and the Northeast corridor, and identifying alternative methods for maintaining the bridges is critical to addressing traffic congestion in the Metropolitan Washington, D.C. area; and

''Whereas, the Woodrow Wilson Memorial Bridge is the only drawbridge in the Metropolitan Washington, D.C. area on the Interstate System and the only segment of the Capital Beltway with less than six lanes and a remaining expected life of less than 10 years; and

''Whereas, the Woodrow Wilson Memorial Bridge was constructed by the Federal Government and is the only part of the Interstate System owned by the Federal Government; and

''Whereas, the Federal Government, in the past, paid 100% of the cost of building and rehabilitating the bridge and has a continuing responsibility to fund the future costs associated with the upgrading of the Potomac River crossing on Interstate 95, including the rehabilitation and reconstruction of the bridge; and

''Whereas, the Woodrow Wilson Memorial Bridge coordination committee is undertaking planning studies pertaining to the bridge, consistent with the National Environmental Policy Act of 1969 and other applicable Federal laws; and

''Whereas, the transfer of the ownership of the bridge to a regional authority under the terms and conditions of this compact would foster regional transportation planning efforts to identify solutions to the growing problem of traffic congestion on and around the bridge; and

''Whereas, the authority should maximize the use of existing public and private sector entities to provide necessary project services, including management, construction, legal, accounting, and operating services, and not create a new bureaucracy or organizational structure; and

''Whereas, any material change to the bridge must take into account the interests of nearby communities, the commuting public, Federal, State, and local government organizations, and other affected groups; and

''Whereas, a commission of Federal, State, and local officials and transportation representatives has recommended to the Secretary of the U.S. Department of Transportation that the bridge be transferred to an

independent authority to be established by the Commonwealth of Virginia, the State of Maryland, and the District of Columbia; now, therefore, the State of Maryland, the Commonwealth of Virginia, and the District of Columbia, hereafter referred to as the signatories, covenant and agree as follows:

''CHAPTER I

''WOODROW WILSON BRIDGE AND TUNNEL COMPACT

''General Compact Provisions

''Article I

''DEFINITIONS

''As used in the compact the following words shall have the following meanings:

''1. 'Bridge' means the existing Woodrow Wilson Memorial Bridge.

''2. 'Cost', as applied to the project, means the cost of acquisition of all lands, structures, rights-of-way, franchise, easements, and other property rights and interests; the cost of lease payments; the cost of construction; the cost of demolishing, removing, or relocating any buildings or structures on lands acquired, including the cost of acquiring any lands to which such buildings or structures may be moved or relocated; the cost of demolition of the current structure; the cost to relocate residents or businesses from properties acquired for the project; the cost of any extensions, enlargements, additions, and improvements; the cost of all labor, materials, machinery, and equipment, financing charges, and interest of all bonds prior to and during construction and, if deemed advisable by the Woodrow Wilson Memorial Bridge and tunnel authority, of such construction; the cost of engineering, financial and legal services, plans, specifications, studies, surveys, estimates of costs and revenues, and other expenses necessary or incident to determining the feasibility or practicability of constructing the project, administrative expenses, provisions for working capital, and reserves for interest and for extensions, enlargements, additions, and improvements; the cost of bond insurance and other devices designed to enhance the creditworthiness of the bonds; and such other expenses as may be necessary or incidental to the construction of the project, the financing of such construction, and the planning of the project in operation.

''3. 'Owner' includes all persons as defined in article 1, §19 of the code having any interest or title in and to property, rights, franchises, easements, and interests authorized to be acquired by this compact.

''4. 'Project' means the upgrading of the Interstate route 95 Potomac River crossing in accordance with the selected alternative developed by the Woodrow Wilson Bridge Coordinating Committee. ''Project'' includes on-going short-term rehabilitation and repair of the bridge and may include one or more of the following:

''A. Construction of a new bridge in the vicinity of the bridge;

''B. Construction of a tunnel in the vicinity of the bridge;

''C. Long-term rehabilitation or reconstruction of the bridge;

''D. Upon the bridges or within the tunnel described in subparagraphs A, B, and C, of this paragraph, or in conjunction with work on interstate Route 95 and other approach roadways as described in subparagraph E of this paragraph:

''(1) Work necessary to provide rights-of-way for a rail transit facility or bus or high occupancy vehicle lanes including the construction or modification of footings, piers, bridge deck, roadways, other structural support systems, and related improvements; and

''(2) The construction of travel lanes for high occupancy vehicles or buses;

''E. Work on Interstate Route 95 and other approach roadways if necessitated by, or necessary to accomplish, an activity described in subparagraphs A, B, or C, of this paragraph; and

''F. Construction or acquisition of any building, improvement, addition, replacement, appurtenance, land, interest in land, water right, air right, machinery, equipment, furnishing, landscaping, easement, utility, roadway, or other facility that is necessitated by, or necessary to accomplish an activity described in this paragraph.

''Article II

''There is hereby created the Woodrow Wilson Memorial Bridge and Tunnel Authority, hereinafter referred to as the Authority.

''Article III

''The Authority shall be an instrumentality and common agency of the Commonwealth of Virginia, State of Maryland, and the District of Columbia, and shall have the power and duties set forth in this compact and such additional powers and duties as may be conferred upon it by subsequent action of the signatories.

''Article IV

''1. The Authority shall be governed by a board of nine voting members and two nonvoting members appointed as follows:

''a. Three members shall be appointed by and serve at the pleasure of the Governor of the Commonwealth of Virginia;

''b. Three members shall be appointed by the Governor of the State of Maryland, with the advice and consent of the Senate of Maryland, and shall serve at the pleasure of the Governor of the State of Maryland;

''c. Two members shall be appointed with the concurrence of the Governors of the Commonwealth of Virginia and the State of Maryland and the Mayor of the District of Columbia;

''d. One member shall be appointed by the U.S. Secretary of Transportation; and

''e. Two additional members, who shall be non-voting members, shall be appointed by the Mayor of the District of Columbia.

''2. Members, other than members who are elected officials, shall have backgrounds in finance, construction lending, and infrastructure policy disciplines. At least one member of the board from Maryland and one member of the board from Virginia shall be elected officials each of whom represents a political subdivision that has jurisdiction over the area at an end of the bridge, bridges, or tunnel.

''3. No person in the employment of or holding any official relationship to any person or company doing business with the Authority, or having any interest of any nature in any such person or company or affiliate or associate thereof, shall be eligible for appointment as a member or to serve as an employee of the Authority or to have any power or duty or receive any compensation in relation thereto.

''4. The Chairperson of the Authority shall be elected from among the voting members on a biennial basis.

''5. The voting members may also elect a secretary and a treasurer, or a secretary-treasurer, who may be members of the Authority, and prescribe their duties and powers.

''6. A. Members appointed by the signatories shall serve a six-year term, except that each signatory shall make its appointments as follows:

''(1) The initial terms of the three members appointed solely by each Governor shall be as follows:

''(I) One member shall be appointed for a six-year term;

''(II) One member shall be appointed for a four-year term; and

''(III) One member shall be appointed for a two-year term.

''(2) The initial terms of the members appointed jointly by the Governors of the Commonwealth of Virginia and the State of Maryland and the Mayor of the District of Columbia shall be as follows:

''(I) One member shall be appointed for a six-year term; and

''(II) One member shall be appointed for a four-year term.

''(3) The initial terms of the nonvoting members appointed by the Mayor of the District of Columbia shall be as follows:

''(I) One member shall be appointed for a six-year term; and

''(II) One member shall be appointed for a four-year term.

''B. The term of the member appointed by the U.S. Secretary of Transportation shall be for two years.

''7. The failure of a signatory or the Secretary of Transportation to appoint one or more members shall not impair the Authority's creation when the signatories are in compliance with the other terms of the compact.

''8. Any person appointed to fill a vacancy shall serve for the unexpired term. A member of the Authority may not serve for more than two terms.

''9. The members of the Authority, including nonvoting members, if any, shall not be personally liable for any act done or action taken in their capacities as members of the Authority, nor shall they be personally liable for any bond, note, or other evidence of indebtedness issued by the Authority.

''10. Six voting members shall constitute a quorum and a majority of the quorum shall be required for any action by the Authority, with the following exceptions:

''a. Seven affirmative votes shall be required to approve bond issues and the annual budget of the Authority; and

''b. A motion may not be approved if all three members appointed solely by each Governor cast negative votes.

''11. Any sole source procurement of goods, services, or construction in excess of $250,000 shall require the prior approval of a majority of all of the voting members of the Authority.

''12. Members shall serve without compensation and shall reside in the Metropolitan Washington area. Members shall be entitled to reimbursement for their expenses incurred in attending the meetings of the Authority and while otherwise engaged in the discharge of their duties as members of the Authority.

''13. The Authority may employ such engineering, technical, legal, clerical, and other personnel on a regular, part-time or consulting basis as in its judgment subject to the provisions of chapter I, article X of this compact, may be necessary for the discharge of its duties. The Authority shall not be bound by any statute or regulation of any signatory in the employment or discharge of any officer or employee of the Authority, except as may be contained in this compact.

''14. A. The Authority shall establish its office for the conduct of its affairs at a location to be determined by the Authority and shall publish rules and regulations governing the conduct of its operations.

''B. (1) The rules and regulations shall include, but shall not be limited to, an ethics code, public access to information, administrative procedures, and open meetings, and shall be consistent with similar practices currently adopted in Maryland, Virginia, and the District of Columbia.

''(2) The Authority may adopt regulations after publication of notice of intention to adopt the regulations published in a newspaper of general circulation in the Metropolitan Washington, D.C. area, and after an opportunity for public comment.

''(3) The Authority shall also publish a notice to adopt the regulations in the Maryland register.

''Article V

''Nothing in this compact shall be construed to amend, alter, or in any way affect the power of the signatories and their political subdivisions to levy and collect taxes on property or income or upon the sale of any material, equipment, or supplies or to levy, assess, and collect franchise or other similar taxes or fees for the licensing of vehicles and the operation thereof.

''Article VI

''This compact shall be adopted by the signatories in the manner provided by law. This compact shall become effective after the commonwealth of Virginia and the District of Columbia have adopted acts similar in substance to this act.

''Article VII

''1. Any signatory may withdraw from the compact upon one year's written notice to that effect to the other signatories. In the event of a withdrawal of one of the signatories from the compact, the compact shall be terminated; provided, however, that no revenue bonds, notes, or other evidence of obligation issued pursuant to Chapter II, Article VI or any other financial obligations of the Authority remain outstanding and that the withdrawing signatory has made a full accounting of its financial obligations, if any, to the other signatories.

''2. Upon the termination of this compact, the jurisdiction over the matters and persons covered by this compact shall revert to the signatories and the federal government, as their interests may appear.

''Article VIII

''Each of the signatories pledges to each of the other signatories faithful cooperation in the development and implementation of the project.

''Article IX

''1. The Authority shall not undertake the ownership of the Bridge, or any duties or responsibilities associated therewith, nor undertake any of the responsibilities and powers provided in this compact until the Governors of the State of Maryland and the Commonwealth of Virginia and the Mayor of the District of Columbia have entered into an agreement with the U.S. Secretary of Transportation including provisions governing the transfer of the bridge from the Federal Government to the Authority, and which shall provide for a contractual commitment by the Federal Government to provide Federal funding for the project including at a minimum, a 100% share for the following:

''A. The cost of the continuing rehabilitation of the bridge until such time as the project is operational;

''B. An amount, as determined by the Woodrow Wilson Memorial Bridge Coordination Committee, equivalent to the cost of replacing the bridge with a comparable modern bridge designed according to current engineering standards;

''C. The cost of planning, preliminary engineering and design, right-of-way acquisition, environmental studies and documentation, and final engineering for the project; and

''D. A substantial contribution towards remaining project costs.

''2. Such federal funds shall be in addition to and shall not diminish the federal transportation funding allocated or apportioned to the Commonwealth of Virginia and the State of Maryland. Upon all parties' approval of this agreement, the Authority shall have sole responsibility for duties concerning ownership, construction, operation, and maintenance of the project. At least 30 days before the Governor of Maryland enters into an agreement under this article, the Governor shall submit the agreement to the Legislative Policy Committee for its review and comment.

''Article X

''1. Within a reasonable period after this compact becomes effective under article VI of this chapter, the authority shall prepare and submit to the Governors of the Commonwealth of Virginia and the State of Maryland. And the Mayor of the District of Columbia, a management plan that includes:

''A. An organizational structure;

''B. A staffing plan that includes job descriptions; and

''C. A proposed salary schedule consistent with existing salary schedules for similar positions in the State of Maryland, the Commonwealth of Virginia, and the District of Columbia.

''2. The authority shall not implement the provisions of this compact until the Governors of the Commonwealth of Virginia and the State of Maryland and the Mayor of the District of Columbia have approved the management plan.

''3. Subsequent to the approval of the management plan, the authority may increase the number of its employees and their salary levels, provided that such increases do not result in a 20 percent increase above the level in the approved management plan. Increases in excess of 20 percent shall require an amendment to the approved plan. A proposed amendment shall be submitted to, and approved by, the Governors of the Commonwealth of Virginia and the State of Maryland, and the Mayor of the District of Columbia, prior to becoming effective.

''4. In the conduct of its responsibilities and duties, the authority shall maximize the use of existing public and private sector entities to provide necessary services, including management, construction, legal, accounting, and other services, as the authority may deem necessary.

''Article XI

''1. Except as provided herein, the Authority shall be liable for its contracts and for its torts and those of its directors, officers, employees, and agents. For tort actions arising out of conduct occurring in Maryland, Maryland tort and sovereign immunity law shall apply. The exclusive remedy for such breach of contracts and torts for which the Authority shall be liable, as herein provided, shall be by suit against the Authority. Nothing contained in this Act shall be construed as a waiver by the State of Maryland, the Commonwealth of Virginia, or the District of Columbia of any immunity from suit.

''2. The United States district courts shall have original jurisdiction, concurrent with the courts of the Commonwealth of Virginia, the State of Maryland, and the District of Columbia, of all actions brought by or against the Authority. Any such action initiated in a state court or the Superior Court of the District of Columbia shall be removable to the appropriate United States district court in the manner provided by act of June 25, 1948, as amended (28 U.S.C. 1446).

''Article XII

''1. If any part or provision of this compact or the application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this compact or the application thereof to other persons or circumstances, and the signatories hereby declare that they would have entered into this compact or the remainder thereof had the invalidity of such provision or application thereof been apparent.

''2. This compact shall be liberally construed to effectuate the purposes for which it is created.

''CHAPTER II

''WOODROW WILSON BRIDGE AND TUNNEL REVENUE BOND ACT

''Article I

''DEFINITIONS

''The definitions set forth in Chapter I, Article I of the Woodrow Wilson Memorial Bridge and Tunnel Compact shall also apply to this act.

''Article II

''BONDS, NOTES, OR OTHER EVIDENCE OF OBLIGATION, NOT TO CONSTITUTE A DEBT OR PLEDGE OF TAXING POWER

''Revenue bonds, notes, or other evidence of obligation, issued under the provisions of this Act shall not be deemed to constitute a debt or a pledge of the faith and credit of the Authority or of any signatory government or political subdivision thereof, but such bonds, notes, or other evidence of obligation, shall be payable solely from the funds herein provided therefor from tolls and other revenues. The issuance of revenue bonds, notes, or other evidence of obligation, under the provisions of this Act shall not directly or indirectly or contingently obligate the Authority, or any signatory government or political subdivision thereof, to levy or to pledge any form of taxation whatever therefor. All such revenue bonds, notes, or other evidence of obligation, shall contain a statement on their face substantially to the foregoing effect.

''Article III

''ADDITIONAL POWERS OF THE AUTHORITY

''Without in any manner limiting or restricting the powers heretofore given to the Authority, and contingent upon the execution of the agreement referred to in Chapter I, Article IX of this compact, the Authority is hereby authorized and empowered:

''1. To establish, finance, construct, maintain, repair, and operate the project;

''2. To assume full rights of ownership of the Bridge;

''3. Subject to the approval of the Governors of the Commonwealth of Virginia and the State of Maryland and the Mayor of the District of Columbia of the portions of the project in their respective jurisdictions, and in accordance with the recommendations of the Woodrow Wilson Memorial Bridge Coordinating Committee, to determine the location, character, size, and capacity of the project; to establish, limit, and control such points of ingress to and egress from the project as may be necessary or desirable in the judgment of the Authority to ensure the proper operation and maintenance of the project; and to prohibit entrance to such project from any point or points not so designated;

''4. To secure all necessary federal, state, and local authorizations, permits, and approvals for the construction, maintenance, repair, and operation of the project;

''5. To adopt and amend bylaws for the regulation of its affairs and the conduct of its business;

''6. To adopt and amend rules and regulations to carry out the powers granted by this section;

''7. To acquire, by purchase or condemnation, in the name of the Authority; and to hold and dispose of real and personal property for the corporate purposes of the Authority;

''8. To employ consulting engineers, a superintendent or manager of the project, and such other engineering, architectural, construction, and accounting experts, and inspectors, attorneys, and such other employees as may be deemed necessary, and within the limitations prescribed in this Act, and to prescribe their powers and duties and to fix their compensation;

''9. To pay, from any available moneys, the cost of plans, specifications, surveys, estimates of cost and revenues, legal fees, and other expenses necessary or incident to determining the feasibility or practicability of financing, constructing, maintaining, repairing, and operating the project;

''10. To issue revenue bonds, notes, or other evidence of obligation of the Authority, for any of its corporate purposes, payable solely from the tolls and revenues pledged, for their payment, and to refund its bonds, all as provided in this Act;

''11. To fix and revise from time to time and to charge and collect tolls and other charges for the use of the project;

''12. To make and enter into all contracts or agreements, as the Authority may determine, which are necessary or incidental to the performance of its duties and to the execution of the powers granted under this Act;

''13. To accept loans and grants of money, or materials or property at any time from the United States of America, the Commonwealth of Virginia, the State of Maryland, the District of Columbia, or any agency or instrumentality thereof;

''14. To adopt an official seal and alter the seal at its pleasure;

''15. Subject to Chapter I, Article IX, to sue and be sued, plead and be impleaded, all in the name of the Authority;

''16. To exercise any power usually possessed by private corporations performing similar functions, including the right to expend, solely from funds provided under the authority of this Act, such funds as may be considered by the Authority to be advisable or necessary in advertising its facilities and services to the traveling public;

''17. To enter into contracts with existing governmental entities in the Commonwealth of Virginia, the State of Maryland, or the District of Columbia, or with private business entities for the purpose of allowing those entities to undertake all or portions of the project, including, but not limited to, design, engineering, financing, construction, and operation of the project, as the authority may deem necessary;

''18. To establish and maintain a police force, or to enter into a contract with an existing governmental entity in the State of Maryland, the Commonwealth of Virginia, or the District of Columbia to provide police services, as the authority may deem necessary;

''19. To enter into partnerships or grant concessions between the public and private sectors for the purpose of:

''A. Financing, contructing, maintaining, improving, or operating the project; or

''B. Fostering development of new transportation related technologies to be used in the construction and operation of the project, utilizing the law of any signatory in the discretion of the authority;

''20. To carry out or contract with other entities to carry out maintenance of traffic activities during the construction of the project that are considered necessary by the authority to manage traffic and minimize congestion, such as public information campaigns, improvements designed to encourage appropriate use of alternative routes, use of high occupancy vehicles and transit services, and deployment and operation of intelligent transportation technologies; and

''21. To do all acts and things necessary or incidental to the performance of its duties and the execution of its powers under this Act.

''Article IV

''A. Acquisition of Property

''The Authority is hereby authorized and empowered to acquire by purchase, whenever it shall deem such purchase expedient, solely from funds provided under the authority of this Act, such lands, structures, rights-of-way, property, rights, franchises, easements, and other interests in lands, including lands laying under water and riparian rights, which are located within the Metropolitan Washington area, as the authority may deem necessary or convenient for the construction and operation of the project, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof; and to take title thereto in the name of the Authority.

''All counties, cities, towns and other political subdivisions and all public agencies and authorities of the signatories, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant, or convey to the Authority at the Authority's request, upon such terms and conditions as the proper authorities of such counties, cities, towns, political subdivisions, agencies, or authorities may deem reasonable and fair and without the necessity for any advertisement, order of court, or other action or formality, other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the Authority, including public roads and other real property already devoted to public use.

''Whenever a reasonable price cannot be agreed upon, or whenever the owner is legally incapacitated or is absent, unknown or unable to convey valid title, the Authority is hereby authorized and empowered to acquire by condemnation or by the exercise of the power of eminent domain any lands, property, right, rights-of-way, franchises, easements, and other property deemed necessary or convenient for the construction or the efficient operation of the project or necessary in the restoration of public or private property damaged or destroyed.

''Whenever the Authority acquires property under this Article IV of Chapter II, it shall comply with the applicable federal law relating to relocation and relocation assistance. If there is no applicable federal law, the Authority shall comply with the provision of the state law of the signatory in which the property is located governing relocation and relocation assistance.

''In advance of undertaking any acquisition of property or easements in Maryland or the condemnation of such property, the Authority must obtain from the Maryland Board of Public Works approval of a plan identifying the properties to be obtained for the project. Condemnation proceedings shall be in accordance with the provisions of state law of the signatory in which the property is located governing condemnation by the highway agency of such state. Nothing in this Act shall be construed to authorize the Authority to condemn the property of the Commonwealth of Virginia, the State of Maryland , or the District of Columbia.

''B. Procurement

''1. Except as provided in subsections 2, 3, and 6 of this Section B, and except in the case of procurement procedures otherwise expressly authorized by law, the Authority in conducting a procurement of goods, services, or construction shall: a. obtain full and open competition through the use of competitive procedures in accordance with the requirements of this section; and b. use the competitive procedure or combination of competitive procedures that is best suited under the circumstances of the procurement. In determining the competitive procedure appropriate under the circumstances, the Authority shall: a. solicit sealed bids if: (i) time permits the solicitation, submission, and evaluation of sealed bids; (ii) the award will be made on the basis of price and other price-related factors; (iii) it is not necessary to conduct discussions with the responding sources about their bids; and (iv) there is a reasonable expectation of receiving more than one sealed bid; or b. request competitive proposals if sealed bids are not appropriate under clause a. of this sentence.

''2. The Authority may use procedures other than competitive procedures if: a. the goods, services, or construction needed by the Authority are available from only one responsible source and no other type of goods, services, or construction will satisfy the needs of the Authority; b. the Authority's need for the goods, services, or construction is of such an unusual and compelling urgency that the Authority would be seriously injured unless the Authority limits the number of sources from which it solicits bids or proposals; or c. the goods or services needed can be obtained through federal or other governmental sources at reasonable prices.

''3. For the purpose of applying subsection 2.a of this section: a. in the case of a contract for goods, services, or construction to be awarded on the basis of acceptance of an unsolicited proposal, the goods, services, or construction shall be deemed to be available from only one responsible source if the source has submitted an unsolicited proposal that demonstrates a concept: (i) that is unique and innovative or, in the case of a service, for which the source demonstrates a unique capability to provide the service; and (ii) the substance of which is not otherwise available to the Authority and does not resemble the substance of a pending competitive procurement. b. In the case of a follow-on contract for the continued development or production of a major system or highly specialized equipment or the continued provision of highly specialized services, the goods, services, or construction may be deemed to be available from only the original source and may be procured through procedures other than competitive procedures if it is likely that award to a source other than the original source would result in: (i) substantial duplication of cost to the Authority that is not expected to be recovered through competition; or (ii) unacceptable delays in fulfilling the Authority's needs.

''4. If the Authority uses procedures other than competitive procedures to procure property, services, or construction under subsection 2.b. of this section, the Authority shall request offers from as many potential sources as is practicable under the circumstances.

''5. a. To promote efficiency and economy in contracting, the Authority may use simplified acquisition procedures for purchases of property, services, and construction. b. For the purposes of this subsection, simplified acquisition procedures may be used for purchases for an amount that does not exceed the simplified acquisition threshold adopted by the federal government. c. A proposed purchase or contract for an amount above the simplified acquisition threshold may not be divided into several purchases or contracts for lesser amounts in order to use the procedures under paragraph a. of this subsection. d. In using simplified acquisition procedures, the Authority shall promote competition to the maximum extent practicable.

''6. The authority shall adopt policies and procedures to implement this section. The policies and procedures shall provide for publication of notice of procurements and other actions designed to secure competition where competitive procedures are used.

''7. The Authority in its sole discretion may reject any and all bids or proposals received in response to a solicitation.

''8. In structuring ALL procurements the Authority shall comply with Federal laws, regulations or other Federal Requirements set forth in grant agreements or elsewhere, as they may be amended from time to time, governing minority business enterprise participation.

''Article V

''INCIDENTAL POWERS

''The Authority shall have power to construct grade separations at intersections of the project with public highways and to change and adjust the lines and grades of such highways so as to accommodate the same to the design of such grade separation. The cost of such grade separations and any damage incurred in changing and adjusting the lines and grades of such highways shall be ascertained and paid by the Authority as a part of the cost of the project.

''If the Authority shall find it necessary to change the location of any portion of any public highway, it shall cause the same to be reconstructed at such location as the Authority shall deem most favorable and of substantially the same type and in as good condition as the original highway. The cost of such reconstruction and any damage incurred in changing the location of any such highway shall be ascertained and paid by the Authority as a part of the cost of the project.

''Any public highway affected by the construction of the project may be vacated or relocated by the Authority in the manner now provided by law for the vacation or relocation of public roads, and any damages awarded on account thereof shall be paid by the authority as a part of the cost of the project.

''The Authority shall also have power to make regulations for the installation, construction, maintenance, repair, renewal, relocation, and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles, and other equipment and appliances (herein called ''public utility facilities'') of any public utility in, on, along, over, or under the project. Whenever the Authority shall determine that it is necessary that any such public utility facilities which now are, or hereafter may be, located in, on, along, over, or under the project should be relocated in the project, or should be removed from the project, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the other of the Authority, provided that the cost and expenses of such relocation or removal, including the cost of installing such facilities in a new location or new locations, and the cost of any lands, or any rights or interests in lands, and any other rights, acquired to accomplish such relocation or removal, shall be ascertained and paid by the Authority as a part of the cost of the project. In case of any such relocation or removal of facilities, the public utility owning or operating the same, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new location or new locations, for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such facilities in their former location or locations.

''Article VI

''PROJECT FINANCING

''The authority is hereby authorized to provide for the issuance, at one time or from time to time, of revenue bonds of the authority for the purpose of paying all or any part of the cost of the project or of any portion or portions of the project. The principal of and the interest on the bonds shall be payable solely from the funds provided in this compact for the payment. Any bonds of the authority issued pursuant to this article shall not constitute a debt of the State of Maryland or any political subdivision of the State other than the authority, and shall so state on their face. Neither the members of the authority nor any person executing such bonds shall be liable personally thereon by reason of the issuance thereof. The bonds of each issue shall be dated, shall bear interest at a rate or rates and shall mature at any time not exceeding forty years from the date of the bonds, as may be determined by the authority, at any price and under any terms and conditions as may be fixed by the authority prior to the issuance of the bonds.

''The Authority shall determine the form and the manner of execution of the bonds and shall fix the denomination or denominations of the bonds and the place or places of payments of principal and interest, which may be at any bank or trust company within or without the state of Maryland.

''In the event any officer whose signature or facsimile of whose signature shall appear on any bonds or coupons shall cease to be the officer until the delivery of such bonds, the signature or the facsimile shall nevertheless be valid and sufficient for all purposes as if the officer had remained in office until such delivery. The bonds may be issued in a form as determined by the Authority. The Authority may sell the bonds in any manner, either at public or private sale, and for any price as it may determine will best effect the purposes of this compact.

''The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the project and shall be disbursed in the manner and under the restrictions, if any, as the Authority may provide in the resolution authorizing the issuance of the bonds or in the trust indenture securing the same.

''If the proceeds of the bonds of any issue shall be less than such cost by error of estimates or otherwise, additional bonds may be issued to provide the amount of such deficit and unless otherwise provided in the resolutions authorizing the issuance of such bonds or in the trust indenture securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed such cost, the surplus shall be deposited to the credit of the sinking fund for such bonds.

''Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds that have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds that become mutilated, destroyed, or lost. Bonds may be issued under the provisions of this compact without obtaining the consent of any department, division, commission, board, bureau, or agency of the compact signatories, and without any provisions or requirements other than those proceedings, conditions, or things which are specifically required by this article.

''Article VII

''TRUST INDENTURE

''In the discretion of the Authority, any bonds, notes, or other evidence of obligation issued under the provisions of this Act may be secured by a trust indenture by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the State of Maryland. Such trust indenture or the resolution providing for the issuance of such bonds may pledge or assign the tolls and other revenues to be received, but shall not convey or mortgage the project or any part thereof.

''Article VIII

''REVENUES

''The Authority is hereby authorized to fix, revise, charge, and collect tolls for the use of the project, and to contract with any person, partnership, association, or corporation desiring the use thereof, and to fix the terms, conditions, rents, and rates of charges for such use.

''Such tolls shall be so fixed and adjusted in respect of the aggregate of tolls from the project as to provide a fund sufficient in combination with other revenues, if any, to pay (i) the cost of maintaining, repairing, and operating such project and (ii) the principal of and the interest on such bonds as the same shall become due and payable, and to create reserves for such purposes. The tolls and all other revenues derived from the project in connection with which the bonds of any issue shall have been issued, except such part thereof as may be necessary to pay such cost of maintenance, repair, and operation and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of such bonds or in the trust indenture securing the same, shall be set aside at such regular intervals as may be provided in such resolution or such trust indenture in a sinking fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such bonds as the same shall become due, and, upon the approval of the Governors of the Commonwealth of Virginia and the State of Maryland and the Mayor of the District of Columbia, the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the tolls or other revenues or other moneys so pledged and thereafter received by the Authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the Authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust indenture by which a pledge is created need be filed or recorded except in the records of the Authority. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust indenture. Except as may otherwise be provided in such resolution or such trust indenture, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another.

''Tolls shall be set at rates such that revenues generated by the project shall not exceed that necessary to meet requirements under any applicable trust indenture for the project.

''Article IX

''TRUST FUNDS

''All moneys received pursuant to the authority of this Act, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this Act. The resolution authorizing the bonds of any issue or the trust indenture securing such bonds shall provide that any officer with whom, or any

bank or trust company with which, such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes thereof, subject to such regulations as this Act and such resolution or trust indenture may provide.

''Article X

''REMEDIES

''Any holder of bonds, notes, or other evidence of obligation issued under the provisions of this Act or any of the coupons appertaining thereto, and the trustee under any trust indenture, except to the extent the rights herein given may be restricted by such trust indenture or the resolution authorizing the issuance of such bonds, notes, or other evidence of obligation, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the State of Maryland, the Commonwealth of Virginia, or the District of Columbia or granted hereunder or under such trust indenture or the resolution authorizing the issuance of such bonds, notes, or other evidence of obligation, and may enforce and compel the performance of all duties required by this Act or by such trust indenture or resolution to be performed by the Authority or by any officer thereof, including the fixing, charging, and collecting of tolls.

''Article XI

''TAX EXEMPTION

''The exercise of the powers granted by this Act will be in all respects for the benefit of the people of the State of Maryland and for the increase of their commerce and prosperity, and as the operation and maintenance of the project will constitute the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon the project or any property acquired or used by the Authority under the provisions of this Act or upon the income therefrom, and the bonds, notes, or other evidence of obligation issued under the provisions of this Act, and the income therefrom shall at all times be free from taxation within the State of Maryland.

''Article XII

''BONDS, NOTES, OR OTHER EVIDENCE OF OBLIGATION ELIGIBLE FOR INVESTMENT

''Bonds, notes, or other evidence of obligation issued by the Authority under the provisions of this Act are hereby made securities in which all public officers and public bodies of the State of Maryland and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds, notes, or other evidence of obligation are hereby made securities which may properly and legally be deposited with and received by any State of Maryland or municipal officer or any agency or political subdivision of the State of Maryland for any purpose for which the deposit of bonds, notes, or other evidence of obligation is now or may hereafter be authorized by law.

''Article XIII

''MISCELLANEOUS

''Any action taken by the Authority under the provisions of this Act may be authorized by resolution at any regular or special meeting, and each such resolution shall take effect immediately and need not be published or posted.

''The project when constructed and opened to traffic shall be maintained and kept in good condition and repair by the Authority. The project shall also be policed and operated by such force of police, toll-takers, and other operating employees as the Authority may in its discretion employ. The authority may enter into a contractual agreement with an existing governmental entity in Maryland or Virginia to provide these services. An Authority police officer shall have all the powers granted to a peace officer and a police officer of the State of Maryland. However, an Authority police officer may exercise these powers only on property owned, leased, operated by, or under the control of the Authority, and may not exercise these powers on any other property unless:

''(1) Engaged in fresh pursuit of a suspected offender;

''(2) Specially requested or permitted to do so in a political subdivision by its chief executive officer or its chief police officer; or

''(3) Ordered to do so by the Governors of the State of Maryland, the Commonwealth of Virginia, or the Mayor of the District of Columbia, as the circumstances may require.

''All other police officers of the signatory parties and of each county, city, town, or other political subdivision of the State of Maryland through which the project, or portion thereof, extends shall have the same powers and jurisdiction within the limits of such project as they have beyond such limits and shall have access to the project at any time for the purpose of exercising such powers and jurisdiction.

''On or before the last day of August in each year, the Authority shall make an annual report of its activities for the preceding fiscal year to the Governors of the State of Maryland and the Commonwealth of Virginia and the Mayor of the District of Columbia. Each such report shall set forth a complete operating and financial statement covering its operations during the year. The Authority shall cause an audit of its books and accounts to be made at least one in each year by certified public accountants and the cost thereof may be treated as a part of the cost of construction or operation of the project. The records, books, and accounts of the Authority shall be subject to examination and inspection by duly authorized representatives of the governing bodies of Maryland, Virginia, and the District of Columbia and by any bondholder or bondholders at any reasonable time, provided the business of the Authority is not unduly interrupted or interfered with thereby.

''Any member, agent, or employee of the authority who contracts with the Authority or is interested, either directly or indirectly, in any contract with the Authority or in the sale of any property, either real or personal, to the Authority shall be guilty of a misdemeanor, and, upon conviction may be punished by a fine of not more than $1,000 or by imprisonment for not more than one year, or both.

''Any person who uses the project and fails or refuses to pay the toll provided therefore shall be guilty of a misdemeanor, and, upon conviction may be punished by a fine not more than $100 or by imprisonment for not more than thirty days, or both.

''SECTION 2. And be it further enacted, That this Act may not take effect until a similar Act is passed by the Commonwealth of Virginia and the District of Columbia; that the Commonwealth of Virginia and the District of Columbia are requested to concur in this Act of the General Assembly of Maryland by the passage of a similar Act; that the Department of Legislative Reference shall notify the appropriate officials of the Commonwealth of Virginia, the District of Columbia, and the United States Congress of the passage of this Act; and that upon the concurrence in this Act by the Commonwealth of Virginia and the District of Columbia and approval by the United States Congress, the Governor of the State of Maryland shall issue a proclamation declaring this Act valid and effective and shall forward a copy of the proclamation to the Director of the Department of Legislative Reference.

''SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of this Act, this Act shall take effect October 1, 1996.''

POM–638. A resolution adopted by the Senate of the Legislature of the Commonwealth of Massachusetts; to the Committee on the Judiciary.

''RESOLUTION

''Whereas, in a five-to-four decision on April eighteenth, nineteen hundred and ninety, the United States Supreme Court extended the power of the judicial branch of government beyond any defensible bounds; and

''Whereas, in *Missouri* v. *Jenkins* (110 Sup. Ct. 1651 (1990)), the United States Supreme Court held that a Federal court had the power to order an increase in State and local taxes; and

''Whereas, this unprecedented decision violates one of the fundamental tenets of the doctrine of separation of powers, that the members of the Federal judiciary should not have the power to tax; and

''Whereas, in response to this decision, several Members of Congress have introduced a constitutional amendment to re-establish a principle that has been well settled: judges do not have the power to tax; and

''Whereas, the passage of such constitutional amendment (first by a two-thirds majority in both Houses of Congress and then by three-fourths of the several States' legislatures or conventions) would serve not only to reverse in unfortunate decision, but also to reassert the legislature's constitutional role in maintaining a strong tripartite system of government, a system in which each of the branches is constrained by the others; and

''Whereas, such proposed constitutional amendment is a long overdue response to a federal judiciary that, in the pursuit of seemingly good ends, fails to recognize the constitutional limits on its power; and

''Whereas, in addition to being introduced in the United States Congress such constitutional amendment has also been proposed by several States; and

''Whereas, the test of such proposed constitutional amendment reads: ''Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a State or political subdivision thereof, or an official of such State or political subdivision, to levy or increase taxes''; and

''Whereas, such amendment seeks properly to prevent Federal courts from levying or increasing taxes without representation of the people and against the people's wishes; therefore be it

''*Resolved,* That the Massachusetts Senate hereby memorializes the United States Congress to propose and submit to the several States for ratification no later than January first, nineteen hundred and ninety-six, an amendment to the Constitution of the United States, the text of which amendment shall read; 'Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a State or political subdivision thereof, or an official of such State or political subdivision, to levy or increase taxes'; and calls upon the Massachusetts Congressional Delegation to use immediately the full measure of its resources and influence in order to ensure the passage of such amendment to the Constitution of the United States, which provides that no court shall have the power to levy or increase taxes; and further proposes that the

legislatures of each of the several States comprising the United States which have not yet made similar requests apply to the United States Congress requesting enactment of such amendment to the United States Constitution; and be it further

''*Resolved,* That the copies of these resolutions be transmitted forthwith by the clerk of the Senate to the Vice President of the United States as the Presiding Officer of the Senate, the Speaker of the House of Representatives, each member of the Massachusetts Congressional Delegation, and the presiding officer and minority party leader in each House of the legislatures of each State in the Union.''

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1730. A bill to amend the Oil Pollution Act of 1990 to make the Act more effective in preventing oil pollution in the Nation's waters through enhanced prevention of, and improved response to, oil spills, and to ensure that citizens and communities injured by oil spills are promptly and fully compensated, and for other purposes (Rept. No. 104–292).

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 1815. A bill to provide for improved regulation of the securities markets, eliminate excess securities fees, reduce the costs of investing, and for other purposes (Rept. No. 104–293).

By Mr. STEVENS, from the Committee on Governmental Affairs, without amendment:

H.R. 1508. A bill to require the transfer of title to the District of Columbia of certain real property in Anacostia Park to facilitate the construction of National Children's Island, a cultural, educational, and family-oriented park (Rept. No. 104–294).

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

H.R. 2070. A bill to provide for the distribution within the United States of the United States Information Agency film entitled ''Fragile Ring of Life''.

By Mr. HELMS, from the Committee on Foreign Relations, with amendments:

H.R. 3121. A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

H. Con. Res. 160. A concurrent resolution congratulating the people of the Republic of Sierra Leone on the success of their recent democratic multiparty elections.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 271. An original resolution expressing the sense of the Senate with respect to the international obligation of the People's Republic of China to allow an elected legislature in Hong Kong after June 30, 1997, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources:

Doris B. Holleb, of Illinois, to be a Member of the National Council of the Humanities for a term expiring January 26, 2002.

Alan G. Lowry, of California, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring May 29, 2001.

Luis Valdez, of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2000.

Reginald Earl Jones, of Maryland, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2000.

Levar Burton, of California, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2000.

Marciene S. Mattleman, of Pennsylvania, to be a Member of the National Institute for Literacy Advisory Board, for a term expiring October 12, 1998.

Victor H. Ashe, of Tennessee, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2000.

Reynaldo Flores Macias, of California, to be a Member of the National Institute for Literacy Advisory Board for a term expiring September 22, 1998.

The following candidates for personnel action in the regular corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

1. FOR APPOINTMENT

To be medical director

Michael M. Gottesman
Harold W. Jaffe

To be senior surgeon

James F. Battey, Jr.

