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Senate

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we begin this day with adoration expressed in great affirmations:

You are the Creator, Sustainer, and Redeemer of all.
You are Sovereign of this Nation.
By Your providence You have blessed us.
You have called us to serve You here in government.
We are here by Your appointment.
You are the source of the wisdom we need.
You will guide our decisions.

So this is a day for joy and optimism and courage. Set us free of all negative thinking about ourselves and others. Nothing is impossible for You.

You are working in our minds to give inspiration and in our bodies to give strength. Your spirit is working in the people with whom we will talk, in the situations we will confront, and in the problems we will face.

And now, Gracious Lord, our minds and hearts go to the families of those Americans killed in the bombing in Saudi Arabia. We ask You to give them Your comfort and courage. And now we press on through this day. Fill us with Your Spirit so that if we are jostled, only Your love, patience, and encouragement and hope will spill over to others. Through our Savior and Lord. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, is recognized.

Mr. LOTT. Good morning, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will immediately beginning a 15-minute rollcall vote on the cloture motion on the Department of Defense authorization bill. If cloture is not invoked, I hope the Senators who have amendments to the bill will offer those amendments so that we can continue to make progress on the bill today. A second cloture vote, if necessary, will occur during tomorrow's session of the Senate. As a reminder, Senators have until 10 a.m. this morning in order to file second-degree amendments to the DOD bill. Rollcall votes will occur throughout the day on or in relation to the defense bill, and there is a likelihood we will go into the evening also.

I realize that there have been some distractions along the way on this bill. But we need to get it accomplished. I believe that the chairman and the ranking member are working seriously to try to make that happen. So we want to really make some progress today. I encourage Senators on both sides of the aisle, again, if they have amendments, come forward and offer them. I am not just directing that to the Democratic side of the aisle, but to our side of the aisle. For Senators to come to the floor and say, ''I'm not ready to offer my amendment,'' is the height of irresponsibility. They know this bill has been pending for over a week. It is time to get serious and offer the serious amendments. Let us get them done because we have an obligation to finish this legislation this week. I yield the floor, Mr. President.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The PRESIDING OFFICER (Mr. Inhofe). The Senate will now resume consideration of S. 1745, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1745) 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.

The Senate resumed the consideration of the bill.

Pending:

Kyl/Reid amendment No. 4049, to authorize underground nuclear testing under limited conditions.

Kempthorne amendment No. 4089, to waive any time limitation that is applicable to awards of the Distinguished Flying Cross to certain persons.

Warner/Hutchison amendment No. 4090 (to Amendment No. 4089), to amend title 18, United States Code, with respect to the stalking of members of the Armed Forces of the United States and their immediate families.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 433, S. 1745, the Department of Defense authorization bill.

Trent Lott, Don Nickles, Dirk Kempthorne, Rod Grams, Jim Jeffords, Craig Thomas, Kay Bailey Hutchison, Judd Gregg, Bill Frist, Fred Thompson, Mike DeWine, Rick Santorum, John Ashcroft, Sheila Frahm, Ben Nighthorse Campbell, Hank Brown.

CALL OF THE ROLL

The PRESIDING OFFICER. The mandatory quorum call has been waived.

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

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VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 1745, the Department of Defense authorization bill, shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

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

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

The yeas and nays resulted—yeas 52, nays 46, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—52

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

NAYS—46

Akaka	Ford	Lugar
Baucus	Glenn	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Harkin	Moynihan
Boxer	Heflin	Murray
Bradley	Hollings	Nunn
Breaux	Inouye	Pryor
Bryan	Johnston	Reid
Byrd	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Simon
Dorgan	Lautenberg	Wellstone
Exon	Leahy	Wyden
Feingold	Levin	
Feinstein	Lieberman	

NOT VOTING—2

Bumpers	Helms

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. THURMOND. Mr. President, I call for order in the Senate.

The PRESIDING OFFICER. The Senate will come to order.

The Senator from South Carolina is recognized.

TERRORIST ACT AGAINST UNITED STATES FORCES SERVING IN SAUDI ARABIA

Mr. THURMOND. Mr. President, on behalf of all Americans I wish to express my deepest condolences to the families and loved ones of our servicemembers involved in yesterday's tragic terrorist attack in Saudi Arabia. While the situation is still developing, we know that 19 U.S. service personnel were killed, 80 are hospitalized, of which 60 are in critical condition.

Our servicemembers in Saudi Arabia are stationed there to keep a steady and keen vigilance against the very threat to peace to which they were victims. Most of these U.S. servicemembers are performing daily missions and maintaining a deterrence against longstanding and well-known threats in the Persian Gulf.

This unfortunate act of cowardly terrorism is against all who have an interest in peace. Our British, French, and Saudi allies apparently were also targets of this senseless act.

The Senate is now deliberating on important legislation which affects the brave American servicemembers in Saudi Arabia, and all our forces worldwide. In doing this very important business, we should be mindful of what happened in Saudi Arabia last night. Last night's tragedy is another reminder that the absence of war does not mean that the world is at peace. Our soldiers, sailors, and airmen stand at the ready under the constant threat of violence. This is the world we live in today, in which the United States must continue to show leadership and determination.

Our job in the Senate now is to be unexceptionally serious about the Defense authorization bill which is now under consideration. The American people, our Government, and the U.S. Senate are duty-bound to provide the very best for those in our Armed Forces who knowingly stand in harm's way for us.

We can not fall short in supporting our men and women in uniform and their families, insuring the best possible benefits, and providing the best equipment for the dangerous missions in a still very dangerous world.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER (Mr. COVERDELL). The Chair recognizes the Senator from Georgia.

Mr. NUNN. Mr. President, I strongly endorse the remarks of Chairman THURMOND in the great sympathy that we express in this Chamber on both sides of the aisle to the service people involved in this tragedy in Saudi Arabia, and I certainly endorse President Clinton's strong statement of determination to find the perpetrators of this act and bring them to justice. I am confident that the Saudi Arabian Government has the same view.

This is a constant reminder of the kind of dangers and risks that our military personnel are under everywhere in the world. We are in a different era now. We are not in an era where we are threatened by massive annihilation from nuclear war, but we are in an unstable era where terrorism rears its ugly head in unexpected places. All of our military forces abroad and their families are under this kind of risk.

So as we join the families and express our great sympathy to those families, I think we ought to bear in mind that all of our military personnel all over the world are basically risking their own lives to defend this great Nation.

I am informed there are 19 dead, 80 hospitalized, and 60 seriously wounded. I am also informed that they have not completed the identification of the remains and that the families have not yet been notified. Certainly that will be done in a timely fashion as quickly as they possibly can. The Air Force is working on that.

We sent medivac teams there with our aircraft. We sent all of the personnel that we can, and of course the President announced last night that we are sending FBI agents to help find the perpetrators of this terrible tragedy.

Mr. President, I am also informed that the families will begin being notified sometime around noon today. Certainly I know that there are a lot of anxious families in the Air Force community and military community all over the country.

So I join Senator THURMOND in expressing great sympathy to the families and absolute determination to prevent this kind of tragedy from recurring in every way that we possibly can.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

Mr. NUNN. Mr. President, this is the fifth day of debate on S. 1745.

I think it is appropriate to give the Senate another update—a very brief one—this morning on where we have been, and more importantly where we are going on this important measure.

Thus far, we have debated this bill for almost 28 hours. We have disposed of 39 amendments. I will state, as I did yesterday, that we have not been keeping track of the exact amount of time consumed by consideration of the nonrelevant amendments offered thus far to our bill. But I am able to state that the Senate has spent too much time talking about things that are not relevant to this defense bill, that are not in our jurisdiction, would not be in the jurisdiction of the conference, would require outside conferees if they are put on this bill, and would be very unlikely to receive conference approval and be signed into law.

So we are basically using our time to debate amendments that are not going anywhere in the long run, and we are doing that at the expense of completing this bill this week.

Yesterday, we were running along at a pretty good clip. We completed a number of defense amendments. We had a number of other people ready to present amendments and were working for a unanimous consent agreement to have a finite list of amendments in order. Then we had another legislative hurdle which was put in our way; the fourth nonrelevant amendment to our bill; this one on the matter of FBI files. This effectively shut us down for the rest of the day, a situation that I know disappointed the chairman and disappointed me, as well as other committee members.

The business before the Senate is the defense authorization bill. I hope that we can make this day the start of our quest to finish this bill this week and secure final passage without nonrelevant amendments.

Mr. President, there is a difference between a relevant amendment and a germane amendment. A germane amendment is very technical. It has to be a deletion to the bill, or a deletion of money.

There are all sorts of relevant amendments here, including amendments by the Intelligence Committee, most of which have been worked out, that are not germane. If we had invoked cloture a few minutes ago—and I voted against cloture—all of those intelligence amendments would be knocked out. Virtually all the amendments—not all but most of the amendments—that we have worked out that are going on this bill that are relevant but are not germane that we have already accepted but have not passed yesterday would have been knocked out. Any amendments relating to relevant ballistic missile defense—I see the Senator from Arizona on the floor—would be knocked out. The Nunn-Lugar-Domenici amendment which deals directly with the kind of terrorist threat that we have just witnessed in Saudi Arabia brings it home so that we can better protect our own cities. That is the subject of that amendment and certainly a matter of national security, but it would not have been germane to this bill, and that would have been knocked out.

So I know there is a real and a very sincere effort here to get to the bottom line and pass this bill. But in doing so, we cannot prevent our colleagues from offering relevant amendments that are important to our national security, whether we agree with them or not.

So there is a big difference between a relevant amendment and a germane amendment. Germaneness is required after cloture is invoked. I do not think it is time to invoke cloture. I think it would be a mistake to invoke cloture because we would then basically have not considered the serious amendments.

We have spent most of our time considering nonrelevant amendments on this bill. As important as the stalking amendment is, the one that is now pending, that one is not relevant to this bill because it is not in our jurisdiction. It is in the jurisdiction of the Judiciary Committee. It is going to require outside conferees when we to go conference, if it passes. I intend to vote for it, but we are going to have a hard time getting that through. It is going to slow up the bill. It is very likely going to precipitate a gun amendment then on this side of the aisle, which we all know is going to take time.

So I am just describing to our colleagues that their actions do have an effect on whether we can pass this bill or not.

If we do not stick to relevant amendments that have a connection to national security and that are in the jurisdiction of this committee and in the jurisdiction of the conference, then we are going to be on this bill all this week. I know the leader said that we are going to stay until we finish it. I applaud that. We will not finish it this week. If he is determined to finish it, it may require next week.

That is the way I see it now, unless we have cooperation from all of our colleagues and stick to amendments that are within the jurisdiction of this committee and this bill.

Mr. President, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

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

TERRORIST ATTACK IN SAUDIA ARABIA

Mrs. HUTCHISON. Mr. President, I want to add my comments to those that have been made regarding the bombing in Saudi Arabia that have stunned our Nation as well as theirs.

It is horrifying to read that a bomb has gone off that leaves a 30-foot deep crater that is 80 feet wide. I am told that this was heard 8 miles away. Nineteen U.S. citizens lost their lives, 80 are injured, and a number of those very seriously. We could not start today's debate on the armed services bill without saying that our hearts go out to the families of those who are affected by this tragedy.

It goes without saying that on a very bipartisan basis Congress will do everything possible to support the President in making sure that we find out who is responsible for this and that there is swift and firm retaliation.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

Mrs. HUTCHISON. Mr. President, this armed services authorization bill is so very important. This lays the groundwork for the strength of our defense and the support of our armed services.

So I agree with my colleague from South Carolina, the chairman of the committee, and the ranking member, Senator NUNN, that we must get on with the debate. I think if both sides will work together and determine what are relevant amendments, then hopefully the cloture vote will be in order tomorrow and we can finish this bill.

It is unnecessary for us to drag out this bill that will support our armed services, and most especially in light of what happened yesterday. I think it would be a tragedy if we did not finish this bill, and in fact we are going to finish this bill. We are not going to leave to go on a recess if this bill is not finished.

I hope everyone will be committed to that.

I would just take a slight issue with my colleague, Senator NUNN, talking about the stalking bill, because this is something that we have been trying to put forward for all the women and children of America.

It has been held up by Senator LAUTENBERG because he wants to add another amendment, and I think that the talking part of this legislation applies to military bases and military personnel and therefore is quite relevant. I hope that we can give this protection to the women and children that are in our military, and I hope that Senator LAUTENBERG will also take this opportunity to take his hold off the whole bill so that we could send it to the President before we go into recess.

I appeal to Senator LAUTENBERG to allow that to happen, and then I will certainly work with him to allow some vehicle for him to have an airing on the amendment that he wants to put forward. But there is no reason to hold up the ability for us to give all the protection in this country to the women and children who are victims of stalking, harassment, and threats when we are going on a recess. It does not make sense, and I hope Senator LAUTENBERG will hear our pleas, let this go, and let us work with him to get a vehicle for his amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4293

(Purpose: To authorize funding and multiyear contracting for the *Arleigh Burke* class destroyer program)

Mrs. HUTCHISON. Mr. President, I would like to start on a series of cleared amendments so that we can make progress on this bill, and I would like to start by offering, on behalf of Senator COHEN and Senator LOTT, an amendment that would make technical corrections to section 124 of the bill regarding *Arleigh Burke* class destroyers to make its intent more explicit.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. COHEN, for himself and Mr. LOTT, proposes and amendment numbered 4293.

Mrs. HUTCHISON. 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:

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.

Mr. COHEN. Mr. President, this amendment would modify section 124 of the bill. In its present form this section authorizes three *Arleigh Burke* class destroyers in each of the 4 fiscal years 1998, 1999, 2000, and 2001, for a total of 12 destroyers. The provision was included in the bill as the result of compelling testimony by the Navy's senior acquisition executive that he could save a billion dollars on the cost of 12 destroyers if Congress provided the opportunity for a reliable and stable procurement rate over the 4-year period. In other words the Navy would be able to procure 12 ships, all of them urgently needed, for the cost of 11 and still have funds left over for use elsewhere in a shipbuilding account that is under relentless pressure from competing requirements.

To achieve such cost savings, the Navy will need explicit authority to enter into multiyear contracts and contract options. This amendment would provide that authority, while limiting the Government's liability should unforseen circumstances force a change in future procurement plans.

This amendment makes military sense, cost sense, and industrial base sense. I strongly urge my colleagues to join me in supporting it.

Mrs. HUTCHISON. Mr. President, I believe this amendment has been cleared by the other side and I ask we approve it unanimously.

Mr. NUNN. Mr. President, I urge approval of the amendment.

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

The amendment (No. 4293) was agreed to.

Mrs. HUTCHISON. 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.

Mrs. HUTCHISON. I also ask unanimous consent that a statement by Senator COHEN be printed in the RECORD.

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

AMENDMENT NO. 4294

(Purpose: To provide funds for the Computer Emergency Response Team at the Software Engineering Institute)

Mr. NUNN. Mr. President, on behalf of myself and Senator SANTORUM and Senator KYL, I offer an amendment which would provide $2 million for the Computer Emergency Response Team associated with the Software Engineering Institute. The amendment contains an appropriate offset. I believe the amendment has been cleared on the other side of the aisle.

Mrs. HUTCHISON. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside for the duration of this series of amendments. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself, Mr. SANTORUM, and Mr. KYL, proposes an amendment numbered 4294.

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.

Mr. NUNN. Mr. President, Senators SANTORUM, KYL, and I are offering today an amendment to provide $2 million for fiscal year 1997 for the computer emergency response team associated with the Software Engineering Institute at the Carnegie-Mellon University.

The computer emergency response team [CERT] has operated since 1988 under the sponsorship of the Defense Advanced Projects Research Agency [DARPA]. Its missions are to respond to computer security emergencies and intrusions on the Internet, to serve as a central point for identifying vulnerabilities to hackers, and to conduct research to improve the security of existing systems.

The number of computer emergencies handled by CERT has grown from 132 in 1989 to nearly 2,500 in 1995. In addition to this rising tide of incidents, the severity of the incidents and the damage caused by the intrusions has increased significantly.

During a hearing which I chaired last month before the Permanent Subcommittee on Investigations, we learned that DARPA had decided that the CERT operation is not the kind of cutting-edge research project on which they are focused, and that they were planning to reduce their funding to CERT for fiscal year 1997 by 75 percent. While we agree with DARPA's view of its priorities, a funding reduction of this magnitude would have devastated the ability of CERT to respond to the growing volume of inquiries, and we do not wish to see the CERT capability disappear. Therefore, we are introducing this amendment to provide necessary funding for the CERT activity to continue through fiscal year 1997. The Armed Services Committee will find an appropriate long-term source of funding for the CERT function during its deliberations on the fiscal year 1998 defense budget request.

So as not to increase the funding level of the overall bill, our amendment reduces the funding already contained in S. 1745 for project Athena within O&M, Navy by $2 million. These funds represent hollow budget authority, as both appropriations committees have reduced funding for project Athena by more than the amount of the reduction in this amendment.

I urge the adoption of the amendment.

Mr. SANTORUM. Mr. President, I wish to say a few words regarding the amendment offered by myself along with Senators NUNN and KYL pertaining to the Computer Emergency Response Team [CERT]. CERT is located in Pittsburgh at the Carnegie Mellon University's Software Engineering Institute [SEI] in my home State of Pennsylvania.

This amendment would allocate an additional $2 million to be given to CERT to maintain their funding profile. When the SEI established its emergency response team in 1988, three members of the SEI technical staff were assigned to respond to computer security incidents on the Internet. Nearly 8 years later, use of the Internet has grown by 2,500 percent, and there has been a 2,000-percent increase in the number of network intrusions. The number of computer emergencies that CERT has responded to has grown as well, from 32 in 1989 to 2,500 in 1995. However, due to past congressional actions which have imposed ceilings on federally-funded research and development centers, SEI and specifically CERT, has only been able to expand by nine people, limiting their ability to perform essential services. The invaluable contribution that CERT has provided under the stewardship of the SEI has been highlighted nationally more than 60 times by the New York Times and the Wall Street Journal, as well as featured on the CBS show ''60 Minutes.'' Mr. President, I

urge the adoption of this amendment and am hopeful that this issue of ceilings will be addressed during the House-Senate conference on this bill.

Mr. KYL. Mr. President, I rise to sponsor, with Senator SANTORUM, an amendment to S. 1745, the 1997 Defense Authorization Act, introduced by Senator NUNN. I thank Senator NUNN for his sponsorship of this provision, and his leadership in protecting the Nation's information systems. I believe that his hearings on computer security have awakened many to the need for a national defense strategy against strategic attacks on the national information infrastructure. I am pleased to be a sponsor of this amendment, which will ensure the continued operation of the computer emergency response team [CERT] at the Carnegie Mellon University Software Engineering Institute [SEI] in Pennsylvania for 1997.

The amendment would make $2 million available to CERT for fiscal year 1997. For the last few years, the Defense Advanced Research Projects Agency [DARPA] has allocated between $2.5 million and $3.0 million per year to CERT. CERT requested $2.75 million for 1997. DARPA will fund only one-fourth of that request in 1997 and $0 in 1998. DARPA's administration does not want to fund CERT because it believes that CERT does not properly belong to it. The amendment would correct the problem and move the funding out of DARPA.

Why is this amendment necessary? CERT is arguably the most reliable source of computer security statistics and support in the country. Absent a comprehensive overhaul of national security policy for information systems—which I initiated in last year's bill, with an amendment that requires the President to develop a national architecture to protect against strategic attacks on the NII—there is not another entity better prepared to respond to potential threats. It continues to be DOD's best means of warding off unauthorized entry into the Pentagon's and the Nation's complex computer infrastructure.

The Senate Subcommittee on Investigations, in its staff report on hearings it held on computer security, recommended the creation of a National Information Infrastructure Threat Center that "should have real time 24 hour operational capabilities as well as serve as a clearinghouse for intrusion reports." CERT, for many years, has performed many of the functions cited in the staff report. It should continue to serve DOD until the committee's recommendations are executed.

In 1988, DARPA requested that the SEI set up a computer response team. It was funded through a competitive procurement process, initiated by DARPA with the approval of Congress. DARPA mandated that CERT set up a 24-hour point of contact center to respond to security emergencies on networks and to help prevent future network incidents. This remains its current function.

Since the inception of its response team, CERT has responded to over 7,600 security incidents affecting tens of thousands of network-connected sites. It is clear that CERT has played a key role in the DOD's national defense against attacks on our information systems. The amendment authorizes funding for only 1 year. Congress can reevaluate the importance of CERT again next year. I urge my colleagues to adopt the amendment.

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

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

The amendment (No. 4294) was agreed to.

Mrs. HUTCHISON. 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. 4295

(Purpose: To correct an error made in the reporting of the bill)

Mrs. HUTCHISON. Mr. President, on behalf of Senator THURMOND, I offer an amendment that would make a technical correction to section 532 to correct an error made in reporting the bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas (Mrs. HUTCHISON), for Mr. THURMOND, proposes an amendment numbered 4295.

The amendment is 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.".

Mr. THURMOND. Mr. President, this amendment makes a technical change to section 532 correcting an error made when reporting the bill.

When section 532 limiting the recall of retired officers to active duty as approved by the committee, it was our intent that the limit not apply to chaplains, health care professionals or officers assigned to the American Battle Monuments Commission. Due to an error in drafting, the legislation does not exempt these categories of recalled retired officers. My amendment corrects this error. Since the amendment changes the existing section to conform with the intent of the committee, I urge its adoption.

Mr. President, I thank the Chair and yield the floor.

Mrs. HUTCHISON. Mr. President, I believe this amendment has been cleared by the other side.

Mr. NUNN. I urge adoption of the amendment.

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

The amendment (No. 4295) was agreed to.

Mrs. HUTCHISON. 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. 4296

(Purpose: To provide that of the funds available for research, development, test, and evaluation for the Air Force for arms control implementation, $6,500,000 shall be available for basic research in nuclear seismic monitoring)

Mr. NUNN. Mr. President, on behalf of Senator FEINSTEIN, I offer an amendment which would provide $6.5 million of the authorization for Air Force arms control implementation to be available for basic research in nuclear seismic monitoring. I believe the amendment has been cleared on the other side of the aisle. 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. FEINSTEIN, proposes an amendment numbered 4296.

Mrs. HUTCHISON. 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 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.

Mrs. FEINSTEIN. Mr. President, this amendment authorizes $6.5 million for basic research in nuclear test monitoring. These funds ensure that the Department of Defense is able to support a comprehensive research and development program to improve nuclear test monitoring capabilities.

The proliferation of nuclear weapons continues to be one of the most serious threats to our national security. This amendment underscores the need for the United States to maintain an effective capability in detecting and identifying clandestine nuclear tests. Only a sustained level of research involving the university community, in partnership with DOD and small companies, has been shown to be effective in developing and improving the monitoring of nuclear testing.

The Comprehensive Test Ban Treaty [CTBT] will present new monitoring challenges including the detection and identification of events of smaller and smaller magnitude; and the ability to discriminate industrial or other chemical explosions and earthquakes from nuclear explosions. In order to meet these challenges, it is critical that adequate resources be devoted to programs aimed at developing and sustaining the capabilities required to monitor a CTBT.

Under the CTBT, all signatories are committed to permanently refrain from testing nuclear weapons. This treaty would help to curtail the spread of nuclear weapons by outlawing the tests which are so necessary for their development. It would help prevent additional countries from developing nuclear weapons, beyond the five declared nuclear weapons states—the United States, Russia, China, France, and Britain—and the three undeclared nuclear weapons states—Israel, India and Pakistan. The CTBT would facilitate the political conditions necessary to continue step-by-step reductions of nuclear weapons and, perhaps, their eventual elimination. The five nuclear weapons states are all finally on record supporting a CTBT.

My amendment will ensure that there is adequate funding, $6.5 million, for basic research to improve technologies which enhance our ability to detect underground nuclear tests. I am pleased to offer this amendment and ask my colleagues for their support.

Mrs. HUTCHISON. I urge adoption of the amendment.

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

The amendment (No. 4296) was agreed to.

Mrs. HUTCHISON. 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. 4297

(Purpose: To specify the grade of the Chief of Naval Research)

Mrs. HUTCHISON. Mr. President, on behalf of Senator LOTT, I offer an amendment that would specify the grade of Chief of Naval Research when that position is filled by a military officer.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. LOTT, proposes an amendment numbered 4297.

The amendment is 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).''.

Mr. LOTT. Mr. President, this amendment will strengthen the Navy's Office of Naval Research. This office was established by the Congress in 1946 in recognition of the contributions made by science and technology to the Nation's success during the Second World War.

Like the period after World War II, we are experiencing tight budgets that require downsizing of our military forces. In periods like this, technological superiority becomes more important than ever as a means for retaining control over the sea lanes and to project military power ashore. Our technology base guarantees our sailors and marines have the leading edge weaponry and equipment they need to continue winning—anywhere, anytime.

Today's U.S. naval forces have the ability to deploy anywhere in the world and to sustain forward presence indefinitely. This ability is the direct result of past science and technology successes.

Recognizing the importance of science and technology to the recapitalization efforts of the Navy, the Secretary of the Navy recently established a special study of the Department's science and technology program. It was chaired by Mr. Robert Galvin, chief executive officer of Motorola Corp. Among the findings of this study was that the rank of the senior naval officer in a military organization is one measure of the relative importance of the work conducted by that organization. The study said:

The Department of the Navy should recognize the importance of science and technology program to its own future and return to the practice of assigning a Naval Officer to the Chief of Naval Research position that is equal in rank to the Commanders of the Systems Commands.

This initiative amends section 5022 of Public Law 588 to again establish a requirement for the Chief of Naval Research to be a rear admiral (upper half). The Senate struck this requirement in 1991.

I think this Senate needs to reestablish the two star rank for the Chief of Naval Research to ensure he will be the equivalent of other naval systems commanders and will therefore be able to effectively plan and ensure the viability of the Navy's science and technology programs. As a two star, the Chief of Naval Research will have the stature to be an effective spokesman for science and technology in this current budget constrained environment. Through this action, we will ensure that science and technology, which is a long-term investment, will not be sacrificed for apparent pressing short-term needs. This move ensures the Navy's S&T program has the independence and stature necessary to ensure the Navy's future warfighting capability.

Mrs. HUTCHISON. I believe this amendment has been cleared by the other side and I urge its adoption.

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

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

The amendment (No. 4297) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4298

(Purpose: To authorize the conveyance of the William Langer Jewel Bearing Plant to the Job Development Authority of the City of Rolla, North Dakota, and for other purposes)

Mr. NUNN. Mr. President, on behalf of Senator DORGAN and Senator CONRAD, I offer an amendment which would authorize the conveyance of the William Langer jewel bearing plant to the Job Development Authority of Rolla, ND. I believe the amendment has been cleared on the other side of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. DORGAN, for himself and Mr. CONRAD, proposes an amendment numbered 4298.

The amendment is 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 that 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.

Mr. DORGAN. Mr. President, my amendment would expedite the conveyance of the William Langer Jewel Bearing plant in Rolla, ND, to the Job Development Authority of the city of Rolla. The amendment would enable the General Services Administration to transfer the plant to the Authority more quickly, and in a way that would enable the plant to continue as a going enterprise.

My senior colleague from North Dakota, Senator CONRAD, is cosponsoring this amendment, and the Defense Department and the General Services Administration have no objection to it. In fact, the Defense Department and GSA have cooperated in helping the plant to orient itself more toward commercial markets.

Let me describe the background and purpose of this amendment.

The Langer plant has roots in the cold war. Back in the 1950's, our defense leaders realized that we lacked the ability to produce jewel bearings, which are finely machined bits of carborundum. They were crucial components in military avionics systems. So the Congress located a jewel bearing plant in North Dakota. The Langer plant has been producing jewel bearings as a Government-owned, contractor-operated facility since then.

My colleagues should also know that the plant is a few miles from the Turtle Mountain Indian Reservation. Of the plant's 80 or so employees remaining after a downsizing, about 60 percent are native American. The Langer plant brings crucial skilled jobs to an economically depressed area—Rolette County, where the unemployment rate is one of the highest in the country.

However, changing technology means that the national defense stockpile no longer needs to buy jewel bearings. The Defense Department has now reported the plant to the General Services Administration as surplus property. Those of my colleagues who are dealing with base closures and defense downsizing know that this situation presents Rolla with a crisis and an opportunity.

The future of this factory depends on its ability to become a commercial manufacturer. The local community has a plan to bring this about: the Rolla Job Development Authority, through a subsidiary corporation, is already running the plant for the Federal Government. That subsidiary, called Micro-Lap Technologies, will continue to run the plant after the conveyance.

Normal surplus property rules would require the GSA to sell the plant for fair market value. The problem is that no local entity can afford the plant, which had an original cost of $4.2 million. The plant itself is not now healthy enough in a business sense to finance its own acquisition by a new management team.

In fact, the plant's economic position is so tenuous that the plant will likely run out of money in September, because it has not had a chance to build a strong commercial customer base to replace its defense contracts. The plant has worked hard to cut costs, and it has already had to cut its work force by 30 percent. I am deeply concerned that the plant may not survive without conveyance legislation.

My colleagues will understand that as a Government-owned facility, the plant is not able to compete freely, nor is it eligible for the kind of small business or economic development assistance that is available to private sector firms. However, once conveyed, the plant will be in a position to aggressively seek commercial contracts and assistance from the State and other agencies.

I would like to stress to the Senate that the Rolla community, the State of North Dakota, the Turtle Mountain Band of Chippewa, and the local business community have been working hard to ensure that the plant makes a successful transition to the private sector. The local community is united behind the plan to transfer the plant to the Job Development Authority of the city of Rolla. Of course, the conveyance is conditional on the community and the General Services Administration reaching a mutually acceptable legal agreement on the conveyance. But I am confident that the GSA and the community can reach that agreement swiftly.

Let me also remind my colleagues that in September 1995 the Senate approved by voice vote an amendment of mine to last year's defense authorization bill that was exactly identical to this amendment. And then, in January of this year, the Senate unanimously passed S. 1544, which was a freestanding version of this amendment. However, the House has not yet acted on that separate bill. This will actually be the third time that the Senate has passed this Langer plant conveyance. Fortunately, section 2852 of the House defense authorization bill is exactly the same provision as the amendment I am now offering. I think this means the third time will be the charm.

Let me thank the chair and ranking member of the Governmental Affairs Committee, Senators STEVENS and GLENN, for their support of this amendment. And the chair and ranking member of the Armed Services Committee, Senators THURMOND and NUNN, have been helpful to me on this issue for nearly a year now. Senator MCCAIN has also assisted in expediting this conveyance. I am deeply grateful to all five senators and their staffs for their support and assistance.

Mr. President, to sum up, I would simply say that this amendment tries to give a helping hand to the Langer plant and the city of Rolla. It also will relieve the Federal Government of a facility that the Defense Department no longer needs. I look forward to the Senate's unanimous approval of my amendment, and to its enactment into law.

Thank you, Mr. President. I yield the floor.

Mr. CONRAD. Mr. President, I rise today to urge my colleagues to support an amendment offered on behalf of my esteemed colleague from North Dakota and myself by the distinguished ranking member of the Armed Services Committee, Senator NUNN. This amendment to the fiscal year 1997 Defense authorization bill would authorize the conveyance of the William Langer Jewel Bearing Plant from the General Services Administration [GSA] to the Job Development Authority of the city of Rolla, ND.

As my colleagues may be aware, for over 40 years the Langer plant has been serving the national defense stockpile, manufacturing jewel bearings. Its work has been outstanding. Last year, however, the plant was transferred to the GSA after having been declared surplus by the Department of Defense. Since that time the Rolla community has worked tirelessly to ensure that the plant will remain open and continue to play a vital role in the economic health of the region. Conveyance of this property to the Rolla Job Development Authority is necessary to ensure that this privatization initiative has a chance.

Mr. President, congressional support for this privatization effort is especially worthwhile in light of the very positive impact the plant has on an economically disadvantaged part of my State. Of the plant's 110 employees, about 60 percent are Native American. Unemployment is high on the Turtle Mountain Reservation, and loss of these jobs would be devastating.

Keeping this facility open makes good sense. The Langer plant utilizes unique micromanufacturing technology that helped form a critical part of our defense industrial base and can be reapplied to the private sector. Furthermore, the plant's existing production of dosimeters, used in measuring exposure to nuclear radiation, as well as its hopes to develop a large-scale production of fiber optic cable connectors, known as ferrules, will increase its potential to compete in commercial markets and meet possible future Federal needs.

Legislation introduced by Senator DORGAN and myself which passed the Senate in January would provide for conveyance, as would a provision in the version of the fiscal year 1997 Defense authorization bill passed by the House. Local businesses, community leaders from Turtle Mountain, and State officials are all working together to ensure the success of the plant and its growth as a viable enterprise, but now the Senate needs to act again to ensure that the Congress has done its part.

The Defense Logistics Agency has been very helpful in keeping the plant open until conveyance occurs, but action from Congress is essential if the plant is to continue to play a key role in the future of the Rolla community. This amendment will enable the plant to transition to the private sector, and I would urge all of my colleagues to support it. I thank the distinguished ranking member of the Armed Services Committee for his assistance in this important matter, and yield the floor.

Mrs. HUTCHISON. The amendment is cleared. I urge its adoption.

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

The amendment (No. 4298) was agreed to.