To be surgeon

Helene D. Gayle
Jeffrey R. Harris
Douglas B. Kamerow
Thurma G. McCann
Michael E. St Louis

To be senior assistant surgeon

Robert T. Chen
Susan L. Crandall
Ahmed M. Elkashef
Michael M. Engelgau
Richard L. Hays
Brockton J. Hefflin
Clare Helminiak
Kathleen L. Irwin
Connie A. Kreiss
Boris D. Lushniak
Douglas L. McPherson
Manette T. Niu
Robert J. Simonds
Jonathan T. Weber

To be senior assistant dental surgeon

Thomas T. Barnes, Jr.
Mitchel J. Bernstein
Brenda S. Burges
Deborah P. Costello
David A. Crain
Richard L. Decker
James V. Dewhurst III
Debra L. Edgerton
Paul J. Farkas
Janie G. Fuller
Kent K. Kenyon
Ruth M. Klevens
Edward E. Neubauer
Thomas A. Reese
Jose C. Rodriguez
Adele M. Upchurch

To be dental surgeon

Michael E. Korale

To be nurse officer

Cathy J. Wasem

To be senior assistant nurse officer

Donna N. Brown
Gracie L. Bumpass
Martha E. Burton
Annette C. Currier
Thomas E. Daly
Terence E. Deeds
Joseph P. Fink
Robert C. Frickey
Judy A. Gerry
Annie L. Gilchrist
Byron C. Glenn
Margaret A. Hoeft
Lorraine D. Kelwood
Mary M. Leemhuis
Susan R. Lumsden
Brenda J. Murray
Michael J. Papania
Monique V. Petrofsky
Patricia K. Rasch
Letitia L. Rhodes-Bard
Thomas M. Scheidel
Ruth A. Shults
Jerilyn A. Thornburg
Scott A. Vanomen
Ellen D. Wolfe

To be assistant nurse officer

Susan Z. Mathew
Terry L. Porter
Richard M. Young

To be senior assistant engineer officer

Terry L. Aaker
Cheryl Fairfield Estill
Debra J. Hassinan
Donald J. Hutson
Allen K. Jarrell
Jeffrey J. Nolte
Mutahar S. Shamsi
George F. Smith

To be assistant engineer officer

Nathan D. Gjovik

To be scientist

Deloris L. Hunter

To be senior assistant scientist

Anne T. Fidler
Patrick J. McNeilly
Helena O. Mishoe
Paul D. Siegel
William H. Taylor III

To be sanitarian

Thomas C. Fahres
Daniel M. Harper
Charles L. Higgins
Michael M. Welch

To be senior assistant sanitarian

Gail G. Buonviri
Larry F. Cseh
Alan J. Dellapenna, Jr.
Alan S. Echt
Thomas A. Hill
Florence A. Kaltovich
David H. McMahon
Nathan M. Quiring
David H. Shishido
Linda A. Tiokasin
Richard E. Turner
Berry F. Williams

To be veterinary officer

Stephanie I. Harris

To be senior assistant veterinary officer

Hugh M. Mainzer
Shanna L. Nesby
Meta H. Timmons

To be senior assistant pharmacist

Sarah E. Arroyo
Edward D. Bashaw
Charles C. Bruner
Vicky S. Chavez
Scott M. Dallas
Michele F. Gemelas
Terry A. Hook
Alice D. Knoben
Nancy E. Lawrence
Andrew J. Litavecz IV
Josephine A. Lyght
William B. McLiverty
M. Patricia Murphy
Anna M. Nitopi
Robert G. Pratt
Kurt M. Riley

To be assistant pharmacist

Gary L. Elam
James A. Good
Valerie E. Jensen
Kimberly D. Knutson
Sandra C. Murphy
Jill A. Sanders
Pamela Stewart-Kuhn

To be assistant pharmacist pharmacist

L. Jane Duncan

To be senior assistant dietitian

Celia R. Hayes
David M. Nelson

To be therapist

Michael P. Flyzik

To be assistant therapist

Mark T. Melanson

To be health services director

James H. Sayers

To be health services officer

Maureen E. Gormley

To be senior assistant health services officer

Corinne J. Axelrod
Deborah Dozier-Hall
William M. Gosman
Janet S. Harrison
Rebecca D. Hicks
Brian T. Hudson
Richard D. Kennedy
Edward M. McEnerney
Michael R. Milner
Anne M. Perry
Elizabeth A. Rasbury
Ray J. Weekly
Craig S. Wilkins

To be assistant health services officer

Willard E. Dause

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HELMS, from the Committee on Foreign Relations:

John Christian Kornblum, of Michigan, to be an Assistant Secretary of State.

Barbara Mills Larkin, of Iowa, to be an Assistant Secretary of State.

Gerald S. McGowan, of Virginia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1998.

(The following is a list of all members of the nominees' immediate family and their spouses. Each of these persons has informed the nominee of the pertinent contributions made by them. To the best of the nominees knowledge, the information contained in this report is complete and accurate.)

A. Vernon Weaver, of Arkansas, to be the Representative of the United States of America to the European Union, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Nominee: Arthur Vernon Weaver, Jr.

Post: U.S. Representative to the European Union.

Contributions, amount, date, and donee:

1. Self, $1,000, 9/19/91, Cong. Ray Thorton; $1,000, 9/19/91, Cong. Ray Thornton; $1,000, 3/5/93, Cong. Ray Thornton; $1,000, 6/28/94, Cong. Ray Thornton; $1,000, 4/12/95, Cong. Ray Thornton; $250, 7/10/95, Sen. Bob Dole; $1,000, 11/8/91, Clinton/Gore; $1,000, 8/31/95, Clinton/Gore; $644.90, 1/8/93, Sen. Larry Pressler; $355.10, 1/8/93, Sen. Larry Pressler; $144.80, 11/2/93, Sen. Larry Pressler; $210.30, 11/11/93, Sen. Larry Pressler.

2. Spouse: Joyce Weaver, $500, 5/16/90, Cong. Ray Thornton; $500, 8/12/90, Cong. Ray Thornton; $1,000, 3/5/93, Cong. Ray Thornton; $1,000, 4/12/95, Cong. Ray Thornton; $1,000, 11/8/91, Clinton/Gore; $1,000, 8/3/95, Clinton/Gore.

3. Children and spouses: Vanessa Weaver, (daughter age 40), $1,000, 9/95, Clinton/Gore. Daphne Weaver, (daughter age 37), $250, 9/95, Clinton/Gore.

Robert Katt, (husband of Vanessa Weaver), $1,000, 9/95, Clinton/Gore.

4. Parents: Arthur Vernon Weaver (deceased), and Geneviene Phillips Weaver (deceased).

5. Grandparents: Arthur B. Weaver, Sarah Banks Weaver, Sean Phillips, and Nellie Mae Phillips Strang (all deceased).

6. Brothers and spouses: none.

7. Sisters and spouses: Beatrice Mae Fryen, none.

Madeleine May Kunin, of Vermont, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Switzerland.

Nominee: Madeleine May Kunin.

Post: Ambassador to Switzerland.

Contributions, amount, date, and donee:

1. Self: 1996—Clinton/Gore Campaign, $100; Emily's List, $125; Democratic Senate Campaign Committee, $50. 1995—Clinton/Gore Campaign, $100; Democratic Senate Campaign Committee, $50; Democratic Congressional Campaign Committee, $50; Democratic Congressional Campaign Committee, $50. 1994—Emily's List, $100; Vermont Democratic Party, $100. 1993—Howard Dean Campaign for Governor, $50; Democratic Congressional Campaign Committee, $50; Elaine Baxter for Congress, $50; Don Hooper for Senate, $50; Doug Racine for Lt. Governor, $50. 1992—Vermont Democratic Party, $200; Clinton for President, $100; Carol Mosley Braun, $50; Leahy for Senate, $25; Arnie Arneson for Governor, NH, $100; Howard Dean for Governor, $50; Women's Campaign Fund, $50; Clinton Inaugural Committee, $550; Lynn Yeakel for Senate, $50; Vermont Women's Political Caucus, $50; Barbara Boxer for Senate, $50; Hooper for VT Secretary of State, $50. 1991—Vermont Democratic Party, $100; Chittenden County Democratic Party, $50; Women's Political Caucus $50.

2. Spouse: (divorced).

3. Children and spouses: Names: Peter and Lisa Kunin, none, Julia Kunin, none, Adam Kunin, none Daniel Kunin, none.

4. Parents: (deceased).

5. Grandparents: (deceased).

6. Brothers and spouses: Names: Edgar May $100, 1992, Clinton Campaign; $150, 1993, Doug Racine Campaign.

7. Sisters and spouses: none.

Harold Walter Geisel, of Illinois, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Seychelles.

Nominee: Harold W. Geisel.

Post: Mauritius.

Contributions, amount, date, and donee.

1. Self: Harold W. Geisel, none.

2. Spouse: Susan L. Geisel, none.

3. Children and Spouses: Names: Jacqueline J. Geisel (9) none, and Katherine L. Geisel (7) none.

4. Parents: Names: Gustav Geisel, none, and Stefi S. Geisel, none.

5. Grandparents: Names: Herman Geisel and Sophie Geisel, (deceased) and Sigfried Siegel and Fridel Siegel, (deceased).

6. Brothers and spouses: Names: Jerome M. Geisel, none, and Roseanne White Geisel, none.

7. Sisters and spouses: None.

Alan R. McKee, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Swaziland.

Nominee: Alan R. McKee.

Post: Kingdom of Swaziland.

Contributions, amount, date, and donee.

1. Self: None.

2. Spouse: None.

3. Children and spouses: Names: Amanda K. McKee, none, and Alexander B. McKee none.

4. Parents: T. Bonar McKee and Lois Ellen McKee (deceased).

5. Grandparents: Nora Reel and Daniel Reel: John and Isabel McKee, (All deceased.)

6. Brothers and spouses; Name: Harris B. McKee, $35, 1/29/94, Minnesota Moderate Republicans.

7. Sisters and spouses: None.

Arlene Render, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zambia.

Nominee: Arlene Render.

Post: Republic of Zambia.

Contributions, amount, date, and donee.

1. Self: none.

2. Spouse: N/A.

3. Children and Spouses: none.

4. Parents: none.

5. Grandparents: (deceased).

6. Brothers and spouses: none.

7. Sisters and spouses: none.

Marisa R. Lino, of Oregon, a Career Member of the Senior Foreign Service, Class of Minister Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Albania.

Nominee: Marisa Rose Lino.

Post: Ambassador to Albania.

Contributions, amount, date, and donee.

1. Self: none.

2. Spouse: single.

3. Children and Spouses: none.

4. Parents: Luigi Lino, $10.00, Mar. 29, 1995, Democratic Nat'l Comm, $10.00, May 26, 1995, Democratic Nat'l Comm; Vida Lino, none.

5. Grandparents: Names: Antonio and Rosa Lino, Pasko and Emma Bego, (all deceased).

6. Brothers and Spouses: none.

7. Sisters and Spouses: Names: Silva Emma Prosak, none, and Steve Prosak, none.

John F. Hicks, Sr., of North Carolina, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Eritrea.

Nominee: John F. Hicks, Sr.

Post: Eritrea.

Contributions, amount, date, and donee:

1. Self: John F. Hicks, none.

2. Spouse: Jacqueline M. Hicks, none.

3. Children and spouses; Names: Jocelyn F. Hicks (daughter), John F. Hicks, Jr. (son), none.

4. Parents: Names: Mack L. Hicks (father) (deceased); Annie H. Hicks (mother) (deceased).

5. Grandparents: Names: John Frederick and Addie Hicks (deceased—paternal grandparents); Stephen and Maggie Sherad (deceased—maternal grandparents).

6. Brothers and spouses: Names: Clarence and Rhonda Hicks, none; Osceola Hicks, none.

7. Sisters and spouses: Names: Katrina and James Goldsby, none; Joyce Hicks, none.

Avis T. Bohlen, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bulgaria.

Nominee: Avis T. Bohlen.

Post: Ambassador to Bulgaria.

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: David P. Calleo, $50, 1991—Friends of Les Aspin; $200.00, 1992—Tsongas for President.

3. Children and spouses: Not applicable.

4. Parents: Names: Charles Bohlen (deceased, 1973); Avis Bohlen (deceased, 1982).

5. Grandparents: Names: Charles Bohlen and Celestine Bohlen (deceased); George Thayer and Gertrude Thayer (deceased).

6. Brothers and spouses: Names: Charles Bohlen, $100, 1992—Becerra for Congress; $200, 1994—Doug Kahn; Jaye Scholl, None.

7. Sisters and spouses: Names: Celestine Bohlen, none; Vladimir Lebedev, none.

Leslie M. Alexander, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ecuador.

Nominee: Leslie M. Alexander.

Post: Quito.

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: none.

3. Children and spouses: Names: Margaret, none; Natalia, none.

4. Parents: Names: Leslie M. Alexander, none; Ginette R. Alexander (deceased).

5. Grandparents: Names: Mr. and Mrs. L.M. Alexander (deceased); Mr. and Mrs. R. Chevalon (deceased).

6. Brothers and spouses: Names: Michael and Lorri Alexander, none; Bruce and Lisa Alexander, none; Steven Alexander, none.

7. Sisters and spouses: none.

Tibor P. Nagy, Jr., of Texas, a Career Member of the Senior Foreign Service, Class

of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

Nominee: Tibor Peter Nagy, Jr.

Post: Ambassador to Guinea.

Contributions, amount, date, and donee:

1. Self: Tibor P. Nagy, Jr., none.

2. Spouse: Eva Jane Nagy, none.

3. Children and spouses: Names: Tisza Ann, none; Peter William, none; Stephen Branson, none.

4. Parents: Names: Tibor Nagy, none; Zsuzsa Kovacs, none.

5. Grandparents: Names: Gyorgyi Kalman (deceased); Gyorgyi Emilia (deceased); Nagy Jozsef (deceased); Nagy Vilma (deceased).

6. Brothers and Spouses: Names: Redey Peter, none; Redey Jutka, none; Andras Goldinger, none.

7. Sisters and spouses: Name: Redey Jutka, none.

Donald J. Planty, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guatemala.

Nominee: Donald J. Planty.

Post: Guatemala.

Contributions, amount, date, and donee:

1. Self: Donald J. Planty, none.

2. Spouse: Regina E. Planty, none.

3. Children and spouses: Names: Rev. Donald J. Planty, Jr., none; Matthew D. Planty, none.

4. Parents: Names: Mark Planty, none; Donald E. Planty, none; Bernadette A. Planty, none.

5. Grandparents: Names: Nicholas Boliver (deceased); Ora Planty (deceased); Arletha Boliver (deceased); Cora Planty (deceased).

6. Brothers and spouses: Names: Brian and Kelly Planty, none; Brent and Linda Planty, none.

7. Sisters and spouses: Names: Elaine Planty, none; Karen and Steve Vout, none; Dawn Planty, none; Renee and Gary Davoy, none.

Dennis C. Jett, of New Mexico, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Peru.

Nominee: Dennise C. Jett.

Post: Lima, Peru.

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: Lynda Schuster, none.

3. Children and spouses: Names: Brian Jett, none; Allison Jett, Non.

Parents: Clifton Jett (deceased); Helen Jett, none.

5. Grandparents: Names: (deceased).

6. Brothers and spouses: Names: James and Evangeline Jett, Michael and Barbara Jett, and Paul Jett, none.

7. Sisters and spouses: none.

Lino Gutierrez, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nicaragua.

Nominee: Lino Gutierrez.

Post: Ambassador to Nicaragua.

Contributions, amount, date, and donee:

1. Self: Lino Gutierrez, none.

2. Spouse: Miriam Messina-Gutierrez, none.

3. Children and spouses: Names: Alicia Tio-Messina, none; Diana Lynn Gutierrez, none; Susana Marie Gutierrez, none.

4. Parents: Names: Lino Gutierrez (father) (deceased); Maria F. Gutierrez (mother), none.

5. Grandparents: Names: Lino Gutierrez, Eugenia Gutierrez, Luis Fernandez, Etelvina Fernandez (all grandparents deceased).

6. Brothers and spouses: none.

7. Sisters and spouses: none.

Wendy Jean Chamberlin, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Lao People's Democratic Republic.

Nominee: Wendy Chamberlin.

Post: Vientiane, Laos.

Contributions, amount, date, and donee:

1. Self: Wendy Chamberlin, none.

2. Spouse: John H. Hawes, none.

3. Children and spouses: Names: Chynna Hawes, none; Jade Hawes, none; Fabrizia Hawes, none; Christiana Hawes, none; Ceazere LaFranconia, none (husb. of Christiana); Alessia Kirkland, none; Kevin Kirkland, none (husb. of Alessia).

4. Parents: Names: Col. William C. Chamberlin, none; Beverly Mann Chamberlin, (deceased).

5. Grandparents: Names: Ann Mann (deceased); Admiral William Mann (deceased); Henry Barrett Chamberlin (deceased); Margaret Chamberlin (deceased).

6. Brothers and spouses: Names: Henry Barrett Chamberlin, none; Ruth Chamberlin, none (wife of brother Henry); Lt. Col. William Chamberlin, none; Shanta Chamberlin, none (wife of William).

7. Sisters and spouses: No sisters.

James Francis Creagan, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Honduras.

Nominee: James F. Creagan.

Post: Honduras.

Contributions, amount, date, and donee:

1. Self: James F. Creagan, none.

2. Spouse Gwyn Jonsson Creagan, none.

3. Children and spouses: Names: Sean M.A. Creagan, none; Kevin and Noemi Creagan, none.

4. Parents: Names: Mareta T. Creagan (deceased) James M. Creagan, none; Alice Svete Creagan, none.

5. Grandparents: Names: Carl Creagan (deceased); Mary Traxler (deceased); Leota Creagan (deceased).

6. Brothers and spouses: Names: Tom and Sue Creagan, none; David and Janet Creagan, none.

7. Sisters and spouses: Names: Judith Creagan Brown and Hank Brown, Jr., none.

Glen Robert Rase, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brunei Darussalam.

Nominee: Glen Robert Rase.

Post: Ambassador, Brunei Darussalam.

Contributions, Amount, date, and donee:

1. Self: none.

2. Spouse: none.

3. Children and spouses: none.

4. Parents: Names: Robert F. Rase, none; Gloria R. Rase, none.

5. Grandparents: Names: Catherine Rase, none; Caroline Ready, none.

6. Brothers and spouses: none.

7. Sisters and spouses: Names: Carol Rase, none; Steven Frasier, none.

Thomas C. Hubbard, of Tennessee, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Philippines and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Palau.

Nominee: Thomas C. Hubbard.

Post: Philippines and Palau.

Contributions, amount, date, and donee:

1. Self: none.

2. Spouse: Joan M. Hubbard, none.

3. Children and spouses: Names: Lindley Taylor Hubbard, none; Carrie Hubbard, none.

4. Parents: Names: Thomas N. Hubbard (deceased); Rebecca Taylor Hubbard (deceased).

5. Grandparents: Names: Cato Taylor (deceased); Lolabelle Taylor (deceased).

6. Brothers and spouses: Names: Edward Dow Hubbard, none.

7. Sisters and spouses: Names: Piera Springstead, none.

(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.)

Mr. HELMS. Mr. President, for the Committee on Foreign Relations, I also report favorably three nomination lists in the Foreign Service which were printed in full in the Congressional Records of May 9, and June 18, 1996, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of May 9, and June 18, 1996 at the end of the Senate proceedings.)

FOREIGN SERVICE

The following-named persons of the agencies indicated for appointment as Foreign Service Officers of the classes stated, and also for the other appointments indicated herewith:

For appointment as Foreign Service Officers of Class Two, Consular Officers and Secretaries in the Diplomatic Service of the United States of America;

AGENCY FOR INTERNATIONAL DEVELOPMENT

Donald C. Masters, of the District of Columbia

U.S. INFORMATION AGENCY

Gail Milissa Grant, of Missouri

Patricia McMahon Hawkins, of New Hampshire

For appointment as Foreign Service Officers of Class Three, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Richard W. Loudis, of Florida

Mark Stewart Miller, of Florida

Allen F. Vargas, of New York

DEPARTMENT OF COMMERCE

Reginald A. Miller, of California

Judy R. Reinke, of Virginia

DEPARTMENT OF STATE

Juan M. Bracete, of Florida

For appointment as Foreign Service Officers of Class Four, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF AGRICULTURE

Karl Hampton, of the District of Columbia

UNITED STATES INFORMATION AGENCY

Susan Tebeau Bell, of South Carolina

Rebecca Tracy Brown, of California

Kate Marie Byrnes, of Florida

Margot Carrington, of Florida

Anne Sara Casper, of Nevada
Charles Gary Cole, of California
Lincoln D. Dahl, of Nevada
David Adams Duckenfield, of the District of Columbia
David Joseph Firestein, of Texas
Stefen Granito, of Florida
Marjorie R. Harrison, of Pennsylvania
Erik Anders Holm-Olsen, of New Jersey
Robert C. Howes, of Michigan
Tiffany Ann Jackson-Zunker, of California
Geraldine F. Keener, of California
Christine A. Leggett, of California
Deena Fathi Mansour, of Wyoming
Karen Morrissey, of Florida
George P. Newman, of New York
Thomas Joseph Nicholas Pierce, of Connecticut
Adele E. Ruppe, of Maryland
R. Stephen Schermerhorn, of Florida
Dana Cohn Shell, of California
Victoria L. Sloan, of Florida
Susan Nan Stevenson, of Florida
Scott D. Weinhold, of Wisconsin
Ivan Weinstein, of New Jersey
Richard Morgan Wilbur, of New York

DEPARTMENT OF STATE

Robert M. Anthony, of Oklahoma
Jonathan Jay Beighle, of Washington
Randy William Berry, of Colorado
Paul W. Blankenship, of Texas
Sharon T. Bowman, of New York
Frances Chisholm, of New Hampshire
Nancy Ann Cohen, of California
Marie Christine Damour, of Virginia
Nathaniel Pabody Dean, of the District of Columbia
Shwan Dorman, of New York
Christopher G. Dunnett, of Florida
Levon A. Eldemir, of California
Robert Frank Ensslin, of Florida
George H. Frowick, of California
Joanne Gilles, of New York
William Lewis Griffith, of New York
Alexander Grossman, of Texas
David C. Hermann, of Massachusetts
Andrew S. Hillman, of New York
Irma J. Hopkins, of Indiana
Mark Scott Johnsen, of California
Marc C. Johnson, of the District of Columbia
Christopher A. Landberg, of Washington
Scott D. McDonald, of Florida
Edward Vincent O'Brien, of Florida
Edward W. O'Connor, of Pennsylvania
Derrick Meyer Olsen, of Oregon
Michael Joseph Petrucelli, of Maryland
Patrick Robert Quigley, of Florida
Jennifer Ann Richter, of Pennsylvania
Cynthia Corbin Sharpe, of Texas
Kathleen S. Sheehan, of Massachusetts
Catherine Ann Shumann, of New Jersey
Raymond Daniel Toma, Jr., of Michigan
Pamela M. Tremont, of Texas
James J. Turner, of Maryland

The following-named Members of the Foreign Service of the United States Information Agency and the Department of State to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular Officers and Secretaries in the Diplomatic Service on the United States of America:

Amanda L. Blanck, of Missouri
Patrick W. Boyden, of Indiana
Bruce W. Brett, of Virginia
David H. Cannon, of California
Robert W. Chapman, of Virginia
Richard K. Choate, of Virginia
Collette M. Christian, of Oregon
Jennifer N.M. Coile, of Wyoming
Daniel Keith Hall, of Virginia
James L. Harris, of Virginia
Mary Heintzelman, of the District of Columbia
Maureen Matter Howard, of Washington
Michael J. Hughes, of Virginia
Michael C. John, of Virginia
Patricia Kozlik Kabra, of California
Andrew M. Langenbach, of Virginia
David Kent Mason, of Virginia
Maryann McKay, of California
Andrea Linda Meyer, of Pennsylvania
Cynthia L. Morrow, of Virginia
Duc Tan Ngo, of Virginia
Jean T. Olson, of Florida
Robert E. Orkosky, of Virginia
Elizabeth C. Pokorny, of Virginia
Laura B. Pramuk, of Colorado
Ann M. Roubachewsky, of Maryland
Norville B. Spearman, Jr., of California
Karen Sullivan, of New York
Kurt N. Theodorakos, of Virginia

The following-named Career Members of the Senior Foreign Service of the Department of Commerce for promotion in the Senior Foreign Service to the class indicated:

Career Members of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Terence Flannery, of Virginia
Laron L. Jensen, of Virginia

The following-named Career Members of the Foreign Service for promotion into the Senior Foreign Service, as indicated:

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Dolores F. Harrod, of New Hampshire
James L. Joy, of Florida
David K. Katz, of California
George W. Knowles, of Florida
Kay R. Kuhlman, of Florida
John L. Priamou, of the District of Columbia
George F. Ruffner, of Pennsylvania

The following-named persons of the agencies indicated for appointment as Foreign Service Officers of the classes stated, and also for the other appointments indicated herewith:

For appointment as Foreign Service Officers of Class Two, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Justin Emmett Doyle, of New York
Hector Nava, of California

DEPARTMENT OF COMMERCE

Craig B. Allen, of Wisconsin
Robert M. Murphy, of Washington

DEPARTMENT OF STATE

David M. Buss, of Texas
Patricia M. Haslach, of Oregon

For appointment as Foreign Service Officers of Class Three, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

David John Clark, of Texas
Amy Renneisen Fawcett, of Tennessee
James B. Gaughran, of Virginia
Michael J. Greene, of Washington
Philip D. Horschler, of California
Virginia Howell Poole, of Virginia
Claude Wilbur Mark Reece, of Virginia
Caroline Truesdell, of New York
Ruth F. Woodcock, of Florida
Albert Obiri Yeboah, of Virginia

DEPARTMENT OF AGRICULTURE

Sharon A. Bylenga, of Florida

DEPARTMENT OF COMMERCE

Ann M. Bacher, of Florida
Nancy K. Charles-Parker, of Virginia
David K. Schneider, of Virginia
Dale N. Tasharski, of Tennessee

For appointment as Foreign Service Officers of Class Four, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Linda F. Archer, of California
Frank G. Carrico, Jr., of Texas
James M. Fluker, of New York
Rosemary D. Gallant, of Virginia
Kenneth H. Keefe, of Florida
James M. McCarthy, of Maryland

DEPARTMENT OF STATE

Michael Jonathan Adler, of Maryland
Stefanie Amadeo, of New Jersey
Mary Ruth Avery, of Florida
Daniel Karl Balzer, of Ohio
Douglas Covell Bayley, of Wisconsin
Mark D. Bysfield, of Missouri
Paul M. Cantrell, of California
Robin Lisa Dunnigan, of California
Monica Elizabeth Eppinger, of Arizona
Jill Marie Esposito, of New York
Nicholas A. Ferro, of Virginia
Michael Edward Garrote, of Pennsylvania
Pamela L. Gomez, of Texas
Brian A. Goggins, of the District of Columbia
Deborah Zamora Grout, of New Mexico
Helen Hamilton Hahn, of Florida
Ruth Mary Hall, of Virginia
Scott Ian Hamilton, of Illinois
Richard Alan Hinson, of Florida
Gerard Thomas Hodel, of New York
Dirk J. Hofschire, of Nebraska
Todd Michael Huizinga, of Michigan
Donald Emil Jacobson, of California
Catherine Elias Kay, of Illinois
Michael Christopher Keays, of California
Kristina A. Kvien, of California
Christopher John Lamora, of Rhode Island
Jeanne M. Maloney, of Tennessee
Colette A. Marcellin, of Texas
Michael John Mates, of Washington
Ann Barrows McConnell, of California
Jennifer Allyn McIntyre, of Maryland
Kellie A. Meiman, of Georgia
Elizabeth Inga Millard, of Virginia
Douglas Alan Morris, of Nebraska
W. Patrick Murphy, of New Hampshire
Courtney R. Nemroff, of Pennsylvania
Matthew A. Palmer, of Massachusetts
Sooky Wynne Park, of Maryland
Richard Carlton Paschall, III, of North Carolina
Sarah S. Penhune, of Massachusetts
Mark Stephen Prokop, of Connecticut
Charles Randolph, IV, of Connecticut
Thomas Metzger Ramsey, of New York
Howard Verne Reed, of New York
Walter Scott Reid, III, of Virginia
Sonja Kay Rix, of New York
William Vernon Roebuck, Jr., of North Carolina
Ava L. Rogers, of Louisiana
Marilynn Williams Rowdybush, of Ohio
Paul M. Simon, of Florida
Sherry Lynn Steeley, of Pennsylvania
Gregory William Sullivan, of Florida
Joseph F. Tilghman, of Connecticut
Donna Visocan Vandenbroucke, of Virginia
Steven Craig Walker, of Hawaii
Deirdre M. Warner, of Pennylvania
Robert Forrest Winchester, of California
James A. Wolfe, II, of California

The following-named Members of the Foreign Service of the Departments of Commerce and State to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Rebecca Arends, of Virginia
Kathleen T. Austin, of the District of Columbia
Frank Joseph Babetski, of Virginia
Bartholomew Louis Barbessi, of New York
Allison M. Beck, of Virginia
Jemile L. Bertot, of Connecticut
Harry Arthur Blanchette, of Florida
Lillian A. Braman, of Virginia
Ron A. Braverman, of New Jersey
Mary Kathleen Bryla, of the District of Columbia

Guillermo Santiago Christensen, of Virginia
David F. Davison, of Virginia
Paul J. DeFrancesco, Jr., of Ohio
Catherine I. Ebert-Gray, of Colorado
David J. Fineman, of Virginia
Clarence Franklin Foster, Jr., of Virginia
Dennis David Grabulis, of Virginia
Richard Jason Grimes, of Virginia
Brian Gibbs Gunderson, of Virginia
Kent Frendon Hallberg, of Virginia
Jerry Hersh, of New York
Sallie Marie Hicks, of Virginia
Tyrena L. Holley, of the District of Columbia
Jon Clarke Hooper, of Virginia
Horace P. Jen, of Virginia
Jennifer J. Jordan, of Virginia
Scott H. Jung, of Maryland
Kurtis Michael Kessler, of Virginia
Mark A. LaBrecque, of Virginia
Kristine R. Lansing, of Virginia
Michael W. Liikala, of California
Douglas M. Littrel, of Virginia
Frank J. Manganiello, of Virginia
Mark J. Martin, of Virginia
Kevin Bruce McKinney, of Virginia
Marion K. McMahel, of Maryland
Tara K. Nathan, of Virginia
Geraldine H. O'Brien, of Virginia
Henry Oppermann, of Maryland
Homer C. Pickens III, of Virginia
Phyllis Marie Powers, of Texas
Christopher C. Rand, of Virginia
Helen Patricia Reed-Rowe, of Maryland
William Rodman Regan, of Virginia
Cornelio Rivera III, of Virginia
Fed A. Schellenberg, of Virginia
David D. Shilling, of Maryland
James B. Sizemore, of Virginia
Mary Emerson Slimp, of Virginia
Amy Katherine Stamps, of Virginia
Andrea Robin Starks, of Maryland
Revalee Stevens, of the District of Columbia
Louis V. Surgent, Jr., of Maryland
Dwayne Leo Therriault, of Virginia
Michael S. Tulley, of California
Bruce G. Valentine, Jr., of Virginia
Randall R. Videgar, of Virginia
Anthony David Watt, of Wyoming
Ann G. Webster, of Virginia
Helga L. Weisto, of Maryland
David S. Wick, of Delaware
Robert T. Yurko, of Maryland

TREATY DOC 104–24 AGREEMENT CONCERNING STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS (EXEC. REPT. 104–20)

Text of the committee-recommended resolution of advice and consent:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of The Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, with Annexes (''The Agreement''), which was adopted at United Nations Headquarters in New York by Consensus of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks on August 4, 1995, and signed by the United States on December 4, 1995 (Treaty Doc. 104–24), subject to the following declaration:

It is the Sense of the Senate that ''no reservations'' provisions as contained in Article 42 have the effect of inhibiting the Senate from exercising its constitutional duty to give advice and consent to a treaty, and the Senate's approval of this treaty should not be construed as a precedent for acquiescence to future treaties containing such a provision.

TREATY DOC 104–27 INTERNATIONAL NATURAL RUBBER AGREEMENT, 1995 (EXEC. REPT. 104–21)

Text of the committee-recommended resolution of advice and consent:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of The International Natural Rubber Agreement, 1995, done at Geneva on February 17, 1995 (Treaty Doc. 104–27), subject to the following declaration:

It is the Sense of the Senate that ''no reservations'' provisions as contained in Article 68 have the effect of inhibiting the Senate from exercising its constitutional duty to give advice and consent to a treaty, and the Senate's approval of this treaty should not be construed as a precedent for acquiescence to future treaties containing such a provision.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SIMPSON:

S. 1907. A bill to provide for daylight saving time on an expanded basis, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1908. A bill to amend title 18, United States Code, to prohibit the sale of personal information about children without their parents' consent, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 1909. A bill to require the offer in every defined benefit plan of a joint and 2/3 survivor annuity option and to require comparative disclosure of all benefit options to both spouses; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS:

S. Res. 271. An original resolution expressing the sense of the Senate with respect to the international obligation of the People's Republic of China to allow an elected legislature in Hong Kong after June 30, 1997, and for other purposes; from the Committee on Foreign Relations; placed on the calendar.

By Mr. D'AMATO:

S. Res. 272. A resolution to amend Senate Resolution 246; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1908. A bill to amend title 18, United States Code, to prohibit the sale of personal information about children without their parents' consent, and for other purposes; to the Committee on the Judiciary.

THE CHILDREN'S PRIVACY PROTECTION AND PARENTAL EMPOWERMENT ACT OF 1996

Mrs. FEINSTEIN. Mr. President, I rise to urge my colleagues to support this simple but strong legislation to protect our children.

This bill, which I introduce with Senator BOXER, would provide three simple protections:

First, the bill would prohibit commercial list brokers from selling personal information about children under 16 to anyone, without first getting the parent's consent.

All kinds of information about our children—more facts than most of us might think or hope for—is rapidly becoming available through these list brokers. It is only a matter of time before this information begins to fall into the wrong hands.

Recently, a reporter in Los Angeles was easily able to purchase parent's names, birth months and addresses for 5,500 children aged 1–12 in a particular neighborhood. The reporter used the name of a fictitious company, gave a nonworking telephone number, had no credit card or check, and identified herself as ''Richard Allen Davis,'' the notorious murderer of Polly Klaas. When ordering the list, the company representative simply told her, ''Oh, you have a famous name,'' and sent her the information COD. This is simply unacceptable.

Second, the bill would give parents the authority to demand information from the list brokers who traffic in the personal data of their children—brokers will be required to provide parents with a list of all those to whom they sold information about the child, and must also tell the parent precisely what kind of information was sold.

If this personal information is out there, and brokers are buying and selling it back and forth, it is only reasonable that we allow parents to find out what information has been sold and to whom that information has been given.

Finally, this bill would prohibit list brokers from using prison labor to input personal information. This seems like common sense to most of us, but unfortunately the use of prison labor is not currently prohibited.

Mr. President, I ask unanimous consent that a May 6, 1996, Wall Street Journal article be printed in the RECORD. This recent Wall Street Journal article described the terrible experience of Beverly Dennis, an Ohio grandmother who filled out a detailed marketing questionnaire about her buying habits for a mail-in survey. She filled out the questionnaire when she was told that she might receive free product samples and helpful information. Rather than receiving product information, however, she soon began to receive sexually explicit, fact-specific letters from a convicted rapist serving time.

The rapist, writing from his prison cell, had learned the very private, intimate details about her life because he was keypunching her personal questionnaire data into a computer for a subcontractor. Ms. Dennis received letters with elaborate sexual fantasies, woven around personal facts provided by her in the questionnaire. This bill would have prevented the situation from ever occurring.

This bill is really very simple. Some marketing companies may be unhappy that the Government is trying to legislate how they do business, but we have to weigh the safety and well-being of our children against the small inconvenience of requiring parental consent in these cases. Given the rapidly changing nature of the marketing business and the ways in which child molesters and other criminals operate, this bill is an important step in protecting our kids from those who would do them harm.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1908

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 ''Children's Privacy Protection and Parental Empowerment Act of 1996''.

SEC. 2. PROHIBITION OF CERTAIN ACTIVITIES RELATING TO PERSONAL INFORMATION ABOUT CHILDREN.

(a) IN GENERAL.—Chapter 89 of title 18, United States Code, is amended by adding at the end of the following:

§ 1822. Sale of personal information about children

''(a) Whoever, in or affecting interstate or foreign commerce—

''(1) being a list broker, knowingly—

''(A) sells, purchases, or receives remuneration for providing personal information about a child knowing that such information pertains to a child without the consent of a parent of that child; or

''(B) conditions any sale or service to a child or to that child's parent on the granting of such a consent;

''(2) being a list broker, knowingly fails to comply with the request of a parent—

''(A) to disclose the source of personal information about that parent's child;

''(B) to disclose all information that has been sold or otherwise disclosed by that list broker about that child; or

''(C) to disclose the identity of all persons who whom the list broker has sold or otherwise disclosed personal information about that child;

''(3) being a person who, using any personal information about a child in the course of commerce that was obtained for commercial purposes, has directly contacted that child or a parent of that child to offer a commercial product or service to that child, knowingly fails to comply with the request of a parent—

''(A) to disclose to the parent the source of personal information about that parent's child;

''(B) to disclose all information that has been sold or otherwise disclosed by that person about that child; or

''(C) to disclose the identity of all persons to whom such a person has sold or otherwise disclosed personal information about that child;

''(4) knowingly uses prison inmate labor, or any worker who is registered pursuant to title XVII of the Violent Crime Control and Law Enforcement Act of 1994, for data processing of personal information about children; or

''(5) knowingly distributes or receives any personal information about a child, knowing or having reason to believe that the information will be used to abuse the child or physically to harm the child;

shall be fined under this title or imprisoned not more than one year, or both.

''(b) A child or the parent of that child with respect to whom a violation of this section occurs may in a civil action obtain appropriate relief, including statutory money damages of not less than $1,000. The court shall award a prevailing plaintiff in a civil action under this subsection a reasonable attorney's fee as a part of the costs.

''(c) As used in this section—

''(1) the term 'child' means a person who has not attained the age of 16 years;

''(2) the term ''parent'' includes a legal guardian;

''(3) the term 'personal information' means information (including name, address telephone number, social security number, and physical description) about an individual identified as a child, that would suffice to physically locate and contact that individual; and

''(4) the term 'list broker' means a person who, in the course of business, provides mailing lists, computerized or telephone reference services, or the like containing personnel information of children.''

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 89 of title 18, United States Code, is amended by adding at the end the following new item:

''1822. Sale of personal information about children.''.

[From the Wall Street Journal, May 6, 1996]

PRIVACY ISSUE RAISED IN DIRECT-MAIL CASE

(By James P. Miller)

Beverly Dennis thought she'd receive free product samples through the mail when she filled out a detailed Metromail Corp. questionnaire about her buying habits. Instead, she got a disturbing letter from an imprisoned rapist.

Although Ms. Dennis didn't know it at the time, prison inmates were processing data from the questionnaires for the direct-marketing unit of R.R. Donnelley & Sons Inc. The ''highly offensive, sexually graphic and threatening'' letter came from a Texas inmate who learned about her life while keypunching data from the questionnaires, according to a lawsuit Ms. Dennis filed last month in state court in Travis County, Texas.

The suit accuses Metromail of fraud for not telling Ms. Dennis that prisoners would process the surveys and alleges that the disclosure of personal information to violent criminals constitutes and ''intentional or reckless disregard'' of her safety. The suit seeks class-action status on behalf of all consumers whose privacy interests were allegedly injured in the same way.

The inmate's 12-page letter ''referred to the magazines of interest to Ms. Dennis, her interest in physical fitness, the fact that she is divorced, her income level, her birthday, and the personal care products she uses,'' according to her lawsuit. In one chilling passage quoted in the lawsuit, the convict spun out a sexual fantasy involving a brand of soap Ms. Dennis had mentioned in the survey.

The 1994 episode underscores the dangers of giving prison inmates access to highly personal information about consumers. ''It's an important case,'' says Marc Rotenberg, of the Electronic Privacy Information Center in Washington, a privacy advocacy group. ''It goes right to the question of privacy safeguards in the marketing industry.''

Mr. Rotenberg, who teaches privacy law at Georgetown University, says the ''novel questions'' raised by the suit include ''how you establish harm in the misuse of personal information, as well as what the appropriate limitations are'' when handling personal data.

Michael Lenett, an attorney with the Cuneo Law Group in Washington, D.C., who is representing Ms. Dennis, says the defendants ''would have had to know that disclosure of personal private information to convicted felons would run a very serious risk of possible harm.''

A Donnelly spokesman says senior management didn't know that prisoners were entering the data because the work was handled through a contractor. Senior management learned of the arrangement when Ms. Dennis received the letter and ''we ordered it stopped,'' he says. Using prisoners to handle consumer data, he says, ''wasn't Metromail's policy then, it isn't now, and it never will be.'' He said he couldn't comment on the suit's specific allegations.

The suit names as defendants Metromail and its parent, along with the Texas Department of Criminal Justice. Also named is closely held Computerized Image & Data Systems Inc., the tiny Roslyn Heights, N.Y., concern that contracted to process Metromail's survey data and then subcontracted the work to the Texas prison system.

A spokesman for the Texas correctional system said prisoners still process data, but declined comment on the suit. A Computerized Image official said he couldn't immediately respond, but he said the company no longer uses prisoners to process data.

Inmates in the prison systems of more than a dozen states routinely process data, answer 800-number calls for information, even work as telemarketers. Electronic Privacy's Mr. Rotenberg says the suit will probably shed some light on the questions of how much sensitive consumer information is being handled by prisoners, and how adequate the safeguards are.

Metromail gathers information about consumers through a variety of sources, such as new-car registrations, birth notices and title transfers. It sells the lists to commercial customers, such as telemarketers.

Ms. Dennis provided the information about herself in response to Metromail circulars that suggested national grocery-product concerns were prepared to send free product samples and coupons to consumers who got on Metromail's ''Shopper Mail list'' by filling out the questionnaire.

If it said [on the circular] it would be sent to a prison, I certainly wouldn't have filled it out,'' the Ohio grandmother said in an interview, adding that when she received the letter, she was ''terribly frightened.''

ADDITIONAL COSPONSORS

S. 1397

At the request of Mr. KYL, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 1397, a bill to provide for State control over fair housing matters, and for other purposes.

S. 1400

At the request of Mrs. KASSEBAUM, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 1400, a bill to require the Secretary of Labor to issue guidance as to the application of the Employee Retirement Income Security Act of 1974 to insurance company general accounts.

S. 1491

At the request of Mr. GRAMS, the names of the Senator from Utah [Mr.

HATCH], and the Senator from Wisconsin [Mr. FEINGOLD] were added as cosponsors of S. 1491, a bill to reform antimicrobial pesticide registration, and for other purposes.

S. 1644

At the request of Mr. BROWN, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1644, a bill to authorize the extension of nondiscriminatory treatment (most-favored-nation) to the products of Romania.

S. 1687

At the request of Mr. KERRY, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 1687, a bill to provide for annual payments from the surplus funds of the Federal Reserve System to cover the interest on obligations issued by the Financing Corporation.