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

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4299

(Purpose: To provide for a study of Department of Energy liability for damages to natural resources with respect to Department sites covered by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980)

Mrs. HUTCHISON. Mr. President, on behalf of Senator THOMAS, I offer an amendment that would require the Department of Energy to carry out a study to determine the extent of liability for natural resource damage at sites controlled and operated by the department.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. THOMAS, proposes an amendment numbered 4299.

The amendment is 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, 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.

Mrs. HUTCHISON. I believe this amendment has been cleared by both sides.

Mr. NUNN. Mr. President, this amendment has been cleared, and I urge its adoption.

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

The amendment (No. 4299) was agreed to.

Mrs. HUTCHISON. 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. 4300

(Purpose: To require information on the proposed funding for the Guard and Reserve components in the future-years defense programs)

Mr. NUNN. Mr. President, on behalf of Senator ROBB and Senator WARNER, I offer an amendment.

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 4300.

The amendment is 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.

Mr. ROBB. Mr. President, this amendment directs the Secretary of Defense to specify in the future years defense plan—submitted to the Congress as required in title 10—the estimated expenditures and proposed appropriations for the procurement of equipment and for military construction for the National Guard and Reserve components.

The fact that this situation has reached this stage is a matter of some concern, Mr. President. Because the Congress cannot require the Executive to submit a budget recommendation at a set level for the Guard and Reserves, the Congress included a useful provision in last year's authorization that required the Secretary of Defense to submit a report on what actions DOD was taking to enhance the Guard and Reserves, how the Department would spend its fiscal year 1997 Guard and Reserves equipment and construction requests, and to provide its future years defense plan for the same. This would have allowed the Armed Services Committee this year to make a more informed judgement on how to increase, if necessary, the Guard and Reserve authorization. To date, DOD has provided no report—in direct contradiction of congressional direction.

Our intent last year was to fix a perennial problem, to wit, that the administration's budget request consistently fails to include any funding for National Guard and Reserve weapons or equipment, and that the MILCON request is consistently underfunded by several hundred million dollars a year. This, of course, necessitates congressional adds that must be drawn out of other defense programs or an increase in the total defense authorization level, neither of which is an acceptable way to effect public policy.

The Congress is compelled to make crucial decisions on weapons and construction procurement with no guidance from the administration. The end result is directed spending that does much for Member interests but little for achieving a balanced total force.

One solution—so-called generic authorization of funds—is a small improvement but far from perfect. With generic funding we abdicate our legislative responsibilities. We don't give the DOD blanket dollar amounts for aircraft and then let the department decide how many B–2's, F–22's and

other aircraft it needs to buy. The generic approach is also troubling because we authorize dollar amounts while pretending we don't know how we derived those amounts or what precisely they will be spent on, when in fact we do make assumptions about what precisely needs to be authorized in order to derive the generic funding totals.

Mr. President, my amendment echoes the requirements outlined in last year's provision on National Guard and Reserve authorizations, but it goes one step further in establishing a permanent marker for the Secretary of Defense. Currently, title 10 requires the Department to submit its future years defense program. This amendment will require in title 10 the submission of the same plan for the Guard and Reserve.

The Congress must have a foundation to work from in determining a rational topline for the Guard and Reserves. Congress may decide on a lower or higher amount, but at least it can make such a decision based on guidance from DOD on the Department's priorities.

Mr. President, I am hopeful that this amendment will persuade the Department of Defense on an annual basis to fully address Guard and Reserve funding in conjunction with deliberations on active-force budgets. To do less is to undermine the Department's concept of total force management—and to invite the Congress to distort and manipulate Reserve accounts based on individual Member interests in lieu of the national interest.

Mr. President, it is my understanding that this amendment has been accepted on both sides and I urge its adoption. I yield the floor.

Mr. NUNN. Mr. President, this amendment provides that DOD provide Congress each year information on the future years defense plan for procurements and military construction for support of the National Guard and Reserve forces. This would give Congress greater visibility on the Department's plan for these important programs. I urge adoption of the amendment.

Mrs. HUTCHISON. It has been cleared. I urge adoption.

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

The amendment (No. 4300) was agreed to.

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

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4301

(Purpose: To amend section 348, relating to shipboard solid waste control)

Mrs. HUTCHISON. Mr. President, on behalf of Senator CHAFEE, I offer an amendment that would modify section 348 of S. 1745 to provide for a report on compliance with annex V to the convention for the prevention of pollution on ships and publication of discharges in special areas.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. CHAFEE, proposes an amendment numbered 4301.

The amendment is 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.''.

Mrs. HUTCHISON. I believe this amendment has been cleared, and I urge its adoption.

Mr. NUNN. Mr. President, I urge passage of the amendment.

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

The amendment (No. 4301) was agreed to.

Mrs. HUTCHISON. 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. 4302

(Purpose: To require that the Secretary of Energy request funds in fiscal year 1998 for the U.S. portion of the cost of the Greenville Road Improvement Project, Livermore, CA)

Mr. NUNN. Mr. President, on behalf of Senator FEINSTEIN, I offer an amendment which would ask the Secretary of Energy to include sufficient funding in the budget for fiscal year 1998 to pay for the Government's cost of transportation improvements at the Livermore lab site. I believe the amendment has been cleared on the other side of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mrs. FEINSTEIN, proposes an amendment numbered 4302.

The amendment is 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).

Mrs. HUTCHISON. This amendment has been cleared. I urge its adoption.

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

The amendment (No. 4302) was agreed to.

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

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4303

(Purpose: To require the Department of Defense to conduct a study to assess the cost savings associated with dismantling and neutralizing chemical munitions in place as opposed to incineration in place)

Mrs. HUTCHISON. On behalf of Senator BROWN, I offer an amendment which would require the Department of Defense to study the cost effectiveness of dismantling chemical munitions, neutralizing the chemical agent on site and transporting that agent to a centrally located incinerator for destruction versus building an incinerator at each facility. I believe this amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. BROWN, proposes an amendment numbered 4303.

The amendment is 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.—(1) 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).

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

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

The amendment (No. 4303) was agreed to.

Mrs. HUTCHISON. 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. 4304

(Purpose: To provide for preventive health care screening of military health care beneficiaries for colon or prostate cancer)

Mr. NUNN. On behalf of Senator WELLSTONE, I offer an amendment which would authorize male service members and former members who are entitled to medical care to receive preventive screening for colon cancer and prostate cancer at intervals prescribed by the service Secretaries. I believe this amendment has been cleared by the other side of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. WELLSTONE, proposes an amendment numbered 4304.

The amendment is 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 intevals 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''.

Mr. WELLSTONE. Mr. President, I want to describe briefly an amendment which I am offering today to correct an oversight in the military health care system. My amendment would permit preventive prostate and colon cancer screenings for male servicemembers, and preventive colon cancer screenings for female servicemembers. This commonsense amendment was offered in the House to the DOD authorization bill by my colleague from Minnesota, Congressman OBERSTAR, and was adopted by the full House of Representatives with broad bipartisan support.

Mr. President, I offer this amendment to address a narrow, yet vitally important, shortcoming in current military health care law. Department of Defense health care law presently entitles current and former female servicemembers and dependents to receive preventive screenings for breast and cervical cancer and other diseases. Current and former male servicemembers and dependents, however, are not permitted to receive similar preventive screenings for prostate and colon cancer. Broadening the law to explicitly cover prostate and colon cancer screenings will save substantial money in averted health care costs, as well as countless lives.

The need for this amendment was called to my attention recently by Congressman OBERSTAR, who has been a crusader for responsible Federal health care and research policies designed to combat the scourge of cancer, and provide expanded treatment options for those who fight these terrible diseases. I'd like to dedicate this amendment to JIM's deceased wife, Jo Oberstar, whose long and heartbreaking struggle with cancer, passionate commitment to her family, and fierce determination inspired all of us who knew her. JIM's commitment to fight cancer in all its forms is fired by her memory, and issues in his tireless efforts to honor and redeem her death by fighting to improve Federal policies in this area, and to ensure access to care and preventive treatment for millions of Americans.

In the time since Congressman OBERSTAR offered this amendment to the House bill, the American Gastroentrological Association has brought to our attention the fact that colon cancer affects women in roughly equal numbers to men. The current list of available screenings for female servicemembers, however, does not include this necessary procedure. My amendment would take care of this oversight.

In a time of increasing pressure on the Department of Defense to enlist and retain the highest quality personnel which our Nation has to offer, modest changes such as these are needed to demonstrate our continuing commitment to the well-being of our men and women in uniform. This amendment has generated broad bipartisan support, including in the House National Security Committee, in the full House of Representatives, and in the Department of Defense. I am grateful for the support of those Members of the Committee, Democrats and Republicans alike, who have agreed to accept this amendment. It will be a modest, though important, advance in detecting and preventing colon and prostate cancer for those in our Armed Forces. It is sound social, economic, and medical policy, and I urge my colleagues to support its adoption.

Mrs. HUTCHISON. This amendment has been cleared. I urge the adoption of the amendment.

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

The amendment (No. 4304) was agreed to.

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

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4305

(Purpose: To provide funding for the Scorpius space launch technology program)

Mrs. HUTCHISON. On behalf of Senator DOMENICI, I offer an amendment which would authorize the use of up to $7.5 million in funds authorized for the ballistic missile defense organization to be used for the Scorpius space launch technology program.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. DOMENICI, proposes an amendment numbered 4305.

The amendment is 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.

Mr. DOMENICI. Mr. President, I have long been concerned over the excessive cost of space launch. We have lost the commercial space launch industry, which America pioneered, to overseas competitors. The burden on the defense budget is inordinate. Current space launch vehicles are still using 1970's technology and have little margin for error. The military spends well over $1 billion per year on space launch. A 15,000-pound communications satellite launch is over $100 million; a 50,000-pound surveillance satellite over $350 million. Today's rockets are engineering miracles in an industry that needs to achieve manufacturing economies.

I have been closely following the progress of Microcosm, a small California company and its Scorpius program, a family of space launch vehicles. This is an effort to lower the space launch cost from its current over $7,000 per pound to low Earth orbit to under $1,000 per pound. For example, if Scorpius is successful, the current launch cost for a 15,000-pound military communications satellite would drop from over $100 million to less than $15 million.

Scorpius's launch crew would be 12 technicians, not the current hundreds,

even thousands of engineers needed for today's. Those same 12 technicians, when not actually firing the rocket, would be assembling them. It is truly a simple design.

Scorpius would be true launch on demand, able to lift off within 8 hours after the payload arrives at the launch site. Its short, squat design, though ugly compared to present rockets, makes it oblivious to weather limitations of today such as high wind. It would not require the extensive launch infrastructure such as a gantry, providing great flexibility of where it could be fired. Our military field commanders would be able to request and receive the satellite resources they need when and where they need them.

Microcosm has received seven SBIR contracts for Scorpius totalling roughly $2.6 million. All SBIR contracts and awarded competitively. The results have been impressive:

Seven engines built, each at a cost under $5,000;

Seven engines test-fired including;

The last test fired engine ran for 200 seconds on a continuous burn-thrust capable of getting a payload to LEO, low earth orbit, for under $1/pound was attained;

The flight computer was designed and built—its recurring cost is about $1,500; total on-board GN&C recurring costs will be under $30,000;

Preliminary tank design has been completed; including a LOX liner technique for the composite tanks; and

Technical spin-offs that could benefit non-Scorpius programs as well, such as the gas generator.

BMDO, which provided funding for the first award, has allocated $1.5 million in fiscal year 1996 money for this effort. The $7.5 million in the bill would allow for ground development and testing to be completed, four suborbital rockets to be built and real flight testing of the rockets. The first test flight would occur in fall of 1997.

The program has been subjected to many senior technical reviews by both government and industry experts. No significant technical problem has been identified.

Scorpius is a bargain. It is a leap-frog technology that could make space launch truly affordable and recapture an American industry—and jobs—now lost to foreign companies.

Mrs. HUTCHISON. I believe this amendment has been cleared.

Mr. NUNN. I urge the adoption of the amendment.

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

The amendment (No. 4305) was agreed to.

Mrs. HUTCHISON. 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. 4306

(Purpose: To clarify the applicability of section 1102, relating to the retention of civilian employee positions at military training bases transferred to the National Guard)

Mr. NUNN. Mr. President, on behalf of Senators HEFLIN and SHELBY, I offer an amendment which would expand the provision of the authorization bill which authorizes the Secretary of Defense to retain a number of civilian employees in any military base approved for closure by the 1995 BRAC round where an enclave is going to be maintained to support active and resserve training, and where the base is scheduled for transfer to the National Guard in 1997. Specifically, the amendment would remove the requirement that the base be scheduled for transfer in 1997.

I believe the amendment has been cleared on the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. HEFLIN, for himself and Mr. SHELBY, proposes an amendment numbered 4306.

The amendment is as follows:

In section 1102(a)(2), strike out ''during fiscal year 1997''.

Mr. HEFLIN. Mr. President, I rise today to offer an amendment to insure that the National Guard will be able to fully use the training infrastructure of Fort McClellan.

The Armed Services Committee has included a wise provision in its bill that allows the National Guard to retain certain key civilians at each installation they are gaining through the BRAC process. The committee's provision only covered training bases closed before the end of 1997. My amendment would extent this date to 1999, so that Fort McClellan would also be covered. I encourage my colleagues to support this needed change.

Mrs. HUTCHISON. Mr. President, This amendment has been cleared. I urge its adoption.

The PRESIDING OFFICER. The amendment is agreed to.

The amendment (No. 4306) was agreed to.

Mrs. HUTCHISON. 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. 4307

(Purpose: To require a report on facilities used for testing launch vehicle engines)

Mrs. HUTCHISON. On behalf of Senator LOTT, I offer an amendment which would require a report on facilities for testing space launch vehicles.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. LOTT, proposes an amendment numbered 4307.

The amendment is 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.

Mr. LOTT. Mr. President, this would require a report regarding space launch vehicle test facilities. The report would address duplication between the Air Force and NASA in the area of hydrogen engine testing. I am concerned that we have not adequately coordinated these activities and I believe that additional information is required. I am hopeful that the Secretary of Defense, in consultation with the Administrator of NASA, will provide a useful report as a guide to possible efficiencies. I urge my colleagues to support this amendment.

Mrs. HUTCHISON. I believe this amendment has been cleared by the other side.

Mr. NUNN. I urge the adoption of the amendment.

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

The amendment (No. 4307) was agreed to.

Mrs. HUTCHISON. 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. 4308

(Purpose: To provide an additional exception for the cost limitation for procurement of Seawolf submarines)

Mrs. HUTCHISON. Mr. President, on behalf of Senator THURMOND, I offer an amendment that would provide an additional exception for the cost limitation for procurement of *Seawolf* class submarines.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. THURMOND, proposes an amendment numbered 4308.

The amendment is as follows:

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).''.

Mr. THURMOND. Mr. President, in the fiscal year 1996 Defense Authorization Act, Congress imposed a cost cap on procurement of the three *Seawolf* class submarines that Congress has authorized. The principal purpose of this cost cap was to cause the Navy to focus careful attention on the program to forestall the type of cost growth that plagued other major shipbuilding programs in the past. While the Navy was given ample opportunity to participate in its development, the cost cap is a tight one that will require constant attention throughout the construction of the ships.

The Navy has responded by implementing a number of management changes that proved successful during the past year in containing cost growth. Included was the creation of an independent cost review team that has an independent charter to examine the program's books and report any concerns that arise to the Navy's Senior Acquisition Executive. As the team has developed information the committee has been kept informed.

A concern that has emerged this year is the existence and status of program costs that have been allocated to canceled *Seawolf* submarines. As my colleagues will recall, the original Seawolf program called for construction of more than 20 submarines of the class. In the immediate aftermath of the cold war as the defense budget declined, the program was terminated. At the time funds had been fully or partially appropriated for six *Seawolf* submarines.

After careful review Congress has partially restored the Seawolf program to the extent that three or the submarines will be built. However, a considerable amount of sunk cost was incurred as a consequence of contracts detail design and for construction of various components for now canceled submarines that will never be built.

When the Navy was asked to assist in developing a cost cap total last year, it did not propose inclusion of these sunk costs in the cost cap. However, legitimate questions have been raised by the Navy's independent cost review team as to whether some portion of these costs, such as those for detail design or for components that may eventually be used in the three *Seawolf* submarines that are under construction, should be included in the cap.

The committee acted to address the matter of detail design costs in report language that accompanies this bill by acknowledging them and noting that they had not been included in the cost tap. Subsequent to our markup, however, additional sunk costs have been identified associated with the termination of nuclear and nonnuclear components for which an argument could be advanced on both sides as to whether they properly belong within the cost cap. These are not hidden costs that have suddenly appeared. They have been routinely reported by the Navy as part of the total program cost. The issue is whether they should or should not have been associated with the three subs presently under construction.

One course of action that we could have pursued as questions were raised by the conscientious efforts of the Navy's independent cost team would have been to ignore them. However, this course of action could have led to future acrimony as to whether the Navy had breached the cost cap. Another alternative would be to include them in the cost cap number. However, since the cost cap was put in place to safeguard against future cost growth vice documenting sunk costs, this approach would have contributed little, if anything, toward satisfying that objective.

Our recommended approach, the one reflected in this amendment, would be to first reaffirm last year's cost cap, a cap stringent enough to demand constant vigilance by the Navy and concurrently acknowledge in law that certain costs that have been associated with canceled submarines are excluded from it. This approach appears a more prudent means of avoiding any future legal disputes than to employ revised report language to accomplish the same objective.

In my opinion, adopting this amendment will address legitimate issues and also encourage the Navy to continue forthright discourse with Congress on the progress of the Seawolf program. I strongly encourage my fellow Senators to join me in supporting it.

Mr. MCCAIN. Mr. President, I have no objection to this amendment to provide a specific exception from the cost cap for $745.7 million which was expended for termination and other procurement costs associated with cancelled ships. These funds were not included in the calculations by the Navy for the original procurement cost cap.

I should note that the committee was advised earlier this year that $278 million in class detail design costs had been left out of the cost cap calculations. Since these amounts were not directly related to procurement of the three submarines currently under construction, the committee included in its report on this bill a section starting that these costs were not to be considered part of the cost cap.

Only a few weeks ago, the Navy advised the committee that an additional $467.7 million had not been addressed in calculating the cost cap. The Navy requested specific legislative relief from including these amounts in the *Seawolf* cost cap.

Mr. President, again, I have no objection to this amendment. It is clear that the $745.7 million identified in this amendment cannot be appropriately tied to procurement of any of the three *Seawolf* submarines. However, I find it disconcerting at best that the Navy only recently identified these amounts to Congress. In the future, I hope and expect that the Navy's program management team will be able to better track all amounts associated with *Seawolf* submarine procurement in order to remain within the legislative cost cap.

Mrs. HUTCHISON. I believe the amendment has been cleared.

Mr. NUNN. I urge the adoption of the amendment.

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

The amendment (No. 4308) was agreed to.

Mrs. HUTCHISON. 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. 4309

(Purpose: To strike section 2812 relating to the disposition of proceeds of certain commissary stores and nonappropriated fund instrumentalities and to amend section 634 to sunset the authority under that section to pay annuities)

Mrs. HUTCHISON. Mr. President, on behalf of Senator THURMOND, I offer an amendment which would strike section 2812 relating to the disposition of proceeds of certain commissary stores and nonappropriated fund instrumentalities and sunset section 634 relating to forgotten widows.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. THURMOND, proposes an amendment numbered 4309.

The amendment is as follows:

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.

Mr. THURMOND. Mr. President, my amendment would strike section 2812 and sunset section 634 of the Defense authorization bill.

Section 2812 would have allowed the proceeds from sales of facilities at base closure sites built with commissary store funds or nonappropriated funds to be deposited into established funds to support commissary stores and nonappropriated fund activities.

Section 634, would authorize the Secretary of Defense to pay an annuity to the surviving spouses of retired service members who died before March 1974. This group of surviving spouses has become known as the ''Forgotten Widows'' since they were widowed before the Survivor Benefit Plan was enacted.

Mr. President, the Congressional Budget Office scored these provisions as direct spending, which is not in the committee's allocation, I am requesting that section 2812 be stricken and section 634 be terminated effective September 30, 2001.

Mr. President, I know of no objection to the amendment and ask that the Senate adopt the amendment.

Mrs. HUTCHISON. I believe this amendment has been cleared by the other side.

Mr. NUNN. I urge the adoption of the amendment.

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

The amendment (No. 4309) was agreed to.

Mrs. HUTCHISON. 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. 4310

(Purpose: To state the sense of the Senate on Department of Defense sharing of its experiences under military youth programs)

Mr. NUNN. Mr. President, on behalf of Senator KENNEDY and Senator COATS, I offer an amendment which would provide a sense of the Senate that military and civilian youth program coordinators could benefit from greater exchange of information and close relationship between military installations and the local communities that support them.

I believe this amendment has been cleared by the other side of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. KENNEDY, for himself and Mr. COATS, proposes an amendment numbered 4310.

The amendment is 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 youth 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 programs so as to benefit communities in the vicinity of military installations.

Mr. KENNEDY. Mr. President, today Senator COATS and I offer two amendments addressing the military's child development programs. The first amendment commends the Department of Defense for its successful implementation of the Military Child Care Act of 1989. This landmark legislation has greatly improved the availability, affordability, quality, and consistency of the child care services provided by the Department to service members.

Our second amendment commends the equally important contributions of the Department's youth programs in meeting the diverse needs of older children and encourages continued progress in this area.

Before the implementation of the 1989 Act, children of military personnel were cared for in substandard facilities and received virtually no developmental care. Child care was little more than custodial care. Care givers lacked adequate training, were paid less than grocery baggers at the base commissary, and had a job turnover rate of 300 percent. Worst of all, inadequate oversight led to several documented cases of child abuse.

Since the 1989 Act, developmental care has replaced custodial care and is providing military children with a genuine learning environment. Successful completion of training by child care providers is now tied to wage increases, and the result is a well-trained and highly motivated group of care givers. Their job turnover rate has fallen from 300 percent to 31 percent. Inspections without notice and a national hotline to register complaints are now in place to protect the children being cared for. In short, the Military Child Care Act has dramatically improved the quality of life for thousands of children in military families.

Quality child care is a priority for civilian parents too. It makes no sense for civilian child care providers to waste their time and valuable resources reinventing wheels that have already been developed by the Armed Forces. Military-sponsored internship programs, access to training classes on a space-available basis, and assistance with accreditation are all cost-effective ways for civilian child care providers to benefit from the expertise available in the Department of Defense. The Department in turn benefits from an increased number of quality civilian child care resources available to its military personnel, and from the feedback it receives about its own program.

Our child care amendment encourages closer partnerships between military installations and local communities to encourage an exchange of ideas, information, and materials relating to their child care experiences. These are simply and cost-effective steps to improve the quality of care for all children.

Older children deserve as much concern about their developmental needs as younger children do. Yet military youth programs have not received the same level of attention and resources that have been available for child care since the passage of the 1989 Act. Youth programs are an effective way to combat violence, gangs, and juvenile crime by giving young people a place to turn for support and assistance in finding positive peer groups and activities.

The Department of Defense has begun to address these issues by funding the implementation of 20 model community programs to meet the needs of its youth. Lessons learned in these programs can obviously benefit the civilian community too.

Our youth program amendment encourages continued emphasis on youth programs and a similar exchange of information as with child care programs.

The amendment we are proposing today require no additional funding. They give the Department of Defense the flexibility to implement initiatives that it feels are worthwhile. The Department played a key role in the development of those amendments and is enthusiastic about implementing them.

I urge my colleagues to vote in favor of these important amendments as a needed step toward improving the quality of life for all children.

I would also like to take this opportunity to thank my colleague Senator COATS for his admirable service as chairman of the Personnel Subcommittee. His support for military child care and other quality of life programs has had a positive and lasting influence on the lives of our men and women in uniform.

Mrs. HUTCHISON. I urge adoption of the amendment.

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

The amendment (No. 4310) was agreed to.

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

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4311

(Purpose: To state the sense of the Senate on Department of Defense sharing of experiences with military child care)

Mr. NUNN. Mr. President, on behalf of Senators KENNEDY and COATS, I offer an amendment which would provide a sense of the Senate that military and civilian child care providers could benefit from a greater exchange of information and a closer relationship between military installations and the local communities that support them.

I believe this amendment has also been cleared by the other side of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. KENNEDY, for himself and Mr. COATS, proposes an amendment numbered 4311.

The amendment is 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 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.

Mrs. HUTCHISON. I urge adoption of the amendment.

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

The amendment (No. 4311) was agreed to.

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

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4312

(Purpose: To exclude members of the Selected Reserve assigned to the Selective Service System from the limitation on end strength of members of the Selected Reserve and to limit the number of members of the Armed Forces who may be assigned to the Selective Service System)

Mrs. HUTCHISON. Mr. President, for Senator THURMOND, I offer an amendment that would provide continued military support to the Selective Service System.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. THURMOND, proposes an amendment numbered 4312.

The amendment is 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.".

Mr. THURMOND. Mr. President, I propose an amendment that would provide for continued military support to the Selective Service.

Mr. President, the downsizing of the reserve component force is causing the military leadership to reevaluate their ability to continue providing support to the Selective Service. This amendment will exempt the reservists who are assigned to duty with the Selective Service from counting against the selective reserve end strength. In order to preclude any part from taking advantage of this exemption, the amendment would limit the number of reservists who could be assigned to duty with the Selective Service at the 1996 level.

Mr. President, this is a no-cost amendment which will benefit the Selective Service and the reserve component personnel assigned in support of the unique mission of the Selective Service. I urge my colleagues to support the amendment.

Mr. President, I thank the Chair and yield the floor.

Mrs. HUTCHISON. I believe this amendment has been cleared by the other side.

Mr. NUNN. This amendment has been cleared. I urge its adoption.

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

The amendment (No. 4312) was agreed to.

Mrs. HUTCHISON. 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. 4313

(Purpose: Relating to the participation of the State of Oregon in remedial actions at the Hanford Reservation, Washington)

Mrs. HUTCHISON. On behalf of Senators HATFIELD and WYDEN, I offer an amendment which would require information associated with cleanup of the Hanford Nuclear Reservation in Washington State be provided to the State of Oregon.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. HATFIELD, for himself and Mr. WYDEN, proposes an amendment numbered 4313.

The amendment is 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.

Mr. HATFIELD. Mr. President, the Pacific Northwest is home to what many believe is the worst environmental mess on Earth—the Hanford Nuclear Reservation. Today, I am pleased to join with my colleague, Senator WYDEN, to enhance the voice of Oregonians in the cleanup of this site of such tremendous importance to the health and safety of our State.

Let me thank the Senators from the State of Washington, Senators GORTON and MURRAY, for their cooperation in resolving the technical details of this amendment. I look forward to continuing to the cooperative relationship our two States have shared with respect to this complex cleanup process.

Let me also thank the chairman of the Armed Services Committee, Senator THURMOND, and the ranking member, Senator NUNN, for working with Senator WYDEN and myself to resolve a number of concerns with this amendment.

The Hanford facility is located on the Columbia River within the State of Washington. From the early 1940's to the late 1980's, the U.S. Government made plutonium for nuclear weapons at the Hanford site. In the process, Hanford emitted enormous volumes of radioactive and chemical wastes, much of which found its way—through air or water—into the State of Oregon.

Hanford is just 35 miles north of the Oregon border. Not far downstream from Hanford, the Columbia River forms the border between Oregon and Washington. The cool waters of the Columbia River were vital to the locating and operation of the Hanford facility. Hanford used large amounts of water from the Columbia to cool nuclear fuel in eight reactors between 1944 and 1971. Through the years, those waters included high levels of contaminants from Hanford.

As many of my colleagues on this committee know, the shutdown of the weapons production facilities at Hanford and its subsequent cleanup efforts have been a top priority of mine during my tenure as a U.S. Senator. The waste problem at Hanford has immediate and deadly ramifications for the people of Oregon. Some specific areas of concern are the transportation of waste to and from the Hanford Reservation, the seepage of liquid waste into the Columbia River drainage from Hanford's underground storage tanks, and the past aerial releases of radioactive gasses from the reservation in the 1940's and 1950's.

Over the last 10 years, through the energy and water appropriations bill, I have been able to stop funding for the operation of the N-Reactor and Purex facilities at Hanford. I am proud of the fact that DOE's mission at Hanford has successfully been refocused from weapons production to environmental restoration. While I am pleased with the financial priority the Federal Government has placed on the Hanford cleanup operation, and recognize improvements in recent months, I share the concerns of many of my colleagues that sufficient progress has not been made to warrant the billions that have been spent.

My colleagues are also aware of my concern that Oregon is too far removed from the information flow and decision-making process at Hanford. More specifically, Oregon does not possess sufficient access to information upon which cleanup decisions are made. Nor does Oregon have the right to comment upon the important cleanup decisions that are made there.

The amendment now before the Senate will greatly enhance the information available to the State of Oregon and the voice of Oregonians in the decision-making process at Hanford. The State of Oregon will have access to all information required to be provided to the State of Washington under the Hanford Tri-Party Agreement. Oregon will have notice and comment rights in all instances where the State of Washington has such rights. The amendment makes clear that this new requirement will not slow cleanup and will not give the State of Oregon the right to participate in Tri-Party Agreement negotiations. Finally, the amendment makes clear that the States of Oregon and Washington and the Department of Energy have the authority to enter into a memorandum of understanding on areas of mutual concern to the States with regard to this important site.

Mr. President, under this amendment, Oregonians will at last be brought into the loop on Hanford cleanup. We have many decades of cleanup ahead of us. Some believe the site will never be clean. It is therefore of great importance that Oregonians have meaningful access to information about Hanford and the right to comment on that information.

Again, I thank my colleagues for their assistance in this matter and urge adoption of the amendment.

I yield the floor.

Mr. WYDEN. Mr. President, the amendment that Senator HATFIELD and I are proposing is a right-to-know act to help protect Oregonians from the unusual and highly dangerous hazards that the Hanford Nuclear Reservation poses for the people of Oregon.

There is no other contaminated Federal property in the country that has caused the serious injuries to residents of another State that Hanford has already caused to citizens of Oregon. And no other Federal site currently poses anywhere near as serious a threat to the health and safety of citizens of another State as Hanford does to our citizens.

Because of this special situation, the State of Oregon needs direct access to the same information that the Energy Department is now required to provide the State of Washington under the Hanford Tri-Party Agreement. And Oregon needs to have an opportunity to review and comment on how DOE proposes to clean up the Hanford site.

Recognizing the unique conditions present at Hanford and the immediate danger they pose for Oregonians does not set a precedent for other Federal facilities besides Hanford. It will not turn every military base with a leaking gasoline tank into a multi-State cleanup issue.

Let me put that concern to rest. First, there is simply no facility in this country—Federal or non-Federal—that compares to Hanford. In fact, Hanford is generally considered to be the most contaminated site in the Western hemisphere. You would have to go to the former Soviet Union to find a site as polluted as Hanford.

The extent of the environmental problems is mind boggling.

Over the years, 200 billion gallons of toxic and radioactive liquids from nuclear weapons production were dumped at the site. That is enough to cover Manhattan to a depth of 40 feet.

The Hanford site currently contains 56 million gallons of high-level radioactive wastes in 177 tanks. Some of these tanks are as big as the Capitol dome. At least 54 of these tanks are known or suspected to be leaking or pose risks of explosion.

The site also is currently storing 2,300 metric tons of high-level nuclear fuel rods in leaking basins located only a quarter mile from the Columbia River.

And these are just a few of the problems that we know about.

Second, there is also no other site in the country that has affected the

health and safety of residents in another State the way Hanford has affected the citizens of Oregon.

Oregonians living downwind from Hanford have suffered from thyroid cancers and other medical problems caused by airborne releases of radioactive iodine. Starting in the late 1940's and continuing through the 1950's, these releases averaged between 100 and 2,000 curies per month. To put that into perspective, the residents around Harrisburg, PA, were evacuated in 1979 when the Three Mile Island accident released 15–24 curies into the Pennsylvania countryside.

The airborne releases from Hanford were 10 to 100 times what were released from Three Mile Island, and these releases were occurring every month. Ongoing epidemiological studies have linked these releases to increased cases of thyroid cancer and other adverse health effects on Oregonians living near the site.

Hanford also poses a serious health threat to the more than 1 million Oregonians who live downstream from the site. Radioactive materials have been released into the Columbia River when water from the River was pumped through the sites nuclear reactors to cool them. Other hazardous and radioactive materials that were dumped at the site have and are continuing to seep into the River.

The bottom line is many Oregonians are suffering adverse health effects from living near Hanford. And many more are at risk of future harm because of conditions at the site.

Finally, our amendment does not set a precedent for Federal facilities nationwide because it only requires information to be provided to Oregon that is required to be provided to Washington under the Hanford Tri-Party Agreement, which is an agreement between the State of Washington, the Department of Energy, and the EPA governing the Hanford cleanup. The linkage to the Tri-Party Agreement puts the site into a special category of Federal facility cleanups, because there are only a handful of sites with comparable agreements in effect or under negotiation. It draws a bright line that divides Hanford and other major DOE weapons production sites from the hundreds of other contaminated Federal facilities around the country.

The unique factors involved in the Hanford cleanup justify granting the State of Oregon direct access to information about contamination at Hanford and an opportunity for reviewing plans for cleaning up the site.

The State of Washington and its elected representatives in the Senate, Senators GORTON and MURRAY, recognize the importance of this amendment to Oregon and have no objection to incorporating the amendments in S. 1745.