S. 1729

At the request of Mrs. HUTCHISON, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1729, a bill to amend title 18, United States Code, with respect to stalking.

S. 1730

At the request of Mr. CHAFEE, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1730, a bill to amend the Oil Pollution Act of 1990 to make the Act more effective in preventing oil pollution in the Nation's waters through enhanced prevention of, and improved response to, oil spills, and to ensure that citizens and communities injured by oil spills are promptly and fully compensated, and for other purposes.

S. 1794

At the request of Mr. GREGG, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 1794, a bill to amend chapter 83 of title 5, United States Code, to provide for the forfeiture of retirement benefits in the case of any Member of Congress, congressional employee, or Federal justice or judge who is convicted of an offense relating to official duties of that individual, and for the forfeiture of the retirement allowance of the President for such a conviction.

S. 1871

At the request of Mr. CHAFEE, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 1871, a bill to expand the Pettaquamscutt Cove National Wildlife Refuge, and for other purposes.

S. 1890

At the request of Mr. SARBANES, his name was added as a cosponsor of S. 1890, a bill to increase Federal protection against arson and other destruction of places of religious worship.

At the request of Mr. KENNEDY, the names of the Senator from New Mexico [Mr. BINGAMAN] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 1890, supra.

AMENDMENT NO. 4090

At the request of Mr. HELMS, his name was added as a cosponsor of amendment No. 4090 proposed to S. 1745, an original bill to authorize appropriations for fiscal year 1997 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.

AMENDMENT NO. 4165

At the request of Mr. DODD, his name was added as a cosponsor of amendment No. 4165 intended to be proposed to S. 1745, an original bill to authorize appropriations for fiscal year 1997 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.

AMENDMENT NO. 4166

At the request of Mr. DODD, his name was added as a cosponsor of amendment No. 4166 intended to be proposed to S. 1745, an original bill to authorize appropriations for fiscal year 1997 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.

AMENDMENT NO. 4266

At the request of Mr. WELLSTONE, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from North Dakota [Mr. DORGAN], and the Senator from Wisconsin [Mr. FEINGOLD] were added as cosponsors of amendment No. 4266 proposed to S. 1745, an original bill to authorize appropriations for fiscal year 1997 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.

At the request of Mrs. BOXER, her name was added as a cosponsor of amendment No. 4266 proposed to S. 1745, supra.

SENATE RESOLUTION 271—ORIGINAL RESOLUTION REPORTED EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE PEOPLE'S REPUBLIC OF CHINA BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. HELMS, from the Committee on Foreign Relations, reported the following original resolution:

S. RES. 271

Whereas under the Sino-British Joint Declaration on the Question of Hong Kong of 1984, the People's Republic of China will assume sovereignty over Hong Kong on July 1, 1997.

Whereas both the People's Republic of China and Great Britain committed themselves to the Joint Declaration's explicit provisions for Hong Kong's future;

Whereas the Joint Declaration is a binding international agreement registered at the United Nations that guarantees Hong Kong a ''high degree of autonomy'' except in defense and foreign affairs, an elected legislature, an executive accountable to the elected legislature, and an independent judiciary with final power of adjudication over Hong Kong law;

Whereas the United States-Hong Kong Policy Act of 1992 expresses the support of the United States Congress for full implementation of the Joint Declaration and declared that—

(1) the United States has a ''strong interest in the continued vitality, prosperity, and stability of Hong Kong'';

(2) ''the human rights of the people of Hong Kong are of great importance to the United States and are directly relevant to United States interests in Hong Kong'';

(3) ''a fully successful transition in the exercise of sovereignty over Hong Kong must safeguard human rights in and of themselves''; and

(4) ''human rights also serve as a basis for Hong Kong's continued economic prosperity'';

Whereas on September 17, 1995, the Legislative Council was elected for a 4-year term expiring in 1999;

Whereas the election of Hong Kong's legislature is the cornerstone of the principle that the people of Hong Kong shall enjoy ''one country, two systems'' after the Government of the People's Republic of China assumes sovereignty over Hong Kong; and

Whereas the Government of the People's Republic of China and its appointed Preparatory Committee have announced their intention to abolish the elected Legislative Council and appoint a provisional legislature: Now, therefore, be it

Resolved, That (a) the Senate finds that—

(1) respect for Hong Kong's autonomy and preservation of its institutions will contribute to the stability and economic prosperity of the region; and

(2) the United States has an interest in compliance with treaty obligations.

(b) It is the sense of the Senate that—

(1) the People's Republic of China and the United Kingdom should uphold their international obligations specified in the Joint Declaration, including the commitment to an elected legislature in Hong Kong after June 30, 1997;

(2) the establishment of an appointed legislature would be a violation of the Joint Declaration, and the People's Republic of China should allow the Legislative Council elected in September 1995 to serve its full elected term; and

(3) the President and the Secretary of State should communicate to the People's Republic of China and to the Hong Kong government and Legislative Council the full support of the United States for Hong Kong's autonomy and the interest of the United States in full compliance by both the People's Republic of China and Great Britain with the Joint Declaration as a matter of international law.

SEC. 2. As used in this resolution, the term ''Joint Declaration'' means the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Beijing on December 19, 1984.

SEC. 3. The Secretary of State shall transmit a copy of this resolution to the President and the Secretary of the Senate.

SENATE RESOLUTION 272—TO AMENDMENT SENATE RESOLUTION 246

Mr. D'AMATO submitted the following resolution; which was considered and agreed to:

S. RES. 272

Resolved, That Senate Resolution 246, 104th Congress, agreed to April 17, 1996, is amended in section 1(1)(A), by inserting before the semicolon ''incurred during the period beginning on May 17, 1995, and ending on February 29, 1996, or during the period beginning on April 17, 1996, and ending on June 17, 1996''.

AMENDMENTS SUBMITTED

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

KYL AMENDMENTS NOS. 4278–4280

(Ordered to lie on the table.)

Mr. KYL submitted three amendments intended to be proposed by him to the bill (S. 1745) to authorize appropriations for fiscal year 1997 for military activities to 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:

AMENDMENT NO. 4278

At the end of subtitle C of title II, add the following:

SEC. 237. DEPLOYMENT OF THEATER MISSILE DEFENSE SYSTEMS UNDER THE ABM TREATY.

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

(1) The threat posed to the national security of the United States, the Armed Forces, and our friends and allies by the proliferation of ballistic missiles is significant and growing, both quantitatively and qualitatively.

(2) The deployment of theater missile defense systems will deny potential adversaries the option of threatening or attacking United States forces, coalition partners of the United States, or allies of the United States with ballistic missiles armed with weapons of mass destruction as a way of offsetting the operational and technical advantages of the United States Armed Forces and the armed forces of our coalition partners and allies.

(3) Although technology control regimes and other forms of international arms control agreements can contribute to nonproliferation, such measures are inadequate for dealing with missile proliferation and should not be viewed as alternatives to missile defense systems and other active and passive measures.

(4) The Department of Defense is currently considering for deployment as theater missile defense interceptors certain systems determined to comply with the ABM Treaty, including PAC3, THAAD, Navy Lower Tier, and Navy Upper Tier (also known as Navy Wide Area Defense).

(5) In the case of the ABM Treaty, as with all other arms control treaties to which the United States is signatory, each signatory bears the responsibility of ensuring that its actions comply with the treaty, and the manner of such compliance need not be a subject of negotiation between the signatories.

(b) SENSE OF SENATE.—It is the sense of the Senate that the theater missile defense systems currently considered for deployment by the Department of Defense comply with the ABM Treaty.

(c) DEPLOYMENT OF SYSTEMS.—The Secretary of Defense may proceed with the development, testing, and deployment of the theater missile defense systems currently considered for deployment by the Department of Defense.

AMENDMENT NO. 4279

At the appropriate place, insert:

Subtitle ____—National Missile Defense

SEC. 261. SHORT TITLE.

This subtitle may be cited as the ''Defend America Act of 1996''.

SEC. 262. FINDINGS.

Congress makes the following findings:

(1) Although the United States possesses the technological means to develop and deploy defensive systems that would be highly effective in countering limited ballistic missile threats to its territory, the United States has not deployed such systems and currently has no policy to do so.

(2) The threat that is posed to the national security of the United States by the proliferation of ballistic missiles is significant and growing, both quantitatively and qualitatively.

(3) The trend in ballistic missile proliferation is toward longer range and increasingly sophisticated missiles.

(4) Several countries that are hostile to the United States (including North Korea, Iran, Libya, and Iraq) have demonstrated an interest in acquiring ballistic missiles capable of reaching the United States.

(5) The Intelligence Community of the United States has confirmed that North Korea is developing an intercontinental ballistic missile that will be capable of reaching Alaska or beyond once deployed.

(6) There are ways for determined countries to acquire missiles capable of threatening the United States with little warning by means other than indigenous development.

(7) Because of the dire consequences to the United States of not being prepared to defend itself against a rogue missile attack and the long-lead time associated with preparing an effective defense, it is prudent to commence a national missile defense deployment effort before new ballistic missile threats to the United States are unambiguously confirmed.

(8) The timely deployment by the United States of an effective national missile defense system will reduce the incentives for countries to develop or otherwise acquire intercontinental ballistic missiles, thereby inhibiting as well as countering the proliferation of missiles and weapons of mass destruction.

(9) Deployment by the United States of a national missile defense system will reduce concerns about the threat of an accidental or unauthorized ballistic missile attack on the United States.

(10) The offense-only approach to strategic deterrence presently followed by the United States and Russia is fundamentally adversarial and is not a suitable basis for stability in a world in which the United States and the states of the former Soviet Union are seeking to normalize relations and eliminate Cold War attitudes and arrangements.

(11) Pursuing a transition to a form of strategic deterrence based increasingly on defensive capabilities and strategies is in the interest of all countries seeking to preserve and enhance strategic stability.

(12) The deployment of a national missile defense system capable of defending the United States against limited ballistic missile attacks would (A) strengthen deterrence at the levels of forces agreed to by the United States and Russia under the START I Treaty, and (B) further strengthen deterrence if reductions below START I levels are implemented in the future.

(13) Article XIII of the ABM Treaty envisions ''possible changes in the strategic situation which have a bearing on the provisions of this treaty''.

(14) Articles XIII and XIV of the treaty establish means for the parties to amend the treaty, and the parties have in the past used those means to amend the treaty.

(15) Article XV of the treaty establishes the means for a party to withdraw from the treaty, upon six months notice ''if it decides that extraordinary events related to the subject matter of this treaty have jeopardized its supreme interests''.

(16) Previous discussions between the United States and Russia, based on Russian President Yeltsin's proposal for a Global Protection System, envisioned an agreement to amend the ABM Treaty to allow (among other measures) deployment of as many as four ground-based interceptor sites in addition to the one site permitted under the ABM Treaty and unrestricted exploitation of sensors based within the atmosphere and in space.

SEC. 263. NATIONAL MISSILE DEFENSE POLICY.

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

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

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

(b) It is the policy of the United States to seek a cooperative transition to a regime that does not feature an offense-only form of deterrence as the basis for strategic stability.

SEC. 264. NATIONAL MISSILE DEFENSE SYSTEM ARCHITECTURE.

(a) REQUIREMENT FOR DEVELOPMENT OF SYSTEM.—To implement the policy established in section 263(a), the Secretary of Defense shall develop for deployment an affordable and operationally effective National Missile Defense (NMD) system which shall achieve an initial operational capability (IOC) by the end of 2003.

(b) ELEMENTS OF THE NMD SYSTEM.—The system to be developed for deployment shall include the following elements:

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

(A) Ground-based interceptors.

(B) Sea-based interceptors.

(C) Space-based kinetic energy interceptors.

(D) Space-based directed energy systems.

(2) Fixed ground-based radars.

(3) Space-based sensors, including the Space and Missile Tracking System.

(4) Battle management, command, control, and communications (BM/C^3).

SEC. 265. IMPLEMENTATION OF NATIONAL MISSILE DEFENSE SYSTEM.

The Secretary of Defense shall—

(1) upon the enactment of this Act, promptly initiate required preparatory and planning actions that are necessary so as to be capable of meeting the initial operational capability (IOC) date specified in section 264(a);

(2) plan to conduct by the end of 1998 an integrated systems test which uses elements (including BM/C³ elements) that are representative of, and traceable to, the national missile defense system architecture specified in section 264(b);

(3) prescribe and use streamlined acquisition policies and procedures to reduce the cost and increase the efficiency of developing the system specified in section 264(a); and

(4) develop an affordable national missile defense follow-on program that—

(A) leverages off of the national missile defense system specified in section 264(a), and

(B) augments that system, as the threat changes, to provide for a layered defense.

SEC. 266. REPORT ON PLAN FOR NATIONAL MISSILE DEFENSE SYSTEM DEVELOPMENT AND DEPLOYMENT.

Not later than March 15, 1997, the Secretary of Defense shall submit to Congress a report on the Secretary's plan for development and deployment of a national missile defense system pursuant to this subtitle. The report shall include the following matters:

(1) The Secretary's plan for carrying out this subtitle, including—

(A) a detailed description of the system architecture selected for development under section 264(b); and

(B) a discussion of the justification for the selection of that particular architecture.

(2) The Secretary's estimate of the amount of appropriations required for research, development, test, evaluation, and for procurement, for each of fiscal years 1997 through 2003 in order to achieve the initial operational capability date specified in section 264(a).

(3) A cost and operational effectiveness analysis of follow-on options to improve the effectiveness of such system.

(4) A determination of the point at which any activity that is required to be carried out under this subtitle would conflict with the terms of the ABM Treaty, together with a description of any such activity, the legal basis for the Secretary's determination, and an estimate of the time at which such point would be reached in order to meet the initial operational capability date specified in section 264(a).

SEC. 267. POLICY REGARDING THE ABM TREATY.

(a) ABM TREATY NEGOTIATIONS.—In light of the findings in section 262 and the policy established in section 263, Congress urges the President to pursue high-level discussions with the Russian Federation to achieve an agreement to amend the ABM Treaty to allow deployment of the national missile defense system being developed for deployment under section 264.

(b) REQUIREMENT FOR SENATE ADVICE AND CONSENT.—If an agreement described in subsection (a) is achieved in discussions described in that subsection, the President shall present that agreement to the Senate for its advice and consent. No funds appropriated or otherwise available for any fiscal year may be obligated or expended to implement such an amendment to the ABM Treaty unless the amendment is made in the same manner as the manner by which a treaty is made.

(c) ACTION UPON FAILURE TO ACHIEVE NEGOTIATED CHANGES WITHIN ONE YEAR.—If an agreement described in subsection (a) is not achieved in discussions described in that subsection within one year after the date of the enactment of this Act, the President and Congress, in consultation with each other, shall consider exercising the option of withdrawing the United States from the ABM Treaty in accordance with the provisions of Article XV of that treaty.

SEC. 268. ABM TREATY DEFINED.

For purposes of this subtitle, the term ''ABM Treaty'' means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, and signed at Moscow on May 26, 1972, and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974.

AMENDMENT NO. 4280

At the end of subtitle C of title II, add the following:

SEC. 237. REQUIREMENT THAT MULTILATERALIZATION OF THE ABM TREATY BE DONE ONLY THROUGH TREATY-MAKING POWER.

Any addition of a new signatory party to the ABM Treaty (in addition to the United States and the Russian Federation) constitutes an amendment to the treaty that can only be agreed to by the United States through the treaty-making power of the United States. No funds appropriated or otherwise available for any fiscal year may be obligated or expended for the purpose of implementing or making binding upon the United States the participation of any additional nation as a party to the ABM Treaty unless that nation is made a party to the treaty by an amendment to the Treaty that is made in the same manner as the manner by which a treaty is made.

JEFFORDS (AND PELL) AMENDMENT NO. 4281

(Ordered to lie on the table.)

Mr. JEFFORDS (for himself and Mr. PELL) submitted an amendment intended to be proposed by them to amendment No. 4112 submitted by Mr. FORD to the bill, S. 1745, supra; as follows:

On page 1, strike lines 6 through 8, and insert the following: 7703(a)) is amended—

(1) by striking ''2000 and such number equals or exceeds 15'' and inserting ''1000 or such number equals or exceeds 10''; and

(2) by inserting '', except that notwithstanding any other provision of this title the Secretary shall not make a payment computed under this paragraph for a child described in subparagraph (F) or (G) of paragraph (1) who is associated with Federal property used for Department of Defense activities unless funds for such payment are made available to the Secretary from funds available to the Secretary of Defense'' before the period.

MCCAIN AMENDMENT NO. 4282

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to amendment No. 4237 submitted by Mr. SHELBY to the bill, S. 1745. supra; as follows:

In matter proposed to be inserted, insert after ''Depot'' the following: ''(the inclusion of which in the text of this section shall constitute a repeal of section 2466 of title 10, United States Code)''.

MCCAIN AMENDMENT NO. 4283

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to amendment No. 4154 submitted by Mr. HELMS to the bill, S. 1745. supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

In section 1031(a), strike out ''The Secretary of Defense'' and insert in lieu thereof ''Subject to subsection (e), the Secretary of Defense''.

At the end of section 1031, add the following:

(e) LIMITATIONS.—(1) The Secretary may not obligate or expend funds to provide support under this section until 15 days after the date on which the Secretary submits to the committees referred to in paragraph (3) the certification described in paragraph (2).

(2) The certification referred to in paragraph (1) is a written certification of the following:

(A) That the provision of support under this section will not adversely affect the military preparedness of the United States Armed Forces.

(B) That the equipment and material provided as support will be used only by officials and employees of the Government of Mexico who have undergone a background check by the Government of Mexico.

(C) That the Government of Mexico has certified to the Secretary that—

(i) the equipment and material provided as support will be used only by the officials and employees referred to in subparagraph (B);

(ii) none of the equipment or material will be transferred (by sale, gift, or otherwise) to any person or entity not authorized by the United States to receive the equipment or material; and

(iii) the equipment and material will be used only for the purposes intended by the United States Government.

(D) That the Government of Mexico has implemented, to the satisfaction of the Secretary, a system that will provide an accounting and inventory of the equipment and materiel provided as support.

(E) That the departments, agencies, and instrumentalities of the Government of Mexico will grant United States Government personnel access, subject to the terms and conditions specified in section 505 of the Foreign Assistance Act, to any of the equipment or materiel provided as support, or to any of the records relating to such equipment or materiel.

(F) That the Government of Mexico will provide security with respect to the equipment and materiel provided as support that is equal to the security that the United States Government would provide with respect to such equipment and materiel.

(G) That the Government of Mexico will permit end use monitoring of equipment and materiel provided as support by United States Government personnel for use by the Government of Mexico subject to the terms and conditions specified in section 505 of the Foreign Assistance Act.

(3) The committees referred to in this paragraph are the following:

(A) The Committees on Armed Services and Foreign Relations of the Senate.

(B) the Committees on National Security and International Relations of the House of Representatives.

MCCAIN AMENDMENT NO. 4284

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to amendment No. 4132 submitted by Mr. EXON to the bill, S. 1745, supra; as follows:

Instead of the matter proposed to be added, add the following:

SEC. 368. AUTHORITY OF AIR NATIONAL GUARD TO PROVIDE CERTAIN SERVICES AT LINCOLN MUNICIPAL AIRPORT, LINCOLN, NEBRASKA.

(a) AUTHORITY.—Subject to subsection (b), the Air National Guard may provide fire protection services and rescue services relating to aircraft at Lincoln Municipal Airport, Lincoln, Nebraska, on behalf of the Lincoln

Municipal Airport Authority, Lincoln, Nebraska.

(b) AGREEMENT.—The Air National Guard may not provide services under subsection (a) until the Air National Guard and the authority enter into an agreement under which the authority reimburses the Air National Guard for the cost of the services provided.

(c) CONDITIONS.—These services may only be provided:

(1) to the extent that such services cannot reasonably be provided by a source other than the Department;

(2) to the extent that the provision of such services does not adversely affect the military preparedness of the Armed Forces.

MCCAIN AMENDMENT NO. 4285

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to amendment No. 4204 submitted by Mr. HARKIN to the bill, S. 1745, supra; as follows:

In lieu of the matter to be stricken in section 305(a), strike ''$14,526,000 may be made available to'' and insert in lieu thereof ''not more than $14,526,000 may be made available to''.

In lieu of the matter to be inserted in section 305(b), insert the following ''search and rescue and disaster relief missions.''.

After 305(b) add:

''(c) DEPARTMENT OF DEFENSE INSPECTOR GENERAL INVESTIGATION.—The Inspector General of the Department of Defense shall conduct an investigation into the lobbying activities of the Civil Air Patrol in order to determine if federally provided funds are being used to lobby the Congress of the United States''.

MCCAIN AMENDMENT NO. 4286

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to amendment No. 4139 submitted by Mr. HEFLIN to the bill, S. 1745, supra; as follows:

In matter proposed to be inserted, insert after ''Depot'' the following: ''(the inclusion of which in the text of this section shall constitute a repeal of section 2466 of title 10, United States Code)''.

KYL AMENDMENT NO. 4287

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

Strike out section 231 and insert in lieu thereof the following new section:

SEC. 231. POLICY ON COMPLIANCE WITH THE ABM TREATY.

(a) POLICY CONCERNING SYSTEMS SUBJECT TO ABM TREATY.—Congress finds that, unless and until a missile defense system, system upgrade, or system component is flight tested in an ABM-qualifying flight test (as defined in subsection (c)), such system, system upgrade, or system component—

(1) has not, for purposes of the ABM Treaty, been tested in an ABM mode nor been given capabilities to counter strategic ballistic missiles; and

(2) therefore is not subject to any application, limitation, or obligation under the ABM Treaty.

(b) PROHIBITIONS.—(1) Funds appropriated to the Department of Defense may not be obligated or expended for the purpose of—

(A) prescribing, enforcing, or implementing any Executive order, regulation, or policy that would apply the ABM Treaty (or any limitation or obligation under such Treaty) to research, development, testing, or deployment of a theater missile defense system, a theater missile defense system upgrade, or a theater missile defense system component; or

(B) taking any other action to provide for the ABM Treaty (or any limitation or obligation under such Treaty) to be applied to research, development, testing, or deployment of a theater missile defense system, a theater missile defense system upgrade, or a theater missile defense system component.

(2) This subsection applies with respect to each missile defense system, missile defense system upgrade, or missile defense system component that is capable of countering modern theater ballistic missiles.

(3) This subsection shall cease to apply with respect to a missile defense system, missile defense system upgrade, or missile defense system component when that system, system upgrade, or system component has been flight tested in an ABM-qualifying flight test.

(c) ABM-QUALIFYING FLIGHT TEST DEFINED.—For purposes of this section, an ABM-qualifying flight test is a flight test against a ballistic missile which, in that flight test, exceeds—

(1) a range of 3,500 kilometers; or

(2) a velocity of 5 kilometers per second.

MCCAIN AMENDMENTS NOS. 4288—4291

(Ordered to lie on the table.)

Mr. MCCAIN submitted four amendments intended to be proposed by him to amendment No. 4116 submitted by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4288

On page 1, line 2, strike all after the phrase ''SEC. .'', and insert in lieu thereof the following:

''It is the sense of the Senate that, notwithstanding any other provision of law, in order to maximize the amount of equipment provided to the Government of Bosnia and Herzegovina under the authority contained in Section 540 of the Foreign Operations Act of 1996 (P.L. 104–107), the price of the transferred equipment shall not exceed the lowest level at which the same or similar equipment has been transferred to any other country under any other U.S. government program.''

AMENDMENT NO. 4289

On page 1, line 2, strike all after the phrase ''SEC. .'', and insert in lieu thereof the following:

''Notwithstanding any other provision of law, in order to maximize the amount of equipment provided to the Government of Bosnia and Herzegovina under the authority contained in Section 540 of the Foreign Operations Act of 1996 (P.L. 104–107), the value assigned to the equipment to be transferred under this authority shall not exceed the lowest value assigned to any of the same or similar types of equipment transferred to any other country under any other U.S. government program. Nothing in this section shall be construed as requiring the Department of Defense to transfer any equipment under this authority.''

AMENDMENT NO. 4290

On page 1, line 2, strike all after the phrase ''SEC. .'', and insert in lieu thereof the following:

''Notwithstanding any other provision of law, in order to maximize the amount of equipment provided to the Government of Bosnia and Herzegovina under the authority contained in Section 540 of the Foreign Operations Act of 1996 (P.L. 104–107), the value assigned to the equipment to be transferred under this authority shall not exceed the lowest value assigned to any of the same or similar types of equipment transferred to any other country under any other U.S. government program.''

AMENDMENT NO. 4291

On page 1, line 2, strike all after the phrase ''SEC. .'', and insert in lieu thereof the following:

''It is the sense of the Senate that, notwithstanding any other provision of law, in order to maximize the amount of equipment provided to the Government of Bosnia and Herzegovina under the authority contained in Section 540 of the Foreign Operations Act of 1996 (P.L. 104–107), the value assigned to the equipment to be transferred under this authority shall not exceed the lowest value assigned to any of the same or similar types of equipment transferred to any other country under any other U.S. government program.''

FAIRCLOTH AMENDMENT NO. 4292

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle B of title II add the following:

SEC. 223. SOUTHERN OBSERVATORY FOR ASTROPHYSICAL RESEARCH PROJECT.

Of the total amount authorized to be appropriated under section 201(4), $3,000,000 is available for the Southern Observatory for Astrophysical Research (SOAR) project of the Defense Advanced Research Projects Agency.

COHEN (AND LOTT) AMENDMENT NO. 4293

Mrs. HUTCHISON (for Mr. COHEN, for himself and Mr. LOTT) proposed an amendment to the bill, S. 1745, supra; as follows:

Strike out section 124 and insert in lieu thereof the following:

SEC. 124. ARLEIGH BURKE CLASS DESTROYER PROGRAM.

(a) FUNDING.—(1) Subject to paragraph (3), funds authorized to be appropriated by section 102(a)(3) may be made available for contracts entered into in fiscal year 1996 under subsection (b)(1) of section 135 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 211) for construction for the third of the three Arleigh Burke class destroyers covered by that subsection. Such funds are in addition to amounts made available for such contracts by the second sentence of subsection (a) of that section.

(2) Subject to paragraph (3), funds authorized to be appropriated by section 102(a)(3) may be made available for contracts entered into in fiscal year 1997 under subsection (b)(2) of such section 135 for construction (including advance procurement) for the Arleigh Burke class destroyers covered by such subsection (b)(2).

(3) The aggregate amount of funds available under paragraphs (1) and (2) for contracts referred to in such paragraphs may not exceed $3,483,030,000.

(4) Within the amount authorized to be appropriated by section 102(a)(3), $750,000,000 is authorized to be appropriated for advance

procurement for construction for the Arleigh Burke class destroyers authorized by subsection (b).

(b) AUTHORITY FOR MULTIYEAR PROCUREMENT OF TWELVE VESSELS.—The Secretary of the Navy is authorized, pursuant to section 2306b of title 10, United States Code, to enter into multiyear contracts for the procurement of a total of 12 Arleigh Burke class destroyers at a procurement rate of three ships in each of fiscal years, 1998, 1999, 2000, and 2001 in accordance with this subsection and subsections (a)(4) and (c), subject to the availability of appropriations for such destroyers. A contract for construction of one or more vessels that is entered into in accordance with this subsection shall include a clause that limits the liability of the Government to the contractor for any termination of the contract.

SANTORUM (AND KYL) AMENDMENT NO. 4294

Mr. NUNN (for Mr. SANTORUM, for himself and Mr. KYL) proposed an amendment to the bill, S. 1745, supra; as follows:

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

SEC. . COMPUTER EMERGENCY RESPONSE TEAM AT SOFTWARE ENGINEERING INSTITUTE.

(a) FUNDING.—Of the amounts authorized to be appropriated under this Act, $2,000,000 shall be available to the Software Engineering Institute only for use by the Computer Emergency Response Team.

(b) Funds authorized by section 301(2) for the Challenge Athena program shall be reduced by $2,000,000.

THURMOND AMENDMENT NO. 4295

Mrs. HUTCHISON (for Mr. THURMOND) proposed an amendment to the bill, S. 1745, supra; as follows:

Beginning on page 127, strike out line 20 and all that follows through page 129, line 10, and insert in lieu thereof the following:

''(2)(A) Not more than 25 officers of any one armed force may be serving on active duty concurrently pursuant to orders to active duty issued under this section.

''(B) In the administration of subparagraph (A), the following officers shall not be counted:

''(i) A chaplain who is assigned to duty as a chaplain for the period of active duty to which ordered.

''(ii) A health care professional (as characterized by the Secretary concerned) who is assigned to duty as a health care professional for the period of the active duty to which ordered.

''(iii) Any officer assigned to duty with the American Battle Monuments Commission for the period of active duty to which ordered.''.

(b) OFFICERS RETIRED ON SELECTIVE EARLY RETIREMENT BASIS.—Such section is amended by adding at the end the following:

''(e) The following officers may not be ordered to active duty under this section:

''(1) An officer who retired under section 638 of this title.

''(2) An officer who—

''(A) after having been notified that the officer was to be considered for early retirement under section 638 of this title by a board convened under section 611(b) of this title and before being considered by that board, requested retirement under section 3911, 6323, or 8911 of this title; and

''(B) was retired pursuant to that request.''.

(c) LIMITATION OF PERIOD OF RECALL SERVICE.—Such section, as amended by subsection (b), is further amended by adding at the end the following:

''(f) A member ordered to active duty under subsection (a) may not serve on active duty pursuant to orders under such subsection for more than 12 months within the 24 months following the first day of the active duty to which ordered under this section.''.

FEINSTEIN AMENDMENT NO. 4296

Mr. NUNN (for Mrs. FEINSTEIN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle B of title II, add the following:

SEC. 223. FUNDING FOR BASIC RESEARCH IN NUCLEAR SEISMIC MONITORING.

Of the amount authorized to be appropriated by section 201(3) and made available for arms control implementation for the Air Force (account PE0305145F), $6,500,000 shall be available for basic research in nuclear seismic monitoring.

LOTT AMENDMENT NO. 4297

Mrs. HUTCHISON (for Mr. LOTT) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle A of title V add the following:

SEC. 506. GRADE OF CHIEF OF NAVAL RESEARCH.

Section 5022(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following:

''(2) Unless appointed to higher grade under another provision of law, an officer, while serving in the Office of Naval Research as Chief of Naval Research, has the rank of rear admiral (upper half).''.

DORGAN (AND CONRAD) AMENDMENT NO. 4298

Mr. NUNN (for Mr. DORGAN, for himself and Mr. CONRAD) proposed an amendment to the bill, S. 1745, supra; as follows:

On page 393, after line 23, add the following:

SEC. 2828. LAND CONVEYANCE, WILLIAM LANGER JEWEL BEARING PLANT, ROLLA, NORTH DAKOTA.

(a) AUTHORITY TO CONVEY.—The Administrator of General Services may convey without consideration, to the Job Development Authority of the City of Rolla, North Dakota (in this section referred to as the ''Authority''), all right, title, and interest of the United States in and to a parcel of real property, with improvements thereon and all associated personal property, consisting of approximately 9.77 acres and comprising the William Langer Jewel Bearing Plant in Rolla, North Dakota.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the Authority—

(1) use the real and personal property and improvements conveyed under the subsection for economic development relating to the jewel bearing plant;

(2) enter into an agreement with an appropriate public or private entity or person to lease such property and improvements to that entity or person for such economic development; or

(3) enter into an agreement with an appropriate public or private entity or person to sell such property and improvements to that entity or person for such economic development.

(c) PREFERENCE FOR DOMESTIC DISPOSAL OF JEWEL BEARINGS.—(1) In offering to enter into agreements pursuant to any provision of law for the disposal of jewel bearings from the National Defense Stockpile, the President shall give a right of first refusal on all such offers to the Authority or to the appropriate public or private entity or person with which the Authority enters into an agreement under subsection (b).

(2) For the purposes of this section, the term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98(c)).

(d) AVAILABILITY OF FUNDS FOR MAINTENANCE AND CONVEYANCE OF PLANT.—Notwithstanding any other provision of law, funds available in fiscal year 1995 for the maintenance of the William Langer Jewel Bearing Plant in Public Law 103–335 shall be available for the maintenance of that plant in fiscal year 1996, pending conveyance, and for the conveyance of that plant under this section.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the Administrator.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under this section as the Administrator determines appropriate to protect the interests of the United States.

THOMAS AMENDMENT NO. 4299

Mrs. HUTCHISON (for Mr. THOMAS) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle D of title XXXI, add the following:

SEC. 3161. REPORT ON DEPARTMENT OF ENERGY LIABILITY AT DEPARTMENT SUPERFUND SITES.

(a) STUDY.—The Secretary of Energy shall, using funds authorized to be appropriated to the Department of Energy by section 3102, carry out a study of the liability of the Department for damages for injury to, destruction of, or loss of natural resources under section 107(a)(4)(C) of the Comprehensive Environmental Response, and Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)(4)(C) at each site controlled or operated by the Department that is or is anticipated to become subject to the provisions of that Act.

(b) CONDUCT OF STUDY.—(1) The Secretary shall carry out the study using personnel of the Department or by contract with an appropriate private entity.

(2) In determining the extent of Department liability for purposes of the study, the Secretary shall treat the Department as a private person liable for damages under section 107(f) of that Act (42 U.S.C. 9607(f)) and subject to suit by public trustees of natural resources under such section 107(f) for such damages.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit a report on the study carried out under subsection (a) to the following committees:

(1) The Committees on Environment and Public Works and Armed Services and Energy and Natural Resources of the Senate.

(2) The Committees on Commerce and National Security and Resources of the House of Representatives.

ROBB (AND WARNER) AMENDMENT NO. 4300

Mr. NUNN (for Mr. ROBB, for himself and Mr. WARNER) proposed an amendment to the bill, S. 1745, supra; as follows:

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

SEC. 1054. INFORMATION ON PROPOSED FUNDING FOR THE GUARD AND RESERVE COMPONENTS IN FUTURE-YEARS DEFENSE PROGRAMS.

(a) REQUIREMENT.—The Secretary of Defense shall specify in each future-years defense program submitted to Congress after the date of the enactment of this Act the estimated expenditures and proposed appropriations for the procurement of equipment and for military construction for each of the Guard and Reserve components.

(b) DEFINITION.—For purposes of this section, the term ''Guard and Reserve components'' means the following:

(1) The Army Reserve.

(2) The Army National Guard of the United States.

(3) The Naval Reserve.

(4) The Marine Corps Reserve.

(5) The Air Force Reserve.

(6) The Air National Guard of the United States.

CHAFEE AMENDMENT NO. 4301

Mrs. HUTCHISON (for Mr. CHAFEE) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of section 348, add the following:

(c) REPORT ON COMPLIANCE WITH ANNEX V TO THE CONVENTION.—The Secretary of Defense shall include in each report on environmental compliance activities submitted to Congress under section 2706(b) of title 10, United States Code, the following information:

(1) A list of the ships types, if any, for which the Secretary of the Navy has made the determination referred to in paragraph (2)(C) of section 3(c) of the Act to Prevent Pollution from Ships, as amended by subsection (a)(2) of this section.

(2) A list of ship types which the Secretary of the Navy has determined can comply with Regulation 5 of Annex V to the Convention.

(3) A summary of the progress made by the Navy in implementing the requirements of paragraphs (2) and (3) such section 3(c), as so amended.

(4) A description of any emerging technologies offering the potential to achieve full compliance with Regulation 5 of Annex V to the Convention.

(d) PUBLICATION REGARDING SPECIAL AREA DISCHARGES.—Section 3(e)(4) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(e)(4)) is amended by striking out subparagraph (A) and inserting in lieu thereof the following:

''(A) The amount and nature of the discharges in special areas, not otherwise authorized under this title, during the preceding year from ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy.''.

FEINSTEIN AMENDMENT NO. 4302

Mr. NUNN (for Mrs. FEINSTEIN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle D of title XXXI, add the following:

SEC. 3161. FISCAL YEAR 1998 FUNDING FOR GREENVILLE ROAD IMPROVEMENT PROJECT, LIVERMORE, CALIFORNIA.

(a) FUNDING.—The Secretary of Energy shall include in budget for fiscal year 1998 submitted by the Secretary of Energy to the Office of Management and Budget a request for sufficient funds to pay the United States portion of the cost of transportation improvements under the Greenville Road Improvement Project, Livermore, California.

(b) COOPERATION WITH LIVERMORE, CALIFORNIA.—The Secretary shall work with the City of Livermore, California, to determine the cost of the transportation improvements referred to in subsection (a).

BROWN AMENDMENT NO. 4303

Mrs. HUTCHISON (for Mr. BROWN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle B of title I, add the following:

SEC. 113. STUDY REGARDING NEUTRALIZATION OF THE CHEMICAL WEAPONS STOCKPILE.

(a) STUDY.—The Secretary of Defense shall conduct a study to determine the cost of incineration of the current chemical munitions stockpile by building incinerators at each existing facility compared to the proposed cost of dismantling those same munitions, neutralizing them at each storage site and transporting the neutralized remains and all munitions parts to a centrally located incinerator within the United States for incineration.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of the Congress a report on the study carried out under subsection (a).

WELLSTONE AMENDMENT NO. 4304

Mr. NUNN (for Mr. WELLSTONE) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of title VII add the following:

SEC. 708. PREVENTIVE HEALTH CARE SCREENING FOR COLON AND PROSTATE CANCER.

(a) MEMBERS AND FORMER MEMBERS.—(1) Section 1074d of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) by inserting ''(1)'' before ''Female''; and

(ii) by adding at the end the following new paragraph:

''(2) Male members and former members of the uniformed services entitled to medical care under section 1074 or 1074a of this title shall also be entitled to preventive health care screening for colon or prostate cancer at such intervals and using such screening methods as the administering Secretaries consider appropriate.''; and

(B) in subsection (b), by adding at the end the following new paragraph:

''(8) Colon cancer screening, at the intervals and using the screening methods prescribed under subsection (a)(2).''.

(2)(A) The heading of such section is amended to read as follows:

''§ 1074d. Primary and preventive health care services

(B) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

''1074d. Primary and preventive health care services.''.

(b) DEPENDENTS.—(1) Section 1077(a) of such title is amended by adding at the end the following new paragraph:

''(14) Preventive health care screening for colon or prostate cancer, at the intervals and using the screening methods prescribed under section 1074d(a)(2) of this title.''.

(2) Section 1079(a)(2) of such title is amended—

(A) in the matter preceding subparagraph (A), by inserting ''the schedule and method of colon and prostate cancer screenings,'' after ''pap smears and mammograms,''; and

(B) in subparagraph (B), by inserting ''or colon and prostate cancer screenings'' after ''pap smears and mammograms''.

DOMENICI AMENDMENT NO. 4305

Mrs. HUTCHISON (for Mr. DOMENICI) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title II add the following:

SEC. 237. SCORPIUS SPACE LAUNCH TECHNOLOGY PROGRAM.

Of the amount authorized to be appropriated under section 201(4) for the Ballistic Missile Defense Organization for Support Technologies/Follow-On Technologies (PE 63173C), up to $7,500,000 is available for the Scorpius space launch technology program.

HEFLIN (AND SHELBY) AMENDMENT NO. 4306

Mr. NUNN (for Mr. HEFLIN, for himself and Mr. SHELBY) proposed an amendment to the bill, S. 1745, supra; as follows:

In section 1102(a)(2), strike out ''during fiscal year 1997''.

LOTT AMENDMENT NO. 4307

Mrs. HUTCHISON (for Mr. LOTT) proposed an amendment to the bill, S. 1645, supra; as follows:

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

SEC. 1054. REPORT ON FACILITIES USED FOR TESTING LAUNCH VEHICLE ENGINES.

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the National Aeronautics and Space Administration, shall submit to Congress a report on the facilities used for testing launch vehicle engines.

(b) CONTENT OF REPORT.—The report shall contain an analysis of the duplication between Air Force and National Aeronautics and Space Administration hydrogen rocket test facilities and the potential benefits of further coordinating activities at such facilities.

THURMOND AMENDMENTS NOS. 4308–4309

Mrs. HUTCHINSON (for Mr. THURMOND) proposed two amendments to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4308

At the end of subtitle C of title I add the following:

SEC. 124. ADDITIONAL EXCEPTION FROM COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.

Section 133 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 211) is amended—

(1) in subsection (a), by striking out ''subsection (b)'' and inserting in lieu thereof ''subsections (b) and (c)''; and

(2) by striking out subsection (c) and inserting in lieu thereof the following:

''(c) COSTS NOT INCLUDED.—The previous obligations of $745,700,000 for the SSN–23, SSN–24, and SSN–25 submarines, out of funds appropriated for fiscal years 1990, 1991, and 1992, that were subsequently canceled (as a result of a cancellation of such submarines)

shall not be taken into account in the application of the limitation in subsection (a).''.

AMENDMENT NO. 4309

At the end of section 634, add the following:

(e) EXPIRATION OF AUTHORITY.—The authority to pay annuities under this section shall expire on September 30, 2001.

Strike out section 2812, relating to the disposition of proceeds of certain commissary stores and nonappropriated fund instrumentalities.

KENNEDY (AND COATS) AMENDMENTS NOS. 4310–4311

Mr. NUNN (for Mr. KENNEDY, for himself and Mr. COATS) proposed two amendments to the bill, S. 1745, supra; as follows:

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

SEC. 1072. SENSE OF THE SENATE ON DEPARTMENT OF DEFENSE SHARING OF EXPERIENCES UNDER MILITARY YOUTH PROGRAMS.

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

(1) Programs of the Department of Defense for youth who are dependents of members of the Armed Forces have not received the same level of attention and resources as have child care programs of the Department since the passage of the Military Child Care Act of 1989 (title XV of Public Law 101–189; 10 U.S.C. 113 note).