I urge my colleagues to recognize how Hanford has harmed and continues to pose a serious hazard to the people of Oregon by giving our State critical information about conditions at the site and the opportunity to play a greater role in cleanup decisions at the site.

Mrs. HUTCHISON. I believe this amendment has been cleared on the other side.

Mr. NUNN. I urge the adoption of the amendment.

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

The amendment (No. 4313) was agreed to.

Mrs. HUTCHISON. 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. 4314

(Purpose: To propose an alternative section 3158 relating to the redesignation of the Defense Environmental Restoration and Waste Management Program)

Mrs. HUTCHISON. Mr. President, on behalf of Senator MURKOWSKI, I offer an amendment that would modify section 3158 of the National Defense Authorization Act for fiscal year 1997. The amendment would express the sense of Congress that the Department of Energy program known as the Defense Environmental Restoration and Waste Management or Environmental Management Program be redesignated as the Defense Nuclear Waste Management Program. The amendment would retain the reporting requirement relating to the program redesignation.

I believe this amendment has been cleared by both sides.

Mr. NUNN. I urge the adoption of the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. MURKOWSKI, proposes an amendment numbered 4314.

The amendment is 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 of 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.

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

The amendment (No. 4314) was agreed to.

Mrs. HUTCHISON. 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. 4315

(Purpose: To require the Secretary of the Army to complete as soon as is practicable the previously authorized land conveyances involving Fort Sheridan, IL)

Mr. NUNN. For Senators SIMON and MOSELEY-BRAUN, I offer an amendment which would complete the land conveyances at Fort Sheridan, IL. I believe the amendment has been cleared on the other side of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. SIMON, for himself and Ms. MOSELEY-BRAUN, proposes an amendment numbered 4315.

The amendment is 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).

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

The amendment (No. 4315) was agreed to.

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

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4316

(Purpose: To authorize a land conveyance, Crafts Brothers Reserve Training Center, Manchester, NH)

Mrs. HUTCHISON. Mr. President, on behalf of Senators SMITH and GREGG, I offer an amendment which would authorize the Secretary of the Army to convey 3 acres of property to Saint Anselm College in New Hampshire.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. SMITH, for himself and Mr. GREGG, proposes an amendment numbered 4316.

The amendment is 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 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.

Mr. SMITH. Mr. President, I join today with my friend and colleague Senator GREGG in offering an amendment to convey approximately 3.5 acres of land to Saint Anselm College in Manchester, NH. This land is currently owned by the Army, but will soon be vacated upon completion of a military construction project that is authorized in this bill.

Saint Anselm College is a liberal arts college that was founded in 1889. The college is conducted by the Benedictine Order, and has a longstanding relationship with the U.S. Armed Forces. In fact during the two world wars, Korea, and Vietnam, members of the Benedictine community volunteered to serve as chaplains in the military.

During World War II, Saint Anselm was among the first colleges to participate in the military ''V–1'' program to assist in training young men for military service. In March 1943, the college turned its campus over to the Army Air Corps which used Saint Anselm as a pre-flight school until the end of the war. Members of the faculty were used as teachers of the pre-flight cadets in mathematics and science subjects.

In 1950, Saint Anselm College cooperated with what was then known as the ''organized reserve'' to establish an Army reserve unit on campus. The organized reserve used college facilities, classrooms in storage facilities, and college students served as members of the Reserve in a field artillery battery. The U.S. Government incurred no costs for the use of these facilities which were provided willingly by the college.

In 1954, when the Army decided it needed to establish a permanent reserve facility, Saint Anselm generously offered a building on campus. When none of the on-campus facilities proved suitable to the Corps of Engineers, the Army looked elsewhere. In the end, the site ultimately determined to be most desirable was on property that was part of the Saint Anselm campus.

Again, the college expressed its willingness to cooperate and sought to give the U.S. Government a lease at no cost for as long as the Army needed the property. Unfortunately, Government regulations prohibited building military structures on leased land. Nonetheless, in its continuing effort to cooperate with the needs of the Government, Saint Anselm gave the land to the Army free of charge. When the college donated the property, it retained an easement for a major sewer line that runs through the tract. That sewer line continues to be the principal line flowing from the campus to connect with the Manchester system.

Mr. President, Saint Anselm's had two principles in mind when it agreed to give this valuable tract of land to the Government. The first was that it intended to conduct itself as a good citizen to promote the readiness of our country, and the U.S. Army in particular—an organization with which the college had a long history of service. The second was that students of Saint Anselm College were to be an integral part of the plans which the Army had for the new reserve center.

This relationship did in fact continue, and students of the college became part of the reserve unit, receiving their military training, earning a commission, and fulfilling their military obligation. In fact, more than 50 alumni of Saint Anselm College have given their lives in wartime service to the Nation.

Mr. President, the Army Reserve will soon vacate the crafts brother facility and be absorbed into a new joint service reserve center at the Manchester Airport. The Army will have no further need for this property, which is valued at approximately $300,000. In fact, in this bill we are authorizing the final installment on the military construction project that will render the property excess. I can think of no more fitting or appropriate action than for us to convey this land back to Saint Anselm College just as the college so generously donated it to the Army some 40 years ago.

It is my understanding that the Army has no objection to this conveyance, and that it is agreeable to the managers on both sides. If it is now appropriate, I would move the adoption of this amendment.

Mrs. HUTCHISON. I believe this amendment has been cleared by the other side.

Mr. NUNN. Let me make sure I know which amendment we are talking about now. We are talking about amendment No. 4316—this is the Smith-Gregg amendment? This amendment has been cleared. I urge its adoption.

The PRESIDING OFFICER. The amendment is agreed to.

The amendment (No. 4316) was agreed to.

Mrs. HUTCHISON. 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. 4317

(Purpose: To provide for the treatment of the Hanford Reservation, Washington, and other Department of Energy defense nuclear facilities as sites of demonstration projects for the clean-up of Department of Energy defense nuclear facilities)

Mrs. HUTCHISON. Mr. President, on behalf of Senator GORTON, I offer an amendment which would create a pilot program at the Department of Energy's Hanford Nuclear Reservation to grant the site manager enhanced authorities to accelerate cleanup and direct site operations.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. GORTON, proposes an amendment numbered 4317.

The amendment is as follows:

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.

Mr. GORTON. Mr. President, in the far southeastern corner of Washington State, workers at the Hanford Reservation helped America win World War II and fight the cold war with the strength of our science and technological advancements. We did a good job there, but work remains—and that is the business of cleanup.

For years the Department of Energy has managed Hanford, and all of its sophisticated problems, with varying degrees of competency. I have an amendment today, that has been cleared by the committee, which I hope changes the very nature of management at our site.

A similar version of this amendment appears in the House version of the National Defense Authorization Act, thanks to the hard work of the Congressman from the Fourth District in Washington, Doc Hastings. His dedication to Hanford issues has been unparalleled; his knowledge and perseverance profound. I have worked closely with the Congressman, and am hopeful that when this bill goes to conference, our work will remain intact.

Let me briefly describe for you the origins of this amendment, and what Doc and I are hoping to accomplish.

For fiscal year 1996, Hanford enjoyed a budget that totaled near $1.7 billion. With that money, the Department of Energy oversees the cleanup of 77 million gallons of the worst stuff on Earth: highly contaminated sludge, salt cake, and effluence. DOE employs over 13,000 employees, manages 80 percent of the Nation's plutonium and has stewardship of 562 square miles some of the most beautiful land in Washington State. These are tremendous responsibilities, and it is often overlooked just what type of impact the Department of Energy has on the livelihood of so many Washingtonians and the health of our environment.

Hanford is run by the Department of Energy, which has a manager who oversees all of the site's operations. He makes decisions, everyday, impacting the region's economies and its well being. He does everything from attend Kiwanis Club functions to deciding if hundreds of rods of spent plutonium should be moved away from the Columbia River. It is not an easy job, and we in Congress and the Department's headquarters have done little to make it easier.

Let me give you an example of some of the systemic problems which Hanford, and its site manager, face. Last year the Hanford site manager, John Wagoner, saw the urgent need to move spent plutonium rods sitting mere yards from the Columbia River, away from their present location to a new and safer home far from the riverbanks. Doing this would, of course, cost money—more than the Department allotted for in that fiscal year.

John also knew that there was $30 million available from another program at the site that was simply no longer needed. So rather than simply moving the money from one of the accounts he oversees to another, John was forced to prepare what is known as a reprogramming request.

In a reprogramming request, Department headquarters puts together a list of projects complexwide where money needs to be moved from one account to another and submit them to the Congress for approval. These packages are vetted through departmental budgetary processes and then sent expeditiously to Congress for approval. Or so it happens in a perfect world. Instead, as we saw with John Wagoner's request last summer, the request will languish in a bureaucratic maze. The Department has a ploy which goes something like this: Wait for a number of requests from the sites to arrive at headquarters and place all of them in a reprogramming package and submit them to the various committees, so that those that are objectional will be lost in the flood of requests. So John sent up his simple request, and he waited. And waited. And waited. Almost 7 months went by—while the plutonium remained at the river's edge—while someone, somewhere was sitting on this request, or ignoring it deep in that concrete bunker known as the Forrestal Building.

I wish I could tell my colleagues that the request was found, its importance realized by the Department, and it was rushed to the Hill with an eager Department championing its merits. Well, I am sorry to report that that scenario never occurred.

Instead, the contractor-manager of the K-Basin project, a tenacious young man named John Fulton, contacted my office for our help. So help we did—in fact, I amended last year's defense authorization bill to shift funds so that John Wagoner could do the job he needed to do. It shouldn't be that way—and all of the explaining DOE cares to do on this issue isn't worth the ink it is printed with.

So what my amendment does is this: it says that if a site manager submits a reprogramming request, department headquarters has 30 days to do one of the following: First, accept the request and forward it to Congress; second, reject the request or; third, simply ask for more time to assess its significance.

Not very strict—and at the end of the day quite reasonable. Now if DOE fails to act, then the site manager can take his reprogramming request directly to Congress and it can be vetted through the normal congressional processes.

What we accomplish here is simple: Give the site manager in charge of a defense nuclear facility the stature he or she deserves. I said earlier that Hanford's budget was around $1.7 billion last year. Our site manager can move, at his own discretion without headquarters or congressional oversight, less than one-third of 1 percent of his total budget. In real dollars, that is somewhere near $3 million. The responsibility is so disproportional to the authority we invest with our site manager, it's no wonder in the past we have had so much paperwork and so few results. But that is changing, and the steps taken here will spur that progress forward.

This amendment also directs the Secretary to review just what qualifications are necessary for the job of site manager. We need to turn the spotlight on the job and give site manager the clout and stature his position deserves. It also seems logical that since we are altering the responsibilities and authorities vested in the position today, the position description needs to be revisited. There is ample room here for the Secretary to conduct that review at her discretion. Whomever the Secretary appoints to this position, be it the current site manager or someone else, that person will have the benefit of the Secretary's full trust, as well as the benefit of these extended authorities.

On the matter of new departmental orders, DOE frequently approves orders that are cumbersome and unrelated to cleanup activities at the site. These orders can contribute to excessive overhead costs. Since the Department has taken positive steps to streamline existing orders, this provision applies only to future DOE orders by requiring that any new order be found by the Secretary of Energy to be essential to human health and safety or the fulfillment of critical administrative functions.

Finally, the deployment of innovative and new technologies at Hanford is one of the site's major accomplishments over the past year. The site manager is required to promote the demonstration, verification, certification and implementation of innovative environmental technologies at the facility. New technologies will enable the Department to achieve cleanup at a heightened pace, and with real cost savings to the American taxpayer.

I am happy that my colleagues in the Senate have approved my amendment, and look forward to seeing this bill signed into law.

Mrs. HUTCHISON. Mr. President, I believe this amendment has been cleared by the other side.

Mr. NUNN. Mr. President, this amendment has been cleared. I urge its adoption.

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

The amendment (No. 4317) was agreed to.

Mrs. HUTCHISON. 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. 4318

(Purpose: To provide funds for the construction and improvement of certain reserve facilities in the State of Washington)

Mrs. HUTCHISON. Mr. President, on behalf of Senator GORTON, I offer an amendment which would authorize certain military construction projects for the Navy and Army Reserves in the State of Washington.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. GORTON, proposes an amendment numbered 4318.

The amendment is as follows:

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.''.

Mrs. HUTCHISON. Mr. President, I believe the amendment has been cleared by the other side.

Mr. NUNN. I urge the adoption of the amendment.

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

The amendment (No. 4318) was agreed to.

Mrs. HUTCHISON. 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. 4319

(Purpose: To increase penalties for certain traffic offenses on military installations)

Mrs. HUTCHISON. Mr. President, on behalf of Senators THURMOND and NUNN, I offer an amendment which would increase the penalties for certain traffic offenses on Federal property.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. THURMOND, for himself, and Mr. NUNN, proposes an amendment numbered 4319.

The amendment is as follows:

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.''.

Mrs. HUTCHISON. Mr. President, I believe this amendment has been cleared by the other side.

Mr. NUNN. Mr. President, this amendment has been cleared, and I urge its approval.

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

The amendment (No. 4319) was agreed to.

Mrs. HUTCHISON. 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. 4320

(Purpose: To extend the term of the remaining transitional member of the United States Court of Appeals for the Armed Forces)

Mrs. HUTCHISON. Mr. President, on behalf of Senator THURMOND, I offer an amendment which would extend the term of the remaining transitional member of the United States Court of Appeals for the Armed Forces.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. THURMOND, proposes an amendment numbered 4320.

The amendment is as follows:

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''.

Mrs. HUTCHISON. Mr. President, I believe this amendment has been cleared by the other side.

Mr. NUNN. Mr. President, this amendment has been cleared. I would like to note for the Record that Mr. Effron, who has worked on a number of these amendments, recused himself from any consideration of this amendment since his name has been sent up as a member of the Court of Military Appeals, if approved by the Senate. So, Mr. Effron played no part in this amendment whatsoever, and it was cleared by other staff members. I think that should be noted for the Record.

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

The amendment (No. 4320) was agreed to.

Mrs. HUTCHISON. 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. 4321

(Purpose: To prohibit the collection and release of detailed satellite imagery with respect to Israel and other countries and areas)

Mrs. HUTCHISON. Mr. President, on behalf of Senators KYL and BINGAMAN, I offer an amendment which would prohibit the collection and release of detailed satellite imagery with respect to Israel and any other country or geographic area designated by the President for this purpose. However, satellite imagery that is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources may be released.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. KYL, for himself, and Mr. BINGAMAN, proposes an amendment numbered 4321.

The amendment is 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.

Mr. KYL. Mr. President, I rise today with my colleague from New Mexico, Senator JEFF BINGAMAN, to offer an amendment which would,

prohibit any department or agency of the federal government from issuing licenses for the collection and dissemination of satellite imagery with respect to Israel, or any other country or geographic area concerned that is routinely available from commercial sources. The amendment further prohibits the declassification or otherwise release 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.

This amendment is necessary, Mr. President, because on February 24, 1995, President William J. Clinton issued Executive Order 12951, which authorized the release of ''certain scientifically or environmentally useful imagery acquired by space-based national intelligence reconnaissance systems known as the Corona, Argon, and Lanyard missions.'' The Executive order is scheduled to come into effect 18 months after issuance, that is on August 24, 1996.

This broadly written, and seemingly harmless, Executive order could unintentionally have a deleterious impact on the national security of the state of Israel. The Corona series of images contains spy-quality 2-meter resolution details of some of Israel's sensitive fixed target facilities, such as air bases and scientific installations. Enemies of Israel could use the photos released under Executive Order 12951 to target Israel for long-range attacks or assaults by terrorists.

Mr. Presidents, in 1994 I was pleased to moderate an agreement between Orbcom, a private company seeking to sell high-resolution commercial satellite imagery, and supporters of Israel, which resulted in Orbcom volunteering not to image Israel. I applauded Orbcom's decision in 1994, and I applaud it again today, reflecting as it does a keen understanding that images of Israel represent a unique and potentially ominous threat to its national security. This is not precisely the same issue, but it is my hope that the executive branch will work out an agreement with Israel regarding the release of these photos. Unfortunately, to date, little progress has been made in the negotiations.

I understand there will be those who oppose this action, claiming that the commercial market will be stifled. The Commerce Department claims that the Russians are today selling 2-meter resolution images. I know that the Russians have indicated a willingness to do

this, but I have not seen any evidence that this has actually occurred. And France's policy is still to restrict French SPOT imagery to no less than 5-meter resolution. Rather than driving the market to even higher resolution imagery, I believe the United States should establish a memorandum of understanding with France and Russia regarding the type and quality of images to be released publicly. Without such an agreement, we may be creating risk where none exists today and potentially undermining the security of our friend and ally, Israel.

Mr. BINGAMAN. Mr. President, I rise in support of Senator KYL'S amendment with regard to the collection and release of intelligence quality imagery of Israel and other countries.

Mr. President, the Senator from Arizona and I have been working on this issue since he was in the House and serving on the House Armed Services Committee. Back in 1994, when it first came to our attention that a United States firm which was then called Eyeglass was planning to enter into an agreement with a Saudi firm, EIRAD, to establish a ground station in Riyadh that would be capable of receiving and distributing spy-satellite quality imagery of Israel throughout the Middle East, we organized letters from House and Senate Members urging the administration to reject this proposal. Over 60 Senators signed the Senate version of the letter in October 1994. A similar large number of House Members signed the letter organized by then Congressman KYL.

Mr. President, that problem was ultimately resolved in May 1995 with an exchange of letters between the Commerce Department and the firm, by then called Orbimage, in which the firm agreed to exclude the territory of Israel from its viewing area and to put a technical fix on the satellite that would prevent such viewing. With that assurance, the Commerce Department agreed to the rest of the EIRAD deal.

Unfortunately, that did not solve Israel's problem because there are several other United States firms who are planning to launch so-called commercial imaging satellites with resolutions at ground level as low as one meter. Israel, as one of our closest allies, has been working with the administration for the past year, to see if its concerns can be accommodated under the licenses of the other potential American operators of commercial high-resolution satellites. Frankly, the industry and the Commerce Department have been resisting these reasonable requests while many in the national security agencies have been trying to extend the policy established in the Orbimage case.

Why is Israel concerned? Israel is a small country that takes its security very, very seriously. It has enjoyed total air superiority over its territory for decades. A lot of its qualitative advantage over its numerically superior potential foes derives from its control of its airspace and the inability of its foes to find, let alone target critical defense facilities. Obviously, the United States and the former Soviet Union were able to image Israel with their spy satellites, as they were able to image the entire globe. But those spy photos were not shared with Israel's foes, certainly ours were not.

Now with the end of the cold war the United States is leading the way toward commercialization of what once was a treasured secret. There is a technological imperative to do this because as a result of decades of Federal investment and many billions of Federal dollars, our firms clearly have a technological lead. Israel finds this very threatening. It has asked for our help in preserving its qualitative edge as long as possible. I believe we should give our friend this help. Doing so is clearly permitted under the administration's 1994 policy on commercial high-resolution imaging. As the Eyeglass/Orbimage case demonstrated and as the 1992 Remote Sensing Act envisioned, the U.S. Government retains the right to control the shutters of our commercial satellites for foreign policy and national security reasons.

This is a time for such control.

Mr. President, the argument against granting Israel's request was summed up in an editorial in this week's Space News. It claims that our whole nascent industry will come crashing down if this precedent is set. That frankly is hogwash. Our industry cannot and should not try to make profits by providing spy satellite images of Israel to Syria and Libya and Iraq and Iran. If they ever thought that market would be allowed to them, they were misreading the Congress. As I said earlier, the precedent was set in the Eyeglass case that we would go the extra mile for Israel's security.

There are a very limited number of similar cases around the globe. Our policy will ultimately have to deal with those as well, for instance South Korea and Bosnia where Americans are deployed. But the vast majority of the Earth's surface will be available to our imaging firms if there really is a multibillion-dollar commercial market for geographic information systems with 1 meter resolution. I have my doubts about the size of that market, as apparently many investors do as well. But if it's there, excluding Israel from it for the next decade or so will do no damage to our firms' prospects or profits.

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

Mrs. HUTCHISON. Mr. President, I am told this amendment has been cleared by the other side.

Mr. NUNN. Mr. President, this amendment has been cleared, and I urge its adoption.

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

The amendment (No. 4321) was agreed to.

Mrs. HUTCHISON. 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. 4322

(Purpose: To make funds available for research, development, test, and evaluation activities relating to humanitarian demining technologies)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senator LEAHY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. LEAHY, proposes an amendment numbered 4322.

The amendment is 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.

Mr. LEAHY. Mr. President, I am very pleased that the managers of the bill, Chairman THURMOND and Senator NUNN, have accepted my amendment to increase the budget of the Humanitarian Demining Technologies Program to $18 million for fiscal year 1997. This represents about a $10 million increase above the President's request, but my amendment is supported by the Department of Defense. I have no doubt, based on the inquiries I have received from other Senators who have expressed support for this effort, that if there were a rollcall vote on the amendment it would pass overwhelmingly, if not unanimously. I also want to thank Senators THURMOND and NUNN for finding an acceptable offset for my amendment in the Advanced Concept Technology Demonstration Program—PE#0603750D.

Adequate funding for demining technologies is urgently needed, as the experience of our troops in Bosnia has so graphically illustrated. They found themselves surrounded by millions of hidden landmines that had been scattered randomly over the countryside, with virtually no way to locate them besides hand-held metal detectors and probes. This is the same technology that has been used for decades, and although effective, it is terribly time consuming and dangerous.

Bosnia is just one example. There is wide recognition that the problem of unexploded landmines, particularly in countries where our troops are most likely to be sent on peacekeeping missions, has reached crisis proportions. There are an estimated 100 million of these hidden killers in over 60 countries, each one waiting to explode from

the pressure of a footstep. Many of them are made of plastic, and cannot be detected with standard metal detecting equipment. The cost of locating and destroying the mines is immense, in both dollars and lives.

A great deal of money has been spent to develop more and more sophisticated landmines, and to develop countermine warfare technology to enable our forces to breach enemy minefields. But cutting a path through a minefield quickly and safely is a very different problem from humanitarian demining, which involves getting rid of every single mine in a large area. That is the only way to assure the local population that it is safe to return. Yet until this program, almost nothing had been done to improve the technology for demining. Imagine the time it takes to demine an area the size of half of Angola with a hand-held probe, where there are an estimated 10 million mines, or Bosnia, where there are 3 million mines. It will take generations.

The generally accepted estimate of the cost of demining is from $300 to $1,000 per mine, when you factor in the cost of training and equipment. That is obviously completely unaffordable for countries like Bosnia or Angola.

The Pentagon's Humanitarian Demining Technologies Program was started 2 years ago with $10 million that I requested in the Fiscal Year 1995 Defense Appropriations bill. It was supported by Chairman THURMOND and Senator NUNN at that time. For the past 2 years, the program, which is managed by the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict [SOLIC] and is located at Fort Belvoir, has been supporting research and conducting tests on a wide range of demining technologies. Some of them have been put to use by our troops in Bosnia.

Unfortunately, there is no silver bullet solution to the mine problem, because there are so many variables. Mines are scattered in jungles, rivers, sandy deserts and mountainous terrain. The purpose of the Humanitarian Demining Technologies Program is to pursue any promising concept. We are not looking for high-tech solutions, although we do not rule them out. It will require a combination of technologies to locate the mines in such varied conditions. Most important, we need technologies that are appropriate for low budget operations in places where spare parts may be unavailable.

The Office of the Assistant Secretary for Special Operations and Low Intensity Conflict is the appropriate overseer of this program. Unlike the Army, which does not have a demining mission, SOLIC also manages the Humanitarian Demining Program which sends U.S. military personnel overseas to train foreign personnel in landmine clearance. SOLIC has been a proponent of efforts to rid the world of mines, and has done a good job of managing the demining technologies program so far. My amendment assures that it will continue to do so.

Mr. President, the United States cannot solve this problem by itself. It is going to require the involvement and resources of the international community. But we have capabilities that other nations do not, and there is intense interest in the private sector to develop better demining technology. Every week, my office receives inquiries from representatives of private industry who have ideas about how to do this. Some are impractical, others are promising. This program aims to separate the wheat from the chaff, and I am confident that this relatively small investment in funds will reap real rewards for our troops and millions of innocent civilians.

I thank Chairman THURMOND and Senator NUNN for their support, and the Defense Department for its support and recognition of the need to intensify and expand this program. I ask unanimous consent that a Department of Defense position paper expressing support for my amendment be printed in the RECORD.

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

POTENTIAL AMENDMENT TO S. 1745—SASC VERSION OF THE FY97 DEFENSE AUTHORIZATION BILL

Amendment Number:

Service Affected: OSD, Army.

Statement of Amendment: The amendment would make available $18 million for research, redevelopment, test and evaluation activities relating to humanitarian demining technologies to be administered by the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict.

Effect of Amendment: This amendment would increase the funding level of the humanitarian research and development program, and in truth, accelerate the development and testing of additional systems and equipment to determine with reliability the presence of minefields, detect mines and discriminate between mines and other objects, and facilitate volume clearance of mines with increased safety and reliability. The amendment would also allow new states that explore solutions in higher technology areas that are unaffordable at budgeted levels.

DoD Position: Support:

On May 16, 1996, the President announced an initiative to ''significantly expand'' DoD's humanitarian demining program.

The additional funds will accelerate the development and the availability of highly effective systems equipment for Humanitarian demining.

This amendment will allow the Department to implement a robust research, development, test, and evaluation program for humanitarian demining.

Mr. LEAHY. Mr. President, I also ask that the RECORD reflect that Senator BOXER is a cosponsor of my amendment.

Mr. NUNN. Mr. President, I understand this amendment has been cleared on the other side of the aisle. The purpose of this amendment is to increase the funding for RDT&E related to humanitarian demining technologies to $18 million from the requested and authorized $7.746 million and provide for it to be administered by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

I understand this amendment has been cleared. I urge its adoption.

Mrs. HUTCHISON. It has been cleared. I urge adoption.

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

The amendment (No. 4322) was agreed to.

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

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. HUTCHISON. Mr. President, I believe that is the end of the cleared amendments. We have made, I think, significant progress, and I just hope that we can continue to make progress on this bill so that we will be able to finish it in the next 2 days.

Mr. NUNN. I share that sentiment.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 4090

Mr. LAUTENBERG. Mr. President, I want to take a few minutes to discuss an amendment that is pending, as I understand it, and has been reviewed in some conversations on the floor. I want to make sure the record is clear, because I think in the process of comments, I have been accused of holding up an amendment. I want to make sure that everyone clearly understands my position.

I support the amendment offered by the distinguished Senator from Virginia which would help address the problem of the stalking of military personnel and their families. Although limited in scope, this amendment builds on the stalking legislation in the Violence Against Women Act, enacted as part of the 1994 Anticrime Act, which I strongly supported.

That act represented an important national commitment to eliminate domestic violence, a plague that undermines the security, health, and future of millions of American women and their families.

Currently, all 50 States have stalking laws on the books, and these are primary legal tools for addressing the problem of stalking, but the Federal statute also is important in addressing certain types of interstate stalking. Yet, the current Federal statute is drawn narrowly and applies only to a spouse or someone who can be described as an intimate partner.

This amendment would expand the statute to include anyone, including a stranger, who travels across State lines with the intent to injure or harass or coerce or verbally abuse any member of the Armed Forces or their immediate family.

I think it makes sense to include strangers in the scope of the Federal statute, Mr. President, because not all

stalkers are related to their victims, and anyone victimized by this crime deserves protection, no matter who is doing the stalking.

I also think it should not matter who is being stalked, so I support covering all stalking victims, not just those who are in the Armed Forces.

Still, Mr. President, I support this amendment as a limited, but positive, step forward, even though I would like it to go further.

Some of my colleagues may wonder why we are considering an amendment on stalking on a Defense Department authorization bill. In fact, the House of Representatives has already approved a bill similar to this amendment, but that applies to all stalking victims, not just military personnel. That bill is ready for floor action here in the Senate.

I have written to the majority leader to urge that the legislation be taken up as soon as possible. I also indicated in my letter that I would like an opportunity to amend the bill in order to strengthen the protections that it fundamentally is recommending.

My amendment is very simple. It would prohibit any person who has been convicted of domestic violence from possessing a firearm. The amendment says, pretty simply, that those who beat their wives, who abuse their children ought not to have a gun, period. That is the way I see it.

Mr. President, in my view, that would greatly strengthen the antistalking law, and it is a logical complement to it. I have been hoping that both my proposal and the antistalking proposal could be enacted together.

Mr. President, we have heard about the appropriateness of my amendment on this and why it should not be. Mr. President, I would ask why an antistalking amendment of this general nature belongs on a defense bill anyway. I can understand it and would support it because I think whatever we do to protect the health and well-being of our citizens ought to be considered top priority and injected wherever it can be.

So, Mr. President, the thing that I find confusing is, why is it OK to protect people from stalking but not to protect those abused wives and children from a man, husband, or intimate who flies into a rage, rage enough to beat up a woman, beat up a child, and say, ''Well, perhaps that wouldn't be acceptable here.'' Let us find out. Let us find out. Let us have a vote instead of these kinds of personal accusations, ''He's holding it up.''

Senator LAUTENBERG is not holding up this legislation. I want the record to be perfectly clear. Those accusations do nothing to further the cause of protection of women and their families.

Let us face it, the majority has declined to give me an opportunity to have this amendment heard. Why? Is it because people on that side of the aisle, maybe even some on this side, are afraid to say no, that someone ought to have a gun even though they are a wife beater and can fly into a rage at any time, rage enough to beat up a woman. You see scars and abuse, physically, on women constantly.

Courts have an inclination, we unfortunately find, to dismiss charges against wife beaters, saying, ''Well, he's really not a criminal. You know, he just lost his temper.'' As a matter of fact, in Baltimore, not far from here, a man who murdered his wife was sentenced to weekends in jail and not a long time on probation. Why? Because the judge said, ''How can you give a noncriminal a criminal conviction?''

So, Mr. President, what we are looking at here is process, not protection. In my view, this antistalking legislation is important, and so is the ''no guns for wife beaters and child abusers.'' It ought to be enacted together.

The junior Senator from Texas has been opposed to that. As a matter of fact, in conversations that we have had, she suggested, well, it will not pass. Let us find out. You know what I would like to do? I would like to have the public find out. I would like them to see who is going to vote to continue gun possession by wife beaters, by child abusers. That is what I want the public to see. But the junior Senator from Texas said, no, we will keep that little secret among us. We do not want that on this bill.

It is time to fish or cut bait, I think, Mr. President. The concern is, it is too controversial, apparently, to take guns out of the hands of wife beaters and child abusers. That concept is just too controversial.

It is hard for me to believe that many of my colleagues, even those who generally oppose gun control, really believe that wife beaters and child abusers should have guns. At least until now no Senator—no Senator—has been willing to stand on the floor and explain to me why they disagree with my proposal. I would like to hear the Senator from Texas explain why it is a bad idea besides, ''It's a process, and perhaps we'll never get it through.'' Let us find out. Are we interested in politics, or are we interested in protection?

Mr. President, my amendment does not propose broad controls on firearms. At its heart it is a proposal to reduce domestic violence. That is why it is so strongly supported by people like the National Coalition Against Domestic Violence, the National Network to End Domestic Violence, and many others who are concerned about the problem of domestic violence.

So, Mr. President, I continue to hope that we can enact both the broad antistalking proposal and my legislation to keep guns away from wife beaters and child abusers. I hope that the majority will permit the full Senate to take up these proposals without delay.

With that, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

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

Mrs. HUTCHISON. Mr. President, I am, I have to say, disappointed that the Senator from New Jersey did not come to the floor to say that he would take his hold off the antistalking bill that he made a great statement of support for. I had hoped that he would come and do that, because when he first put his hold on the bill, I thought that perhaps we could work something out so that he would be able to have his gun amendment on some piece of legislation.

In fact, his amendment has not been cleared through the Judiciary Committee and has not gone through the process. I hope that it will be able to be heard in the Judiciary and be able to have its day in court.

But he is mixing apples and oranges when he says that he wants the bill to go through with his amendment on it. That is not the option we have before us. The Senator from New Jersey well knows that it is not that his amendment will not pass. I do not know if it will pass or it will not. It is that his amendment will keep my bill to protect women and children who are victims of harassment and threats, who are victims of people who cross interstate boundaries, my bill will not be brought up. That is the effect of his hold on my bill.

I would love to see Senator LAUTENBERG go to the Judiciary Committee, comply with the rules that everyone else complies with, and let the Judiciary Committee take his amendment, do with it as it will. But for him to say that he requires that his amendment be taken up with this bill, which has been cleared by 99 Members of the Senate, I think is a smokescreen.

I hope that Senator LAUTENBERG, who professes to agree with the merits of this bill, will in fact let this bill go before this week is out. This bill has been pending for a month. He knows it will not be brought up with an amendment. So why not provide the protections that are going to be provided in this Armed Services authorization bill for people in the military and on military bases for every other woman and child that might be a victim of this kind of harassment around the country?

I implore the Senator from New Jersey to lift his hold on this bill, to go through the Judiciary Committee, as this bill already has, and join with every Member of the House of Representatives and every Member of the U.S. Senate and send this bill to the President.

We have every reason to believe that the President will sign this bill, and he would do it quickly. We would provide those protections immediately for the women and children who have known the threats and the harassment and the terror that not only has been perpetrated on people around this country, but, in fact, the sad thing is, Mr.