(2) Older children deserve as much attention to their developmental needs as do younger children.

(3) The Department has started to direct more attention to programs for youths who are dependents of members of the Armed Forces by funding the implementation of 20 model community programs to address the needs of such youths.

(4) The lessons learned from such programs could apply to civilian youth programs as well.

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

(1) the Department of Defense, Federal, State, and local agencies, and businesses and communities involved in conducting youth programs could benefit from the development of partnerships to foster an exchange of ideas, information, and materials relating to such programs and to encourage closer relationships between military installations and the communities that support them;

(2) such partnerships could benefit all families by helping the providers of services for youths exchange ideas about innovative ways to address barriers to the effective provision of such services; and

(3) there are many ways that such partnerships could be developed, including—

(A) cooperation between the Department and Federal and State educational agencies in exploring the use of public school facilities for child care programs and youth programs that are mutually beneficial to the Department and civilian communities and complement programs of the Department carried out at its facilities; and

(B) improving youth programs that enable adolescents to relate to new peer groups when families of members of the Armed Forces are relocated.

(c) REPORT.—Not later than June 30, 1997, the Secretary of Defense shall submit to Congress a report on the status of any initiatives undertaken this section, including recommendations for additional ways to improve the youth programs of the Department of Defense and to improve such program so as to benefit communities in the vicinity of military installations.

AMENDMENT NO. 4311

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

SEC. 1072. SENSE OF THE SENATE ON DEPARTMENT OF DEFENSE SHARING OF EXPERIENCES WITH MILITARY CHILD CARE.

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

(1) The Department of Defense should be congratulated on the successful implementation of the Military Child Care Act of 1989 (title XV of Public Law 101–189; 10 U.S.C. 113 note).

(2) The actions taken by the Department as a result of that Act have dramatically improved the availability, affordability, quality, and consistency of the child care services provided to members of the Armed Forces.

(3) Child care is important to the readiness of members of the Armed Forces because single parents and couples in military service must have access to affordable child care of good quality if they are to perform their jobs and respond effectively to long work hours or deployments.

(4) Child care is important to the retention of members of the Armed Forces in military service because the dissatisfaction of the families of such members with military life is a primary reason for the departure of such members from military service.

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

(1) the civilian and military child care communities, Federal, State, and local agencies, and businesses and communities involved in the provision of child care services could benefit from the development of partnerships to foster an exchange of ideas, information and materials relating to their experiences with the provision of such services and to encourage closer relationships between military installations and the communities that support them;

(2) such partnerships would be beneficial to all families by helping providers of child care services exchange ideas about innovative ways to address barriers to the effective provision of such services; and

(3) there are many ways that these partnerships can be developed, including—

(A) cooperation between the directors and curriculum specialists of military child development centers and civilian child development centers in assisting such centers in the accreditation process;

(B) use of family support staff to conduct parent and family workshops for new parents and parents with young children in family housing on military installations and in communities in the vicinity of such installations;

(C) internships in Department of Defense child care programs for civilian child care providers to broaden the base of good-quality child care services in communities in the vicinity of military installations; and

(D) attendance by civilian child care providers at Department child-care training classes on a space-available basis.

(c) REPORT.—Not later than June 30, 1997, the Secretary of Defense shall submit to Congress a report on the status of any initiatives undertaken this section, including recommendations for additional ways to improve the child care programs of the Department of Defense and to improve such programs so as to benefit civilian child care providers in communities in the vicinity of military installations.

THURMOND AMENDMENT NO. 4312

Mrs. HUTCHINSON (for Mr. THURMOND) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle B of title IV, add the following:

SEC. 413. PERSONNEL MANAGEMENT RELATING TO ASSIGNMENT TO SERVICE IN THE SELECTIVE SERVICE SYSTEM.

Section 10 of the Military Selective Service Act (50 U.S.C. App. 460) is amended—

(1) in subsection (b)(2), by inserting '', subject to subsection (e),'' after ''to employ such number of civilians, and''; and

(2) by inserting after subsection (d) the following:

''(e)(1) The number of armed forces personnel assigned to the Selective Service System under subsection (b)(2) may not exceed 745, except in a time of war declared by Congress or national emergency declared by Congress or the President.

''(2) Members of the Selected Reserve assigned to the Selective Service System under subsection (b)(2) shall not be counted for purposes of any limitation on the authorized strength of Selected Reserve personnel of the reserve components under any law authorizing the end strength of such personnel.''.

HATFIELD (AND WYDEN) AMENDMENT NO. 4313

Mrs. HUTCHISON (for Mr. HATFIELD, for himself and Mr. WYDEN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle D of title XXXI, add the following:

SEC. 3161. OPPORTUNITY FOR REVIEW AND COMMENT BY STATE OF OREGON REGARDING CERTAIN REMEDIAL ACTIONS AT HANFORD RESERVATION, WASHINGTON.

(a) OPPORTUNITY.—(1) Subject to subsection (b), the Site Manager at the Hanford Reservation, Washington, shall, in consultation with the signatories to the Tri-Party Agreement, provide the State of Oregon an opportunity to review and comment upon any information the Site Manager provides the State of Washington under the Hanford Tri-Party Agreement if the agreement provides for the review of and comment upon such information by the State of Washington.

(2) In order to facilitate the review and comment of the State of Oregon under paragraph (1), the Site Manager shall provide information referred to in that paragraph to the State of Oregon at the same time, or as soon thereafter as is practicable, that the Site Manager provides such information to the State of Washington.

(b) CONSTRUCTION.—This section may not be construed—

(1) to require the Site Manager to provide the State of Oregon sensitive information on enforcement under the Tri-Party Agreement or information on the negotiation, dispute resolution, or State cost recovery provisions of the agreement;

(2) to require the Site Manager to provide confidential information on the budget or procurement at Hanford under terms other than those provided in the Tri-Party Agreement for the transmission of such confidential information to the State of Washington;

(3) to authorize the State of Oregon to participate in enforcement actions, dispute resolution, or negotiation actions conducted under the provisions of the Tri-Party Agreement;

(4) to authorize any delay in the implementation of remedial, environmental management, or other programmatic activities at Hanford; or

(5) to require the Department of Energy to provide funds to the State of Oregon.

SEC. 3162. SENSE OF SENATE ON HANFORD MEMORANDUM OF UNDERSTANDING.

It is the sense of the Senate that—

(1) the State of Oregon has the authority to enter into a memorandum of understanding with the State of Washington, or a memorandum of understanding with the State of Washington and the Site Manager of the Hanford Reservation, Washington, in order to address issues of mutual concern to such States, regarding the Hanford Reservation; and

(2) such agreements are not expected to create any additional obligation of the Department of Energy to provide funds to the State of Oregon.

MURKOWSKI AMENDMENT NO. 4314

Mrs. HUTCHISON (for Mr. MURKOWSKI) proposed an amendment to the bill, S. 1745, supra; as follows:

Strike out section 3158 and insert in lieu thereof the following new section 3158:

SEC. 3158. SENSE OF CONGRESS RELATING TO REDESIGNATION OF DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the program of the Department of Energy known as the Defense Environmental Restoration and Waste Management Program, and also known as the Environmental Management Program, be redesignated as the Defense Nuclear Waste Management Program of the Department of Energy.

(b) REPORT ON REDESIGNATION.—Not later than January 31, 1997, the Secretary of Energy shall submit to the congressional defense committees a report on the costs and other difficulties, if any, associated with the following:

(1) The redesignation of the program known as the Defense Environmental Restoration and Waste Management Program, and also known as the Environmental Management Program, as the Defense Nuclear Waste Management Program of the Department of Energy.

(2) The redesignation of the Defense Environmental Restoration and Waste Management Account as the Defense Nuclear Waste Management Account.

SIMON (AND MOSELEY-BRAUN) AMENDMENT NO. 4315

Mr. NUNN (for Mr. SIMON, for himself and Mr. MOSELEY-BRAUN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title XXVIII add the following:

SEC. 2828. REAFFIRMATION OF LAND CONVEYANCES, FORT SHERIDAN, ILLINOIS.

As soon as practicable after the date of the enactment of this Act, the Secretary of the Army shall complete the land conveyances involving Fort Sheridan, Illinois, required or authorized under section 125 of the Military Construction Appropriations Act, 1996 (Public Law 104–32; 109 Stat. 290).

SMITH (AND GREGG) AMENDMENT NO. 4316

Mrs. HUTCHISON (for Mr. SMITH, for himself and Mr. GREGG) proposed an amendment to the bill, S. 1745 supra; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2828. LAND CONVEYANCE, CRAFTS BROTHERS RESERVE TRAINING CENTER, MANCHESTER, NEW HAMPSHIRE.

(a) CONVEYANCE AUTHORIZATION.—The Secretary of the Army may convey, without consideration, to Saint Anselm College, Manchester, New Hampshire, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 3.5 acres and located on Rockland Avenue in Manchester, New Hampshire, the site of the Crafts Brothers Reserve Training Center.

(b) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not make the conveyance authorized by subsection (a) until the Army Reserve units currently housed at the Crafts Brothers Reserve Training Center are relocated to the Joint Service Reserve Center to be constructed at the Manchester Airport, New Hampshire.

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

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

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

GORTON AMENDMENTS NOS. 4317–4318

Mrs. HUTCHISON (for Mr. GORTON) proposed two amendments to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4317

At the end of title XXXI, add the following:

Subtitle E—Environmental Restoration at Defense Nuclear Facilities

SEC. 3171. SHORT TITLE.

This subtitle may be cited as the ''Defense Nuclear Facility Environmental Restoration Pilot Program Act of 1996''.

SEC. 3172. APPLICABILITY.

(a) IN GENERAL.—The provisions of this subtitle shall apply to the following defense nuclear facilities:

(1) Hanford.

(2) Any other defense nuclear facility if—

(A) the chief executive officer of the State in which the facility is located submits to the Secretary a request that the facility be covered by the provisions of this subtitle; and

(B) the Secretary approves the request.

(b) LIMITATION.—The Secretary may not approve a request under subsection (a)(2) until 60 days after the date on which the Secretary notifies the congressional defense committees of the Secretary's receipt of the request.

SEC. 3173. DESIGNATION OF COVERED FACILITIES AS ENVIRONMENTAL CLEANUP DEMONSTRATION AREAS.

(a) DESIGNATION.—Each defense nuclear facility covered by this subtitle under section 3172(a) is hereby designated as an environmental cleanup demonstration area. The purpose of the designation is to establish each such facility as a demonstration area at which to utilize and evaluate new technologies to be used in environmental restoration and remediation at other defense nuclear facilities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal and State regulatory agencies, members of the surrounding communities, and other affected parties with respect to each defense nuclear facility covered by this subtitle should continue to—

(1) develop expedited and streamlined processes and systems for cleaning up such facility;

(2) eliminate unnecessary administrative complexity and unnecessary duplication of regulation with respect to the clean up of such facility;

(3) proceed expeditiously and cost-effectively with environmental restoration and remediation activities at such facility;

(4) consider future land use in selecting environmental clean up remedies at such facility; and

(5) identify and recommend to Congress changes in law needed to expedite the clean up of such facility.

SEC. 3174. SITE MANAGERS.

(a) APPOINTMENT.—(1)(A) The Secretary shall appoint a site manager for Hanford not later than 90 days after the date of the enactment of this Act.

(B) The Secretary shall develop a list of the criteria to be used in appointing a site manager for Hanford. The Secretary may consult with affected and knowledgeable parties in developing the list.

(2) The Secretary shall appoint the site manager for any other defense nuclear facility covered by this subtitle not later than 90 days after the date of the approval of the request with respect to the facility under section 3172(a)(2).

(3) An individual appointed as a site manager under this subsection shall, if not an employee of the Department at the time of the appointment, be an employee of the Department while serving as a site manager under this subtitle.

(b) DUTIES.—(1) Subject to paragraphs (2) and (3), in addition to other authorities provided for in this subtitle, the site manager for a defense nuclear facility shall have full authority to oversee and direct operations at the facility, including the authority to—

(A) enter into and modify contractual agreements to enhance environmental restoration and waste management at the facility;

(B) request that the Department headquarters submit to Congress a reprogramming package shifting among accounts funds available for the facility in order to facilitate the most efficient and timely environmental restoration and waste management at the facility, and, in the event that the Department headquarters does not act upon the request within 30 days of the date of the request, submit such request to the appropriate committees of Congress for review;

(C) negotiate amendments to environmental agreements applicable to the facility for the Department; and

(D) manage environmental management and programmatic personnel of the Department at the facility.

(2) A site manager shall negotiate amendments under paragraph (1)(C) with the concurrence of the Secretary.

(3) A site manager may not undertake or provide for any action under paragraph (1) that would result in an expenditure of funds for environmental restoration or waste management at the defense nuclear facility concerned in excess of the amount authorized to be expended for environmental restoration or waste management at the facility without the approval of such action by the Secretary.

(c) INFORMATION ON PROGRESS.—The Secretary shall regularly inform Congress of the progress made by site managers under this subtitle in achieving expedited environmental restoration and waste management at the defense nuclear facilities covered by this subtitle.

SEC. 3175. DEPARTMENT OF ENERGY ORDERS.

Effective 60 days after the appointment of a site manager for a defense nuclear facility under section 3174(a), an order relating to the execution of environmental restoration, waste management, technology development, or other site operation activities at

the facility may be imposed at the facility if the Secretary makes a finding that the order—

(1) is essential to the protection of human health or the environment or to the conduct of critical administrative functions; and

(2) will not interfere with bringing the facility into compliance with environmental laws, including the terms of any environmental agreement.

SEC. 3176. DEMONSTRATIONS OF TECHNOLOGY FOR REMEDIATION OF DEFENSE NUCLEAR WASTE.

(a) IN GENERAL.—The site manager for a defense nuclear facility under this subtitle shall promote the demonstration, verification, certification, and implementation of innovative environmental technologies for the remediation of defense nuclear waste at the facility.

(b) DEMONSTRATION PROGRAM.—To carry out subsection (a), each site manager shall establish a program at the defense nuclear facility concerned for testing environmental technologies for the remediation of defense nuclear waste at the facility. In establishing such a program, the site manager may—

(1) establish a simplified, standardized, and timely process for the testing and verification of environmental technologies;

(2) solicit and accept applications to test environmental technology suitable for environmental restoration and waste management activities at the facility, including prevention, control, characterization, treatment, and remediation of contamination;

(3) consult and cooperate with the heads of existing programs at the facility for the certification and verification of environmental technologies at the facility; and

(4) pay the costs of the demonstration of such technologies.

(c) FOLLOW-ON CONTRACTS.—(1) If the Secretary and a person demonstrating a technology under the program enter into a contract for remediation of nuclear waste at a defense nuclear facility covered by this subtitle, or at any other Department facility, as a follow-on to the demonstration of the technology, the Secretary shall ensure that the contract provides for the Secretary to recoup from the contractor the costs incurred by the Secretary pursuant to subsection (b)(4) for the demonstration.

(2) No contract between the Department and a contractor for the demonstration of technology under subsection (b) may provide for reimbursement of the costs of the contractor on a cost plus fee basis.

(d) SAFE HARBORS.—In the case of an environmental technology demonstrated, verified, certified, and implemented at a defense nuclear facility under a program established under subsection (b), the site manager of another defense nuclear facility may request the Secretary to waive or limit contractual or Department regulatory requirements that would otherwise apply in implementing the same environmental technology at such other facility.

SEC. 3177. REPORTS TO CONGRESS.

Not later than 120 days after the date of the appointment of a site manager under section 3174(a), the site manager shall submit to Congress and the Secretary a report describing the expectations of the site manager with respect to environmental restoration and waste management at the defense nuclear facility concerned by reason of the exercise of the authorities provided in this subtitle. The report shall describe the manner in which the exercise of such authorities is expected to improve environmental restoration and waste management at the facility and identify saving that are expected to accrue to the Department as a result of the exercise of such authorities.

SEC. 3178. TERMINATION.

The authorities provided for in this subtitle shall expire five years after the date of the enactment of this Act.

SEC. 3179. DEFINITIONS.

In this subtitle:

(1) The term ''Department'' means the Department of Energy.

(2) The term ''defense nuclear facility'' has the meaning given the term ''Department of Energy defense nuclear facility'' in section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g).

(3) The term ''Hanford'' means the defense nuclear facility located in southeastern Washington State known as the Hanford Reservation, Washington.

(4) The term ''Secretary'' means the Secretary of Energy.

AMENDMENT NO. 4318

At the end of title XXVI of the bill, insert the following:

SEC. 2602. FUNDING FOR CONSTRUCTION AND IMPROVEMENT OF RESERVE CENTERS IN THE STATE OF WASHINGTON.

(a) FUNDING.—Notwithstanding any other provision of law, of the funds appropriated under the heading ''MILITARY CONSTRUCTION, NAVAL RESERVE'' in the Military Construction Appropriations Act, 1995 (Public Law 103–307; 108 Stat. 1661), that are available for the construction of a Naval Reserve center in Seattle, Washington—

(1) $5,200,000 shall be available for the construction of an Army Reserve Center at Fort Lawton, Washington, of which $700,000 may be used for program and design activities relating to such construction;

(2) $4,200,000 shall be available for the construction of an addition to the Naval Reserve Center in Tacoma, Washington;

(3) $500,000 shall be available for unspecified minor construction at Naval Reserve facilities in the State of Washington; and

(4) $500,000 shall be available for planning and design activities with respect to improvements at Naval Reserve facilities in the State of Washington.

(b) MODIFICATION OF LAND CONVEYANCE AUTHORITY.—Paragraph (2) of section 127(d) of the Military Construction Appropriations Act, 1995 (Public Law 103–337; 108 Stat. 1666), is amended to read as follows:

''(2) Before commencing construction of a facility to be the replacement facility for the Naval Reserve Center under paragraph (1), the Secretary shall comply with the requirements of the National Environmental Policy Act (42 U.S.C. 4321 et seq.) with respect to such facility.''.

THURMOND AMENDMENTS NOS. 4319–4320

Mrs. HUTCHISON (for Mr. THURMOND) proposed two amendments to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4319

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

SEC. 1072. INCREASE IN PENALTIES FOR CERTAIN TRAFFIC OFFENSES ON MILITARY INSTALLATIONS.

Section 4 of the Act of June 1, 1948 (40 U.S.C. 318c) is amended to read as follows:

''SEC. 4. (a) Except as provided in subsection (b), whoever shall violate any rule or regulation promulgated pursuant to section 2 of this Act may be fined not more than $50 or imprisoned for not more than thirty days, or both.

''(b) Whoever shall violate any rule or regulation for the control of vehicular or pedestrian traffic on military installations that is promulgated by the Secretary of Defense, or the designee of the Secretary, under the authority delegated pursuant to section 2 of this Act may be fined an amount not to exceed the amount of a fine for a like or similar offense under the criminal or civil law of the State, territory, possession, or district where the military installation is located, or imprisoned for not more than thirty days, or both.''.

AMENDMENT NO. 4320

At the end of section 1061 add the following:

(c) REPEAL OF 13-YEAR SPECIAL LIMIT ON TERM OF TRANSITIONAL JUDGE OF UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.—(1) Subsection (d)(2) of section 1301 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1575; 10 U.S.C. 942 note) is amended by striking out ''to the judges who are first appointed to the two new positions of the court created as of October 1, 1990—'' and all that follows and inserting in lieu thereof ''to the judge who is first appointed to one of the two new positions of the court created as of October 1, 1990, as designated by the President at the time of appointment, the anniversary referred to in subparagraph (A) of that paragraph shall be treated as being the seventh anniversary and the number of years referred to in subparagraph (B) of that paragraph shall be treated as being seven.''.

(2) Subsection (e)(1) of such section is amended by striking out ''each judge'' and inserting in lieu thereof ''a judge''.

KYL (AND BINGAMAN) AMENDMENT NO. 4321

Mrs. HUTCHISON (for Mr. KYL, for himself and Mr. BINGAMAN) proposed an amendment to the bill, S. 1745, supra; as follows:

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

SEC. 1043. PROHIBITION ON COLLECTION AND RELEASE OF DETAILED SATELLITE IMAGERY RELATING TO ISRAEL AND OTHER COUNTRIES AND AREAS.

(a) COLLECTION AND DISSEMINATION.—No department or agency of the Federal Government may license the collection or dissemination by any non-Federal entity of satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

(b) DECLASSIFICATION AND RELEASE.—No department or agency of the Federal Government may declassify or otherwise release satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

LEAHY (AND BOXER) AMENDMENT NO. 4322

Mr. NUNN (for Mr. LEAHY, for himself and Mrs. BOXER) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle A of title II, add the following:

SEC. 204. FUNDS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION RELATING TO HUMANITARIAN DEMINING TECHNOLOGIES.

Of the amounts authorized to be appropriated by section 201(4), $18,000,000 shall be

available for research, development, test, and evaluation activities relating to humanitarian demining technologies (PE0603120D), to be administered by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

THURMOND AMENDMENTS NOS. 4323–4324

(Ordered to lie on the table.)

Mr. THURMOND submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4323

In section 301(1) strike ''$18,147,623,000'' and insert in lieu thereof ''18,295,923,000''.

In section 201(4) is reduced by $148,300,000.

AMENDMENT NO. 4324

In section 3131(e), in the matter preceding paragraph (1), strike out ''section 3101'' and insert in lieu thereof ''section 3101(b)(1)''.

In section 3131(e)(1), strike out ''and'' after the semicolon.

In section 3131(e)(2), strike out the period at the end and insert in lieu thereof ''; and''.

At the end of section 3131(e), add the following:

(3) not more than $100,000,000 shall be available for other tritium production research activities.

In section 3132(a), strike out ''requirements for tritium for'' and insert in lieu thereof ''tritium requirements for''.

CONRAD AMENDMENT NO. 4325

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

Strike out subtitle C of title II, and insert in lieu thereof the following:

Subtitle C—Ballistic Missile Defense

SEC. 231. GENERAL POLICY.

The Secretary of Defense shall initiate preparations that would enable the deployment of an affordable national missile defense system that would be operational by 2003.

SEC. 232. SYSTEM REQUIREMENTS AND ARCHITECTURE.

(a) SYSTEM REQUIREMENTS.—The national missile defense system authorized shall be a system that—

(1) is effectively capable of defending all 50 States against a limited ballistic missile attack;

(2) complies with the arms and control treaties applicable to the United States;

(3) can reach initial operational capability within six years after the date of the enactment of this Act;

(4) limits cost by maximizing use of existing infrastructure and technology;

(5) is capable of reliably countering a nearly simultaneous attack composed of, at most, five warheads; and

(6) is fully consistent with current United States strategic defense policy and acquisition strategy.

(b) SYSTEM ARCHITECTURE.—The national missile defense system authorized under subsection (a) shall consist of the following components:

(1) An interceptor system that—

(A) utilizes kinetic kill vehicles atop intercontinental ballistic missiles in existence on the date of the enactment of this Act that are launchable from silos existing on such date; and

(B) is capable of defending all 50 States from a single field of ground-based interceptors.

(2) Early warning radars and other fixed ground-based radars that are in existence on the date of the enactment of this Act or are based on existing designs, upgraded as necessary.

(3) Space-based sensors in existence on such date.

(4) To the maximum extent possible, battle management, command, control, and communications systems that are in existence on such date.

SEC. 233. PLANNING AND DEVELOPMENT ACTIVITIES BEFORE EMERGENCE OF NEED FOR DEPLOYMENT.

The Secretary of Defense shall—

(1) initiate or continue the planning that is necessary to achieve, consistent with the requirements set forth in section 232(a), initial operational capability of a national missile defense system described in section 232(b); and

(2) plan to conduct an integrated systems test of such a system within three years after the date of the enactment of this Act.

SEC. 234. REPORT ON THREAT AND NECESSARY DEFENSES.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the President or the Secretary of Defense shall submit to Congress a report on—

(1) the threat of—

(A) a limited, unauthorized ballistic missile attack on the United States; or

(B) a limited, accidental ballistic missile attack on the United States; and

(2) the defenses necessary to counter the limited threat.

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

(1) A detailed description of the extent of—

(A) the existing threat of attack by rogue foreign states; and

(B) the existing threat of an unauthorized or accidental attack by a foreign state that is an established nuclear power.

(2) A detailed description of the probable development of the threat and a discussion of the reliability of the evidence supporting that description.

(3) A discussion of whether, in order to defend the United States effectively against the limited threat—

(A) it is sufficient to deploy a system capable of defending against five warheads nearly simultaneously; or

(B) it is necessary to deploy a more robust system with up to 100 interceptors.

(4) A discussion of any adjustments to the other elements of the missile defense program of the Department of Defense that are necessary in order to accommodate deployment of the necessary system (taking into consideration projections regarding the technological evolution of the emerging ballistic missile threat).

(c) FORM OF REPORT.—A report under this section may be submitted in classified form.

SEC. 235. SENSE OF CONGRESS REGARDING MODIFICATION OF THE ABM TREATY.

It is the sense of Congress that—

(1) some level of consultation between the parties to the ABM Treaty (as well as other arms control agreements) could be necessary to implement a limited national missile defense provided for under this subtitle; and

(2) the President should undertake such consultations to agree, in a manner that does not necessitate advice and consent of the Senate, upon a limited redefinition or clarification of the ABM Treaty as it relates to the deployment of a limited national missile defense described in section 232.

SEC. 236. ABM TREATY DEFINED.

For purposes of this subtitle, the term ''ABM Treaty'' means the Treaty between the United States and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972, and includes Protocols to that Treaty signed at Moscow on July 3, 1974, and all Agreed Statements and amendments to such Treaty in effect.

ROBB (AND WARNER) AMENDMENT NO. 4326

(Ordered to lie on the table.)

Mr. ROBB (for himself and Mr. WARNER) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

Strike out subsection (a) of section 2821 and insert in lieu thereof the following new subsection (a):

(a) REQUIREMENT FOR SECRETARY OF INTERIOR TO TRANSFER CERTAIN SECTION 29 LANDS.—(1) Subject to paragraph (2), the Secretary of the Interior shall transfer to the Secretary of the Army administrative jurisdiction over the following lands located in section 29 of the National Park System at Arlington National Cemetery, Virginia:

(A) The lands known as the Arlington National Cemetery Interment Zone.

(B) All lands in the Robert E. Lee Memorial Preservation Zone, other than those lands in the Preservation Zone that the Secretary of the Interior determines must be retained because of the historical significance of such lands or for the maintenance of nearby lands or facilities.

(2)(A) The Secretary of the Interior may not make the transfer referred to in paragraph (1)(B) until 60 days after the date on which the Secretary submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives—

(i) a summary of the document entitled ''Cultural Landscape and Archaeological Study, Section 29, Arlington House, The Robert E. Lee Memorial'';

(ii) a summary of any environmental analysis required with respect to the transfer under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(iii) the proposal of the Secretary and the Secretary of the Army setting forth the lands to be transferred and the general manner in which the Secretary of the Army will develop such lands after transfer.

(B) The Secretary of the Interior shall submit the information required under subparagraph (A) not later than October 31, 1997.

(3) The transfer of lands under paragraph (1) shall be carried out in accordance with the Interagency Agreement Between the Department of the Interior, the National Park Service, and the Department of the Army, Dated February 22, 1995.

(4) The exact acreage and legal descriptions of the lands to be transferred under paragraph (1) shall be determined by surveys satisfactory to the Secretary of the Interior and the Secretary of the Army.

CONRAD AMENDMENT NO. 4327

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of section 1062, add the following:

(d) RETENTION OF B–52H AIRCRAFT.—Notwithstanding any other provision of law, the Secretary of the Air Force shall maintain in active status (including the performance of standard maintenance and upgrades) the current fleet of B–52H bomber aircraft at least until the later of—

(1) the date that is five years after the date of the enactment of this Act; or

(2) the date on which the START II Treaty enters into force.

CONRAD AMENDMENT NO. 4328

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to amendment No. 4236 submitted by Mr. KYL to the bill, S. 1745, supra; as follows:

Beginning on the first page, strike out line and all that follows and insert in lieu thereof the following:

Subtitle —Ballistic Missile Defense

SEC. 1. GENERAL POLICY.

The Secretary of Defense shall initiate preparations that would enable the deployment of an affordable national missile defense system that would be operational by 2003.

SEC. 2. SYSTEM REQUIREMENTS AND ARCHITECTURE.

(a) SYSTEM REQUIREMENTS.—The national missile defense system authorized shall be a system that—

(1) is effectively capable of defending all 50 States against a limited ballistic missile attack;

(2) complies with the arms control treaties applicable to the United States;

(3) can reach initial operational capability within six years after the date of the enactment of this Act;

(4) limits cost by maximizing use of existing infrastructure and technology;

(5) is capable of reliably countering a nearly simultaneous attack composed of, at most, five warheads; and

(6) is fully consistent with current United States strategic defense policy and acquisition strategy.

(b) STYSTEM ARCHITECTURE.—The national missile defense system authorized under subsection (a) shall consist of the following components:

(1) An interceptor system that—

(A) utilizes kinetic kill vehicles atop intercontinental ballistic missiles in existence on the date of the enactment of this Act that are launchable from silos existing on such date; and

(B) is capable of defending all 50 States from a single field of ground-based interceptors.

(2) Early warning radars and other fixed ground-based radars that are in existence on the date of the enactment of this Act or are based on existing designs, upgraded as necessary.

(3) Space-based sensors in existence on such date.

(4) To the maximum extent possible, battle management, command, control, and communications systems that are in existence on such date.

SEC. 3. PLANNING AND DEVELOPMENT ACTIVITIES BEFORE EMERGENCE OF NEED FOR DEPLOYMENT.

The Secretary of Defense shall—

(1) initiate or continue the planning that is necessary to achieve, consistent with the requirements set forth in section 2(a), initial operational capability of a national missile defense system described in section 2(b); and

(2) plan to conduct an integrated systems test of such a system within three years after the date of the enactment of this Act.

SEC. 4. REPORT ON THREAT AND NECESSARY DEFENSES.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the President or the Secretary of Defense shall submit to Congress a report on—

(1) the threat of—

(A) a limited, unauthorized ballistic missile attack on the United States; or

(B) a limited, accidental ballistic missile attack on the United States; and

(2) the defenses necessary to counter the limited threat.

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

(1) A detailed description of the extent of—

(A) the existing threat of attack by rogue foreign states; and

(B) the existing threat of an unauthorized or accidental attack by a foreign state that is an established nuclear power.

(2) A detailed description of the probable development of the threat and a discussion of the reliability of the evidence supporting that description.

(3) A discussion of whether, in order to defend the United States effectively against the limited threat—

(A) it is sufficient to deploy a system capable of defending against five warheads nearly simultaneously; or

(B) it is necessary to deploy a more robust system with up to 100 interceptors.

(4) A discussion of any adjustments to the other elements of the missile defense program of the Department of Defense that are necessary in order to accommodate deployment of the necessary system (taking into consideration projections regarding the technological evolution of the emerging ballistic missile threat).

(c) FORM OF REPORT.—A report under this section may be submitted in classified form.

SEC. 5. SENSE OF CONGRESS REGARDING MODIFICATION OF THE ABM TREATY.

It is the sense of Congress that—

(1) some level of consultation between the parties to the ABM Treaty (as well as other arms control agreements) could be necessary to implement a limited national missile defense provided for under this subtitle; and

(2) the President should undertake such consultations to agree, in a manner that does not necessitate advice and consent of the Senate, upon a limited redefinition or clarification of the ABM Treaty as it relates to the deployment of a limited national missile defense described in section 2.

SEC. 6. ABM TREATY DEFINED.

For purposes of this subtitle, the term ''ABM Treaty'' means the Treaty between the United States and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972, and includes Protocols to that Treaty signed at Moscow on July 3, 1974, and all Agreed Statements and amendments to such Treaty in effect.

GREGG AMENDMENTS NOS. 4329–4330

(Ordered to lie on the table.)

Mr. GREGG submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4329

Strike all after the first word and insert:

CONGRESSIONAL, PRESIDENTIAL, AND JUDICIAL PENSION FORFEITURE.

(a) SHORT TITLE.—This section may be cited as the ''Congressional, Presidential, and Judicial Pension Forfeiture Act''.

(b) CONVICTION OF CERTAIN OFFENSES.—

(1) IN GENERAL.—Section 8312(a) of title 5, United States Code, is amended—

(A) by striking ''or'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; or'';

(C) by adding after paragraph (2) the following new paragraph:

''(3) is convicted of an offense named by subsection (d), to the extent provided by that subsection.'';

(D) by striking ''and'' at the end of subparagraph (A);

(E) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(F) by adding after subparagraph (B) the following new subparagraph:

''(C) with respect to the offenses named by subsection (d) of this section, to the period after the date of the conviction.''.

(2) IDENTIFICATION OF OFFENSES.—Section 8312 of title 5, United States Code, is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by inserting after subsection (c) the following new subsection:

''(d)(1) The offenses under paragraph (2) are the offenses to which subsection (a) of this section applies, but only if—

''(A) the individual is convicted of such offense committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act;

''(B) the individual was a Member of Congress (including the Vice President), a congressional employee, or a Federal justice or judge at the time of committing the offense; and

''(C) the offense is punishable by imprisonment for more than 1 year.

''(2) The offenses under this paragraph are as follows:

''(A) An offense within the purview of—

''(i) section 201 of title 18 (bribery of public officials and witnesses);

''(ii) section 203 of title 18 (compensation to Members of Congress, officers, and others in matters affecting the Government);

''(iii) section 204 of title 18 (practice in United States Court of Federal Claims or the United States Court of Appeals for the Federal Circuit by Members of Congress);

''(iv) section 219 of title 18 (officers and employees acting as agents of foreign principals);

''(v) section 286 of title 18 (conspiracy to defraud the Government with respect to claims);

''(vi) section 287 of title 18 (false, fictitious, or fraudulent claims);

''(vii) section 371 of title 18 (conspiracy to commit offense or to defraud the United States;

''(viii) section 597 of title 18 (expenditures to influence voting);

''(ix) section 599 of title 18 (promise of appointment by candidate);

''(x) section 602 of title 18 (solicitation of political contributions);

''(xi) section 606 of title 18 (intimidation to secure political contributions);

''(xii) section 607 of title 18 (place of solicitation);

''(xiii) section 641 of title 18 (public money, property or records); or

''(xiv) section 1001 of title 18 (statements or entries generally).

''(B) Perjury committed under the statutes of the United States in falsely denying the commission of an act which constitutes an offense within the purview of a statute named by subparagraph (A).

''(C) Subornation of perjury committed in connection with the false denial of another individual as specified by subparagraph (B).''.

(c) ABSENCE FROM THE UNITED STATES TO AVOID PROSECUTION.—

(1) IN GENERAL.—Section 8313 of title 5, United States Code, is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection:

''(b) An individual, or his survivor or beneficiary, may not be paid annuity or retired pay on the basis of the service of the individual which is creditable toward the annuity

or retired pay, subject to the exceptions in section 8311(2) and (3) of this title, if the individual—

''(1) is under indictment, after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act, for an offense named by section 8312(d)(2) of this title, but only if such offense satisfies section 8312(d)(1)(C) of this title;

''(2) willfully remains outside the United States, or its territories and possessions including the Commonwealth of Puerto Rico, for more than 1 year with knowledge of the indictment or charges, as the case may be; and

''(3) is an individual described in section 8312(d)(1)(B).''.

(2) CONFORMING AMENDMENT.—Subsection (c) of section 8313 of title 5, United States Code (as redesignated under paragraph (1)(A)) is amended by inserting ''or (b)'' after ''subsection (a)''.

(d) REFUND OF CONTRIBUTIONS AND DEPOSITS.—

Section 8316(b) of title 5, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(3) if the individual was convicted of an offense named by section 8312(d) of this title, for the period after the conviction of the violation.''.

(e) FORFEITURE OF PRESIDENTIAL ALLOWANCE.—Subsection (a) of the first section of the Act entitled ''An Act to provide retirement, clerical assistance, and free mailing privileges to former Presidents of the United States, and for other purposes'', approved August 25, 1958 (Public Law 85–745; 72 Stat. 838; 3 U.S.C. 102 note) is amended—

(1) by striking ''Each former President'' and inserting ''(1) Subject to paragraph (2), each former President''; and

(2) by inserting at the end the following new paragraph:

''(2) The allowance payable to an individual under paragraph (1) shall be forfeited if—

''(A) the individual is convicted of an offense described under section 8312(d)(2) of title 5, United States Code, committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act;

''(B) such individual committed such offense during the individual's term of office as President; and

''(C) the offense is punishable by imprisonment for more than 1 year.''.

This section shall become effective 1 day after the date of enactment.

AMENDMENT NO. 4330

At the appropriate place, insert:

SEC. ___. CONGRESSIONAL, PRESIDENTIAL, AND JUDICIAL PENSION FORFEITURE.

(a) SHORT TITLE.—This section may be cited as the ''Congressional, Presidential, and Judicial Pension Forfeiture Act''.

(b) CONVICTION OF CERTAIN OFFENSES.—

(1) IN GENERAL.—Section 8312(a) of title 5, United States Code, is amended—

(A) by striking ''or'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; or'';

(C) by adding after paragraph (2) the following new paragraph:

''(3) is convicted of an offense named by subsection (d), to the extent provided by that subsection.'';

(D) by striking ''and'' at the end of subparagraph (A);

(E) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(F) by adding after subparagraph (B) the following new subparagraph:

''(C) with respect to the offenses named by subsection (d) of this section, to the period after the date of the conviction.''.

(2) IDENTIFICATION OF OFFENSES.—Section 8312 of title 5, United States Code, is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by inserting after subsection (c) the following new subsection:

''(d)(1) The offenses under paragraph (2) are the offenses to which subsection (a) of this section applies, but only if—

''(A) the individual is convicted of such offense committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act;

''(B) the individual was a Member of Congress (including the Vice President), a congressional employee, or a Federal justice or judge at the time of committing the offense; and

''(C) the offense is punishable by imprisonment for more than 1 year.

''(2) The offenses under this paragraph are as follows:

''(A) An offense within the purview of—

''(i) section 201 of title 18 (bribery of public officials and witnesses);

''(ii) section 203 of title 18 (compensation to Members of Congress, officers, and others in matters affecting the Government);

''(iii) section 204 of title 18 (practice in United States Court of Federal Claims or the United States Court of Appeals for the Federal Circuit by Members of Congress);

''(iv) section 219 of title 18 (officers and employees acting as agents of foreign principals);

''(v) section 286 of title 18 (conspiracy to defraud the Government with respect to claims);

''(vi) section 287 of title 18 (false, fictitious, or fraudulent claims);

''(vii) section 371 of title 18 (conspiracy to commit offense or to defraud the United States;

''(viii) section 597 of title 18 (expenditures to influence voting);

''(ix) section 599 of title 18 (promise of appointment by candidate);

''(x) section 602 of title 18 (solicitation of political contributions);

''(xi) section 606 of title 18 (intimidation to secure political contributions);

''(xii) section 607 of title 18 (place of solicitation);

''(xiii) section 641 of title 18 (public money, property or records); or

''(xiv) section 1001 of title 18 (statements or entries generally).

''(B) Perjury committed under the statutes of the United States in falsely denying the commission of an act which constitutes an offense within the purview of a statute named by subparagraph (A).

''(C) Subornation of perjury committed in connection with the false denial of another individual as specified by subparagraph (B).''.

(c) ABSENCE FROM THE UNITED STATES TO AVOID PROSECUTION.—

(1) IN GENERAL.—Section 8313 of title 5, United States Code, is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection:

''(b) An individual, or his survivor or beneficiary, may not be paid annuity or retired pay on the basis of the service of the individual which is creditable toward the annuity or retired pay, subject to the exceptions in section 8311(2) and (3) of this title, if the individual—

''(1) is under indictment, after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act, for an offense named by section 8312(d)(2) of this title, but only if such offense satisfies section 8312(d)(1)(C) of this title;

''(2) willfully remains outside the United States, or its territories and possessions including the Commonwealth of Puerto Rico, for more than 1 year with knowledge of the indictment or charges, as the case may be; and

''(3) is an individual described in section 8312(d)(1)(B).''.

(2) CONFORMING AMENDMENT.—Subsection (c) of section 8313 of title 5, United States Code (as redesignated under paragraph (1)(A)) is amended by inserting ''or (b)'' after ''subsection (a)''.

(d) REFUND OF CONTRIBUTIONS AND DEPOSITS.—

Section 8316(b) of title 5, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(3) if the individual was convicted of an offense named by section 8312(d) of this title, for the period after the conviction of the violation.''.

(e) FORFEITURE OF PRESIDENTIAL ALLOWANCE.—Subsection (a) of the first section of the Act entitled ''An Act to provide retirement, clerical assistance, and free mailing privileges to former Presidents of the United States, and for other purposes'', approved August 25, 1958 (Public Law 85–745; 72 Stat. 838; 3 U.S.C. 102 note) is amended—

(1) by striking ''Each former President'' and inserting ''(1) Subject to paragraph (2), each former President''; and

(2) by inserting at the end the following new paragraph:

''(2) The allowance payable to an individual under paragraph (1) shall be forfeited if—

''(A) the individual is convicted of an offense described under section 8312(d)(2) of title 5, United States Code, committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act;

''(B) such individual committed such offense during the individual's term of office as President; and

''(C) the offense is punishable by imprisonment for more than 1 year.''.

MCCAIN AMENDMENT NO. 4331

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

Strike sections 321 through 330 of S. 1745.

DOMENICI AMENDMENTS NOS. 4332–4339

(Ordered to lie on the table.)

Mr. Domenici submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4332

In the table in section 2101(a), insert after the item relating to Fort Polk, Louisiana, the following new item:

New Mexico	White Sands Missile Range.	$10,000,000

Strike out the amount set forth as the total amount at the end of the table in section 2101(a) and insert in lieu thereof ''$366,450,000''.

In section 2104(a), in the matter preceding paragraph (1), strike out ''$1,894,297,000'' and insert in lieu thereof ''$1,904,297,000''.

In section 2104(a)(1), strike out ''$356,450,000'' and insert in lieu thereof ''$366,450,000''.

AMENDMENT NO. 4333

In section 201(3), strike out ''$14,788,356,000'' and insert in lieu thereof ''$14,813,356,000''.

AMENDMENT NO. 4334

In section 103(3), strike out ''$5,880,519,000'' and insert in lieu thereof ''5,889,519,000''.

AMENDMENT NO. 4335

In section 201(3), strike out ''$14,788,356,000'' and insert in lieu thereof ''$14,791,356,000''.

AMENDMENT NO. 4336

In section 201(4), strike out ''$9,662,542,000'' and insert in lieu thereof ''$9,687,542,000''.

AMENDMENT NO. 4337

In section 201(4), strike out ''$9,662,542,000'' and insert in lieu thereof ''$9,679,542,000''.

AMENDMENT NO. 4338

In section 201(4), strike out ''$9,662,542,000'' and insert in lieu thereof ''$9,687,542,000''.

AMENDMENT NO. 4339

In section 201(3), strike out ''$14,788,356,000'' and insert in lieu thereof ''$14,789,356,000''.

MCCAIN AMENDMENT NO. 4340

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, S. 1745. supra; as follows:

Amend section 322 of S. 1745 by striking out the current language and inserting in lieu thereof ''Section 2466 of title 10, United States Code, is repealed.''.

THE CHURCH ARSON PREVENTION ACT OF 1996

FAIRCLOTH (AND OTHERS) AMENDMENT NO. 4341

Mr. FAIRCLOTH (for himself, Mr. KENNEDY, Mr. HATCH, Mr. BIDEN, Mr. KOHL, Mr. SARBANES, Mr. NUNN, Ms. MOSELEY-BRAUN, Mr. THURMOND, Mr. EXON, Mr. BINGAMAN, Mr. CONRAD, Mr. LAUTENBERG, and Mr. STEVENS) proposed an amendment to the bill (H.R. 3525) to amend title 18, United States Code, to clarify the Federal jurisdiction over offenses relating to damage to religious property.

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Church Arson Prevention Act of 1996''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The incidence of arson or other destruction or vandalism of places of religious worship, and the incidence of violent interference with an individual's lawful exercise or attempted exercise of the right of religious freedom at a place of religious worship pose a serious national problem.

(2) The incidence of arson of places of religious worship has recently increased, especially in the context of places of religious worship that serve predominantly African-American congregations.

(3) Changes in Federal law are necessary to deal properly with this problem.

(4) Although local jurisdictions have attempted to respond to the challenges posed by such acts of destruction or damage to religious property, the problem is sufficiently serious, widespread, and interstate in scope to warrant Federal intervention to assist State and local jurisdictions.

(5) Congress has authority, pursuant to the Commerce Clause of the Constitution, to make acts of destruction or damage to religious property a violation of Federal law.

(6) Congress has authority, pursuant to section 2 of the 13th amendment to the Constitution, to make actions of private citizens motivated by race, color, or ethnicity that interfere with the ability of citizens to hold or use religious property without fear of attack, violations of Federal criminal law.

SEC. 3. PROHIBITION OF VIOLENT INTERFERENCE WITH RELIGIOUS WORSHIP.

Section 247 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''subsection (c) of this section'' and inserting ''subsection (d)'';

(2) by redesignating subsections (c), (d), and (e), as subsections (d), (e), and (f), respectively;

(3) by striking subsection (b) and inserting the following:

''(b) The circumstances referred to in subsection (a) are that the offense is in or affects interstate or foreign commerce.

''(c) Whoever intentionally defaces, damages, or destroys any religious real property because of the race, color, or ethnic characteristics of any individual associated with that religious property, or attempts to do so, shall be punished as provided in subsection (d).'';

(4) in subsection (d), as redesignated—

(A) in paragraph (2)—

(i) by inserting ''to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this section,'' after ''bodily injury''; and

(ii) by striking ''ten years'' and inserting ''20 years'';

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

''(2) if bodily injury results to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this section, and the violation is by means of fire or an explosive, a fine under this title or imprisonment for not more that 40 years, or both;'';

(5) in subsection (f), as redesignated—

(A) by striking ''religious property'' and inserting ''religious real property'' both places it appears; and

(B) by inserting '', including fixtures or religious objects contained within a place of religious worship'' before the period; and

(6) by adding at the end the following new subsection:

''(g) No person shall be prosecuted, tried, or punished for any noncapital offense under this section unless the indictment is found or the information is instituted not later than 7 years after the date on which the offense was committed.''.

SEC. 4. LOAN GUARANTEE RECOVERY FUND.

(a) IN GENERAL.—

(1) IN GENERAL.—Using amounts described in paragraph (2), the Secretary of Housing and Urban Development (referred to as the ''Secretary'') shall make guaranteed loans to financial institutions in connection with loans made by such institutions to assist organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 that have been damaged as a result of acts of arson or terrorism in accordance with such procedures as the Secretary shall establish by regulation.

(2) USE OF CREDIT SUBSIDY.—Notwithstanding any other provision of law, for the cost of loan guarantees under this section, the Secretary may use not more than $5,000,000 of the amounts made available for fiscal year 1996 for the credit subsidy provided under the General Insurance Fund and the Special Risk Insurance Fund.

(b) TREATMENT OF COSTS.—The costs of guaranteed loans under this section, including the cost of modifying loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

(c) LIMIT ON LOAN PRINCIPAL.—Funds made available under this section shall be available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $10,000,000.

(d) TERMS AND CONDITIONS.—The Secretary shall—

(1) establish such terms and conditions as the Secretary considers to be appropriate to provide loan guarantees under this section, consistent with section 503 of the Credit Reform Act; and

(2) include in the terms and conditions a requirement that the decision to provide a loan guarantee to a financial institution and the amount of the guarantee does not in any way depend on the purpose, function, or identity of the organization to which the financial institution has made, or intends to make, a loan.

SEC. 5. COMPENSATION OF VICTIMS; REQUIREMENT OF INCLUSION IN LIST OF CRIMES ELIGIBLE FOR COMPENSATION.

Section 1403(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(d)(3)) is amended by inserting ''crimes, whose victims suffer death or personal injury, that are described in section 247 of title 18, United States Code,'' after ''includes''.

SEC. 6. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, in fiscal years 1996 and 1997 such sums as are necessary to increase the number of personnel, investigators, and technical support personnel to investigate, prevent, and respond to potential violations of sections 247 and 844 of title 18, United States Code.

SEC. 7. REAUTHORIZATION OF HATE CRIMES STATISTICS ACT.

The first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended—

(1) in subsection (b), by striking ''for the calendar year 1990 and each of the succeeding 4 calendar years'' and inserting ''for each calendar year''; and

(2) in subsection (c), by striking ''1994'' and inserting ''2002''.

SEC. 8. SENSE OF THE CONGRESS.

The Congress—

(1) commends those individuals and entities that have responded with funds to assist in the rebuilding of places of worship that have been victimized by arson; and

(2) encourages the private sector to continue these efforts so that places of worship that are victimized by arson, and their affected communities, can continue the rebuilding process with maximum financial support from private individuals, businesses, charitable organizations, and other non-profit entities.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

FORD (AND BROWN) AMENDMENT NO. 4342

(Ordered to lie on the table.)

Mr. FORD (for himself and Mr. BROWN) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

At the end of subtitle B of title I, add the following:

SEC. 113. DEMILITARIZATION OF ASSEMBLED CHEMICAL MUNITIONS.

(a) PILOT PROGRAM.—The Secretary of Defense shall conduct a pilot program to identify and demonstrate feasible alternatives to incineration for the demilitarization of assembled chemical munitions.

(b) PROGRAM REQUIREMENTS.—(1) the Secretary of Defense shall designate an executive agent to carry out the pilot program required to be conducted under subsection (a).

(2) The executive agent shall—

(A) be an officer or executive of the United States Government;

(B) be accountable to the Secretary of Defense; and

(C) not be, or have been, in direct or immediate control of the chemical weapon stockpile demilitarization program established by 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) or the alternative disposal process program carried out under sections 174 and 175 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 50 U.S.C. 1521 note).

(3) The executive agent may—

(A) carry out the pilot program directly;

(B) enter into a contract with a private entity to carry out the pilot program; or

(C) transfer funds to another department or agency of the Federal Government in order to provide for such department or agency to carry out the pilot program.

(4) A department or agency that carries out the pilot program under paragraph (3)(C) may not, for purposes of the pilot program, contract with or competitively select the organization within the Army that exercises direct or immediate management control over either program referred to in paragraph (2)(C).

(5) The pilot program shall terminate not later than September 30, 2000.

(c) ANNUAL REPORT.—Not later than December 15 of each year in which the Secretary carries out the pilot program, the Secretary shall submit to Congress a report on the activities under the pilot program during the preceding fiscal year.

(d) EVALUATION AND REPORT.—Not later than December 31, 2000, the Secretary of Defense shall—

(1) evaluate each demilitarization alternative identified and demonstrated under the pilot program to determine whether that alternative—

(A) is as safe and cost efficient as incineration for disposing of assembled chemical munitions; and

(B) meets the requirements of section 1412 of the Department of Defense Authorization Act, 1986; and

(2) submit to Congress a report containing the evaluation.

(e) LIMITATION ON LONG LEAD CONTRACTING.—(1) Notwithstanding any other provision of law and except as provided in paragraph (2), the Secretary may not enter into any contract for the purchase of long lead materials considered to be baseline incineration specific materials for the construction of an incinerator at any site in Kentucky or Colorado until the executive agent designated for the pilot program submits an application for such permits as are necessary under the law of the State of Kentucky or the law of the State of Colorado, as the case may be, for the construction at that site of a plant for demilitarization of assembled chemical munitions by means of an alternative to incineration.

(2) The Secretary may enter into a contract described in paragraph (1) beginning 60 days after the date on which the Secretary submits to Congress—

(A) the report required by subsection (d)(2); and

(B) the certification of the executive agent that—

(i) there exists no alternative technology as safe and cost efficient as incineration for demilitarizing chemical munitions at non-bulk sites; and

(ii) no alternative technology can meet the requirements of section 1412 of the Department of Defense Authorization Act, 1986.

(f) ASSEMBLED CHEMICAL MUNITION DEFINED.—For the purpose of this section, the term ''assembled chemical munition'' means an entire chemical munition, including component parts, chemical agent, propellant, and explosive.

(g) FUNDING.—(1) Of the amount authorized to be appropriated under section 107, $60,000,000 shall be available for the pilot program under this section. Such funds may not be derived from funds to be made available under the chemical demilitarization program for the alternative technologies research and development program at bulk sites.

(2) Funds made available for the pilot program pursuant to paragraph (1) shall be made available to the executive agent for use for the pilot program.

(3) No funds authorized to be appropriated by section 107 (other than the funds referred to in paragraph (1)) that remain available for obligation on January 1, 1997, may be obligated after that date unless—

(A) the funds referred to in that paragraph have been transferred to the executive agent for use for the pilot program; and

(B) the pilot program has commenced.

COHEN AMENDMENT NO. 4343

(Ordered to lie on the table.)

Mr. COHEN submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of title XXXIII, add the following:

SEC. 3303. ADDITIONAL AUTHORITY TO DISPOSE OF MATERIALS IN NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL REQUIRED.—Subject to subsection (c), the President shall dispose of materials contained in the National Defense Stockpile and specified in the table in subsection (b) so as to result in receipts to the United States in amounts equal to—

(1) $110,000,000 during the five-fiscal year period ending September 30, 2001;

(2) $260,000,000 during the seven-fiscal year period ending September 30, 2003; and

(3) $440,000,000 during the nine-fiscal year period ending September 30, 2005.

(b) LIMITATION ON DISPOSAL QUANTITY.—The total quantities of materials authorized for disposal by the President under subsection (a) may not exceed the amounts set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Chrome Metal, Electrolytic	8,471 short tons.
Cobalt	9,902,774 pounds.
Columbium Carbide	21,372 pounds.

Authorized Stockpile Disposals—Continued

Material for disposal	Quantity
Columbium Ferro	249,395 pounds.
Diamond, Bort	91,542 carats.
Diamond, Stone	3,029,413 carats.
Germanium	28,207 kilograms.
Indium	15,205 troy ounces.
Palladium	1,249,601 troy ounces.
Platinum	442,641 troy ounces.
Rubber	567 long tons.
Tantalum, Carbide Powder	22,688 pounds contained.
Tantalum, Minerals	1,748,947 pounds contained.
Tantalum, Oxide	123,691 pounds contained.
Titanium Sponge	36,830 short tons.
Tungsten	76,358,235 pounds.
Tungsten, Carbide	2,032,942 pounds.
Tungsten, Metal Powder	1,181,921 pounds.
Tungsten, Ferro	2,024,143 pounds.

(c) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of materials under subsection (a) to the extent that the disposal will result in—

(1) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or

(2) avoidable loss to the United States.

(d) TREATMENT OF RECEIPTS.—(1) Notwithstanding section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h), funds received as a result of the disposal of materials under subsection (a) shall be deposited into the general fund of the Treasury and used to offset the revenues lost as a result of the amendments made by subsection (a) of section 4303 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 658).

(2) This section shall be treated as qualifying offsetting legislation for purposes of subsection (b) of such section 4303.

(e) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in such subsection.

(f) DEFINITION.—The term ''National Defense Stockpile'' means the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

LOTT AMENDMENT NO. 4344

(Ordered to lie on the table.)

Mr. LOTT submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the appropriate place, insert the following:

SEC. . OCEANOGRAPHIC SHIP OPERATIONS AND DATA ANALYSIS.

(a) Of the funds provided by Section 301(2), an additional $6,200,000 may be authorized for the reduction, storage, modeling and conversion of oceanographic data for use by the navy, consistent with Navy's requirements.

(b) Such funds identified in (a) shall be in addition to such amounts already provided for this purpose in the budget request.

EXON (AND OTHERS) AMENDMENT NO. 4345

Mr. EXON (for himself, Mr. KOHL, Mr. BINGAMAN, Mr. LEVIN, Mr. DORGAN, Mr. WELLSTONE, Mr. FEINGOLD, and Mr. HARKIN) proposed an amendment to the bill, S. 1745, supra; as follows:

After section 3, insert the following:

SEC. 4. GENERAL LIMITATION.

Notwithstanding any other provision of this Act, the total amount authorized to be appropriated for fiscal year 1997 under the provisions to this Act is $263,362,000,000.

THURMOND (AND NUNN) AMENDMENT NO. 4346

Mr. THURMOND (for himself and Mr. NUNN) proposed an amendment to the bill, S. 1745, supra; as follows:

After section 3, add the following:

SEC. 4. GENERAL LIMITATION.

Notwithstanding any other provision of this Act, the total amount authorized to be appropriated for fiscal year 1997 for the national defense function under the provisions of this Act is $265,583,000,000.

WELLSTONE (AND OTHERS) AMENDMENT NO. 4347

Mr. WELLSTONE (for himself, Mr. BUMPERS, Mrs. BOXER, Mr. FEINGOLD, Mr. WYDEN, and Mr. PELL) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle A of title X add the following:

SEC. . TRANSFERS FOR EDUCATION AND EMPLOYMENT ASSISTANCE PROGRAMS.

(a) EDUCATION PROGRAMS.—Of the total amount authorized to be appropriated for the Department of Defense for fiscal year 1997 pursuant to the authorizations of appropriations contained in this Act, the Secretary of Defense is authorized to transfer to the Secretary of Education—

(1) $577,000,000, to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a), relating to Federal Pell Grants;

(2) $158,000,000, to carry out part E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087aa et seq.), relating to Federal Perkins Loans; and

(3) $71,000,000, to carry out part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.), relating to Federal Direct Stafford/Ford Loans.

(b) EMPLOYMENT ASSISTANCE PROGRAMS.—Of the total amount authorized to be appropriated for the Department of Defense for fiscal year 1997 pursuant to the authorizations of appropriations contained in this Act, the Secretary of Defense is authorized to transfer to the Secretary of Labor—

(1) $193,000,000, to provide employment and training assistance to dislocated workers under title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.);

(2) $246,000,000, to carry out summer youth employment and training programs under part B of title II of the Job Training Partnership Act (29 U.S.C. 1630 et seq.);

(3) $25,000,000, to carry out School-to-Work Opportunities programs under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 2101 et seq.); and

(4) $40,000,000, to carry out activities, including activities provided through one-stop centers, under the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

GLENN AMENDMENT NO. 4348

(Ordered to lie on the table.)

Mr. GLENN submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

In section 1022(a), strike out ''. Such transfers'' and insert in lieu thereof '', if the Secretary determines that the tugboats are not needed for transfer, donation, or other disposal under title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.). A transfer made under the preceding sentence''.

NUNN (AND OTHERS) AMENDMENT NO. 4349

Mr. NUNN (for himself, Mr. LUGAR, Mr. DOMENICI, Mr. DASCHLE, Mr. BIDEN, Mr. GRAHAM, Mr. LIEBERMAN, and Mr. SPECTER) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of division A, add the following new title:

TITLE XIII—DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Defense Against Weapons of Mass Destruction Act of 1996''.

SEC. 1302. FINDINGS.

Congress makes the following findings:

(1) Weapons of mass destruction and related materials and technologies are increasingly available from worldwide sources. Technical information relating to such weapons is readily available on the Internet, and raw materials for chemical, biological, and radiological weapons are widely available for legitimate commercial purposes.

(2) The former Soviet Union produced and maintained a vast array of nuclear, biological, and chemical weapons of mass destruction.

(3) Many of the states of the former Soviet Union retain the facilities, materials, and technologies capable of producing additional quantities of weapons of mass destruction.

(4) The disintegration of the former Soviet Union was accompanied by disruptions of command and control systems, deficiencies in accountability for weapons, weapons-related materials and technologies, economic hardships, and significant gaps in border control among the states of the former Soviet Union. The problems of organized crime and corruption in the states of the former Soviet Union increase the potential for proliferation of nuclear, radiological, biological, and chemical weapons and related materials.

(5) The conditions described in paragraph (4) have substantially increased the ability of potentially hostile nations, terrorist groups, and individuals to acquire weapons of mass destruction and related materials and technologies from within the states of the former Soviet Union and from unemployed scientists who worked on those programs.

(6) As a result of such conditions, the capability of potentially hostile nations and terrorist groups to acquire nuclear, radiological, biological, and chemical weapons is greater than any time in history.

(7) The President has identified North Korea, Iraq, Iran, and Libya as hostile states which already possess some weapons of mass destruction and are developing others.

(8) The acquisition or the development and use of weapons of mass destruction is well within the capability of many extremist and terrorist movements, acting independently or as proxies for foreign states.

(9) Foreign states can transfer weapons to or otherwise aid extremist and terrorist movements indirectly and with plausible deniability.

(10) Terrorist groups have already conducted chemical attacks against civilian targets in the United States and Japan, and a radiological attack in Russia.

(11) The potential for the national security of the United States to be threatened by nuclear, radiological, chemical, or biological terrorism must be taken as seriously as the risk of an attack by long-range ballistic missiles carrying nuclear weapons.

(12) There is a significant and growing threat of attack by weapons of mass destruction on targets that are not military targets in the usual sense of the term.

(13) Concomitantly, the threat posed to the citizens of the United States by nuclear, radiological, biological, and chemical weapons delivered by unconventional means is significant and growing.

(14) Mass terror may result from terrorist incidents involving nuclear, radiological, biological, or chemical materials, even if such materials are not configured as military weapons.

(15) Facilities required for production of radiological, biological, and chemical weapons are much smaller and harder to detect than nuclear weapons facilities, and biological, and chemical weapons can be deployed by alternative delivery means that are much harder to detect than long-range ballistic missiles.

(16) Such delivery systems have no assignment of responsibility, unlike ballistic missiles, for which a launch location would be unambiguously known.

(17) Covert or unconventional means of delivery of nuclear, radiological, biological, and chemical weapons, which might be preferable to foreign states and nonstate organizations, include cargo ships, passenger aircraft, commercial and private vehicles and vessels, and commercial cargo shipments routed through multiple destinations.

(18) Traditional arms control efforts assume large state efforts with detectable manufacturing programs and weapons production programs, but are ineffective in monitoring and controlling smaller, though potentially more dangerous, unconventional proliferation efforts.

(19) Conventional counterproliferation efforts would do little to detect or prevent the rapid development of a capability to suddenly manufacture several hundred chemical or biological weapons with nothing but commercial supplies and equipment.

(20) The United States lacks adequate planning and countermeasures to address the threat of nuclear, radiological, biological, and chemical terrorism.

(21) The Department of Energy has established a Nuclear Emergency Response Team which is available in case of nuclear or radiological emergencies, but no comparable units exist to deal with emergencies involving biological, or chemical weapons or related materials.

(22) State and local emergency response personnel are not adequately prepared or trained for incidents involving nuclear, radiological, biological, or chemical materials.

(23) Exercises of the Federal, State, and local response to nuclear, radiological, biological, or chemical terrorism have revealed serious deficiencies in preparedness and severe problems of coordination.

(24) The development of, and allocation of responsibilities for, effective countermeasures to nuclear, radiological, biological, or chemical terrorism in the United States requires well-coordinated participation of many Federal agencies, and careful planning by the Federal Government and State and local governments.

(25) Training and exercises can significantly improve the preparedness of State and local emergency response personnel for emergencies involving nuclear, radiological, biological, or chemical weapons or related materials.

(26) Sharing of the expertise and capabilities of the Department of Defense, which traditionally has provided assistance to Federal, State, and local officials in neutralizing, dismantling, and disposing of explosive ordnance, as well as radiological, biological, and chemical materials, can be a vital contribution to the development and deployment of countermeasures against nuclear, biological, and chemical weapons of mass destruction.

(27) The United States lacks effective policy coordination regarding the threat posed by the proliferation of weapons of mass destruction.

SEC. 1303. DEFINITIONS.

In this title:

(1) The term ''weapon of mass destruction'' means any weapon or device that is intended, or has the capability, to cause death or serious bodily injury to a significant number of people through the release, dissemination, or impact of—

(A) toxic or poisonous chemicals or their precursors;

(B) a disease organism; or

(C) radiation or radioactivity.

(2) The term ''independent states of the former Soviet Union'' has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

(3) The term ''highly enriched uranium'' means uranium enriched to 20 percent or more in the isotope U–235.

Subtitle A—Domestic Preparedness

SEC. 1311. EMERGENCY RESPONSE ASSISTANCE PROGRAM.

(a) PROGRAM REQUIRED.—(1) The Secretary of Defense shall carry out a program to provide civilian personnel of Federal, State, and local agencies with training and expert advice regarding emergency responses to a use or threatened use of a weapon of mass destruction or related materials.

(2) The President may designate the head of an agency other than the Department of Defense to assume the responsibility for carrying out the program on or after October 1, 1999, and relieve the Secretary of Defense of that responsibility upon the assumption of the responsibility by the designated official.

(3) Hereafter in this section, the official responsible for carrying out the program is referred to as the ''lead official''.

(b) COORDINATION.—In carrying out the program, the lead official shall coordinate with each of the following officials who is not serving as the lead official:

(1) The Director of the Federal Emergency Management Agency.

(2) The Secretary of Energy.

(3) The Secretary of Defense.

(4) The heads of any other Federal, State, and local government agencies that have an expertise or responsibilities relevant to emergency responses described in subsection (a)(1).

(c) ELIGIBLE PARTICIPANTS.—The civilian personnel eligible to receive assistance under the program are civilian personnel of Federal, State, and local agencies who have emergency preparedness responsibilities.

(d) INVOLVEMENT OF OTHER FEDERAL AGENCIES.—(1) The lead official may use personnel and capabilities of Federal agencies outside the agency of the lead official to provide training and expert advice under the program.

(2)(A) Personnel used under paragraph (1) shall be personnel who have special skills relevant to the particular assistance that the personnel are to provide.

(B) Capabilities used under paragraph (1) shall be capabilities that are especially relevant to the particular assistance for which the capabilities are used.

(e) AVAILABLE ASSISTANCE.—Assistance available under this program shall include the following:

(1) Training in the use, operation, and maintenance of equipment for—

(A) detecting a chemical or biological agent or nuclear radiation;

(B) monitoring the presence of such an agent or radiation;

(C) protecting emergency personnel and the public; and

(D) decontamination.

(2) Establishment of a designated telephonic link (commonly referred to as a ''hot line'') to a designated source of relevant data and expert advice for the use of State or local officials responding to emergencies involving a weapon of mass destruction or related materials.

(3) Use of the National Guard and other reserve components for purposes authorized under this section that are specified by the lead official (with the concurrence of the Secretary of Defense if the Secretary is not the lead official).

(4) Loan of appropriate equipment.

(f) LIMITATIONS ON DEPARTMENT OF DEFENSE ASSISTANCE TO LAW ENFORCEMENT AGENCIES.—Assistance provided by the Department of Defense to law enforcement agencies under this section shall be provided under the authority of, and subject to the restrictions provided in, chapter 18 of title 10, United States Code.

(g) ADMINISTRATION OF DEPARTMENT OF DEFENSE ASSISTANCE.—The Secretary of Defense shall designate an official within the Department of Defense to serve as the executive agent of the Secretary for the coordination of the provision of Department of Defense assistance under this section.

(h) FUNDING.—(1) Of the total amount authorized to be appropriated under section 301, $35,000,000 is available for the program required under this section.

(2) Of the amount available for the program pursuant to paragraph (1), $10,500,000 is available for use by the Secretary of Defense to assist the Surgeon General of the United States in the establishment of metropolitan emergency medical response teams (commonly referred to as ''Metropolitan Medical Strike Force Teams'') to provide medical services that are necessary or potentially necessary by reason of a use or threatened use of a weapon of mass destruction.

(3) The amount available for the program under paragraph (1) is in addition to any other amounts authorized to be appropriated for the program under section 301.

SEC. 1312. NUCLEAR, CHEMICAL, AND BIOLOGICAL EMERGENCY RESPONSE.

(a) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall designate an official within the Department of Defense as the executive agent for—

(1) the coordination of Department of Defense assistance to Federal, State, and local officials in responding to threats involving biological or chemical weapons or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of biological and chemical weapons and related materials and technologies; and

(2) the coordination of Department of Defense assistance to the Department of Energy in carrying out that department's responsibilities under subsection (b).

(b) DEPARTMENT OF ENERGY.—The Secretary of Energy shall designate an official within the Department of Energy as the executive agent for—

(1) the coordination of Department of Energy assistance to Federal, State, and local officials in responding to threats involving nuclear weapons or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of nuclear weapons and related materials and technologies; and

(2) the coordination of Department of Energy assistance to the Department of Defense in carrying out that department's responsibilities under subsection (a).

(c) FUNDING.—(1)(A) Of the total amount authorized to be appropriated under section 301, $15,000,000 is available for providing assistance described in subsection (a).

(B) The amount available under subparagraph (A) for providing assistance described in subsection (a) is in addition to any other amounts authorized to be appropriated under section 301 for that purpose.

(2)(A) Of the total amount authorized to be appropriated under title XXXI, $15,000,000 is available for providing assistance described in subsection (b).

(B) The amount available under subparagraph (A) for providing assistance is in addition to any other amounts authorized to be appropriated under title XXXI for that purpose.

SEC. 1313. MILITARY ASSISTANCE TO CIVILIAN LAW ENFORCEMENT OFFICIALS IN EMERGENCY SITUATIONS INVOLVING BIOLOGICAL OR CHEMICAL WEAPONS.

(a) ASSISTANCE AUTHORIZED.—(1) The chapter 18 of title 10, United States Code, is amended by adding at the end the following:

''§ 382. Emergency situations involving chemical or biological weapons of mass destruction

''(a) IN GENERAL.—The Secretary of Defense, upon the request of the Attorney General, may provide assistance in support of Department of Justice activities relating to the enforcement of section 175 or 2332c of title 18 during an emergency situation involving a biological or chemical weapon of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if—

''(1) the Secretary of Defense and the Attorney General jointly determine that an emergency situation exists; and

''(2) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

''(b) EMERGENCY SITUATIONS COVERED.—As used in this section, the term 'emergency situation involving a biological or chemical weapon of mass destruction' means a circumstance involving a biological or chemical weapon of mass destruction—

''(1) that poses a serious threat to the interests of the United States; and

''(2) in which—

''(A) civilian expertise and capabilities are not readily available to provide the required assistance to counter the threat immediately posed by the weapon involved;

''(B) special capabilities and expertise of the Department of Defense are necessary and critical to counter the threat posed by the weapon involved; and

''(C) enforcement of section 175 or 2332c of title 18 would be seriously impaired if the Department of Defense assistance were not provided.

''(c) FORMS OF ASSISTANCE.—The assistance referred to in subsection (a) includes the operation of equipment (including equipment made available under section 372 of this title) to monitor, contain, disable, or dispose of the weapon involved or elements of the weapon.

''(d) REGULATIONS.—(1) The Secretary of Defense and the Attorney General shall jointly issue regulations concerning the types of assistance that may be provided under this section. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this section.

''(2)(A) Except as provided in subparagraph (B), the regulations may not authorize the following actions:

''(i) Arrest.

''(ii) Any direct participation in conducting a search for or seizure of evidence related to a violation of section 175 or 2332c of title 18.

''(iii) Any direct participation in the collection of intelligence for law enforcement purposes.

''(B) The regulations may authorize an action described in subparagraph (A) to be taken under the following conditions:

''(i) The action is considered necessary for the immediate protection of human life, and civilian law enforcement officials are not capable of taking the action.

''(ii) The action is otherwise authorized under subsection (c) or under otherwise applicable law.

''(e) REIMBURSEMENTS.—The Secretary of Defense shall require reimbursement as a condition for providing assistance under this section to the extent required under section 377 of this title.

''(f) DELEGATIONS OF AUTHORITY.—(1) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this section. The Secretary of Defense may delegate the Secretary's authority under this section only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.

''(2) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this section. The Attorney General may delegate that authority only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

''(g) RELATIONSHIP TO OTHER AUTHORITY.—Nothing in this section shall be construed to restrict any executive branch authority regarding use of members of the armed forces or equipment of the Department of Defense that was in effect before the date of the enactment of the National Defense Authorization Act for Fiscal Year 1997.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

''382. Emergency situations involving chemical or biological weapons of mass destruction.''.

(b) CONFORMING AMENDMENT TO CONDITION FOR PROVIDING EQUIPMENT AND FACILITIES.—Section 372(b)(1) of title 10, United States Code, is amended by adding at the end the following: ''The requirement for a determination that an item is not reasonably available from another source does not apply to assistance provided under section 382 of this title pursuant to a request of the Attorney General for the assistance.''.

(c) CONFORMING AMENDMENTS RELATING TO AUTHORITY TO REQUEST ASSISTANCE.—(1)(A) Chapter 10 of title 18, United States Code, is amended by inserting after section 175 the following:

''§ 175a. Requests for military assistance to enforce prohibition in certain emergencies

''The Attorney General may request the Secretary of Defense to provide assistance under section 382 of title 10 in support of Department of Justice activities relating to the enforcement of section 175 of this title in an emergency situation involving a biological weapon of mass destruction. The authority to make such a request may be exercised by another official of the Department of Justice in accordance with section 382(f)(2) of title 10.''.

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 175 the following:

''175a. Requests for military assistance to enforce prohibition in certain emergencies.''.

(2)(A) The chapter 133B of title 18, United States Code, that relates to terrorism is amended by inserting after section 2332c the following:

''§ 2332d. Requests for military assistance to enforce prohibition in certain emergencies

''The Attorney General may request the Secretary of Defense to provide assistance under section 382 of title 10 in support of Department of Justice activities relating to the enforcement of section 2332c of this title during an emergency situation involving a chemical weapon of mass destruction. The authority to make such a request may be exercised by another official of the Department of Justice in accordance with section 382(f)(2) of title 10.''.

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2332c the following:

''2332d. Requests for military assistance to enforce prohibition in certain emergencies.''.

(d) CIVILIAN EXPERTISE.—The President shall take reasonable measures to reduce the reliance of civilian law enforcement officials on Department of Defense resources to counter the threat posed by the use or potential use of biological and chemical weapons of mass destruction within the United States. The measures shall include—

(1) actions to increase civilian law enforcement expertise to counter such a threat; and

(2) actions to improve coordination between civilian law enforcement officials and other civilian sources of expertise, within and outside the Federal Government, to counter such a threat.

(e) REPORTS.—The President shall submit to Congress the following reports:

(1) Not later than 90 days after the date of the enactment of this Act, a report describing the respective policy functions and operational roles of Federal agencies in countering the threat posed by the use or potential use of biological and chemical weapons of mass destruction within the United States.

(2) Not later than one year after such date, a report describing—

(A) the actions planned to be taken to carry out subsection (d); and

(B) the costs of such actions.

(3) Not later than three years after such date, a report updating the information provided in the reports submitted pursuant to paragraphs (1) and (2), including the measures taken pursuant to subsection (d).

SEC. 1314. TESTING OF PREPAREDNESS FOR EMERGENCIES INVOLVING NUCLEAR, RADIOLOGICAL, CHEMICAL, AND BIOLOGICAL WEAPONS.

(a) EMERGENCIES INVOLVING CHEMICAL OR BIOLOGICAL WEAPONS.—(1) The Secretary of Defense shall develop and carry out a program for testing and improving the responses of Federal, State, and local agencies to emergencies involving biological weapons and related materials and emergencies involving chemical weapons and related materials.

(2) The program shall include exercises to be carried out during each of five successive fiscal years beginning with fiscal year 1997.

(3) In developing and carrying out the program, the Secretary shall coordinate with the Director of the Federal Bureau of Investigation, the Director of the Federal Emergency Management Agency, the Secretary of Energy, and the heads of any other Federal, State, and local government agencies that have an expertise or responsibilities relevant to emergencies described in paragraph (1).

(b) EMERGENCIES INVOLVING NUCLEAR AND RADIOLOGICAL WEAPONS.—(1) The Secretary of Energy shall develop and carry out a program for testing and improving the responses of Federal, State, and local agencies to emergencies involving nuclear and radiological weapons and related materials.

(2) The program shall include exercises to be carried out during each of five successive fiscal years beginning with fiscal year 1997.

(3) In developing and carrying out the program, the Secretary shall coordinate with the Director of the Federal Bureau of Investigation, the Director of the Federal Emergency Management Agency, the Secretary of Defense, and the heads of any other Federal, State, and local government agencies that have an expertise or responsibilities relevant to emergencies described in paragraph (1).

(c) ANNUAL REVISIONS OF PROGRAMS.—The official responsible for carrying out a program developed under subsection (a) or (b) shall revise the program not later than June 1 in each fiscal year covered by the program. The revisions shall include adjustments that the official determines necessary or appropriate on the basis of the lessons learned from the exercise or exercises carried out under the program in the fiscal year, including lessons learned regarding coordination problems and equipment deficiencies.

(d) OPTION TO TRANSFER RESPONSIBILITY.—(1) The President may designate the head of an agency outside the Department of Defense to assume the responsibility for carrying out the program developed under subsection (a) beginning on or after October 1, 1999, and relieve the Secretary of Defense of that responsibility upon the assumption of the responsibility by the designated official.

(2) The President may designate the head of an agency outside the Department of Energy to assume the responsibility for carrying out the program developed under subsection (b) beginning on or after October 1, 1999, and relieve the Secretary of Energy of that responsibility upon the assumption of the responsibility by the designated official.

(e) FUNDING.—(1) Of the total amount authorized to be appropriated under section 301, $15,000,000 is available for the development and execution of the programs required by this section, including the participation of State and local agencies in exercises carried out under the programs.

(2) The amount available under paragraph (1) for the development and execution of programs referred to in that paragraph is in addition to any other amounts authorized to be appropriated under section 301 for such purposes.

Subtitle B—Interdiction of Weapons of Mass Destruction and Related Materials

SEC. 1321. UNITED STATES BORDER SECURITY.

(a) PROCUREMENT OF DETECTION EQUIPMENT.—(1) Of the amount authorized to be appropriated by section 301, $15,000,000 is available for the procurement of—

(A) equipment capable of detecting the movement of weapons of mass destruction and related materials into the United States;

(B) equipment capable of interdicting the movement of weapons of mass destruction and related materials into the United States; and

(C) materials and technologies related to use of equipment described in subparagraph (A) or (B).

(2) The amount available under paragraph (1) for the procurement of items referred to in that paragraph is in addition to any other amounts authorized to be appropriated under section 301 for such purpose.

(b) AVAILABILITY OF EQUIPMENT TO COMMISSIONER OF CUSTOMS.—To the extent authorized under chapter 18 of title 10, United States Code, the Secretary of Defense may make equipment of the Department of Defense described in subsection (a), and related materials and technologies, available to the

Commissioner of Customs for use in detecting and interdicting the movement of weapons of mass destruction into the United States.

SEC. 1322. NONPROLIFERATION AND COUNTER-PROLIFERATION RESEARCH AND DEVELOPMENT.

(a) ACTIVITIES AUTHORIZED.—The Secretary of Defense and the Secretary of Energy are each authorized to carry out research on and development of technical means for detecting the presence, transportation, production, and use of weapons of mass destruction and technologies and materials that are precursors of weapons of mass destruction.

(b) FUNDING.—(1)(A) There is authorized to be appropriated for the Department of Defense for fiscal year 1997, $10,000,000 for research and development carried out by the Secretary of Defense pursuant to subsection (a).

(B) The amount authorized to be appropriated for research and development under subparagraph (A) is in addition any other amounts that are authorized to be appropriated under this Act for such research and development, including funds authorized to be appropriated for research and development relating to nonproliferation of weapons of mass destruction.

(2)(A) Of the total amount authorized to be appropriated under title XXXI, $19,000,000 is available for research and development carried out by the Secretary of Energy pursuant to subsection (a).

(B) The amount available under subparagraph (B) is in addition to any other amount authorized to be appropriated under title XXXI for such research and development.

SEC. 1323. INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) is amended—

(1) in subsection (a)(1)(B), by striking out ''importation or exportation of,'' and inserting in lieu thereof ''importation, exportation, or attempted importation or exportation of,''; and

(2) in subsection (b)(3), by striking out ''importation from any country, or the exportation'' and inserting in lieu thereof ''importation or attempted importation from any country, or the exportation or attempted exportation''.

SEC. 1324. CRIMINAL PENALTIES.

It is the sense of Congress that—

(1) the sentencing guidelines prescribed by the United States Sentencing Commission for the offenses of importation, attempted importation, exportation, and attempted exportation of nuclear, biological, and chemical weapons materials constitute inadequate punishment for such offenses; and

(2) Congress urges the United States Sentencing Commission to revise the relevant sentencing guidelines to provide for increased penalties for offenses relating to importation, attempted importation, exportation, and attempted exportation of nuclear, biological, or chemical weapons or related materials or technologies under—

(A) section 11 of the Export Administration Act of 1979 (50 U.S.C. App. 2410);

(B) sections 38 and 40 the Arms Export Control Act (22 U.S.C. 2778 and 2780);

(C) the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); and

(D) section 309(c) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 2156a(c).

SEC. 1325. INTERNATIONAL BORDER SECURITY.

(a) SECRETARY OF DEFENSE RESPONSIBILITY.—The Secretary of Defense, in consultation and cooperation with the Commissioner of Customs, shall carry out programs for assisting customs officials and border guard officials in the independent states of the former Soviet Union, the Baltic states, and other countries of Eastern Europe in preventing unauthorized transfer and transportation of nuclear, biological, and chemical weapons and related materials. Training, expert advice, maintenance of equipment, loan of equipment, and audits may be provided under or in connection with the programs.

(b) FUNDING.—(1) Of the total amount authorized to be appropriated by section 301, $15,000,000 is available for carrying out the programs referred to in subsection (a).

(2) The amount available under paragraph (1) for programs referred to in that paragraph is in addition to any other amounts authorized to be appropriated under section 301 for such programs.

Subtitle C—Control and Disposition of Weapons of Mass Destruction and Related Materials Threatening the United States

SEC. 1331. PROTECTION AND CONTROL OF MATERIALS CONSTITUTING A THREAT TO THE UNITED STATES.

(a) DEPARTMENT OF ENERGY PROGRAM.—Subject to subsection (c)(1), the Secretary of Energy may, under materials protection, control, and accounting assistance of the Department of Energy, provide assistance for securing from theft or other unauthorized disposition nuclear materials that are not so secured and are located at any site within the former Soviet Union where effective controls for securing such materials are not in place.

(b) DEPARTMENT OF DEFENSE PROGRAM.—Subject to subsection (c)(2), the Secretary of Defense may provide materials protection, control, and accounting assistance under the Cooperative Threat Reduction Programs of the Department of Defense for securing from theft or other unauthorized disposition, or for destroying, nuclear, radiological, biological, or chemical weapons (or related materials) that are not so secure and are located at any site within the former Soviet Union where effective controls for securing such weapons are not in place.

(c) FUNDING.—(1)(A) Of the total amount authorized to be appropriated under title XXXI, $15,000,000 is available for materials protection, control, and accounting assistance of the Department of Energy for providing assistance under subsection (a).

(B) The amount available under subparagraph (A) is in addition to any other funds that are authorized to be appropriated under title XXXI for materials protection, control, and accounting assistance of the Department of Energy.