President, because we do not have all of the tools to prevent this harassment, the threats have in some cases been realized. In fact, women have been murdered in this country by people who have been threatening for months, but we did not have the ability to stop the threat because we did not have the laws on the books that recognized that this could, in fact, lead up to an actual crime. Now we have the ability to do something about this, and Senator LAUTENBERG is holding that bill up. He is holding it hostage for another amendment.

We do not have to argue the merits of his amendment. All we have to argue is whether he will allow my bill to come to the floor, my bill which has been cleared by every other Member of the Senate and the House. Senator FEINSTEIN had an amendment that she wanted to add to this bill, and I asked her if she would allow her amendment to go on another bill and let this bill go. She was a wonderful person. She said, ''Of course I will,'' because she understands that getting this amount of help for the women and children who are victims of harassment and threats in this country is a worthy goal, and she sees it could be realized. She did step back on her amendment.

Senator GRAMM asked if he could put on a very good amendment that would require a registration and notification capability for a person that would move into a neighborhood that had a record of conviction for harassment or even actual sexual crimes against a child. He asked that amendment be put on. It is a great amendment. It is an amendment I am a cosponsor of. He agreed to step aside, because this was a unanimous agreement that we could come to and he did not want to hold up the progress of the bill.

Senator GRAMM and Senator FEINSTEIN both asked for amendments that were good amendments, amendments I support, to be put on this bill, but because it would have to go back to the House, they agreed not to put their amendments on this bill so it could go directly to the President. I hope Senator LAUTENBERG will hear my plea and the plea of Joy Silverman, who was here, who is a victim herself, and others around the country who might be protected if Senator LAUTENBERG would lift this hold. I urge Senator LAUTENBERG to do that. I ask unanimous consent that he be allowed to be named a cosponsor of my bill. I would love for him to be a part of this effort.

Mr. President, Senator LAUTENBERG still has the opportunity to lift his hold and do what is right on this bill, just as Senator FEINSTEIN and Senator GRAMM have done. I hope he will see his way clear to do that before tomorrow so the President can sign this bill and it will not have to go back to the House and we will have more protection on the books for women and children in this country who are victims today of threats and harassment that could be realized if we do not give them the tools to protect themselves.

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

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. THURMOND. Mr. President, I ask unanimous consent to vitiate the yeas and nays on the Warner-Hutchison second-degree antistalking amendment.

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

Mr. THURMOND. I urge adoption of the antistalking amendment and the underlying Kempthorne amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4090.

The amendment (No. 4090) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4089

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4089, as amended.

The amendment (No. 4089), as amended, was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. HUTCHISON. Mr. President, I thank the Senator from South Carolina and the Senator from Georgia for clearing this amendment. I want to particularly thank Senator WARNER and Senator KEMPTHORNE. When I was not able to get the full stalking bill through that would protect every woman and child in America from interstate stalking, it was Senator WARNER who came forward and said, ''Well, let us make sure that our military personnel have this, and we will take the next part of this up another day.''

So I am very thankful to Senator WARNER and Senator KEMPTHORNE for their great leadership in providing the stalking protection for the women and children in the armed services and everyone who is on a military base. This is a great step forward. I applaud them in their leadership, and I hope this encourages Mr. LAUTENBERG to help us do the full job.

I thank the Chair and yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

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

AMENDMENT NO. 4266

(Purpose: To limit the total amount authorized to be appropriated by the bill to the amount requested by the President and to apply the excess to budget reduction)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mr. HARKIN, proposes an amendment numbered 4266.

Mr. WELLSTONE. 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:

After section 3, insert the following:

SEC. 4. GENERAL LIMITATION.

(a) LIMITATION.—Notwithstanding any other provision of this Act, the total amount authorized to be appropriated by this Act may not exceed the amount requested by the President for fiscal year 1997 for the national security activities of the Department of Defense and the Department of Energy in the budget submitted to Congress by the President for that fiscal year under section 1105 of title 31, United States Code.

(b) ALLOCATION OF REDUCTIONS.—The Secretary of Defense shall allocate reductions in authorizations of appropriations that are necessary as a result of the application of the limitation set forth in subsection (a) so as not to jeopardize the military readiness of the Armed Forces or the quality of life of Armed Forces personnel.

(c) EXCESS AUTHORIZATIONS TO BE USED FOR DEFICIT REDUCTION.—The reduction under subsection (a) of the total amount that, except for that subsection, would otherwise be authorized to be appropriated for fiscal year 1997 by this Act shall be applied to reduce the budget deficit for fiscal year 1997.

Mr. THURMOND. Mr. President, I ask unanimous consent that the time on this amendment be limited to 1 hour equally divided in the usual form, that no amendments be in order, and that following the use or yielding back of time, the Senate proceed to vote on or in relation to the amendment.

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

Mr. WELLSTONE. Mr. President, this amendment we are now debating, which I propose with Senator HARKIN from Iowa, is an amendment to the 1997 defense authorization bill to eliminate the nearly $13 billion in extra military spending that the Armed Services Committee has authorized above what was requested by the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, and to use the funds to reduce the deficit.

The total funding authorized, $267.4 billion, is well above what the President had requested. It is also about $1.7 billion above the Republican budget resolution that was passed earlier, a month or two ago.

Mr. President, let me repeat that. The total funding authorized, $267.4 billion, is well above the President's request. It is also $1.7 billion above the

Republican budget resolution passed earlier, a month or two ago.

At the request of the Republican leadership, the committee has authorized $12.9 billion more than was requested. That is right. The majority wants to spend $12.9 billion more than the Pentagon has requested, or than they have indicated they will be able to responsibly use next year.

So we have a proposal here that calls for almost $13 billion more than the Pentagon actually wants. About $4.6 billion of that figure was not included in the Pentagon's 5-year plan, and much of that was not even on the so-called wish lists that were solicited by the congressional defense committees. The Pentagon has said clearly that they do not need these funds now. The projects are not in their 5-year plan, and they are not even on their wish list.

My amendment seeks to redirect these billions in wasteful and unnecessary Pentagon spending, and instead put all of the money into deficit reduction.

Mr. President, about a year ago, the Pentagon's own spending watchdog, its comptroller general, John Hamre, conceded that the Department of Defense could not account for about $13 billion in spending. It has just been lost in an ocean of paperwork at the Pentagon and likely will not be sorted out. In fact, the comptroller has all but given up on trying to find out what happened to most of the money, arguing that it would be more expensive than it would be worth to account for these funds.

They cannot even find out what has happened to about $13 billion in the Pentagon's budget. Coincidentally, the bill provides about $13 billion more than was requested by the Pentagon.

Mr. President, while I appreciate the symmetry here, it is particularly outrageous that the Armed Services Committee has proposed these hefty increases at the same time that the Defense Department is being called to task for not being able to account for billions of dollars in its own spending. Waste, possible fraud in Pentagon spending, and certainly egregious abuses of basic accounting rules. These are serious problems. But no one seems to be doing very much about them. Indeed, instead of vigorously overseeing spending in this budget, we are trying to foist off on the Pentagon an extra $13 billion in military hardware and other spending that they have not requested. We should instead use this money for deficit reduction.

If we pass this bill without my amendment, my Minnesota constituents will continue to pay their taxes to bolster the Treasury of bloated defense contractors, who are building ships and planes and weapon systems that we do not need, cannot use, and that will not make our Nation any more secure.

Mr. President, so there is no mistake, let me repeat that for those who are listening.

We are considering today a defense bill that wants to spend a full $13 billion more than the President has requested in his budget. We are doing this despite the fact that there is no sudden extraordinary threat to justify such an increase. And many of those in this body who are pressing for such a huge increase are precisely the same people who are out here on the floor day after day, week after week, month after month, howling about how we must simply get the deficit under control.

Again, the very people that want to authorize $13 billion more than the Pentagon says it needs are also the very people who are talking about how we need to reduce the deficit.

This amendment is simple. It says that we should not go forward with the additional $13 billion that the Pentagon does not want. We should put it into deficit reduction. And the cuts should be made by the Secretary in a way which protects military readiness and the quality of life of our servicemembers.

Mr. President, while some of my colleagues are talking about deficit reduction, at the same time they are larding the defense bill with billions in spending for the benefit their local shipyards, weapons contractors, or plane manufacturers.

Mr. President, we ought to be very straightforward with people in this country. Is there no sense of limits in this body when it comes to wasteful and unnecessary weapons programs? Controlling the deficit is important, and I have supported reasonable fair-minded deficit reduction proposals totaling hundreds of billions of dollars. But I cannot let this debate move forward without pointing out this contradiction.

If we are serious about deficit reduction, what do we do? Do we spend $13 billion more than the Pentagon says it needs? I don't think so. For the past couple of years we have heard from many of our Republican colleagues who have sought to look like they were reducing the Federal deficit through various proposals and schemes, most of them involving rather nonspecific formulas. Even when they have offered something specific, they tend to go after education or Medicare, or medical assistance, or programs that protect our air, our lakes, our rivers, and so on.

Mr. President, I cannot understand why it is that the very folks who want to cut Pell grants, want to cut Head Start, want to cut programs for kids that come from difficult backgrounds, want to cut environmental protection programs, want to cut into health care programs, are the very people who now want to authorize almost $13 billion in spending above and beyond what the Pentagon has requested.

I know some argue that there has been a drop in defense spending. In fact, one thing is clear: this bill provides more for defense, in dollar terms, than last year. This is in stark contrast to the fact that non-defense spending as a whole is frozen or declining substantially in many areas. And when you consider the recent re-estimates of the likely future inflation rate, it's clear that in the next few years, we can buy as much for our defense dollar as we had planned, but spend almost fifty billion less than we expected we'd have to spend last year.

I see my colleague from North Dakota on the floor. I think I would like to defer to him for a while and then come back a little bit later to conclude. But before I do, let me say clearly: This is a vote for deficit reduction, and it is a vote for priorities that people in the country are demanding from us.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 22½ minutes remaining.

Mr. WELLSTONE. I ask my colleague how much time he may need? I would like to yield to my colleague from North Dakota 10 minutes.

Mr. DORGAN. Mr. President, I shall not use the entire 10 minutes. I only observe this.

I have said previously that I admire very much the chairman, Senator THURMOND, and Senator NUNN, for the work they have done. But I am inclined to feel that we ought to accept the recommendations of the Pentagon in terms of what they choose to spend, while we might want to move some money around here and there.

It seems to me that this issue of dealing with deficits and so on is not one that is an issue in theory. The issue of deficit reduction is not an exercise in theory. It is not an exercise in changing the U.S. Constitution. It is not an exercise in idle discussion, or rumination. When you have an authorization bill coming to the floor of the Senate or when you have an appropriations bill coming to the floor of the Senate, it is an exercise in making choices. What is important? What is not? What can you afford? What can we not afford?

It seems to me that the two guiding issues ought to be on virtually everything we do—whether it is education, environment, health care, or defense—to answer two questions: Do we need this? Can we afford this? If the answer is yes on both counts then we ought to proceed.

The Senator from Minnesota asks the question with his amendment, which I intend to vote for, whether we should at this point add nearly $13 billion to the request that was made of the Congress for spending by the Pentagon. I have no objection to moving some of the funding around, if we feel that some priorities requested have a lower value than other priorities that were not requested. I have no problem with that.

But the judgment that Congress would exercise in saying we think that, even though we talk about reducing the deficit, we should add $13 billion to this authorization bill for the Department of Defense is a curious and I

think questionable judgment at a time when the Department of Defense has not requested that. If the Department of Defense had come to this Congress and said here is what we need in order to adequately defend this country, and here is why we need it, and had made a compelling case in both instances, then I would support it because I think that it is a critically important step to assure that we have the necessary investments and the money available to defend this country adequately. That is not what is at issue here. The Department of Defense has said here is what we need; here is what we want. Then the Congress had said, ''but we would like to authorize some $13 billion above that.''

As I said, I intend to support the amendment offered by the Senator from Minnesota even though, as I have said before, I believe that Senator NUNN and Senator THURMOND do an excellent job. And I commend them for the work they do. My own preference is that—as we address these issues to the Federal deficit that on appropriations and authorization bills where we can, when we can, when it is appropriate—we try in each instance to hold down costs; not boost costs.

So I feel very strongly that this is an amendment that the Congress should look upon favorably and vote for.

Let me yield my time back to the Senator from Minnesota.

Mr. WELLSTONE. I reserve the remainder of my time.

Mr. President, I ask unanimous consent to add Senator BUMPERS as a cosponsor and the Senator from North Dakota, Senator DORGAN, as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. WELLSTONE. Mr. President, I would prefer to use my time to respond to some of the arguments that were made on the other side.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. WELLSTONE. Mr. President, I am trying to move things forward. I know my colleague from South Carolina and my colleague from Georgia have a whole agenda of amendments. I thought I would take another 5 minutes on the amendment, and, if it is OK, I want to reserve a little bit of time to respond to the arguments that have been made on the other side.

Mr. President, I wanted to point out that if this amendment goes down, I will have another amendment that I will introduce either later on today, or tomorrow, with Senator HARKIN and others. It will say that we ought to take the $1.3 billion in this authorization that is even above the budget resolution that we passed, which is only about 10 percent of the $13 billion over what the Pentagon says it wants, or needs, and we ought to put that into restoring funding for Pell grants, low-interest Perkins loans, programs for dislocated workers, and summer jobs programs, and reform of the job training system. We ought to at least put that money into those programs. That to me is really I think the priority that people in the country are interested in. I will do that later on.

I want to make it clear that in this whole argument about whether or not this additional money is needed, I think the reason the Pentagon said we do not need this $13 billion, the reason the President said we do not need it, the reason the Chairman of the Joint Chiefs of Staff says we do not need it, is because right now we spend along with our allies about $510 billion on defense and on our interests worldwide. According to estimates prepared by respected arms control think tanks and other experts, all of our potential enemies combined spend about $140 billion. It is not as if we do not spend a considerable amount of resources for defense. It is not as if we do not need to be concerned about defense. We do. It is not as if we do not need to be concerned—God knows the news of yesterday makes us concerned—about the threat of terrorists and arms proliferation. We do. We all agree on that.

But I'm talking about eliminating waste. I have recited studies already about just some of the inefficiencies within the Pentagon, some of the waste, some of the ways in which we can cut down on expenses internally, not to mention the fact that we can give our allies a larger share of the burden, so on and so forth. There are a whole lot of ways to save money by simply scaling back waste and reassessing our spending priorities, Mr. President.

Let me quote from a New York Times editorial from the other day on defense spending. I find this editorial on the mark in its characterization of the Republican defense authorization bill.

> The not-so-hidden agenda for many Members of Congress is delivering Federal spending to their districts, and there are few better ways to do that than fattening the Pentagon budget and ordering up expensive new weapons systems. The cold war provided cover for this wasteful practice, but it is now indefensible. With vital domestic programs shrinking to bring the budget into balance, Congress should not be buying military hardware the Nation does not need.

Mr. President, we need to maintain a strong defense. We can increase burdensharing by allies. We can impose cost and accountability controls called for by the General Accounting Office. We can eliminate unnecessary weapons programs. We can reassess some of the assumptions that continue to drive continued high Pentagon spending, like the requirement that we be able to fight two major wars at once. But really this debate gets back to an even more simple point. We have in the Republican authorization bill a request for $13 billion more than the Pentagon says it needs.

I think it is just unconscionable for us to be cutting programs and educational opportunities for young people, cutting financial aid programs for higher education, cutting into health care programs that are so important for senior citizens, cutting into environmental protection programs, and say that we are for deficit reduction and then turn around and authorize $13 billion more than the Pentagon says it needs for our defense.

The New York Times editorial was right on the mark, and it is for this reason that I bring this amendment to the floor with Senator HARKIN, Senator DORGAN, and Senator BUMPERS. Senator BUMPERS, probably more than any other Senator, has been the most vigilant and the most eloquent and the most powerful in pointing out we have to be serious about deficit reduction, but we have to do it based upon a standard of fairness. If we are going to talk about administrative inefficiencies, and we are going to talk about waste, then yes, we should focus on waste wherever it is. We should, as some of my colleague has done, focus on the Departments of Energy, or of Commerce, or other agencies. And we should, and we can, hold all these agencies accountable for their own budgets. But what happens when it comes to the Pentagon budget? I can think of very few times in my adult life where the Congress has proposed spending more money than the Pentagon has asked for. I cannot think of a worse time for us to do this. Frankly, it is just downright embarrassing. We should take this $13 billion and put it into deficit reduction.

I withhold the remainder of my time to respond to arguments on the other side.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum, the time to be equally divided.

The PRESIDING OFFICER. Is there objection to the unanimous consent request that time in the quorum call be equally divided?

Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I yield myself such time as may be required.

The PRESIDING OFFICER. The Senator is recognized.