(2)(A) Of the total amount authorized to be appropriated under section 301, $10,000,000 is available for the Cooperative Threat Reduction Programs of the Department of Defense for providing materials protection, control, and accounting assistance under subsection (b).

(B) The amount available under subparagraph (A) is in addition to any other funds that are authorized to be appropriated by section 301 for materials protection, control, and accounting assistance of the Department of Defense.

SEC. 1332. VERIFICATION OF DISMANTLEMENT AND CONVERSION OF WEAPONS AND MATERIALS.

(a) FUNDING FOR COOPERATIVE ACTIVITIES FOR DEVELOPMENT OF TECHNOLOGIES.—Of the total amount authorized to be appropriated under title XXXI, $10,000,000 is available for continuing and expediting cooperative activities with the Government of Russia to develop and deploy—

(1) technologies for improving verification of nuclear warhead dismantlement;

(2) technologies for converting plutonium from weapons into forms that—

(A) are better suited for long-term storage than are the forms from which converted;

(B) facilitate verification; and

(C) are suitable for nonweapons use; and

(3) technologies that promote openness in Russian production, storage, use, and final and interim disposition of weapon-usable fissible material, including at tritium/isotope production reactors, uranium enrichment plants, chemical separation plants, and fabrication facilities associated with naval and civil research reactors.

(b) WEAPONS-USABLE FISSILE MATERIALS TO BE COVERED BY COOPERATIVE THREAT REDUCTION PROGRAMS ON ELIMINATION OR TRANSPORTATION OF NUCLEAR WEAPONS.—Section 1201(b)(1) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 469; 22 U.S.C. 5955 note) is amended by inserting '', fissile material suitable for use in nuclear weapons,'' after ''other weapons''.

SEC. 1333. ELIMINATION OF PLUTONIUM PRODUCTION.

(a) REPLACEMENT PROGRAM.—The Secretary of Defense, in consultation with the Secretary of Energy, shall develop a cooperative program with the Government of Russia to eliminate the production of weapons grade plutonium by modifying or replacing the reactor cores at Tomsk–7 and Krasnoyarsk–26 with reactor cores that are less suitable for the production of weapons-grade plutonium.

(b) PROGRAM REQUIREMENTS.—(1) The program shall be designed to achieve completion of the modifications or replacements of the reactor cores within three years after the modification or replacement activities under the program are begun.

(2) The plan for the program shall—

(A) specify—

(i) successive steps for the modification or replacement of the reactor cores; and

(ii) clearly defined milestones to be achieved; and

(B) include estimates of the costs of the program.

(c) SUBMISSION OF PROGRAM PLAN TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress—

(1) a plan for the program under subsection (a);

(2) an estimate of the United States funding that is necessary for carrying out the activities under the program for each fiscal year covered by the program; and

(3) a comparison of the benefits of the program with the benefits of other nonproliferation programs.

(d) FUNDING FOR INITIAL PHASE.—(1) Of the total amount authorized to be appropriated by section 301 other than for Cooperative Threat Reduction programs, $16,000,000 is available for the initial phase of the program under subsection (a).

(2) The amount available for the initial phase of the reactor modification or replacement program under paragraph (1) is in addition to amounts authorized to be appropriated for Cooperative Threat Reduction programs under section 301(20).

SEC. 1334. INDUSTRIAL PARTNERSHIP PROGRAMS TO DEMILITARIZE WEAPONS OF MASS DESTRUCTION PRODUCTION FACILITIES.

(a) DEPARTMENT OF ENERGY PROGRAM.—The Secretary of Energy shall expand the Industrial Partnership Program of the Department of Energy to include coverage of all of the independent states of the former Soviet Union.

(b) DEPARTMENT OF DEFENSE PROGRAM.—The Secretary of Defense shall establish a program to support the dismantlement or conversion of the biological and chemical weapons facilities in the independent states of the former Soviet Union to uses for nondefense purposes. The Secretary may carry out such program in conjunction with, or

separately from, the organization designated as the Defense Enterprise Fund (formerly designated as the ''Demilitarization Enterprise Fund'' under section 1204 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 22 U.S.C. 5953)).

(c) FUNDING FOR DEPARTMENT OF DEFENSE PROGRAM.—(1)(A) Of the total amount authorized to be appropriated under section 301, $15,000,000 is available for the program under subsection (b).

(B) The amount available under subparagraph (A) for the industrial partnership program of the Department of Defense established pursuant to subsection (b) is in addition to the amount authorized to be appropriated for Cooperative Threat Reduction programs under section 301.

(2) It is the sense of Congress that the Secretary of Defense should transfer to the Defense Enterprise Fund, $20,000,000 out of the funds appropriated for Cooperative Threat Reduction programs for fiscal years before fiscal year 1997 that remain available for obligation.

SEC. 1335. LAB-TO-LAB PROGRAM TO IMPROVE THE SAFETY AND SECURITY OF NUCLEAR MATERIALS.

(a) PROGRAM EXPANSION AUTHORIZED.—The Secretary of Energy is authorized to expand the Lab-to-Lab program of the Department of Energy to improve the safety and security of nuclear materials in the independent states of the former Soviet Union where the Lab-to-Lab program is not being carried out on the date of the enactment of this Act.

(b) FUNDING.—(1) Of the total amount authorized to be appropriated under title XXXI, $20,000,000 is available for expanding the Lab-to-Lab program as authorized under subsection (a).

(2) The amount available under paragraph (1) is in addition to any other amount otherwise available for the Lab-to-Lab program.

SEC. 1336. COOPERATIVE ACTIVITIES ON SECURITY OF HIGHLY ENRICHED URANIUM USED FOR PROPULSION OF RUSSIAN SHIPS.

(a) RESPONSIBLE UNITED STATES OFFICIAL.—The Secretary of Energy shall be responsible for carrying out United States cooperative activities with the Government of the Russian Federation on improving the security of highly enriched uranium that is used for propulsion of Russian military and civilian ships.

(b) PLAN REQUIRED.—(1) The Secretary shall develop and periodically update a plan for the cooperative activities referred to in subsection (a).

(2) The Secretary shall coordinate the development and updating of the plan with the Secretary of Defense. The Secretary of Defense shall involve the Joint Chiefs of Staff in the coordination.

(c) FUNDING.—(1) Of the total amount authorized to be appropriated by title XXXI, $6,000,000 is available for materials protection, control, and accounting program of the Department of Energy for the cooperative activities referred to in subsection (a).

(2) The amount available for the Department of Energy for materials protection, control, and accounting program under paragraph (1) is in addition to other amounts authorized to be appropriated by title XXXI for such program.

SEC. 1337. MILITARY-TO-MILITARY RELATIONS.

(a) FUNDING.—Of the total amount authorized to be appropriated under section 301, $2,000,000 is available for expanding military-to-military programs of the United States that focus on countering the threats of proliferation of weapons of mass destruction so as to include the security forces of independent states of the former Soviet Union, particularly states in the Caucasus region and Central Asia.

(b) RELATIONSHIP TO OTHER FUNDING AUTHORITY.—The amount available for expanding military-to-military programs under subsection (a) is in addition to the amount authorized to be appropriated for Cooperative Threat Reduction programs under section 301.

SEC. 1338. TRANSFER AUTHORITY.

(a) SECRETARY OF DEFENSE.—(1) To the extent provided in appropriations Acts, the Secretary of Defense may transfer amounts appropriated pursuant to this subtitle for the Department of Defense for programs and authorities under this subtitle to appropriations available for programs authorized under subtitle A.

(2) Amounts so transferred shall be merged with the appropriations to which transferred and shall be available for the programs for which the amounts are transferred.

(3) The transfer authority under paragraph (1) is in addition to any other transfer authority provided by this Act.

(b) SECRETARY OF ENERGY.—(1) To the extent provided in appropriations Acts, the Secretary of Energy may transfer amounts appropriated pursuant to this subtitle for the Department of Energy for programs and authorities under this subtitle to appropriations available for programs authorized under subtitle A.

(2) Amounts so transferred shall be merged with the appropriations to which transferred and shall be available for the programs for which the amounts are transferred.

(3) The transfer authority under paragraph (1) is in addition to any other transfer authority provided by this Act.

Subtitle D—Coordination of Policy and Countermeasures Against Proliferation of Weapons of Mass Destruction

SEC. 1341. NATIONAL COORDINATOR ON NONPROLIFERATION.

(a) DESIGNATION OF POSITION.—The President shall designate an individual to serve in the Executive Office of the President as the National Coordinator for Nonproliferation Matters.

(b) DUTIES.—The Coordinator shall have the following responsibilities:

(1) To be the principal adviser to the President on nonproliferation of weapons of mass destruction, including issues related to terrorism, arms control, and international organized crime.

(2) To chair the Committee on Nonproliferation established under section 1342.

(3) To take such actions as are necessary to ensure that there is appropriate emphasis in, cooperation on, and coordination of, nonproliferation research efforts of the United States, including activities of Federal agencies as well as activities of contractors funded by the Federal Government.

(c) RELATIONSHIP TO CERTAIN SENIOR DIRECTORS OF NATIONAL SECURITY COUNCIL.—(1) The senior directors of the National Security Council report to the Coordinator regarding the following matters:

(A) Nonproliferation of weapons of mass destruction and related issues.

(B) Management of crises involving use or threatened use of weapons of mass destruction, and on management of the consequences of the use or threatened use of such a weapon.

(C) Terrorism, arms control, and organized crime issues that relate to the threat of proliferation of weapons of mass destruction.

(2) Nothing in paragraph (1) shall be construed to affect the reporting relationship between a senior director and the Assistant to the President for National Security Affairs or any other supervisor regarding matters other than matters described in paragraph (1).

(d) ALLOCATION OF FUNDS.—Of the total amount authorized to be appropriated under section 201, [$2,000,000] is available for carrying out research referred to in subsection (b)(3). Such amount is in addition to any other amounts authorized to be appropriated under section 201 for such purpose.

SEC. 1342. NATIONAL SECURITY COUNCIL COMMITTEE ON NONPROLIFERATION.

(a) ESTABLISHMENT.—The Committee on Nonproliferation (in this section referred to as the ''Committee'') is established as a committee of the National Security Council.

(b) MEMBERSHIP.—(1) The Committee shall be composed of the following:

(A) The Secretary of State.

(B) The Secretary of Defense.

(C) The Director of Central Intelligence.

(D) The Attorney General.

(E) The Secretary of Energy.

(F) The Administrator of the Federal Emergency Management Agency.

(G) The Secretary of the Treasury.

(H) The Secretary of Commerce.

(I) Such other members as the President may designate.

(2) The National Coordinator for Nonproliferation Matters shall chair the Committee on Nonproliferation.

(c) RESPONSIBILITIES.—The Committee has the following responsibilities:

(1) To review and coordinate Federal programs, policies, and directives relating to the proliferation of weapons of mass destruction and related materials and technologies, including matters relating to terrorism and international organized crime.

(2) To make recommendations to the President regarding the following:

(A) Integrated national policies for countering the threats posed by weapons of mass destruction.

(B) Options for integrating Federal agency budgets for countering such threats.

(C) Means to ensure that the Federal, State, and local governments have adequate capabilities to manage crises involving nuclear, radiological, biological, or chemical weapons or related materials or technologies, and to manage the consequences of a use of such a weapon or related materials or technologies, and that use of those capabilities is coordinated.

(D) Means to ensure appropriate cooperation on, and coordination of, the following:

(i) Preventing the smuggling of weapons of mass destruction and related materials and technologies.

(ii) Promoting domestic and international law enforcement efforts against proliferation-related efforts.

(iii) Countering the involvement of organized crime groups in proliferation-related activities.

(iv) Safeguarding weapons of mass destruction materials and related technologies.

(v) Improving coordination and cooperation among intelligence activities, law enforcement, and the Departments of Defense, State, Commerce, and Energy in support of nonproliferation and counterproliferation efforts.

(vi) Ensuring the continuation of effective export controls over materials and technologies that can contribute to the acquisition of weapons of mass destruction.

(vii) Reducing proliferation of weapons of mass destruction and related materials and technologies.

SEC. 1343. COMPREHENSIVE PREPAREDNESS PROGRAM.

(a) PROGRAM REQUIRED.—The President, acting through the Committee on Nonproliferation established under section 1342, shall develop a comprehensive program for carrying out this title.

(b) CONTENT OF PROGRAM.—The program set forth in the report shall include specific plans as follows:

(1) Plans for countering proliferation of weapons of mass destruction and related materials and technologies.

(2) Plans for training and equipping Federal, State, and local officials for managing a crisis involving a use or threatened use of a weapon of mass destruction, including the consequences of the use of such a weapon.

(3) Plans for providing for regular sharing of information among intelligence, law enforcement, and customs agencies.

(4) Plans for training and equipping law enforcement units, customs services, and border security personnel to counter the smuggling of weapons of mass destruction and related materials and technologies.

(5) Plans for establishing appropriate centers for analyzing seized nuclear, radiological, biological, and chemical weapons, and related materials and technologies.

(6) Plans for establishing in the United States appropriate legal controls and authorities relating to the exporting of nuclear, radiological, biological, and chemical weapons, and related materials and technologies.

(7) Plans for encouraging and assisting governments of foreign countries to implement and enforce laws that set forth appropriate penalties for offenses regarding the smuggling of weapons of mass destruction and related materials and technologies.

(8) Plans for building the confidence of the United States and Russia in each other's controls over United States and Russian nuclear weapons and fissile materials, including plans for verifying the dismantlement of nuclear weapons.

(9) Plans for reducing United States and Russian stockpiles of excess plutonium, reflecting—

(A) consideration of the desirability and feasibility of a United States-Russian agreement governing fissile material disposition and the specific technologies and approaches to be used for disposition of excess plutonium; and

(B) an assessment of the options for United States cooperation with Russia in the disposition of Russian plutonium.

(10) Plans for studying the merits and costs of establishing a global network of means for detecting and responding to terroristic or other criminal use of biological agents against people or other forms of life in the United States or any foreign country.

(c) REPORT.—(1) At the same time that the President submits the budget for fiscal year 1998 to Congress pursuant to section 1105(a) of title 31, United States Code, the President shall submit to Congress a report that sets forth the comprehensive program developed under subsection (a).

(2) The report shall include the following:

(A) The specific plans for the program that are required under subsection (b).

(B) Estimates of the funds necessary for carrying out such plans in fiscal year 1998.

(3) The report shall be in an unclassified form. If there is a classified version of the report, the President shall submit the classified version at the same time.

SEC. 1344. TERMINATION.

After September 30, 1999, the President—

(1) is not required to maintain a National Coordinator for Nonproliferation Matters under section 1341; and

(2) may terminate the Committee on Nonproliferation established under section 1342.

Subtitle E—Miscellaneous

SEC. 1351. CONTRACTING POLICY.

It is the sense of Congress that the Secretary of Defense, the Secretary of Energy, the Secretary of the Treasury, and the Secretary of State—

(1) in the administration of funds available to such officials in accordance with this title, should (to the extent possible under law) contract directly with suppliers in independent states of the former Soviet Union to facilitate the purchase of goods and services necessary to carry out effectively the programs and authorities provided or referred to in subtitle C; and

(2) to do so should seek means, consistent with law, to utilize innovative contracting approaches to avoid delay and increase the effectiveness of such programs and of the exercise of such authorities.

SEC. 1352. TRANSFERS OF ALLOCATIONS AMONG COOPERATIVE THREAT REDUCTION PROGRAMS.

(a) FINDINGS.—Congress makes the following findings:

(1) The various Cooperative Threat Reduction programs are being carried out at different rates in the various countries covered by such programs.

(2) It is necessary to authorize transfers of funding allocations among the various programs in order to maximize the effectiveness of United States efforts under such programs.

(b) TRANSFERS AUTHORIZED.—Funds appropriated for the purposes set forth in subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 409) may be used for any such purpose without regard to the allocation set forth in that section and without regard to subsection (b) of such section.

SEC. 1353. ADDITIONAL CERTIFICATIONS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Cooperative Threat Reduction programs and other United States programs that are derived from programs established under the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102–484; 22 U.S.C. 2901 et seq.) should be expanded by offering assistance under those programs to other independent states of the former Soviet Union in addition to Russia, Ukraine, Kazakstan, and Belarus; and

(2) the President should offer assistance to additional independent states of the former Soviet Union in each case in which the participation of such states would benefit national security interests of the United States by improving border controls and safeguards over materials and technology associated with weapons of mass destruction.

(b) EXTENSION OF COVERAGE.—Assistance under programs referred to in subsection (a) may, notwithstanding any other provision of law, be extended to include an independent state of the former Soviet Union if the President certifies to Congress that it is in the national interests of the United States to extend the assistance to that state.

SEC. 1354. PURCHASE OF LOW-ENRICHED URANIUM DERIVED FROM RUSSIAN HIGHLY ENRICHED URANIUM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the allies of the United States and other nations should participate in efforts to ensure that stockpiles of weapons-grade nuclear material are reduced.

(b) ACTIONS BY THE SECRETARY OF STATE.—Congress urges the Secretary of State to encourage, in consultation with the Secretary of Energy, other countries to purchase low-enriched uranium that is derived from highly enriched uranium extracted from Russian nuclear weapons.

SEC. 1355. PURCHASE, PACKAGING, AND TRANSPORTATION OF FISSILE MATERIALS AT RISK OF THEFT.

It is the sense of Congress that—

(1) the Secretary of Defense, the Secretary of Energy, the Secretary of the Treasury, and the Secretary of State should purchase, package, and transport to secure locations weapons-grade nuclear materials from a stockpile of such materials if such officials determine that—

(A) there is a significant risk of theft of such materials; and

(B) there is no reasonable and economically feasible alternative for securing such materials; and

(2) if it is necessary to do so in order to secure the materials, the materials should be imported into the United States, subject to the laws and regulations that are applicable to the importation of such materials into the United States.

SEC. 1356. REDUCTIONS IN AUTHORIZATION OF APPROPRIATIONS.

(a) NAVY RDT&E.—(1) The total amount authorized to be appropriated under section 201(2) is reduced by $150,000,000.

(2) The reduction in paragraph (1) shall be applied to reduce by $150,000,000 the amount authorized to be appropriated under section 201(2) for the Distributed Surveillance System.

(b) OPERATIONS AND MAINTENANCE, DEFENSE-WIDE.—The total amount authorized to be appropriated under section 301(5) is reduced by $85,000,000.

PRESSLER (AND DASCHLE) AMENDMENT NO. 4350

Mr. WARNER (for Mr. PRESSLER, for himself and Mr. DASCHLE) proposed an amendment to the bill, S. 1745, supra; as follows:

On page 316, between lines 9 and 10, insert the following:

SEC. 1072. SENSE OF CONGRESS ON NAMING ONE OF THE NEW ATTACK SUBMARINE THE "SOUTH DAKOTA".

It is the sense of the Congress that the Secretary of the Navy should name one of the new attack submarines of the Navy the ''South Dakota''.

WARNER AMENDMENT NO. 4351

Mr. WARNER proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle B of title I, add the following:

SEC. 113. PERMANENT AUTHORITY TO CARRY OUT ARMS INITIATIVE.

Section 193(a) of the Armament Retooling and Manufacturing Support Initiative Act of 1992 (subtitle H of title I of Public Law 102–484; 10 U.S.C. 2501 note) is amended by striking out ''During fiscal years 1993 through 1996,'' and inserting in lieu thereof ''during fiscal years 1993 through 1998''.

JOHNSTON (AND BREAUX) AMENDMENT NO. 4352

Mr. NUNN (for Mr. JOHNSTON, for himself and Mr. BREAUX) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2828. LAND TRANSFER, VERNON RANGER DISTRICT, KISATCHIE NATIONAL FOREST, LOUISIANA.

(a) TRANSFER PURSUANT TO ADMINISTRATIVE AGREEMENT.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of the Army and the Secretary of Agriculture shall enter into an agreement providing for the transfer to the Secretary of the Army of administrative jurisdiction over such portion of land currently owned by the United States within the Vernon Ranger District of the Kisatchie

National Forest, Louisiana, as the Secretary of the Army and the Secretary of Agriculture jointly determine appropriate for military training activities in connection with Fort Polk, Louisiana. The agreement shall allocate responsibility for land management and conservation activities with respect to the property transferred between the Secretary of the Army and the Secretary of Agriculture.

(2) The Secretary of the Army and the Secretary of Agriculture may jointly extend the deadline for entering into an agreement under paragraph (1). The deadline may be extended by not more than six months.

(b) ALTERNATIVE TRANSFER REQUIREMENT.—If the Secretary of the Army and the Secretary of Agriculture fail to enter into the agreement referred to paragraph (1) of subsection (a) within the time provided for in that subsection, the Secretary of Agriculture shall, at the end of such time, transfer to the Secretary of the Army administrative jurisdiction over property consisting of approximately 84,825 acres of land currently owned by the United States and located in the Vernon Ranger District of the Kisatchie National Forest, Louisiana, as generally depicted on the map entitled ''Fort Polk Military Installation map'', dated June 1995.

(c) LIMITATION ON ACQUISITION OF PRIVATE PROPERTY.—The Secretary of the Army may acquire privately-owned land within the property transferred under this section only with the consent of the owner of the land.

(d) USE OF PROPERTY.—(1) Subject to paragraph (2), the Secretary of the Army shall use the property transferred under this section for military maneuvers, training and weapons firing, and other military activities in connection with Fort Polk, Louisiana.

(2) The Secretary may not permit the firing of live ammunition on or over any portion of the property unless the firing of such ammunition on or over such portion is permitted as of the date of the enactment of this Act.

(e) MAP AND LEGAL DESCRIPTION.—(1) As soon as practicable after the date of the transfer of property under this section, the Secretary of Agriculture shall—

(A) publish in the Federal Register a notice containing the legal description of the property transferred; and

(B) file a map and the legal description of the property with the Committee on Energy and Natural Resources, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Armed Services of the Senate and the Committee on Resources, the Committee on Agriculture, and the Committee on National Security of the House of Representatives.

(2) The maps and legal descriptions prepared under paragraph (1) shall have the same force and effect as if included in this subsection, except that the Secretary of Agriculture may correct clerical and typographical errors in the maps and legal descriptions.

(3) As soon as practicable after the date of the enactment of this Act, copies of the maps and legal descriptions prepared under paragraph (1) shall be available for public inspection in the following offices:

(A) The Office of the Secretary of Agriculture.

(B) Such offices of the United States Forest Service as the Secretary of Agriculture shall designate.

(C) The Office of the Commander of Fort Polk, Louisiana.

(D) The appropriate office in the Vernon Parish Court House, Louisiana.

(f) MANAGEMENT OF PROPERTY.—(1) If the transfer of property under this section occurs under subsection (a), the Secretary of the Army and the Secretary of Agriculture shall manage the property in accordance with the agreement entered into under that subsection.

(2)(A) If the transfer of property under this section occurs under subsection (b), the Secretary of the Army and the Secretary of Agriculture shall manage the property in accordance with the management plan under subparagraph (B) and the memorandum of understanding under subparagraph (C).

(B)(i) For purposes of managing the property under this paragraph, the Secretary of the Army shall, with the concurrence of the Secretary of Agriculture, develop a plan for the management of the property not later than two years after the transfer of the property. The Secretary of the Army shall provide for a period of public comment in developing the plan in order to ensure that the concerns of local citizens are taken into account in the development of the plan. The Secretary of the Army may utilize the property pending the completion of the plan.

(ii) The Secretary of the Army shall develop and implement the plan in compliance with applicable Federal law, including the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(iii) The plan shall provide for the management of the natural, cultural, and other resources of the property, including grazing, the management of wildlife and wildlife habitat, recreational uses (including hunting and fishing), and non-public uses of non-Federal lands within the property.

(C)(i) For purposes of managing the property under this paragraph, the Secretary of the Army and the Secretary of Agriculture shall enter into a memorandum of understanding in order to provide for—

(I) the implementation of the management plan developed under subparagraph (B); and

(II) the management by the Secretary of Agriculture of such areas of the property as the Secretary of the Army and the Secretary of Agriculture designate for use for non-military purposes.

(ii) The Secretary of the Army and the Secretary of Agriculture may amend the memorandum of understanding by mutual agreement.

(g) REVERSION.—If at any time after the transfer of property under this section the Secretary of the Army determines that the property, or any portion thereof, is no longer to be retained by the Army for possible use for military purposes, jurisdiction over the property, or such portion thereof, shall revert to the Secretary of Agriculture who shall manage the property, or portion thereof, as part of the Kisatchie National Forest.

(h) IDENTIFICATION OF LAND FOR TRANSFER TO FOREST SERVICE.—The Secretary of Defense shall seek to identify land equal in acreage to the land transferred under this section and under the jurisdiction of the Department of Defense that is suitable for transfer to the Secretary of Agriculture for use by the Forest Service.

DEWINE (AND GLENN) AMENDMENT NO. 4353

Mr. WARNER (for Mr. DEWINE, for himself and Mr. GLENN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of title XXVIII, add the following:

SEC. 2828. LAND CONVEYANCE, AIR FORCE PLANT NO. 85, COLUMBUS, OHIO.

(a) CONVEYANCE AUTHORIZED.—(1) Notwithstanding any other provision of law, the Secretary of the Air Force may instruct the Administrator of General Services to convey, without consideration, to the Columbus Municipal Airport Authority (in this section referred to as the ''Authority'') all right, title, and interest of the United States in and to a parcel of real property, together with improvements thereon, at Air Force Plant No. 85, Columbus, Ohio, consisting of approximately 240 acres that contains the land and buildings referred to as the ''airport parcel'' in the correspondence from the General Services Administration to the Authority dated April 30, 1996, and is located adjacent to the Port Columbus International Airport.

(2) If the Secretary does not have administrative jurisdiction over the parcel on the date of the enactment of this Act, the conveyance shall be made by the Federal official who has administrative jurisdiction over the parcel as of that date.

(b) REQUIREMENT FOR FEDERAL SCREENING.—The Federal official may not carry out the conveyance of property authorized in subsection (a) unless the Federal official determines, in consultation with the Administrator of General Services, that no department or agency of the Federal Government will accept the transfer of the property.

(c) CONDITION OF CONVEYANCE.—The conveyance required under subsection (a) shall be subject to the condition that the Authority use the conveyed property for public airport purposes.

(d) REVERSION.—If the Federal official making the conveyance under subsection (a) determines that any portion of the conveyed property is not being utilized in accordance with subsection (c), all right, title, and interest in and to such portion shall revert to the United States and the United States shall have immediate right of entry thereon.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Federal official making the conveyance. The cost of the survey shall be borne by the Authority.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Federal official making the conveyance of property under subsection (a) may require such additional terms and conditions in connection with the conveyance as such official considers appropriate to protect the interests of the United States.

FORD AMENDMENT NO. 4354

Mr. NUNN (for Mr. FORD) proposed an amendment to the bill, S. 1745, supra; as follows:

In the table in section 2101(a), strike out the item relating to Fort Campbell, Kentucky, and insert in lieu thereof the following:

Kentucky	Fort Campbell	$67,600,000

Strike out the amount set forth as the total amount at the end of the table in section 2101(a), and insert in lieu thereof ''$363,050,000''.

In section 2104(a), in the matter preceding paragraph (1), strike out ''$1,894,297,000'' and insert in lieu thereof ''$1,900,897,000''.

In section 2104(a)(1), strike out ''$356,450,000'' and insert in lieu thereof ''$363,050,000''.

In section 2502, strike out ''$197,000,000'' and insert in lieu thereof ''$172,000,000''.

In section 2601(1)(A), strike out ''$79,628,000'' and insert in lieu thereof ''$90,428,000''.

McCAIN AMENDMENT NO. 4355

Mr. WARNER (for Mr. McCAIN) proposed an amendment to amendment No. 4354 proposed by Mr. FORD to the bill, S. 1745, supra; as follows:

At the end of the amendment, add the following:

At the end of title XXVII, add the following:

SEC. 2706. PROHIBITION ON USE OF FUNDS FOR CERTAIN PROJECTS.

(a) PROHIBITION.—Notwithstanding any other provision of this Act, no funds authorized to be appropriated by this Act may be obligated or expended for the military construction project listed under subsection (b) until the Secretary of Defense certifies to Congress that the project is included in the current future-years defense program.

(b) COVERED PROJECT.—Subsection (a) applies to the following military construction project:

(1) Phase II Construction, Consolidated Education Center, Ft. Campbell, KY

(2) Phase III, Construction, Western Kentucky Training Site.

ROBB (AND WARNER) AMENDMENT NO. 4356

Mr. NUNN (for Mr. ROBB, for himself and Mr. WARNER) proposed an amendment to the bill, S. 1745, supra; as follows:

Strike out subsection (a) of section 2821 and insert in lieu thereof the following new subsection (a):

(a) REQUIREMENT FOR SECRETARY OF INTERIOR TO TRANSFER CERTAIN SECTION 29 LANDS.—(1) Subject to paragraph (2), the Secretary of the Interior shall transfer to the Secretary of the Army administrative jurisdiction over the following lands located in section 29 of the National Park System at Arlington National Cemetery, Virginia:

(A) The lands known as the Arlington National Cemetery Interment Zone.

(B) All lands in the Robert E. Lee Memorial Preservation Zone, other than those lands in the Preservation Zone that the Secretary of the Interior determines must be retained because of the historical significance of such lands or for the maintenance of nearby lands or facilities.

(2)(A) The Secretary of the Interior may not make the transfer referred to in paragraph (1)(B) until 60 days after the date on which the Secretary submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives—

(i) a summary of the document entitled ''Cultural Landscape and Archaeological Study, Section 29, Arlington House, The Robert E. Lee Memorial'';

(ii) a summary of any environmental analysis required with respect to the transfer under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(iii) the proposal of the Secretary and the Secretary of the Army setting forth the lands to be transferred and the general manner in which the Secretary of the Army will develop such lands after transfer.

(B) The Secretary of the Interior shall submit the information required under subparagraph (A) not later than October 31, 1997.

(3) The transfer of lands under paragraph (1) shall be carried out in accordance with the Interagency Agreement Between the Department of the Interior, the National Park Service, and the Department of the Army, Dated February 22, 1995.

(4) The exact acreage and legal descriptions of the lands to be transferred under paragraph (1) shall be determined by surveys satisfactory to the Secretary of the Interior and the Secretary of the Army.

LIEBERMAN (AND NUNN) AMENDMENT NO. 4357

Mr. NUNN (for Mr. Lieberman, for himself and Mr. NUNN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title II add the following:

SEC. 237. CORPS SAM/MEADS PROGRAM.

(a) FUNDING.—Of the amount authorized to be appropriated under section 201(4)—

(1) $56,200,000 is available for the Corps surface-to-air missile (SAM)/Medium Extended Air Defense System (MEADS) program (PE63869C); and

(2) $515,711,000 is available for Other Theater Missile Defense programs, projects, and activities (PE63872C).

(b) INTERNATIONAL COOPERATION.—The Secretary of Defense may carry out the program referred to in subsection (a) in accordance with the memorandum of understanding entered into on May 25, 1996 by the governments of the United States, Germany, and Italy regarding international cooperation on such program (including any amendments to the memorandum of understanding).

(c) LIMITATIONS.—Not more than $15,000,000 of the amount available for the Corps SAM/MEADS program under subsection (a) may be obligated until the Secretary of Defense submits to the congressional defense committees the following:

(1) An initial program estimate for the Corps SAM/MEADS program to, including a tentative schedule of major milestones and an estimate of the total program cost through initial operational capability.

(2) A report on the options associated with the use of existing systems, technologies, and program management mechanisms to satisfy the requirement for the Corps surface-to-air missile, including an assessment of cost and schedule implications in relation to the program estimate submitted under paragraph (1).

(3) A certification that there will be no increase in overall United States funding commitment to the project definition and validation phase of the Corps SAM/MEADS program as a result of the withdrawal of France from participation in the program.

THURMOND (AND OTHERS) AMENDMENT NO. 4358

Mr. WARNER (for Mr. THURMOND, for himself, Mr. FORD, Mr. SARBANES, Mr. BREAUX, Mr. DOMENICI, Mr. SANTORUM, Mr. HOLLINGS, Mr. WARNER, and Mr. JOHNSTON) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title V, add the following:

SEC. 523. PROHIBITION ON REORGANIZATION OF ARMY ROTC CADET COMMAND OR TERMINATION OF SENIOR ROTC UNITS PENDING REPORT ON ROTC.

(a) PROHIBITION.—Notwithstanding any other provision of law, the Secretary of the Army may not reorganize or restructure the Reserve Officers Training Corps Cadet Command or terminate any Senior Reserve Officer Training Corps units identified in the Information for Members of Congress concerning Senior Reserve Officer Training Corps (ROTC) Unit Closures dated May 20, 1996, until 180 days after the date on which the Secretary submits to the congressional defense committees the report described in subsection (b).

(b) REPORT.—The report referred to in subsection (a) shall—

(1) describe the selection process used to identify the Reserve Officer Training Corps units of the Army to be terminated;

(2) list the criteria used by the Army to select Reserve Officer Training Corps units for termination;

(3) set forth the specific ranking of each unit of the Reserve Officer Training Corps of the Army to be terminated as against all other such units;

(4) set forth the authorized and actual cadre staffing of each such unit to be termination for each fiscal year of the 10-fiscal year period ending with fiscal year 1996;

(5) set forth the production goals and performance evaluations of each Reserve Officer Training Corps unit of the Army on the closure list for each fiscal year of the 10-fiscal year period ending with fiscal year 1996;

(6) describe how cadets currently enrolled in the units referred to in paragraph (5) will be accommodated after the closure of such units;

(7) describe the incentives to enhance the Reserve Officer Training Corps program that are provided by each of the colleges on the closure list; and

(8) include the projected officer accession plan by source of commission for the active-duty Army, the Army Reserve, and the Army National Guard.

(9) describe whether the closure of any ROTC unit will adversely effect the recruitment of minority officer candidates.

BYRD AMENDMENT NO. 4359

Mr. NUNN (for Mr. BYRD) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle A of title V add the following:

SEC. 506. SERVICE CREDIT FOR SENIOR R.O.T.C. CADETS AND MIDSHIPMEN IN SIMULTANEOUS MEMBERSHIP PROGRAM.

(a) AMENDMENTS TO TITLE 10.—(1) Section 2106(c) of title 10, United States Code, is amended by striking out ''while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve'' and inserting in lieu thereof ''performed on or after August 1, 1979, as a member of the Selected Reserve''.

(2) Section 2107(g) of such title is amended by striking out ''while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve'' and inserting in lieu thereof ''performed on or after August 1, 1979, as a member of the Selected Reserve''.

(3) Section 2107a(g) of such title is amended by inserting '', other than enlisted service performed after August 1, 1979, as a member of Selected Reserve'' after ''service as a cadet or with concurrent enlisted service''.

(b) AMENDMENT TO TITLE 37.—Section 205(d) of title 37, United States Code, is amended by striking out ''that service after July 31, 1990, that the officer performed while serving on active duty'' and inserting in lieu thereof ''for service that the officer performed on or after August 1, 1979.''.

(c) BENEFITS NOT TO ACCRUE FOR PRIOR PERIODS.—No increase in pay or retired or retainer pay shall accrue for periods before the date of the enactment of this Act by reason of the amendments made by this section.

BOXER AMENDMENT NO. 4360

Mr. NUNN (for Mrs. BOXER) proposed an amendment to the bill S. 1745, supra; as follows:

At the end of subtitle E of title III, add the following:

SEC. 368. REIMBURSEMENT UNDER AGREEMENT FOR INSTRUCTION OF CIVILIAN STUDENTS AT FOREIGN LANGUAGE INSTITUTE OF THE DEFENSE LANGUAGE INSTITUTE.

Section 559(a)(1) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2776; 10 U.S.C. 4411 note) is amended by striking out ''on a cost-reimbursable, space-available basis'' and inserting in lieu thereof ''on a space-available basis and for such reimbursement (whether in whole or in part) as the Secretary considers appropriate''.

MOSELEY-BRAUN AMENDMENT NO. 4361

Mr. NUNN (for Ms. MOSELEY-BRAUN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 636. PREVENTION OF CIRCUMVENTION OF COURT ORDER BY WAIVER OF RETIRED PAY TO ENHANCE CIVIL SERVICE RETIREMENT ANNUITY.

(a) CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 8332 of title 5, United States Code, is amended by adding at the end the following:

''(4) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this subchapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408.''.

(2) CONFORMING AMENDMENT.—Paragraph (1) of such subsection is amended by striking ''Except as provided in paragraph (2)'' and inserting ''Except as provided in paragraphs (2) and (4)''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 8411 of title 5, United States Code, is amended by adding at the end the following:

''(5) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this chapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408.''.

(2) CONFORMING AMENDMENT.—Paragraph (1) of such subsection is amended by striking ''Except as provided in paragraph (2) or (3)'' and inserting ''Except as provided in paragraphs (2), (3), and (5)''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on January 1, 1997.

THE MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1997

BURNS AMENDMENT NO. 4362

Mr. WARNER (for Mr. BURNS) proposed an amendment to the bill (H.R. 3517) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for fiscal year ending September 30, 1997, and for other purposes; as follows:

On page 2, line 13, strike out ''$37,323,000'' and insert in lieu thereof ''$20,723,000''.

On page 3, line 11, strike out ''$53,709,000'' and insert in lieu thereof ''$44,809,000''.

On page 6, line 24, strike out ''September 30, 2001.'' and insert in lieu thereof ''September 30, 2001: *Provided*, That of the amount made available under this heading, $10,800,000 shall be available for construction, phase III, at the Western Kentucky Training Site, Kentucky, with the amount made available for such construction to be derived from sums otherwise available under this heading for minor construction.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, June 26, 1996, to conduct a markup of S. 1317, the Public Utility Holding Company Act of 1995.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Wednesday, June 26, 1996, session of the Senate for the purpose of conducting a hearing on S. 1726, the Promotion of Commerce On-Line in the Digital Era (Pro-CODE) Act of 1996.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THURMOND. 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, June 26, 1996, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider S. 1804, a bill to make technical and other changes to the laws dealing with the territories and freely associated States of the United States; oversight considering the law enforcement initiative in the Commonwealth of the Northern Mariana Islands; and S. 1889, a bill to authorize the exchange of certain lands conveyed to the Kenai Natives Association pursuant to the Alaska Native Claims Settlement Act, to make adjustments to the National Wilderness System, and for other purposes.

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

COMMITTEE ON FINANCE

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Wednesday, June 26, 1996 beginning at 10 a.m. in room SH–215, to conduct a markup on S. 1795.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 26, 1996, at 2 p.m. to hold a hearing.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 26, 1996, at 10:30 a.m. to hold a business meeting to vote on pending items.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet Wednesday, June 26, 1996, at 9:30 a.m. for a markup.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet Wednesday, June 26, 1996, at 10 a.m. for a hearing on Senate Resolution 254, sense of the Senate regarding the reopening of Pennsylvania Avenue.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, June 26, 1996, at 9:30 a.m. to conduct a hearing on amendments to the Indian Child Welfare Act [ICWA]. The hearing will be held in room 485 of the Russell Senate Office Building.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources

be authorized to meet in executive session during the session of the Senate on Wednesday, June 26, at 9:30 a.m.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, June 26, 1996, beginning at 9:30 a.m. until business is completed, to hold a hearing on FEC reauthorization, oversight, and campaign finance reform.

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

ADDITIONAL STATEMENTS

FEDERAL MINERAL WITHDRAWAL IN THE COOKE CITY, MT AREA

● Mr. BURNS. Mr. President, I rise today to bring to the attention of the Senate two thoughts. No. 1, which is the inconsistency with which the present administration deals with land use policy decisions. No. 2, the concept of balance in dealing with land use policy.

Earlier this month the Bureau of Land Management and the Forest Service announced that they propose to withdraw from mineral entry approximately 19,100 acres in the area surrounding Cooke City, MT. This follows a pledge made by the President to disallow mineral entry into this area for a period of 2 years.

This is an area that is surrounded by lands which already protect the land in question. Congress has previously acted to create a National Park and a Wilderness area to protect the fragile lands in this area. Now the Secretary of the Interior wants to put more land in Montana out of reach for the people of Montana.

In the statement that the Secretary included with the proposal, he has stated in numerous locations that it is the policy of Federal agencies to foster and encourage private enterprise in the development of stable domestic mining. The document also discusses that there will not be any effect on valid existing claims, referring to the New World Mine site presently under study by the Federal land management agencies and the States of Montana and Wyoming.

The purpose of this proposal is exactly the opposite. Before the States can finish their purposed action on mining in this area, the Federal Government steps in to say that they know what is best for everybody. They state that they will consult with local communities on the process. Yet when it comes to the final process they give little or no credit to the words and thoughts of the people that will be most directly impacted by their actions.

All this is stated very clearly in a letter written by Mr. David Rovig of Montana. His letter sets forth a precise description of the inconsistencies in the proposal put forth by Secretary Babbitt.

Mr. President, I ask that the letter by Mr. Rovig be printed in the RECORD following my statement.

In recent years our Government has fallen prey to the actions of special interest groups that seek to exempt others of the future they are so privileged to have lived. If we are to increase the stability of our country and to develop our future we need to open our minds and eyes to balance, and not close the door on development. We need to be prepared to use our resources to protect the land. These are the aims that the Government needs to seek. It is the goal of the State of Montana to find sound science in the development of the resources my State has been so blessed with.

Work is being done in Montana to protect the future and the land. What Montana seeks is work and jobs to move into the future.

The letter follows:

ROVIG MINERALS, INC.,
Billings, MT, June 21, 1996.

Senator CONRAD BURNS,
Dirksen Senate Office Building,
Washington, DC.

DEAR CONRAD: I am writing this letter on behalf of the Montana Mining Association in my position as President.

I was recently made aware of a Bureau of Land Management and Forest Service action (see attachments) whereby they propose to withdraw from mineral entry approximately 19,100 acres in the Cooke City area. This administrative action is purportedly being undertaken at the request or direction of Secretary Bruce Babbitt of the Department of the Interior. It follows on the heels of President Clinton's promise, catering to the environmental community, that this area would be suspended from mineral entry for a period of two years. I think you know the history of this hoax—the President flew over the area at 10,000 feet and then determined in a secret meeting with multiple environmental groups that he would save the area from the nasty miners.

The continued effort now being foisted on us by the Bureau of Land Management and the Forest Service is a very expensive attempt to appease environmental groups with taxpayer money while in reality accomplishing nothing. Cooke City sits in the middle of a multi-million acre area of previously withdrawn wilderness and national parks. The 19,000 or 20,000 acres represented is one of the very few areas in this gigantic enclave where any degree of free enterprise can be pursued. The Bureau of Land Management, the Forest Service, the Secretary and the environmental community keep trying to portray the Cooke City area as a forgotten or overlooked part of their personal preserve. The reality is that the New World Mining district was specifically excluded when Yellowstone Park was formed by virtue of the fact that it was an active mining district. Furthermore, in the 1970's when the Absaroka-Beartooth Wilderness Area was formed, it was again specifically excluded by virtue of its intense mineral potential. That mineral potential still exists today as demonstrated by the reserves recently drilled out by Crown Butte Mines, Inc.

In the government support information, the following statement was made, ''The withdrawal has been proposed by the Secretary of the Interior to maintain, to the extent practical, resource values in the area and on adjacent lands in Yellowstone National Park and the Absaroka-Beartooth Wilderness Area.'' It is obvious from this statement that the Secretary has redefined resource values to exclude mineral resources. Yet in the accompanying information sheet dated June 1996, we see the following paragraph: ''Under the Mining and Mineral Policy Act, it is the policy of all Federal agencies to foster and encourage private enterprise in the development of economically sound and stable domestic mining, minerals, metal and mineral reclamation industries; and the orderly and economic development of domestic mineral resources, reserves, and reclamation of metals and minerals to help assure satisfaction of industrial, security and environmental needs.''

There are many other inconsistencies in the government's position such as the statement: ''The withdrawal would not affect those lands in the area for which there are valid existing rights of mineral entry or any other associated rights, such as access to private land or existing mineral claims.''

This is inconsistent since the very concept of mineral entry allows for the staking of mill site claims to help develop a mining claim. Under Babbit's proposal new mill site claims would not be allowed thus denying owners of valid existing mineral rights, their other associated rights. The information sheet makes the absurd statement that: ''The New World Mine proposal, being analyzed by the Gallatin National Forest, is not considered as a 'connected action' to the withdrawal proposal and will not be considered in the analysis. The New World Mine proposal applies to an area for which there were valid rights established prior to the proposed withdrawal.''

Anyone who has followed the proposed development of the New World Mine knows very well that the withdrawal issue would never have arisen were it not for Clinton's secret meeting with the environmentalists. Of course, the New World Mine proposal should be considered a connected action, and the very fact that its multi-volume Environmental Impact Statement has been written to cover the very heart of the proposed withdrawal demands that it be considered as a connected action, thus proving the district's mineral viability.

Even if you accept the position that this proposed activity will not affect existing mining activities and claims, then you must seriously question why the government wants to take this very expensive multi-year action to withdraw the surrounding ground. Another major consideration is the concept of administrative withdrawals on our ever dwindling mineral resource locales. The prospector and the wildcatter cannot find their minerals where no minerals exist. We must be allowed to look in those places where geologic conditions allow for the presence of commercial minerals. Already thousands of acres of highly prospective mineral locations have been lost to the bureaucratic procedures that simply do not recognize the incredible importance of minerals to this country's past, present and future. There are no great nations that do not have near self-sufficiency for their mineral needs.

I hope that through the budget process, or some of the other magic that goes on in Washington, you can stop this wasteful and unnecessary proposal but, if not, I plead for you to work with us to ensure that a degree of logic and common sense is incorporated in the procedure. This would include review of the studies by the United States Bureau of Mines, the United States Geological Survey and various states agencies. It must also consider how small this area is when compared to the vast wilderness and park system

that surrounds it. It is clear to me that if Babbitt's mineral withdrawal succeeds there will be subsequent steps to pick away at the area until it ultimately would be consumed by the wilderness system.

As a matter of standing policy, the Montana Mining Association is opposed to administrative withdrawals of any lands from mineral entry. In this instance, the egregious violation of the intent of the withdrawal procedure for the sole purpose of mollifying preservationist interests solidifies our resolve. We firmly believe that the continual hijacking of established procedures to achieve political ends must stop. Please help us help ourselves and the country to thwart this effort.

Very truly yours.

DAVID B. ROVIG.●

GLEN GENSEAL AND SPRINGFIELD'S NEW KOREAN WAR MEMORIAL

● Mr. SIMON. Mr. President, the community of Springfield, IL, recently dedicated a new Korean War Memorial which features, inscribed in stone, this poem, written by Glen Genseal in tribute to our fallen soldiers in Korea:

MY BRAVE YOUNG MEN

(by Glen Genseal)

I took a walk in the park of my old home town
Hardly noticing anything that was around.
Just this day, I don't know why,
I looked at the cannon and stone war plaque when passing by.

There were name upon names written on the plaque
Of brave young men who never came back.
A certain guilty feeling came over me,
I didn't know why, but I was soon to see.
Off in the distance, I thought I heard
Soldiers marching to cadence and time.
I blinked my eyes, shook my head,
Looked at the plaque,
And here's what it said:

Take a good look at my brave young men as they go marching by,
I want you to hear all their widows and mothers cry.

I want you to touch each salty tear,
And feel each heartache, that will never disappear.

Look into the lost eyes of every wife, mother, and dad,
Then gently squeeze the small hand of each fatherless child
That war has left so sad.

Oh my friend, never forget as you walk by,
The sacrifice of my brave young men who had to die.

Let it be known and always ever so plain,
That my brave young men did not die in vain.

America will always be the home of the brave,
America will always be the land of the free.

Because of the life of each young man
Whose name, written in blood, is upon me.

God bless America and my brave young men.

Mr. President, Tracy Johnson, who has done a superb job for the people of Illinois and for me in my office in Springfield, is the daughter of Glen Genseal. She is proud of her father and of his contribution to this lasting and fitting memorial to those who served and died in Korea, and I am proud of them both.

SURGING TAX BURDEN UNDER PRESIDENT CLINTON

● Mr. ABRAHAM. Mr. President, under President Bill Clinton, the Federal tax burden as a percentage of national income has risen to the second highest level in American history. As reported by economist Bruce Bartlett, according to the U.S. Department of Commerce, in the first quarter of 1996 Federal taxes consumed 20.5 percent of gross domestic product. Only during periods of war and other unique economic circumstances has the tax burden risen to such levels. For instance, at the height of World War II in 1945, and of the Vietnam war in 1969, Federal taxes took only 20.1 percent and 20.3 percent of GDP, respectively. During the late 1970's and early 1980's, double-digit inflation and a Tax Code that was not indexed for inflation pushed the tax burden to an all-time high of 20.8 percent of GDP. President Clinton's 1993 tax increase—the biggest tax increase in the history of the world—is largely responsible for raising the tax burden from 19.2 percent of GDP in President Bush's last year to today's 20.5 percent of GDP. In my view, there is absolutely no justification for imposing such a heavy tax burden on the American people. We ought to let American people keep more of what they earn so that they can do more for their families and communities. And the best way to accomplish this is to reduce income tax rates for everyone by at least 15 percent.

I ask that Mr. Bartlett's Detroit News editorial be printed in the RECORD immediately following my remarks.

The editorial follows:

[From the Detroit News, June 24, 1996]

A SURGING RECORD OF CLINTON TAX LOAD

(By Bruce Bartlett)

Recently released data show federal taxes continuing their relentless upward trend. As I have previously reported, federal taxes consumed 20.4 percent of the gross domestic product (GDP) last year—the second highest level in American history.

According to the U.S. Department of Commerce, however, in the first quarter of 1996 federal revenues have risen by another 0.1 percent to 20.5 percent of GDP. As the figure indicates, federal revenues have now risen by 1.5 percentage points of GDP during the Clinton administration.

This works out to an increase of just over 0.1 percent of GDP every quarter Bill Clinton has been in office. On this basis, we can anticipate that by the fourth quarter of 1996 federal revenues will equal their all-time high of 20.8 percent.

The Congressional Budget Office now estimates that gross domestic product will amount to $7,584 billion in 1996. Thus if revenues were simply to return to the level they were at when Bill Clinton took office, we would have to cut taxes by $114 billion this year. And every quarter that tax revenues as a share of GDP rise another 0.1 percent, we must increase the size of the tax cut by an additional $7.6 billion.

Predictably, the Clinton administration is hostile to the idea of a tax cut. With the sole exception of John F. Kennedy, no Democratic president in history has ever proposed a major tax cut. Democrats always want to hold on to every last dollar of the taxpayers' money—no tax cut is ever as valuable to them as the equivalent amount of government spending.

Even if they were convinced that a tax cut was justified, it is always ''unfair'' to cut tax rates because that means that those who pay the most taxes get a bigger tax cut. That is why Democrats like tax credits, because they are tax equivalent of government spending. Republicans, by contrast, have historically supported tax rate reductions and increases in tax exemptions, which allow people to keep more of their own money.

Republicans in Congress, therefore, committed a fatal error when they made the $500 child credit the centerpiece of their tax plan. It essentially is Democratic tax policy. As a result, the differences between the two parties on the central issue of taxation have become blurred.

Moreover, the Republicans' obsession with balancing the budget at all costs has blinded them to the need for a tax cut vastly larger than the minuscule $122 billion over six years that they have proposed in their latest budget. They should be talking about a tax rate reduction of at least 15 percent across the board.●

LT. COL. BRYAN T. LAWLER

● Mr. GRASSLEY. Mr. President, I rise today to honor a gentleman of outstanding character and dedication to his country. Lieutenant Colonel Bryan T. Lawler of Eldora, IA has served in the U.S. Air Force for 22 years and will retire from active duty on August 1, 1996.

Colonel Lawler's military education in 1974, when he attended and graduated from the Minuteman Missile Launch Officer training course. Subsequently, after graduating in the top third of the class from Squadron Officer's school, Bryan Lawler's education culminated with a Juris Doctor degree from the University of Iowa's College of Law. He had been competitively selected for the Funded Legal Education Program and graduated with high distinction. Colonel Lawler also attended the Air Command and Staff College.

During his 22 years of service, Colonel Lawler put his Iowa Hawkeye law degree to exemplary use. He served in the base legal office at Seymour-Johnson AFB, defense counsel at RAF Upper Heyford in the United Kingdom, and Utility Legislation Counsel at Tyndall AFB in Florida. He also served as the Staff Judge Advocate at Moody AFB. He continued his service overseas, being stationed, again, in the United Kingdom and in Saudi Arabia. While in Saudi Arabia Colonel Lawler was selected to serve as one of the legal advisors who investigated the shootdown of two U.S. Army helicopters in Northern Iraq. The Colonel finishes his distinguished career as Deputy Staff Judge Advocate for the Headquarter Fifteenth Air Force at Travis AFB.

Because of his outstanding achievements during his services with the U.S.

Air Force, Lieutenant Colonel Lawler has been honored with the Meritorious Service Medal with two Oak Leaf Clusters, the Joint Commendation Medal, and the Air Force Commendation Medal with two Oak Leaf Clusters. Bryan Lawler's military service reflects hard work, pride, and efficiency. The work done by Colonel Lawler in the service of his country is greatly appreciated. I know that all Iowans and all Americans join me in expressing their thanks for a job well done.

Mr. President, I would like to quote the words of one of Colonel Lawler's fellow officers. I believe that these words describe the Colonel well. ''Colonel Lawler has been a leader, guiding hundreds of young people who have learned and themselves succeeded under his steady influence. Few members of the Department are as well respected, admired and liked by his superiors, peers and subordinates as is Colonel Lawler.''

Mr. President, I sincerely congratulate Lieutenant Colonel Bryan T. Lawler on his service with the U.S. Air Force. He is the type of officer that our military needs. I wish him the best of luck in the years to come.●

VICE PRESIDENT GORE ON THE 40TH ANNIVERSARY OF THE INTERSTATE HIGHWAY SYSTEM

Mr. DASCHLE. Mr. President, today the President of the Senate, the Vice President of the United States, AL GORE, Jr., issued a statement commemorating the 40th anniversary of the Interstate Highway System. His statement is fitting, not only because of the unparalleled significance the Interstate Highway System holds for every American, but also because of the key role in the development of that system played by the Vice President's father, Al Gore, Sr. I ask unanimous consent that the Vice President's statement be printed in the RECORD and commend it to my colleagues' and the public's attention.

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

STATEMENT BY VICE PRESIDENT AL GORE COMMEMORATING THE 40TH ANNIVERSARY OF THE INTERSTATE HIGHWAY SYSTEM, JUNE 26, 1996

This week marks the 40th anniversary of the historic legislation that created our nation's Interstate Highway System. Tonight, at the Zero Milestone Market on the Ellipse, there will be an event to honor the four visionary Americans who made it possible: President Dwight Eisenhower; Congressman Hale Boggs; former Federal Highway Administrator Frank Turner; and my hero, my mentor, one of Tennessee's finest sons and one of America's greatest Senators . . . my father, Senator Al Gore, Sr.

The Interstate Highway System has meant so much to our country. Its creation led to an unprecedented period of national growth and prosperity. It increased safety and dramatically reduced traffic fatalities. And it enhanced our national defense and security.

The Interstate Highway System has literally changed the way we work and even the way we live. But it has done something else, too—something that can't be measured by statistics or dollar signs.

The Interstate Highway System unified our great and diverse nation. As President Clinton has said, it ''did more to bring Americans together than any other law this century.'' And by so doing, it gave our citizens—and still gives our citizens 40 years and about 44,000 miles later—the very freedom that defines America.

Inherent in our Bill of Rights—whether the freedom of religion or press—is the freedom of mobility . . . to go where we please, when we please. Families driving to our national parks on vacation, mothers coming home from work, fathers taking their children to baseball games . . . all depend on the Interstate Highway System—a system that has paved the way not only to the next destination, but to opportunity itself.

A highway to opportunity—that is America. And that is the freedom, I am proud to say, made possible in part by my father's dedication. I'm equally proud to continue that tradition—inspired by him—by working to connect all Americans to the 21st century's highway to opportunity, the information superhighway.

I was always amazed how the voice that called me to the dinner table or reminded me to do my homework could be the same voice that argued so eloquently in the Senate for what can only be described as the greatest public works project in the history of the United States of America. And on this, the 40th anniversary of that accomplishment, I would like to thank my father, Senator Al Gore, Sr.

On behalf of all Americans, I would like to thank him for the Interstate Highway System that, in his words, is truly an ''object of national pride.'' And I would like to thank him, personally, for teaching me both what it means to be a dedicated public servant and a dedicated father.

SECURITY AT THE WHITE HOUSE

Mr. WARNER. Mr. President, yesterday's Washington Post contained a very interesting op-ed piece written by William T. Coleman, Jr., former Secretary of Transportation in the Ford administration, who is chairman of the NAACP Legal Defense and Education Fund. I have known, through the years, this distinguished public servant very, very well. He enjoys the confidence and respect of the broadest possible spectrum here in the Nation's Capital, certainly of this Senator.

Mr. President, he was addressing the serious problem with respect to security at the White House, and I point out that he is a Republican. He goes into considerable detail on the issue recently voted on in the Senate, the closing of Pennsylvania Avenue. I voted against that Sense of the Senate Resolution. I feel that matters relating to security, such as the closing of Pennsylvania Avenue, no matter the considerable inconvenience to many citizens and in particular citizens from my State of Virginia, contiguous to the Nation's capital, should best be left to those who are responsible for decisions relating to security.

Quite frankly, in my State, my vote was not popular because of the inconvenience to those utilizing Pennsylvania Avenue for transportation to and from their places of employment and the like. I cast a vote to table that resolution.

Today, in our newspapers and on television, we have seen the absolutely tragic news about the bombing in Saudi Arabia. Mr. President, the first thought in my mind is a great sense of compassion, of course, for the families, for the victims, those who have lost their lives, those who are injured. How many times I and others, including the presiding officer and the distinguished chairman of the Armed Services Committee, have reminded the American public of the risk taken every day by men and women of the Armed Forces. They volunteer to go beyond our shores to provide that framework of security, together with our allies, such that we can enjoy what we are doing here today—freedom of speech and every other type of freedom guaranteed by our Constitution. We honor the great sense of obligation that these men and women have and the generations that have preceded them and worn the uniforms, knowing they take risks of varying levels once they depart the shores of our United States.

I think we should take a lesson from that tragedy as it relates to security and the type of weapon employed by those terrorists; namely, a truck, from outward appearances being a fuel truck. I consulted today with the intelligence staff of the Department of Defense. I think it can be said that a fuel truck was carefully reconfigured and the contents carefully put in by expert individuals. It was not some back-garage type of manufacturing job by persons in that region.

The article by Mr. Coleman is relevant to the tragedy within the last 24 hours in Saudi Arabia. Terrorism against our men and women of the Armed Forces abroad, in my judgment, is directly related to the issue regarding Pennsylvania Avenue and the house of the President of the United States, which is the public property of every citizen in this country. I ask unanimous consent this article be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. EXON. Will the Senator yield?

Mr. WARNER. I am happy to yield to the Senator.

Mr. EXON. I would like to say a few things complimenting my friend from Virginia on the remarks he made.

Mr. WARNER. Take such time as the Senator desires.

Mr. EXON. While the Senator from Virginia and I have not always agreed on all subjects, we have agreed on more than we have disagreed on. I could not help but ask for a moment, if I might, to congratulate the Senator from Virginia for his very thoughtful remarks with regard to the security of the White House. I voted against the resolution when it came up because I thought it was ill-advised.

I believe it is safe to say that what happened, the tragedy that happened to our people serving the United States

overseas with the terrorist attack yesterday, if it can happen in Dhahran, Saudi Arabia, it can happen even more easily at an open Pennsylvania Avenue, 1600 Pennsylvania Avenue.

I thank the Senator for his thoughtful comments and remarks.

Mr. WARNER. I thank my colleague.

Also, I feel the President of the United States, President Clinton, has addressed thus far this tragedy in Dhahran in an exemplary manner. He has dispatched all known resources in this country to analyze how this could have happened, and I was told by the Department of Defense a short time ago, every possible means of medical care and logistics are en route by air to the scene to help those many, many who are still suffering in the hospital.

EXHIBIT 1

[From the Washington Post, June 25, 1996]

KEEP THE AVENUE CLOSED

(By William T. Coleman, Jr.)

When the Secret Service first described to us its proposal to eliminate vehicular traffic from two busy blocks of Pennsylvania Avenue, I and the five other persons serving as outside advisers to the Treasury Department's White House Security Review were dead set against it. We were all well aware that the presidency carries with it inevitable risks: Certainly, this president has been far more vulnerable on his two trips to the Middle East than he would ever be in the White House.

Moreover, as longtime Washington area residents and commuters, we were concerned about the effects on the city. We were also mindful of the public's possible reaction to restricting access to the people's house, and with this in mind, we consulted three of the four living former presidents.

But in the final analysis—and unfortunately much of that analysis cannot be made public because it concerns sensitive security matters—it became clear to us: The evidence unequivocally established that the No. 1 threat to the president in the White House, and to all those who work and visit there, would be an explosive-laden truck driven right up to the White House gates. A limousine, a large car, a station wagon, a bus would also have the capacity to carry such dangerous devices. And in fact all of these vehicles have been used to deliver explosives in one place or another in the world.

Surely those clamoring for the reopening of Pennsylvania Avenue to vehicular traffic cannot believe that the risks are imaginary [editorial, May 22; op-ed, June 8]. The increase in fanatical terrorism, foreign and domestic, the availability of powerful explosives and the proliferation of information explaining how to build explosive devices yield a potent mix that can no longer be ignored.

The recommendation we finally made to the Treasury Department was based on the realization that failure to adopt the Secret Service's proposal would undercut the service's responsibility to protect the first family and the government's responsibility to protect the people who visit or work in or near the White House.

Eliminating vehicular traffic from those two blocks of Pennsylvania Avenue was not a response to any of the specific events that precipitated the review. That is to say it was not intended simply to prevent another plane crash or an assault by a gunman. Our mandate from the beginning was to review all aspects of White House security. In fact our recommendation and Secretary Robert Rubin's decision were made prior to the tragic incident in Oklahoma City. But that tragedy, as well as the earlier bombing of the World Trade Center, painfully underscored the reality we must face.

Having served as secretary of transportation in the Ford administration, I was especially concerned about the transit implications of this act. So were the other advisers. All six of us racked our brains, our imaginations and our experience to come up with a solution that would keep some vehicular traffic on that segment of Pennsylvania Avenue. In the end, however, we determined that there was no feasible way to do it.

Nevertheless, the White House remains one of the most accessible executive residences and offices in the Western World. While the avenue is closed to motor vehicles, it is more open than ever to pedestrians. (And I do sense a weakness in the critics' argument that barring vehicles limits or thwarts the chances of out-of-town visitors to see the White House. I doubt that many who visit Washington to see the president's home content themselves with merely passing by in a car, tax or bus.)

The security situation changes, and not always for the worse. American schoolchildren, for example, no longer have to go through drills to prepare for nuclear attack. On the other hand, we all now take for granted metal detectors at airports, and are becoming accustomed, reluctantly, to presenting photographic identification before boarding a plane. In the 1980s, access to the Capitol, the home of the people's Congress, was restricted to pedestrians in response to threats of Libyan-sponsored terrorism. Then as now, many Washingtonians grumbled about the traffic disruption, and complained that the deployment of Jersey barriers created a concrete perimeter around the Capitol grounds. We now take that change for granted.

The Jersey barriers currently blocking Pennsylvania Avenue are indeed unsightly. But they are temporary measures, to be employed only until a permanent redesign can be accomplished. The Park Service's proposed design shows that protecting the White House will not require unsightly barricades. The federal government should move quickly to implement a permanent plan.

Although only a handful of individuals will know the specific facts underlying our recommendation, anyone who reads the newspapers or watches television news will recognize that Secretary Rubin made the right decision.

ADMIRAL BERNARD A. CLAREY REMEMBERED

Mr. WARNER. Mr. President, America lost a great hero this week. That was Admiral Bernard A. Clarey, former Commander in Chief of the Pacific Fleet. I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the New York Times article detailing his extraordinary career.

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

(See exhibit 1.)

Mr. WARNER. Mr. President, when it was my privilege to serve in the Department of Defense between the years 1969 and 1974 in the posts of Under Secretary and Secretary of the Navy, Admiral Clarey was Vice Chief of Naval Operations. The No. 2 man under the CNO, who at that time was Adm. Thomas Moorer; Admiral Clarey subsequently was transferred, and I had the privilege of cutting his orders, to the position of Commander in Chief of all U.S. Forces in the Pacific, one of the most important commands. Admiral Zumwalt had become the CNO, and together we decided that Admiral Clarey was the best qualified flag officer in the Navy to take on this post at the time of the very serious conflict in Vietnam.

I had the privilege of working very closely with this distinguished naval officer in both his capacity as Vice Chief and as Commander in Chief of the Pacific Forces. I say with the greatest humility that I looked upon him as one might look upon an older brother. He was an extraordinary man, decorated with the second highest decoration of the United States Navy, the Navy Cross, in three separate instances, for his heroism during World War II, and he earned his distinguished naval record ever since graduating from the U.S. Naval Academy in 1934.

I remember so well in the fall of 1972, during a very intense period of the war in Vietnam, I, as Secretary, went out to, as we called it in those days, ''West Pac,'' with Admiral Clarey. We proceeded to the theater of operations in Vietnam. We stopped several times inland, and then we proceeded to visit each of the ships off the coast of Vietnam in a period of 72 hours. My recollection is that we visited some 24 ships, being lowered by helicopter onto the deck of each ship to make our brief inspection, but mainly to commend the sailors for their service to country and the cause of freedom. We then completed our trip and returned to the United States.

I recall very vividly that we participated in a Christmas service offshore on the bow of one of our larger cruisers, which at that very moment was conducting operations to rescue airmen who had been shot down during the night in bombing missions.

Admiral Chick Clarey was a man whom I shall always identify as the epitome of what every sailor aspires to be. His wife, Jean, was wonderful with him—no finer Navy Wife ever existed. I pay him his final salute as he goes on to his just rewards.

I yield the floor.

EXHIBIT 1

[From the New York Times]

FORMER PACIFIC FLEET COMMANDER DIES

Adm. Bernard A. Clarey, a former vice chief of naval operations who commanded America's naval might in the Pacific as the country sought to extricate itself from the quagmire of war in Indochina, died on Saturday at Tripler Hospital in Honolulu. He was 84 and lived in Honolulu, where he retired in 1973 as commander in chief of the Pacific Fleet.

The cause was a heart attack, his family said.

In 1968, President Lyndon B. Johnson gave Clarey his fourth star and appointed him vice chief, the No. 2 spot in the Navy's uniformed hierarchy. But when Adm. Elmo R. Zumwalt became chief of Naval Operations two years later, he chose his own closest

aides and Clarey assumed the Pacific command in Hawaii.

It was a familiar duty station for Clarey, who had survived the attack on Pearl Harbor as executive officer on the submarine Dolphin. But now, in December 1970, he took charge of the entire Pacific Fleet, including its vessels off Vietnam and naval-air operations over North Vietnam.

The assignment put him in a sensitive position. American military strength in the war had peaked at nearly 550,000 in 1969; the country was racked by mass demonstration's and peace negotiations in Paris proceeded fitfully despite the raids on the North. And racial conflict aboard the Pacific Fleet led to a congressional inquiry.

Bernard Ambrose Clarey was born in Oskaloosa, Iowa, and graduated from the Naval Academy in 1934. He trained at Submarine School in New London, Cohn., in the late 1930s.

After his baptism of fire at Pearl Harbor, he went on a war patrol in the Marshall Islands aboard the Dolphin. Rising in rank and command, he continued on patrol duty in various parts of the Pacific and was one of the early commanders in the highly damaging forays against Japanese shipping late in the war, He was awarded three Navy Crosses for valor.

He was back in combat in the Korean War as executive officer on the heavy cruiser Helena, earning a Bronze Star. Further duty tours took him to Washington, back to Pearl Harbor, and to Norfolk where he planned NATO training exercises and took part in high-level conferences.

Recalled to the Pentagon in 1967, he served as director of Navy Program Planning and Budgeting in the Office of Chief of Naval Operations until his appointment as vice chief the next year.

After his retirement from the Navy he worked as vice president of the Bank of Hawaii for Pacific Rim Operations.

Clarey is survived by his wife of 59 years, Jean Scott Clarey; two sons, Rear Adm. Stephen S. Clarey, retired, of Coronado, Calif., and Michael O. Clarey of Scarsdale, N.Y.; a brother, William A. of Peoria, Ill; a sister, Janice Bracken of Paramus, N.J.; five grandchildren, and one great-granddaughter.

THE BOMBING OF THE UNITED STATES MILITARY BASE IN SAUDI ARABIA

Mr. ABRAHAM. Mr. President, I rise today to express my sincere condolences to the families and friends who lost their loved ones in the horrible terrorist act which took place at the Khobar Towers housing facility in Dhahran, Saudi Arabia. My prayers and thoughts are with the victims and with those who lost their loved ones or who had their loved ones injured by this terrorist attack. And, like every Member of this Senate, I am fully supportive of United States and Saudi cooperative efforts to ensure that those terrorists who committed this crime will be apprehended and prosecuted to the fullest extent of the law.

Our top priority today and always ought to be the protection and safety of all the citizens of our country wherever they may reside or are stationed. We are all very proud of the American servicemen and women who serve and represent our country all over the world. We must do everything we rightfully can to prevent future tragedies of this sort and to see to it that the perpetrators of this terrible act are brought to justice.

When incidents like this occur, we in the United States become acutely aware of the highly sensitive position that we, as Americans, are often in at home and abroad. Whether it is a foreign or domestic terrorist, we must unfortunately take extra precautions and institute extra security measures to protect ourselves.

The administration has greatly emphasized how the Saudi Government has acted with urgency and professionalism in assisting with our response to this tragedy. I believe this highlights the deep and significant relationship the United States does have, and must continue to maintain with the Saudi Government, bilaterally, and in conjunction with our other gulf allies. Just as the United States has steadfastly refused to bow to terrorism, so to must we preserve and sustain this critical bilateral relationship in order to continue to fight against terrorism.

IN HONOR OF T.H. BELL, FORMER SECRETARY OF EDUCATION

Mr. BENNETT. Mr. President, today in Utah, memorial services will be held in Salt Lake City for Terrel Howard Bell, who passed away on Saturday. Since I cannot be there, I would like to make a few remarks to honor him. While he is best known inside the beltway as the Secretary of Education in the Reagan Administration, his time in Washington comprised only a small period of a lifetime of dedication to education.

The words, ''A Nation at Risk'' mark the legacy of T.H. Bell. Commissions come and commissions go in Washington. Most have long been forgotten. However, I believe most of us would recognize the blunt assessment of American education contained in the report by The National Commission on Excellence in Education, the creation of then Secretary T. H. Bell:

> Our Nation is at risk. Our once unchallenged preeminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world. . .
>
> . . .[T]he educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people. . .. If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war. As it stands, we have allowed this to happen to ourselves.

This warning got the attention of America and started the wheels of reform moving.

The life of T.H. Bell was marked by an interest and passion for education. He believed that anybody who got a good education could accomplish whatever they wanted. This belief drove him to spend his life working to ensuring a good education was provided in public schools first in Idaho, Wyoming, Utah, and then the entire United States.

His belief in opportunity was not a mere philosophy based on a good idea he had read about, but was based on his own life experiences. He was born in Lava Hot Springs, Idaho in 1921. His father died in a mining accident when he was 8, and his mother, left penniless during the Depression, supported the family and they never did have much. Attending college, while his dream, was not a foregone conclusion given the financial challenges he experienced growing up.

In his own words, he shared his uncertainty about succeeding in college:

> When my senior year in high school came along, my mother had succeeded in her long campaign to get me to make the impossible happen. I was going to leave Lava Hot Springs for college. Since we had no money at all, I was compelled to attend Albion State Normal School, a teachers training institution, but my love of my hometown school made it easy for me to accept that necessity. If I could make it, I was going to be a teacher. So I hoped as I labored, full of doubts and fearful of the possibility of failure. . ..
>
> Each term I attended seemed likely to be my last. My borrowed textbooks, threadbare clothing, skimpy meals, and constant apprehensiveness that I was not college material caused me—indeed drove me—to study with a dogged passion and urgency.

He attended Albion State Normal School, beginning in 1940. After serving in the Marines during World War II, he became a high school science teacher. At age 25, he became superintendent of schools in Rockland, ID. He also held that position in Afton, WY, and Ogden, UT. He then served as Utah's state schools chief from 1963 to 1970, and then moved on to Washington, DC, to work in education under President's Nixon and Ford as Deputy Commissioner and then Commissioner of Education in the Department of Health, Education, and Welfare.

He took office as President Ronald Reagan's Education Secretary in 1981, where the landmark report, ''A Nation at Risk'' was issued. His strong belief in State and local control of schools was often misunderstood, given his view that the Federal Government should provide some leadership role in education reform.

After leaving his post as education chief in 1985, he established a nonprofit consultant group focusing promoting academic excellence at middle schools, and co-authored ''How to Shape Up Our Nation's Schools.'' T.H. Bell died in his sleep on Saturday. He was 74.

T.H. Bell worked to ensure the opportunity for a quality education was open to all, and with it, the hope of a better life, just as it had been opened to him. I would like to conclude my remarks, using his own words:

> My life would have been a great void had it not been for that public school in Lava Hot Springs staffed by caring teachers who treasured their jobs. From them I learned that I could learn. I learned as well that the joy of understanding surpasses all else. . .
>
> To look into a test tube, to marvel for the first time at a chemical reaction swirling

around before your eyes in an Erlenmeyer flask in a public school chemistry laboratory, is to describe the experience that is at the heart of the Nation's commitment to the doctrine of life, liberty, and the pursuit of happiness. We cannot promise happiness. But we must promise the pursuit. . ..

I was not only promised the pursuit, I was enabled to fulfill it.

In this, he spoke of pursuing an education. But I believe this is a fitting description of his life. He had the opportunity to pursue a life in educational service. He pursued it, and fulfilled it.

PETTAQUAMSCUTT COVE NATIONAL WILDLIFE REFUGE

Mr. PELL. Mr. President, I am delighted to join with my colleague, Senator CHAFEE, as a cosponsor of S. 1871, legislation to expand the existing boundary of the Pettaquamscutt Cove National Wildlife Refuge.

Senator CHAFEE has worked hard for many years to designate this vital area as one of our Nation's wildlife refuges and then to assure that we continue necessary financial resources. I have enjoyed working with him in this effort and I am pleased to join in support of the expansion.

This bill will help clear the way for Fish and Wildlife Service [FWS] to acquire 100 acres adjacent to long cove on the pond's northeastern shore. The owner, who has declared his intention to make a partial donation of the value of the property, has been talking to FWS for about a year.

I am delighted to advise my colleagues that several additional landowners with valuable habitat in the vicinity of the refuge also have contacted FWS to express their interest in selling their property so it may be maintained as open space.

Recent biological surveys of upper Point Judith Pond indicate that wildlife species have become more diverse and are using the pond habitat more heavily than in the past. The bill would allow the FWS to expand the refuge boundary when opportunities to acquire valuable habitat arise.

Specifically, the bill would authorize the Secretary of the Interior to expand the refuge boundary, after appropriate public notice and comment, and compliance with the National Environmental Policy Act. The Secretary currently is only authorized to make minor revisions to the boundary.

The Pettaquamscutt National Wildlife Refuge truly is one of our national treasures in Rhode Island and it protects a vital ecosystem that includes rare and endangered species among its wildlife.

SAUDI BOMBING

Mr. PELL. Mr. President, yesterday, as we all know, a horrendous bombing occurred at a United States military facility in Saudi Arabia. As of this morning, 19 Americans were dead, and nearly 300 wounded. As time goes on, it is probable that number of those killed will increase.

A number of things come to my mind in response to this awful news. First, of course, is the tremendous sympathy that I have for the families of the victims. Service for one's country—whether in the military, the diplomatic corps, or government—is one of the noblest of callings. And to give one's life in that service is the supreme sacrifice. I do hope that the families of those lost in this tragedy can take some small comfort in that fact. Their loved ones made a difference—each and every one made our country a better and safer place.

Second, it is our duty to those killed, and in our utmost national interest, to find and punish those responsible. There is no more cowardly act than a terrorist attack—the victims have no warning, no chance to defend themselves. They have done no wrong and are chosen solely for their symbolism.

Third, and regrettably, today's news was no bolt from the blue. Months ago, a similar act occurred wherein five Americans were killed. Since then, and particularly since the perpetrators of the previous bombing were executed, United States personnel in Saudi Arabia have been bracing for another attack. On top of that, the Kingdom has been rife with reports about the health and well-being of King Fahd and about his eventual replacement by Crown Prince Abdullah. These same reports have carried unsettling news about the growing prominence and strength of extremist Islamic groups, and of their disputes with the royal family.

These developments ought to have a direct bearing on the United States Government's calculus of our role, interests and presence in Saudi Arabia. Saudi Arabia is, of course, our most important partner in the Persian Gulf, and arguably the entire Middle East. There is no doubt that America should be well represented there, and that our troop presence is a key element of U.S. military strategy. Yet the fact remains that more Americans have been killed in Saudi Arabia during the past year than in Bosnia, where United States troops were placed in a combat situation. It seems to me that the United States must undertake a serious examination of the entire spectrum of our relationship with Saudi Arabia—including the prospects for future instability, the return on our investment of troops and other personnel, and the efforts of the Saudi Government to deal effectively with political dissent. Clearly, the sooner Ambassador-designate Fowler is cleared by the Senate, the better. The sands in Saudi Arabia are shifting, and I believe we ought to have a much better handle on what to expect in the months ahead. The memory of those killed demands no less.

FOREIGN OIL CONSUMED BY THE U.S.? HERE'S WEEKLY BOX SCORE

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending June 21, the United States imported 7,900,000 barrels of oil each day, 1,100,000 barrels more than the 6,800,000 barrels imported during the same week a year ago.

Americans relied on foreign oil for 55 percent of their needs last week, and there are no signs that this upward spiral will abate. Before the Persian Gulf War, the United States obtained about 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970s, foreign oil accounted for only 35 percent of America s oil supply.

Anybody else interested in restoring domestic production of oil? United States producers provide jobs for American workers. Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 7,900,000 barrels a day.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 25, 1996, the Federal debt stood at $5,114,148,773,023.82.

On a per capita basis, every man, woman, and child in America owes $19,287.21 as his or her share of that debt.

CIVIL WAR: IOWA'S SACRIFICE

Mr. GRASSLEY. Mr. President, many men and women of our Nation have been called to service during times of crises. Iowans, too, have boldly answered the call of duty. Today, as I continue my remarks about Iowa's spirit, I want to focus on one of our country's most bloody episodes—the Civil War—and, specifically, remember one university that almost was not.

From 1861 through 1864, Iowans eagerly responded to the need for soldiers to serve in the infantry, cavalry, and artillery. It has been recorded in the ''Roster of Iowa Soldiers'' that approximately 73,000 Iowans enrolled with the Union Army. Among these soldiers, over 2,000 were killed in action, almost 9,000 were wounded in action, and over 10,000 died of their wounds or disease. These numbers are quite significant since Iowa, in proportion to its population, outfitted more troops than any other State in the Union. In fact, Perry Township, located in Jackson County, gave the largest per capita troop enrollment during the Civil War.

Iowa women also played a vital role during the Civil War. Soldier's relief societies were formed to support the troops. These women sewed uniforms, provided bedding, and collected necessary funds to help purchase military supplies. One woman in particular,

Annie Wittenmyer, played an instrumental role in organizing these societies throughout Iowa. Because soldiers were dying more from diseases than from their wounds, she created diet kitchens in hospitals to help rebuild their strength and aid in their recovery. Furthermore, Annie Wittenmyer campaigned to provide relief for mothers, wives, and children adversely affected by the war because their sons, husbands, and fathers were killed or disabled during their service. Not only did she campaign for financial assistance for these women and children, but her efforts also helped build orphans' homes.

Unfortunately, as with every hard-fought battle, there comes a price. A battle-scarred Civil War flag, on display at Upper Iowa University in Fayette, is a poignant reminder of this sacrifice.

Upper Iowa was founded in 1857 by pioneer families living in the wooded hills surrounding the tiny village of Fayette. The nearest college, Cornell in Mount Vernon, was a long dangerous trip away by stagecoach over rough dirt roads and through territory roamed by native tribes. Colonel Robert Alexander, a veteran of the Black Hawk War, donated $10,000 in gold pieces toward the funding of a college, and a hall was constructed of native white limestone. The university doors opened on January 7, 1857.

Three short years after Upper Iowa's founding, though, the Civil War broke out, and the university's young men, many of them on the verge of graduating, enlisted in a body, along with many of their professors. Company C of the 3rd Iowa Volunteer Infantry went on to participate in 17 major battles, including the bloody fields of Vicksburg and Shiloh. For many young Upper Iowans, a battlefield grave ended their dreams for a future. In a quirk of fate, Upper Iowa's mathematics professor, Nathan Cornell, now a colonel in the Confederate Army, was captured by Colonel E.C. Byam of the Union Army—Upper Iowa's business manager.

With so much of the student body gone, the university was on the verge of closing, but the women students and the female professors were determined to carry on. Dean of Students Elizabeth Sorin, although born in the South, wholeheartedly supported the decision of the men to fight for the Union. She and the women students fashioned the first American flag that the men carried into battle, and later she recalled those dedicated women whose ''hearts went in with their stitches in the red, white, and blue.'' When the flag was captured at the bloody conflict called the Hornet's Nest during the battle of Shiloh, the women made a second flag for their soldiers and continued to support them with their letters and prayers. They were there to welcome home the remnant of Company C, and mourn the fallen. Life slowly returned to normal, and the university that almost wasn't became a thriving academic community once more.

Now, almost 140 years later, Upper Iowa University still stands amid the wooded hills of northeast Iowa, a tribute to the power of the academic spirit and a living memorial to those young Iowa soldiers and their fellow students who made sure they had a university to return to.

DUBUQUE: IOWA'S LINK

Mr. GRASSLEY. Mr. President, travellers see many different sights while boating down the mighty Mississippi River. One point of interest is found at the intersection of Iowa, Illinois, and Wisconsin where a large town emerges from the Iowa bluffs. Dubuque, named after the French Canadian fur trader and lead miner Julien Dubuque, not only boasts beautiful architecture and prominent landmarks, but it has the distinction of being Iowa's oldest settlement.

When the area now known as the city of Dubuque opened to settlers in June 1833, many miners were primarily attracted to this land because of lead. This resource promised great wealth. In fact, the Shot Tower still stands today as a tribute to those who produced lead shot that was used during the Civil War era.

Not only did the mining of lead help build Dubuque, but the location on the Mississippi River played an important role in its economic development. For instance, wood was transferred downstream from the northern forests to Dubuque where it was milled into lumber. Steamboats brought settlers to Dubuque who loaded up with supplies and equipment before venturing further West.

Moreover, the Third Street Ice Harbor holds a strong link between Dubuque and the Mississippi. Constructed in the mid 1800's, the Ice Harbor originally served as a winter haven for steamboats. It also housed the Dubuque Boat and Boiler Works which, for many years, was ranked as the largest inland boat building center in the Nation. Now, the Ice Harbor is a place of recreation with many museums and other added attractions. The museums located on and around the banks of the Mississippi, remind us of Dubuque's significant relationship with the river.

A historical center of trade and commerce, Dubuque continues to thrive in today's competitive market. In a performance report released from the International Trade Administration, Dubuque ranks No. 1 in the North Central Region with the greatest percentage change in metro area exports between 1993 and 1994. With an almost 91 percent jump, Dubuque nationally ranks No. 2 in growth behind the tri-city area of Biloxi, Gulfport, and Pascagoula, Mississippi.

Mr. President, I ask unanimous consent that the Department of Commerce charts ranking Dubuque's export growth be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Everyday we are exposed to examples of how our world seems to be shrinking and global connections are becoming a greater asset to growing businesses and services. Dubuque has indeed adapted to meet these international challenges while staying true to its roots. Exports today range from new technology, such as computer services, to heavy machinery like John Deere tractors.

I am proud to see Iowa's oldest settlement sustain its role in linking Iowa to the world.

Furthermore, this year, Dubuque was one of 30 finalists for the National Civic League's All-American City and Community Award. This award recognizes those communities who successfully address local needs and concerns. Being in the running for this nationwide civic award pays tribute to Dubuque's commitment to serving its community.

And today, Mr. President, I salute the good citizens of Dubuque, who spread the Iowa Spirit of Community in their homes, workplaces, schools, places of worship and neighborhoods each and every day.

EXHIBIT 1

METROPOLITAN AREA EXPORTS: AN EXPORT PERFORMANCE REPORT ON OVER 250 U.S. CITIES, NORTH CENTRAL REGION

[Percentage Changes in Metro Area Exports, 1993–94]

Rank		Metropolitan Statistical Area (MSA)	1993	1994	1993–94 Change	
Regional	National				Amount	Percent
1	2	Dubuque, IA	$93,056,279	$177,562,181	$84,505,902	90.8
2	8	Muncie, IN	64,329,690	107,404,131	43,074,441	67.0
3	10	Detroit, MI	16,780,888,732	27,469,655,137	10,688,766,405	63.7
4	12	Eau Claire, WI	289,715,835	465,707,890	175,992,055	60.7
5	21	Waterloo-Cedar Falls, IA	102,706,259	149,660,963	46,954,704	45.7
6	27	Green Bay, WI	134,096,711	187,1289,675	53,192,964	39.7
7	30	Rochester, MN	53,026,135	72,680,026	19,653,891	37.1
8	34	Hamilton-Middletown, OH	49,285,459	66,255,465	16,970,006	34.4
9	35	Kalamazoo-Battle Creek, MI	650,330,732	868,950,604	218,619,872	33.6

METROPOLITAN AREA EXPORTS: AN EXPORT PERFORMANCE REPORT ON OVER 250 U.S. CITIES, NORTH CENTRAL REGION—Continued

[Percentage Changes in Metro Area Exports, 1993–94]

Rank		Metropolitan Statistical Area (MSA)	1993	1994	1993–94 Change	
Regional	National				Amount	Percent
10	40	Terre Haute, IN	67,300,401	88,796,473	21,496,072	31.9
11	42	Omaha, NE–IA	299,777,818	393,250,149	93,472,331	31.2
12	49	Springfield, MO	81,120,882	103,823,081	22,702,199	28.0
13	51	Canton-Massillon, OH	250,176,671	315,936,317	65,759,646	26.3
14	55	Springfield, IL	23,906,115	29,803,555	5,897,440	24.7
15	56	Milwaukee-Waukesha, WI	2,337,304,875	2,913,554,707	576,239,832	24.7
16	68	Fargo-Moorhead, ND–MN	111,847,927	137,258,753	25,410,826	22.7
17	77	Fort Wayne, IN	640,583,777	770,882,450	130,298,673	20.3
18	79	Chicago, IL	14,446,576,063	17,333,603,392	2,887,027,329	20.0
19	84	Lawrence, KS	5,238,501	6,243,631	1,005,130	19.2
20	88	Gary, IN	225,347,242	267,480,658	42,133,416	18.7
21	92	Rockford, IL	521,617,189	616,148,483	94,531,294	18.1
22	93	Toledo, OH	836,073,213	986,928,080	150,854,867	18.0
23	94	Sheboygan, WI	207,104,066	244,345,672	37,241,606	18.0
24	103	Grand Rapids-Muskegon-Holland, MI	1,704,959,504	1,993,494,017	288,534,513	16.9
25	104	Columbia, MO	42,934,889	50,173,690	7,238,801	16.9
26	105	Madison, WI	357,688,184	417,083,076	59,394,892	16.6
27	111	Kansas City, MO-KS	2,225,900,542	2,578,559,820	352,659,278	15.8
28	115	Indianapolis, IN	2,626,625,792	3,003,834,284	377,208,492	14.4
29	117	Cleveland-Lorain-Elyria, OH	3,582,759,333	4,093,322,966	510,563,633	14.3
30	123	Lansing-East Lansing, MI	185,665,447	208,627,069	22,961,622	12.4
31	125	Akron, OH	1,434,941,835	1,606,289,098	171,347,263	11.9
32	132	Columbus, OH	1,167,012,557	1,295,467,590	128,455,033	11.0
33	136	Racine, WI	365,126,982	403,153,387	38,026,405	10.4
34	139	Lincoln, NE	188,537,132	207,173,028	18,635,896	9.9
35	141	Elkhart-Goshen, IN	419,879,457	460,350,316	40,470,859	9.6
36	152	Benton, Harbor, MI	338,674,082	368,813,560	30,139,478	8.9
37	155	Kankakee, IL	79,077,304	85,978,927	6,901,623	8.7
38	157	Evansville-Henderson, IN–KY	448,533,992	487,403,232	38,869,240	8.7

ADM. J. PAUL REASON

Mr. WARNER. Mr. President, I am pleased to welcome the return of a senior Navy constituent to Virginia. Last week, the Senate confirmed the promotion of Vice Adm. J. Paul Reason to full admiral, and he will be assigned as commander in chief, U.S. Atlantic Fleet in Norfolk. He will relieve Adm. Bud Flanagan, who is a respected friend to many in this Chamber.

Admiral Reason is the first African-American to receive a promotion to four-star admiral in the U.S. Navy's history. He has had a spectacular career, beginning with graduation from the Naval Academy in 1965. Subsequently, he was trained in nuclear propulsion engineering, and served three sea duty tours aboard nuclear-powered ships. Along the way, he also managed to earn a master's degree in computer systems management.

From 1976 until mid-1979, he served as naval aide to President Jimmy Carter—another nuclear-trained, Naval Academy graduate—and then was executive officer of U.S.S. *Mississippi* (CGN–40). He had command of two combatants, U.S.S. *Coontz* (DDG–40) and U.S.S. *Bainbridge* (CGN–25). After selection for flag rank, he was commander, Naval Base Seattle and later, commander, Cruiser-Destroyer Group 1. After promotion to vice admiral, Paul was assigned as commander, Naval Surface Force, U.S. Atlantic Fleet, in Norfolk. He was assigned as deputy chief of naval operations—plans, policy, and operations—his current assignment, in August 1994. (I include his attached biography for the record.)

The selection of Paul Reason to command the Atlantic Fleet is an inspired decision. I have known of him over the years, and I am confident that he will be a superb CINCLANTFLT. I congratulate Admiral Reason and his wife, Dianne, and I look forward to working with him for years to come.

THE BOMBING IN SAUDI ARABIA

Mr. FEINGOLD. Mr. President, I rise today to join my colleagues to speak about the tragedy which occurred yesterday in Dhahran, Saudi Arabia. It is reported that around 10 p.m. Saudi time, a bomb attached to a fuel tanker truck parked just in front of a concrete security barrier about 35 yards from Khobar Towers, a facility housing United States Air Force pilots and other American military personnel on King Abdul Aziz Air Base near Dhahran in eastern Saudi Arabia, ripped through the building, killing 19 United States military personnel and injuring more than 300 others.

It has been further reported that about 2,400 American military personnel, most of them working for the Air Force, are assigned to the area around the air base in Dhahran. This base serves as the headquarters of the Air Force's 4404th Air Wing, which is assigned the task of carrying out the enforcement of the no-fly zone over southern Iraq which was imposed at the end of the Persian Gulf war. Mr. President, at this early time, it seems clear that this apparent act of terrorism was targeted specifically against U.S. military personnel serving in Dhahran.

Mr. President, I deplore in the strongest possible terms this despicable act. I join the President in announcing to those both within the United States and abroad that such extremist acts will not go unpunished. To that end, I am pleased that the President has dispatched a team of investigators from the FBI to Saudi Arabia to assist in the investigation of the blast. I strongly support our men and women serving their country overseas and feel that we must take all steps necessary both to apprehend and bring to justice those who perpetrated this act and to ensure the future safety of all American troops serving abroad.

Mr. President, this tragedy hits me and the State of Wisconsin quite personally. Of the U.S. military personnel confirmed dead, one such patriot is from my home State of Wisconsin. T.Sgt. Patrick P. Fennig, from Greendale, WI, who is assigned to Eglin Air Force Base in Florida and is serving in Saudi Arabia was one of the 19 service members confirmed killed in the blast. I send my condolences to Technical Sergeant Fennig's family. My heart goes out to his family and to the families of the other U.S. military personnel who either lost their lives or were injured at the hands of this apparent act of terrorism.

This terrorism comes 7 months after a car bomb ripped through an American-run military training center in the Saudi capital city of Riyadh, killing five Americans and two Indians and wounding several dozen others. Yesterday's attack was the worst terrorist assault against Americans in the Middle East since the 1983 bombing of the United States Marine Corps barracks in Beirut, Lebanon, in which 241 American service personnel lost their lives.

Mr. President, this bombing is the latest, and certainly one of the most deadly terrorist attacks on American military personnel serving overseas. We must never forget that, whether serving in times of war or supposed peace, American troops are continually in danger when serving their country overseas. Again, I am sickened by and deplore this horrific act and urge the President to use all available means to bring the perpetrators of this terrorism to justice.

I yield the floor.

MILITARY CONSTRUCTION APPROPRIATIONS ACT FOR FISCAL YEAR 1997

Mr. WARNER. Mr. President, turning to the military construction appropriations bill, I ask unanimous consent that the Senate now turn to the consideration of calendar 448, H.R. 3517, the

military construction appropriations bill and the committee amendments be agreed to en bloc and considered original text for the purpose of further amendment.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3517) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for fiscal year ending September 30, 1997, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in bold face brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 3517

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1997, for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, **[**$603,584,000**]** *$448,973,000,* to remain available until September 30, 2001: *Provided,* That of this amount, not to exceed **[**$54,384,000**]** *$37,323,000* shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor*: Provided further, That of the funds appropriated for ''Military Construction, Army'' under Public Law 103–110, $2,028,000 is hereby rescinded.*

MILITARY CONSTRUCTION, NAVY

(INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, **[**$724,476,000**]** *$642,484,000,* to remain available until September 30, 2001: *Provided,* That of this amount, not to exceed **[**$50,959,000**]** *$53,709,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: **[***Provided further,* That of the funds appropriated for ''Military Construction, Navy'' under Public Law 102–136, $6,900,000 is hereby rescinded:**]** *Provided further,* That of the funds appropriated for ''Military Construction, Navy'' under Public Law 102–380, **[**$2,800,000**]** *$9,000,000* is hereby rescinded: *Provided further,* That of the funds appropriated for ''Military Construction, Navy'' under Public Law 103–110, $2,300,000 is hereby rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, **[**$678,914,000**]** *$704,689,000,* to remain available until September 30, 2001: *Provided,* That of this amount, not to exceed **[**$47,387,000**]** *$29,797,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor*: Provided further, That of the funds appropriated for ''Military Construction, Air Force'' under Public Law 103–307, $2,100,000 is hereby rescinded.*

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS *and rescissions*)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, **[**$772,345,000**]** *$771,758,000,* to remain available until September 30, 2001: *Provided,* That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further,* That of the amount appropriated, not to exceed **[**$12,239,000**]** *$17,139,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor*: Provided further, That of the funds appropriated for ''Military Construction, Defense-wide'' under Public Law 104–32, $7,000,000 is hereby rescinded.*

[DEPARTMENT OF DEFENSE MILITARY UNACCOMPANIED HOUSING IMPROVEMENT FUND

[(INCLUDING TRANSFER OF FUNDS)

[For the Department of Defense Military Unaccompanied Housing Improvement Fund, $10,000,000, to remain available until expended: *Provided,* That subject to thirty days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Fund from amounts appropriated in this Act for the acquisition or construction of military unaccompanied housing in ''Military Construction'' accounts, to be merged with and to be made available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided further,* That appropriations made available for the Fund in this Act shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans and loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military unaccompanied housing and ancillary supporting facilities.**]**

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[**$41,316,000**]** *$142,948,000,* to remain available until September 30, 2001.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[**$118,394,000**]** *$224,444,000,* to remain available until September 30, 2001.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[**$50,159,000**]** *$75,474,000,* to remain available until September 30, 2001.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[**$33,169,000**]** *$49,883,000,* to remain available until September 30, 2001.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, **[**$51,655,000**]** *$67,805,000,* to remain available until September 30, 2001.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in military construction authorization Acts and section 2806 of title 10, United States Code, **[**$177,000,000**]** *$172,000,000,* to remain available until expended.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for constrution, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, **[**$176,603,000**]** *$189,319,000,* to remain available until September 30, 2001; for Operation and Maintenance, and for debt payment, **[**$1,257,466,000**]** *$1,212,466,000*; in all **[**$1,434,069,000**]** *$1,401,785,000.*

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, [$532,456,000] *$418,326,000,* to remain available until September 30, 2001; for Operation and Maintenance, and for debt payment, [$1,058,241,000] *$1,014,241,000*; in all [$1,590,697,000] *$1,432,567,000*.

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, [$304,068,000] *$291,464,000,* to remain available until September 30, 2001; for Operation and Maintenance, and for debt payment, [$840,474,000] *$829,474,000*; in all [$1,144,542,000] *$1,120,938,000*.

FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $4,371,000, to remain available until September 30, 2001; for Operation and Maintenance, $30,963,000; in all $35,334,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense Family Housing Improvement Fund, [$35,000,000] *$20,000,000*, to remain available until [expended] *September 30, 2001*: *Provided,* That, subject to thirty days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Fund from amounts appropriated [in this Act] for construction in ''Family Housing'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided further,* That appropriations made available to the Fund in this Act shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of Chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

HOMEOWNERS ASSISTANCE FUND, DEFENSE

For use in the Homeowners Assistance Fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3374), $36,181,000, to remain available until expended.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $352,800,000, to remain available until expended: *Provided,* That not more than $223,789,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $971,925,000, to remain available until expended: *Provided,* That not more than $351,967,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $1,182,749,000, to remain available until expended: *Provided,* That not more than $200,841,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor: *Provided,* That the foregoing shall not apply in the case of contracts for environmental restoration at an installation that is being closed or realigned where payments are made from a Base Realignment and Closure Account.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided,* That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 113. The Secretary of Defense is to inform the appropriate Committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel thirty days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 per centum of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the

construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the five-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation ''Foreign Currency Fluctuations, Construction, Defense'' to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

[SEC. 121. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

[SEC. 122. (a) In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

[(b) In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.]

SEC. 121. The National Guard Bureau shall annually prepare a future years defense plan based on the requirement and priorities of the National Guard: Provided, That this plan shall be presented to the committees of Congress concurrent with the President's budget submission for each fiscal year.

SEC. 122. No funds from the Base Realignment and Closure accounts shall be used to pay for fines or penalties resulting from violations of any law pertaining to the environment.

(TRANSFER OF FUNDS)

SEC. 123. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

This Act may be cited as the ''Military Construction Appropriations Act, 1997''.

Mr. BURNS. Mr. President, I am pleased to bring before the Senate the military construction appropriation bill and report for fiscal year 1997.

Mr. President, this bill was reported out of the full Appropriations Committee last Thursday. The bill recommended by the full committee on appropriations is for $9,832,000,000. This is $700 million over the budget request, $200 million under the House bill, and $1,344,000,000 under the level enacted last year.

Also, I am pleased to report to the Senate that the bill is within the committee's 602(b) budget allocation for both budget authority and outlays.

My colleagues should know that the Committee on Appropriations in the House approved an appropriations bill that was $900 million over the budget request. Once again we will be faced with a difficult conference with the House. We have over $1 billion in differences.

The addition of projects to the Defense authorization while it was on the floor has even further strained the process.

Mr. President, this bill has some points I want to mention. The bill funds the base closure and realignment accounts. The base realignment and closure account comprises 26 percent of our appropriation. It includes $353 million for round two of the BRAC process, $972 million for round three and $1,183,000,000 for the final round. We made sure that there would be no impediments to moving forward with the decisions that the President approved.

Last year, I was concerned with the growth of this program. The base closure program should not replace the regular military construction program. I am pleased to see that this account has been reduced below last year's level. It has come down by over $1.3 billion. The program has been reduced by a third.

We supported the Secretary's initiative to provide more housing to our military members. This is part of the $4 billion included in this bill for family housing.

We did not, however, support the Army and Air Force's request to build new general officer quarters. We will not support building new homes for generals when there are enlisted people with families on waiting lists unable to get a home.

We also addressed the shortfalls that continue to plague our Reserve components. The Department continues to walk away from the total force concept. Recognizing this, we have again lent support by adding $366 million to the Guard and Reserve accounts. In each case the funds either are for quality of life or readiness.

Mr. President, the administration has available to it the same information used by the subcommittee to develop this bill. The administration knows that the construction backlog of the Army and Air Guard, and the Army, Navy, Marine Corps, and Air Force Reserves is billions of dollars and that this backlog is growing, even as the force levels have been reduced.

Instead of increasing the funding, the Office of the Secretary of Defense deleted every project that we added last year which was in the future years Defense plan for many of our Reserve components. This left the Reserve components with very little in the future years Defense plan. Afterwards the Senate Armed Services Readiness Subcommittee used a criteria which required projects to be in the future years Defense plan. The Department was pleased to walk away from the Reserve component. The Armed Services Committee only funded projects within the future years Defense plan. We now have a situation where we have unilaterally given up our duty to check and balance the President's request. We have also given up our option to represent our States which each have their own military department.

So against this construction requirement, the administration budgeted only $194 million for all the Reserve components of the Department of Defense. We could not allow this to happen.

The $194 million is not adequate. We cannot expect the National Guard to continue to be capable of performing their mission. Mr. President, that mission is not one to be taken lightly. It is defending this country.

We have only reduced the administration request of $197 million for the NATO Security Investment Program by 13 percent. We believe this is a responsible reduction considering the requirements that NATO may incur in the near future.

We recommended $36 million for the Homeowners Assistance Program which provides partial compensation to homeowners for their financial losses incurred in the sale of their homes at closed or realigned bases. We also recommended $20 million for the family housing improvement fund which will be used to build or renovate family housing by utilizing private capital and know how.

Mr. President, before I close I want to thank the ranking minority member for his participation and his contributions to the subcommittee this year. I

also want to thank Dick D'Amato and B.G. Wright of his staff as well and Warren Johnson and Jim Morhard on my staff. We would not have gotten here without their effort and expertise.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I fully support the recommendations in this bill that is now before the Senate. I compliment the chairman of the subcommittee, the distinguished Senator from Montana [Mr. BURNS], for his excellent work and that of his staff.

The chairman of the subcommittee and I have again this year, enjoyed an open and productive working relationship in bringing the recommendations in this bill to the Senate.

This bill, reported here today is $1.345 billion lower than last year's appropriated amount, and is also $200 million lower than the construction bill proposed by the House of Representatives.

Again this year, our bill strives to improve the quality of life for the Nation's military service members. This military construction bill emphasizes housing initiatives, both for families and improved housing for single service members. It provides $4 billion for the construction, operation and maintenance of family housing, and to the Homeowner's Assistance Program.

The Committee continues to support the NATO Security Investment program, however it is concerned that member nations are not properly helping to defray construction program costs. The Committee therefore urges the Secretary to seek increased contributions from our allies. The report includes language that supports preposition of Brigade material in Southwest Asia, but only following treaty relationships with our allies there. It allows the military to proceed with such projects, but encourages secure long term bilateral agreements and full cost sharing arrangements prior to the initiation of any construction projects in the region.

The subcommittee has added certain needy projects to the administrations request—$700 million was added to the budget that would include $50 million for minor construction, $368 million for Guard and Reserve projects, and over $189 million in badly needed family housing.

I commend the chairman for taking the many requests from Senators to include projects in this bill. This is necessitated, annually, in large part, because the Department of Defense has again, as it has in the past, refused to adequately fund the construction projects for the National Guard, requiring the subcommittee to review many worthy projects suggested by Senators and the National Guard and to come up with a fair and equitable solution to the problem.

I add, Mr. President, in time of crisis, we rely heavily on the Guard and Reserve. During the gulf war crisis, we called upon the Guard and Reserve to bear more than their share of the burden, especially based on how we have funded them in the past. This year's administration request included NO, I repeat, NO major construction projects for the Army National Guard. This practice is completely unacceptable. Administration requests including no major construction projects for the Army Guard mandates that we seriously review any Member request for its worthiness, and there are many worthy and badly needed projects, without which, our reserve forces could not continue to function. It simply would be unfair to not give them some consideration simply because they have been ignored by the Pentagon.

The administration requested only $7 million for Army National Guard construction, compared to $137 million appropriated in fiscal year 1996, and that amount was well below the previous year's $188 million appropriation. This is a 95 percent reduction in only 1 year. This type of request is incomprehensible and irresponsible. To help try to balance the scale, the subcommittee used strict criteria to evaluate many worthy projects suggested by Members, and a strong effort was made to take all Members' interest into consideration.

I think the result is as fair and equitable as possible, given the significant budget constraints that we are working under.

Mr. President, I believe that this is a good product, and I hope that the Senate will support it. I thank at this time the majority staff director, Jim Morhard and his assistant Warren Johnson, for their work and cooperation with my staff, Dick D'Amato, a member of the Appropriations Committee assigned to me to work on this and other appropriations matters, and B.G. Wright, also of the Appropriations Committee, and also Peter Arapis and Jerry Reed of my personal staff who have dedicated many hours to the completion of this bill.

Mr. BYRD. Mr. President, I commend the leadership of the Military Appropriations Subcommittee, the distinguished chairman, Mr. CONRAD BURNS of Montana, and the ranking member, Mr. HARRY REID of Nevada, for their work on this bill. It is within its 602(b) allocation, and conforms very closely to the provisions of the Department of Defense Authorization bill which is pending before the Senate. I know the subcommittee has worked hard to ensure that its provisions are authorized, and at the same time that the budget request of the President has been given full consideration.

Mr. President, the bill, at $9.8 billion, is some $1.3 billion below last year. In addition, it is some $200 million below the level as passed by the House. At the same time, it is about $700 million above the President's request, but $368 million of that amount is for additional National Guard and Reserve accounts which have been badly underfunded by the Administration, and $189 million of that is for badly needed additional family housing for our troops. The committee has taken the right step by adding needed funds for the Guard and Reserve, in that the Administration traditionally underfunds these accounts, in the expectation that the Congress will add the money. I hope that the Administration will, in next year's request, adequately fund the Guard and Reserve, and relieve the Committee of the responsibility of completely rewriting that part of the budget as it is now forced to do.

Again, this year, as last year, the military appropriations bill is the first of all the appropriations bills to be passed by the Senate. The subcommittee is to be commended, and, as usual, the bill has wide support in the Senate. I believe all Senators' interests and requests have been considered fairly and impartially by the Committee. I commend the staff of the subcommittee, the staff director for the Chairman, Mr. Jim Morhard, and his assistant, Warren Johnson; the minority staff director, who is also the counsel to the full Committee, and on loan to the subcommittee; Mr. Dick D'Amato, and his assistant, Mr. B.G. Wright, as well as Peter Arapis and Jerry Reed of Senator REID's staff, all of whom have done excellent work in delivering this measure in a timely manner to the full Senate.

Mr. DOMENICI. Mr. President, the Senate is now considering the first of the fiscal year 1997 appropriations bills.

The pending military construction appropriations bill provides a total of $9.8 billion in new budget authority and $3.1 billion in new outlays for the military construction and family housing programs of the Department of Defense for fiscal year 1997.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill totals $9.8 billion in budget authority and $10.3 billion in outlays for fiscal year 1997.

Mr. President, the bill provides for readiness and quality of life programs for our service men and women. the bill falls within the subcommittee's 602 (b) allocation.

I want to convey my thanks to the committee for the support given to several priority projects in New Mexico.

I commend the distinguished subcommittee chairman, the Senator from Montana, for bringing this bill to the floor within the subcommittee's section 602(b) allocation.

I urge its adoption.

Mr. President, I ask unanimous consent that a table showing the relationship of the reported bill to the subcommittee's 602(b) allocation be printed in the RECORD.

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

MILITARY CONSTRUCTION SUBCOMMITTEE SPENDING TOTALS—SENATE-REPORTED BILL

[Fiscal year 1997, in millions of dollars]

Category	Budget authority	Outlays
Defense discretionary:		
Outlays from prior-year BA and other actions completed	.....	7,204
H.R. 3517, as reported to the Senate	9,832	3,115
Scorekeeping adjustment	.....	.....
Adjusted bill total	9,832	10,319
Senate subcommittee 602(b) allocation: Defense discretionary	9,833	10,375
Adjusted bill total compared to Senate subcommittee 602(b) allocation: Defense discretionary	−1	−56

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. MCCAIN. Mr. President, I will not delay the Senate in its efforts to proceed to a vote on the fiscal year 1997 military construction appropriations bill, and I do not plan to offer any amendments to the legislation. I want to be on record, however, in strong opposition to the $600 million added in this bill for unrequested, low-priority military construction projects.

A few days ago, I offered an amendment to the fiscal year 1997 Defense authorization bill to strike $600 million in authorizations for these same projects. Not surprisingly, only 12 of my colleagues voted with me, and the amendment failed. I will not waste the time of the Senate in revisiting that vote.

But, Mr. President, I cannot stand aside and allow this bill, laden with $600 million in pork-barrel spending, to pass the Senate without objection.

Let me remind my colleagues of the magnitude of the wasteful spending for unrequested building projects.

Since 1990, the Congress has added more than $6 billion to the military construction accounts. This bill increases the amount of waste by another $600 million. That's almost $1 billion in pork-barrel spending every year.

I listened to the comments of my colleagues in just the last few days about the inadequacy of the administration's Defense budget request. Many of my colleagues, on both sides of the aisle, cited the $60 billion target set by the Chairman of the Joint Chiefs of Staff for procurement funding, contrasted with the $39 billion requested by the administration. These sentiments reflected my own views and repeated what has been expressed here in the Senate many times over the past several months.

Therefore, I am somewhat puzzled at the increase in this military construction bill. While the Defense authorization and appropriations bills include an additional $6 or $7 billion for procurement, this amount is only about one-third of the $21 billion needed to meet General Shalikashvili's target. We still have a $14 or $15 billion shortfall in urgently needed modernization funding, yet we are wasting $600 million on unrequested, low-priority military construction projects. It just doesn't make sense to me.

Mr. President, I am somewhat gratified to learn that the close scrutiny focused on military construction projects has at least forced a degree of control on the process. Most of the projects in this bill meet four of the five criteria established 2 years ago for Senate consideration of unrequested military construction projects. The projects are: mission essential, not inconsistent with BRAC, in the FYDP, and executable in fiscal year 1997.

And all of the projects in this bill are included in the authorization bill or are authorized in other legislation. In any event, the bill specifically requires an authorization for each project before the money can be spent.

But none of the projects meet the fifth criterion, which requires the added funding to offset by a reduction in some other defense account. All of these projects are funded because the Appropriations Committee allocated additional funding for this bill to accommodate Members' requests for add-ons.

Mr. President, I am tired of seeing us acquiesce to a practice which only feeds on itself. We must instill some discipline in our budget review process—by resisting the temptation to add money simply because it serves our constituents.

We have made progress in reducing the total amount of pork-barrelling in the defense budget. Last year, about $4 billion was wasted on pork-barrel projects; this year, we are wasting only $2 billion. But in military construction, we will probably end up adding $900 million, the House level, or more again this year to fund the special interests of Members of both the Senate and the House; $900 million is a lot of taxpayer dollars to waste. How do we explain to the American people why we need $11 billion more for Defense this year, when we spend nearly a billion dollars for projects that do little or nothing to contribute to our Nation's security?

Mr. President, again, I plead with my colleagues. For the sake of ensuring public support for adequate defense spending now and in the future, let's stop the pork-barrelling now.

GOVERNOR O'CALLAGHAN HOSPITAL

Mr. REID. Mr. President, I should like to discuss a matter of some importance to me in the State of Nevada, and to many Nevadans. We had an outstanding two-term Governor in Mike O'Callaghan. He is only one of five two-term governors in Nevada's history. He has been an exemplary public servant. More than that, he is a role model for the younger generation, having serviced his country valiantly in one of the ugliest of the wars that America has been involved in, Korea. At the age of 16, he enlisted in the Marine Corps to serve during the closing months of World War II. During the Korean war he served in combat, sustaining injuries which resulted in the amputation of part of his left leg. He has served in three branches of the armed services: the Air Force, the Army and the Marine Corps. He served with great courage and was decorated for valor. To recognize his achievements, I have felt it appropriate to name the hospital at Nellis Air Force Base after him, and my fellow Nevadans in our delegation agree with me. In fact, the Nellis hospital has been named for him in the Defense authorization measures in both the House and the Senate for fiscal year 1997.

Mr. BURNS. Mr. President, I understand the Senator's interest in this matter and I share his admiration for Governor O'Callaghan. What he suggests is entirely appropriate and fitting. I would point out, to my ranking member, that there is no precedent in a military appropriations bill for naming a facility after an individual. My fear is that there would be many requests, legitimate requests, for the committee to do so in the event that we were to take this action on this bill.

Mr. REID. Mr. President, I appreciate the Senator's concern. I would not be concerned about further legislative action on this matter, given the action taken by the authorization committees. Obviously if the authorization bill became law, this action to name the hospital would have been taken. My problem is that we are not certain what the administration's attitude will be about the funding levels and the content of the authorization measure, nor do we know, of course, what it will look like after emerging from their conference committee. Therefore, I would seek the chairman's assurance that if the authorization bill is vetoed, or appears very likely headed for a veto, that he and I will revisit this issue in our own conference committee on this measure, the military construction appropriations bill, and take action to name the facility in our conference report in the event that the authorization bill does not become law.

Mr. BURNS. Mr. President, that is a fair solution, and agree that revisiting the issue in the conference committee is entirely appropriate if the circumstances that he describes occur or appear likely.

AMENDMENT NO. 4362

(Purpose: To make available $6,600,000 for construction of a consolidated education center in Kentucky; $10,800,000 for construction, phase III, at the Western Kentucky Training Site, Kentucky; $10,000,000 for construction of phase I of the National Range Control Center at White Sands Missile Range, NM; and $8,900,000 for construction of the Undersea Weapons Systems Laboratory at the Naval Undersea Warfare Center, Newport, RI; and to provide offsets for such amounts)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. BURNS, proposes amendment numbered 4362.

Mr. WARNER. 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 2, line 13, strike out ''$37,323,000'' and insert in lieu thereof ''$20,723,000''.

On page 3, line 11, strike out ''$53,709,000'' and insert in lieu thereof ''$44,809,000''.

On page 6, line 24, strike out ''September 30, 2001.'' and insert in lieu thereof ''September 30, 2001: *Provided*, That of the amount made available under this heading, $10,800,000 shall be available for construction, phase III, at the Western Kentucky Training Site, Kentucky, with the amount made available for such construction to be derived from sums otherwise available under this heading for minor construction.''.

Mr. BURNS. Mr. President, the managers amendment includes projects that were accepted by the Armed Services Committee while they were on the floor. We have added the following projects.

First, a consolidated education center for the Army at Fort Campbell, KY.

Second, phase III of the western Kentucky training site for the Army National Guard at Greenville, KY.

Third, phase I of the National Range Control Center at White Sands Missile Range in New Mexico.

Fourth, the Undersea Weapons Laboratory at the Naval Undersea Warfare Center at Newport, RI.

The offsets for the Army and Navy projects will come from reductions to the planning and design lines of that service. We are also taking funds from the Army National Guard minor construction account to pay for the one Guard project that is in this amendment.

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

The amendment (No. 4362) was agreed to.

The PRESIDING OFFICER. Without objection, the bill is deemed read the third time, and passed.

The bill (H.R. 3517), as amended, was deemed read the third time and passed.

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I move that the Senate insist on its amendments and request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BURNS, Mr. STEVENS, Mr. GREGG, Mr. CAMPBELL, Mr. HATFIELD, Mr. REID, Mr. INOUYE, Mr. KOHL, and Mr. BYRD CONFEREES ON THE PART OF THE SENATE.

AMENDING SENATE RESOLUTION 246

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 272, submitted earlier today by Senator D'AMATO.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 272) to amend Senate Resolution 246.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 272) was agreed to, as follows:

S. RES. 272

Resolved, That Senate Resolution 246, 104th Congress, agreed to April 17, 1996, is amended in section 1(1)(A), by inserting before the semicolon ''incurred during the period beginning on May 17, 1995, and ending on February 29, 1996, or during the period beginning on April 17, 1996, and ending on June 17, 1996''.

IRANIAN BAHA'I COMMUNITY EMANCIPATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 102.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H.Con.Res. 102) concerning the emancipation of the Iranian Baha'i community.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mrs. KASSEBAUM. Mr. President, the Senate today will adopt legislation condemning Iran's persecution of the Baha'i community. We have taken similar action in the past, and I regret that our continued vigilance on this matter is required.

We choose today to adopt this legislation in remembrance of a great tragedy for the Baha'i community and for all who value human rights and religious freedom. Thirteen years ago this month, Iranian religious officials executed, by hanging, 10 Baha'i women—including 3 teenage girls—in the city of Shiraz.

This killing of innocent women and children came amid a series of Baha'i executions during the first half of 1983. At the time, President Reagan had expressed America's alarm at the religious persecution of the Baha'is in Iran and had called upon the Iranian leadership to spare the lives of those Baha'is condemned to death in Shiraz. The Iranian response to this plea was to carry out without hesitation the schedule of June executions.

We know that those men, women, and children were executed not for any crimes but for their religious beliefs. We also know the persecution continues to this day in many forms, both great and small.

Thirty-nine other Senators have joined with me in sponsoring this legislation, and the Senate today will unanimously adopt an identical resolution already passed by the House of Representatives. By today's action, the U.S. Senate once again will make clear to all who will listen: ''We have not forgotten.''

Mr. LIEBERMAN. Mr. President, at many times during the past 14 years the Congress has condemned the Government of Iran for its repressive policies and actions toward its Baha'i community. Today, I am honored to be celebrating the passage of a resolution which calls on Iran to change its repressive anti-Baha'i policies and to protect the rights of all its people including religious minority groups such as the Baha'is. The concurrent resolution we are adopting today is similar to the one which Senator KASSEBAUM, Senator MCCAIN, Senator DODD, and I submitted in this body in February.

Congress has adopted six previous resolutions on this important issue. The record of their success is certainly a mixed one, at best. Since their enactment, many Baha'is have been penalized by the government, and some even sentenced to death, just because of their religious beliefs. On the contrary, previous resolutions have shown some success as well, particularly in the case of one man who had been sentenced to death for his religious convictions. This man's life was saved as the apostasy case was later overturned by the courts in Iran. Although the relationship between the Baha'is and the Iranian Government has improved since the first resolution was passed, not enough action has been taken. This open policy of repression is in clear violation of the obligation of sovereign states to uphold the Universal Declaration of Human Rights.

In the past, President Clinton and former Presidents Reagan and Bush have all shown support of the Baha'is. The United Nations and many of its member states have also adopted numerous resolutions supporting religious freedom in Iran. Today, in adopting this concurrent resolution, we have succeeded in maintaining vigilance on the actions of Iranian Government. Only through continued support for change in the Iranian regime can over 300,000 Baha'is experience true religious freedom.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution be considered and agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, and that any statements relating to the resolution appeared in the appropriate place in the RECORD.

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

The concurrent resolution (H. Con. Res. 102) was agreed to.

The preamble was agreed to.

EXCHANGE OF CERTAIN LANDS IN GILPIN COUNTY, CO

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 297, H.R. 2437.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2437) to provide for the exchange of certain lands in Gilpin County, Colorado.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. I ask unanimous consent that the bill be deemed read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed in the proper place in the RECORD.

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

The bill (H.R. 2437) was deemed read the third time, and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WARNER. Mr. President, on the Executive Calendar, I ask unanimous consent the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar en bloc: Calendar Nos. 633, 634, 635, and 636.

I further ask unanimous consent that the nominations be confirmed en bloc; the motion to reconsider be laid upon table en bloc; and that any statements relating to the nominations appear at the appropriate place in the RECORD, and that the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF THE TREASURY

Raymond W. Kelly, of New York, to be Under Secretary of the Treasury for Enforcement.

U.S. INTERNATIONAL TRADE COMMISSION

Marcia E. Miller, of Indiana, to be a Member of the U.S. International Trade Commission for the term expiring December 16, 2003.

DEPARTMENT OF DEFENSE

John W. Hechinger, Sr., of the District of Columbia, to be a Member of the National Security Education Board for a term of four years.

DEPARTMENT OF ENERGY

Vicky A. Bailey, of Indiana, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2001.

NOMINATION OF RAYMOND W. KELLY TO BE UNDER SECRETARY OF THE TREASURY FOR ENFORCEMENT

Mr. MOYNIHAN. Mr. President, Raymond W. Kelly may be the most superbly qualified nominee ever nominated to head the enforcement operations of the Treasury Department. From 1992 to 1994, he served as Commissioner of the New York City Police Department, which with 38,000 officers is the world's largest police force.

Over the course of his 32-year career with the NYPD, he served in every rank in 25 different commands. In 1993, he was widely praised for his work in investigating the bombing of the World Trade Center in lower Manhattan.

At a recent event in New York, no less a skeptic than Dan Rather called Ray ''the best New York City Police Commissioner since Teddy Roosevelt.''

After leaving the NYPD, Commissioner Kelly served the United States as Director of the International Police Monitors of the Multinational Force in Haiti. He was charged with the difficult and delicate task of putting a stop to human rights abuses by the Haitian police. Upon leaving Haiti in 1995, Mr. Kelly was awarded a commendation by President Clinton for exceptionally meritorious service in Haiti. He was also awarded the Commander's Medal for Public Service by Gen. John Shalikashvili, Chairman of the Joint Chiefs of Staff.

Earlier in life, Mr. Kelly served in the U.S. Marine Corps, including combat in Vietnam. He retired with the rank of colonel in the Marine Corps Reserve.

He is also an attorney with law degrees from St. John's University and New York University. He earned his undergraduate degree from Manhattan College and his master of public administration degree from the Kennedy School at Harvard.

I know Raymond Kelly as a very smart and very tough law enforcement officer. The Senate has acted wisely to confirm him. To Ray, to his wife Veronica, and to their sons James and Gregory, great good wishes and congratulations.

NOMINATION OF MARCIA E. MILLER TO BE COMMISSIONER, INTERNATIONAL TRADE COMMISSION

Mr. MOYNIHAN. Mr. President, I rise in strong support of the nomination of Marcia E. Miller to become Commissioner of the International Trade Commission, a position for which she is manifestly well-qualified. I do so, Mr. President, without reservation, but with some regret: Ms. Miller has been an invaluable asset to the Finance Committee for nearly a decade.

Ms. Miller started with the committee in January 1987. I take some credit for her long tenure: one of my first accomplishments when I became chairman of the Finance Committee in 1993 was persuading Ms. Miller to serve as our Chief Trade Counselor.

And why? There was simply no better candidate. Ms. Miller has had a hand in drafting all of the major trade bills of the past decade, beginning with the comprehensive Omnibus Trade and Competitiveness Act of 1988.

As Chief Trade Counselor, Marcia guided the Finance Committee expertly over difficult terrain: our sometimes contentious consideration of the North American Free-Trade Agreement implementing legislation, and our lengthy deliberations over the complex bill implementing the Uruguay round agreements and establishing the World Trade Organization.

Over the past decade, she has grappled with the major trade issues before the Senate—issues such as trade with China, textile and apparel trade, and disputes with Japan. Significantly, I must add to this list the range of the trade laws administered by the International Trade Commission, which she will soon join—the antidumping and countervailing duty laws, safeguards actions against imports, as well as actions under section 337 of the Tariff Act of 1930 protecting against imports of products that infringe intellectual property rights.

Unquestionably, Ms. Miller will bring to the International Trade Commission great expertise in the trade laws. And more. She will bring as well a powerful command of details, and unique skill in forging consensus among persons with widely divergent views. The International Trade Commission will now be the beneficiary of these skills, just at the Finance Committee was for so many years.

Ms. Miller will be an important asset to the Commission. She will bring to the job sound judgment and clear-headed analysis, and she will, I am certain, ensure that the Commission functions as the Congress intended—as an independent fact-finding and adjudicative body free from political pressures.

Mr. President, I urge my colleagues to join me in supporting Ms. Miller's nomination, in thanking her for her years of service to the committee and the Senate and in congratulating her and her family in this richly deserved honor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

CHANGE OF CONVENING TIME

Mr. WARNER. Mr. President, I ask unanimous consent that the previous consent agreement be modified so that the Senate will now reconvene at 8:15 tomorrow morning, and that the time allocated to Senator DEWINE be vitiated.

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