Mr. THURMOND, Mr. President, I rise today to oppose the amendment offered by Senators EXON, BINGAMAN, and

KOHL. Both the Committee on the Budget and the Committee on Armed Services determined there is a sound and compelling need to set the level of funding for defense at the budget resolution level. The amendment, as proposed, reduced defense to the President's level. The Committee on Armed Services has received compelling testimony from the Secretary of Defense, the Chairman and Vice Chairman of the Joint Chiefs of Staff, the Chiefs of the military services, and the secretaries of the military departments that the procurement accounts are dangerously underfunded.

Defense spending, as measured by outlays, continues to decline. From fiscal year 1990 to fiscal year 2002, defense spending declines by 34 percent. However, the same is not true for nondefense or mandatory spending programs. Nondefense discretionary programs do not decline, but in fact increase by 8.5 percent over the same period. Mandatory programs increase at an even greater rate. It is not clear to me why defense is the only part of the Government that should take such reductions.

In reality, the Department of Defense continues to get smaller. From fiscal year 1993 through fiscal year 1997, civilian personnel will have been reduced 18 percent. However, nondefense Government civilian personnel will have been reduced just 5 percent. Furthermore, these figures do not take into account the reduction in active duty end strengths of 688,000 active duty service members in the last 10 years.

Mr. President, I continue to hear concerns that the funds added to programs in our bill were not requested by the administration, and, therefore, should not be added. Let me make clear that we do not agree with the President's budget request nor his Future Years' Defense Plan. We believe both are inadequate. If we agreed with them, we would not be proposing to add funds above the request. It should, therefore, not be surprising that we would propose to buy things that are not in the President's budget or Future Years' Defense Plan.

The facts are that the administration's defense budget request barely covers the costs for current operations and does not budget adequately for modernizing the force. The defense budget requires our men and women in uniform to perform their duties without the resources they need. I believe this is wrong.

Deputy Secretary White told the members of the committee that the outyear tail associated with this bill is $20 billion. Last week I inserted the Congressional Budget Office's cost estimate of the defense authorization bill into the RECORD. Their estimate clearly shows there is no outyear tail associated with this bill. We have determined that this claim has no basis in fact and is not supported by any sensible analysis. It just does not make common sense.

Some critics have grown fond of saying the committee added funds that the senior military leadership neither wants nor needs. The record of testimony shows that this criticism is unfounded. The Chairman of the Joint Chiefs of Staff, General Shaikashvili, testified:

> I am very concerned that our procurement accounts are not where I think they ought to be * * * [We] must commit ourselves to a sufficient procurement goal, a goal I judge to be approximately $60 billion annually.

However, this year's procurement request was for $39 billion. Far less than what General Shalikashvili considers necessary. The former Vice Chairman of the Joint Chiefs of Staff, Admiral Owens testified:

> I want to talk . . . about procurement because I believe it is the crisis in the defense budget today.

The Chief of Staff, Army, General Dennis Reimer testified that:

> The issue still is that we are underfunded in modernization.

The Chief of Staff, Air Force, General Fogelman testified that:

> I [have watched] the Air Force procurement accounts decrease by some 60 percent . . . we are living off the procurement of the past. It has to stop.

Mr. President, we have been down this road before, but it seems that some of my colleagues have forgotten where it leads. Those who oppose a strong defense often attempt to justify their position by reminding us that the cold war is over. They conclude that defense spending should be lower because we do not face an obvious danger from a threat like the Soviet Union. They make a simple argument. This argument is appealing because it provides an easy solution to our funding problems—but the argument is wrong and dangerous.

It is true, our Nation no longer faces a cold war danger from the Soviet Union, but the world is still a dangerous place. The belief that continual reductions to defense are in order is not only flawed, but it also ignores reality and the requirement for both present and the future force readiness. We ask our men and women in the services to respond to crises all over the world. At the same time, the administration seeks to continue to reduce defense spending. This is not right. Right now, we have United States troops on duty in Bosnia, in the skies over Iraq, and on ships at sea near any actual or potential trouble spot in the world.

The Chief of Staff of the Army, General Reimer, testified that,

> Requirements have risen 300% . . . Excessive time away from home is often cited by quality professionals as the reason for their decision to leave the military. It is common to find soldiers that have been away from home . . . for 140, 160 or 190 days of this past year.

The Secretary of the Air Force, Dr. Widnall, testified that,

> Since Desert Storm, we have averaged three to four times the level of overseas deployment as we did during the Cold War.

The administration itself has been telling Congress, year after year, that it must increase defense spending. Congress has agreed, but the administration has consistently failed to honor its own pledges.

The defense budget requests have continued to decline. The Department of Defense has already been reduced significantly in size and funding, but some continue to seek more reductions.

Mr. President, do we have to learn the same painful lesson over and over? As General Reimer testified,

> . . . a lack of modern equipment will cost the lives of brave soldiers.

I do not know when we will have to commit our Armed Forces. No one knows where the next conflict will occur, but I agree with the testimony of General Reimer who stated:

> We will sometime place soldiers in harm's way, on short notice and ask them to defeat a determined and dangerous foe. When that happens, we should be satisfied that we have done our best to prepare them for the task at hand.

Mr. President, I believe that is our solemn obligation, and I sincerely hope we will heed the hard lessons we have already learned. I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, let me just say to my colleague from South Carolina that part of this authorization is, in fact, even above the majority party's budget resolution. Again, I point out to my colleagues that if this amendment fails, I will have another later on, with Senator HARKIN and a good many other Senators, I believe—I hope Democrats and Republicans alike—which will take that $1.3 billion above even the budget resolution that the majority party passed and say that ought to go, not to the Pentagon, that ought to go into restoring the funding for Pell grants and low interest loans for higher education up to the President's request.

The second point is, with all due respect to some of my colleagues who have a different point of view, I do not think people should be fooled about what is going on here. Yesterday we voted for an amendment, introduced by Senator LIEBERMAN—I bet it was unanimous, or virtually so, I am not sure—which said, ''Let us take a look at our force structure and let us look at the whole question of modernization of weapons. Let us do a very thorough study and see where we need to go.''

Why in the world, after the U.S. Senate agrees to that unanimously, are some of my colleagues in such a hurry with all of these add-ons for these weapons systems which represent projects back home? This is pork, that is what this is. Let us be crystal clear about it. This is pork. Much of these are special add-on projects, or acceleration of spending for weapons systems which may or may not even be necessary. The Pentagon said it did not need this spending now. And yet we press it on them anyway.

Again, it seems to me that, given the position that the Defense Department has taken, given the position the President has taken, given our concern about deficit reduction, what are we doing spending almost $13 billion on these sort of special pet projects that go into different States that represent, essentially, pork, much of which or some of which are just add-on projects? Yesterday we said we ought to do a thorough force modernization study. What is the hurry to spend the additional $13 billion? Are some worried that an independent panel might urge a major reassessment of al this spending?

I actually could just go over some of these different projects. But there are so many of them it would probably take me more than the little time I have left. Instead, I will simply urge my colleagues: Let us not be in such a hurry to add on $13 billion for pork projects for our States for military weapons contracts and programs that we do not need. Let us not spend $13 billion more than the Pentagon asked for, than the President asked for, than our military leadership asked for, not when we say we are serious about deficit reduction.

Mr. President, let me also make it crystal clear that I think part of what is going on here is a definition of defense. I thought it was in our national defense to invest in education.

I think education is a defense against prejudice. I think education is a defense against ignorance. I think education is a defense against hopelessness. I think education is a defense against poverty. I think education is a defense against despair and bitterness and anger and cynicism.

We have a majority party—not everyone but unfortunately the vast majority of the majority party—wants to cut education programs. They say they are for deficit reduction and now want to authorize $13 billion more than the Pentagon says it needs.

This is a vote for deficit reduction. This is a vote that says, take almost $13 billion and put it into deficit reduction; do not authorize $13 billion of spending more than the Pentagon says it needs for our national defense. This is a reasonable proposition, and I hope it will receive strong support.

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

While waiting, I ask unanimous consent to add on Senator FEINGOLD as an original cosponsor.

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

Mr. WELLSTONE. Mr. President, if there will be no more response, it is fine to go to a vote. I do not know what my colleague would like to do. I will defer to the Senator from South Carolina.

Mr. THURMOND. Mr. President, we have several amendments we are going to take up. I suggest we complete debate on this amendment and set it aside and stack the votes, if that is agreeable with the Senator.

Mr. WELLSTONE. I say to my colleague from South Carolina, it certainly is agreeable. I yield back the remainder of my time.

Mr. THURMOND. I believe Senator NUNN wants to speak against this amendment, so I suggest the absence of a quorum, Mr. President, and ask that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. THURMOND. I now yield the able Senator from Georgia such time as he may require.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, please notify me in 6 minutes so I know how much time I consume.

I rise in opposition to the Wellstone amendment which reduces defense funding authorized in this bill by $13 billion. For several years I have been expressing my concern that the actual and projected declining defense budgets are not sufficient from force standpoints, one, to maintain the current readiness of our military forces, two, to provide the standard of living that military personnel and their families expect and deserve, three, supporting the force structure necessary to carry out the full range of missions that we expect our military forces to be able to perform, and, fourth, to provide for the modernization that is the key to the future capability and future readiness of these forces.

Mr. President, modernization is our greatest deficiency. We are in effect living off of the capital of our previous investment in terms of the modernization account. Mr. President, while we all recognize you can live off your previous investments for awhile, you cannot do it forever. We cannot do it in our personal lives; and we cannot do it in our Government; and it certainly cannot be done in our defense budget.

National defense is a continuing obligation of our Government under the Constitution, and the tools we need to do the job simply do not last forever. They have to be replaced. They have to be updated. They have to be modernized. We have to invest in new capital. In this age of rapidly declining technology, our previous investments can become obsolete even before they wear out physically.

The men and women in the military continue to perform superbly every time they are called on. And we are calling on them all the time all over the world. We owe it to them to give them the support they need to do their job. We also have to ensure that the men and women who will be called on in 5 years, 10 years, or 20 years, will have the same advantages vis-a-vis our potential opponents that our military forces have today, including our technological superiority. I do not think we can expect our men and women who volunteer to defend our country to do so with obsolete technology.

During the long defense drawdown, I think military services have done a remarkable job reducing our force in a way that was fair as far as possible to the men and women in uniform as well as the civilian employees of the Department of Defense and the defense industry.

We have gone to great lengths with special incentives to ensure we did not break the force in terms of morale during the drawdown. With some limited exceptions, we have also kept the readiness high while accomplishing this drawdown. Readiness overall is in good shape today. But the problem is, we have been borrowing from the future to accomplish these other desirable goals: Protecting readiness, reducing the force structure gradually enough to keep the quality up, giving generous early retirement benefits to make sure that we treat our forces fairly, and keeping the turmoil in the force drawdown to a manageable level.

I believe the defense spending levels included in the fiscal year 1997 budget resolution are about right. We do know we are going to need to bring our level down by a little over $1.7 billion to get it in compliance with the budget resolution. It is my view that we should do that on the floor. And we should make it clear, before it goes to conference, that we are in full compliance with the budget resolution. The bill is now slightly over. I believe we will have to cut about $1.7 billion from this bill now before us in order to get it in compliance with the budget resolution, which is the guideline that this committee is bound to live by.

While the 1997 defense topline is an increase from the President's budget, it still is below last year's budget level in defense in real dollar terms. So when people talk about the increase in the defense budget in the budget resolution and in this bill, they are really talking about an increase relative to the President's budget, they are not talking about an increase compared to last year. I hope people understand that. Defense, even if the Wellstone amendment is defeated, will still be coming down in real dollar terms. I hope we will start moving towards stabilizing the defense budget by the end of this decade even though it will be at a much lower level than we had at the start of the decade.

While I believe that the funding levels requested for readiness, military pay raises, and quality of life initiatives in the President's budget are about right, I think there are clearly insufficient funds going into modernizing our force. Modernization, for the most part, is delayed into the outyears under the current future years defense program. We all know from experience how illusory these projections become 4 years or 5 years down the road.

The fiscal squeeze on the budget is already intense. As we seek to balance the budget, we should not make it worse by trying to enact tax cuts at the same time, which is what the overall budget resolution calls for. I do not agree with that. I think that is not the right way to go, but this is not the time for that debate. I hope, in the final analysis, we will understand that if we really want a balanced budget, we need to go ahead and get that job done and declare the dividend later, rather than declaring a dividend and having a celebration with a tax cut before we have even gotten the job done and before the U.S. Treasury is in decent shape. Anyway, that is another story.

While outyear projections show funds for defense modernization increasing, I have great concern on that score because I do not think that is in the cards in light of the effort to get the budget balanced in 2002, a goal that I completely agree with. I think we need to remember, first of all, the funding differences between the administration and the budget before us are not that great. The budget resolution is 1 percent higher over the next 6 years.

The PRESIDING OFFICER. The Senator has consumed 6 minutes.

Mr. NUNN. If the Senator will give me 2 or 3 more minutes.

Mr. THURMOND. I yield the Senator such time as he may require.

Mr. NUNN. I thank the Senator.

Mr. President, we need to understand that while the defense spending levels in the budget resolution are higher than the President's budget this year, they are actually lower than the Clinton administration's defense plan in terms of budget authority starting in the year 2001. In other words, the administration is lower than the Congress this year, but higher in the outyears.

I think the administration's outyear defense plan for 2001 and 2002 is about what we are going to need in terms of the defense budget, but I think the budget resolution is probably more realistic in terms of what we can afford for defense if we really are going to drive for a balanced budget in 2002.

However, I feel that both the President's balanced budget plan and the Republican budget resolution, which is also aimed at balancing the budget, both of them assume unrealistic cuts in the outyears in overall discretionary spending, which includes defense, but is not limited to defense. That is betting on the future, and I think is an illusion. We are not going to make those size cuts in the outyears. That means under neither the budget resolution, nor the administration's proposal, are we likely to make the kind of cuts required to get the budget balanced in 2002.

That is why I supported the Chafee-Breaux alternative, which in my view, represented a much more realistic picture of what is achievable, sustainable and sensible in terms of both defense and nondefense spending.

In my view, Mr. President, we need to increase the defense topline now, to restore the balance to our defense program. We also need to extend the firewalls that the Senator from New Mexico has reinstated for fiscal years 1996, 1997, and 1998 in the budget resolution to protect any defense increases we are able to achieve and to provide some stability in the defense budget.

Firewalls do not mean the defense budget cannot be cut. It can be. It does mean it will not be shifted to other nondefense purposes.

We have been reducing the defense budget for a long time. The current builddown started during President Reagan's second term, significantly before the fall of the Berlin Wall. It continued and was accelerated through the Bush administration and the Clinton administration. However, Mr. President, the time has come to stabilize the defense budget as much as possible. The defense budget has already made a major contribution to deficit reduction, more so than any other part of the budget.

I am often intrigued by the arguments made about how many Federal employees we have cut out in the last several years. Mr. President, if you look at the numbers—I do not have the exact numbers in my mind—something like 70 percent of all the Federal employees that have been cut from the payroll have been cut from the Department of Defense. Defense is doing its part, has done its part. We need to begin to level it off. Even if we defeat this amendment, there would still be a decrease in the defense budget in real-dollar terms from last year.

Mr. President, modernization funding should be increased. The future readiness and future capability of the Defense Department requires modernization and it requires research and development. Those are the programs that have been cut most deeply during the defense drawdown.

The pressure to achieve and maintain a balanced budget will make it very difficult to increase the defense budget above current levels—yet current levels are still artificially low as we work back towards a normal level of procurement and a normal level of infrastructure investment.

Because we were reducing the size of the force and were able to keep the most modern equipment as we downsized, a temporary decline in procurement was appropriate. But we are now reaching the point where we have to get our modernization budget back up to a long-term level that will sustain our forces for the future. We have to start increasing the procurement budget to prevent the average age of our weapons technology from reaching unacceptable levels. At the same time, because the personnel drawdown is nearly complete, we are not going to be able to continue to reduce that part of our defense budget. It is unrealistic to expect this long period of declining defense budgets to continue.

Similarly, during the BRAC era we underinvested in facilities modernization because nobody wanted to waste money modernizing facilities we might be about to shut down. But now that we have made those decisions and the BRAC process is over we are going to have to put more money in modernizing and maintaining the facilities we have left.

So our children will be to have a budget that is slightly larger than the ones now planned. If we are going to balance the budget, it is unrealistic to plan for more than a slight increase. The budget resolution only increases the defense budget by about 1 percent over the levels in the administration's request—in order to have adequate funds for capital investments in weapons and facilities.

This is why I oppose amendments which would reduce the defense topline number below the levels agreed to in the budget resolution. The funds added to the administration request by the committee have gone almost entirely to modernization—in other words, they have been invested in the future. I think my colleagues will find that the funds the Armed Services Committee added to the modernization accounts have gone mostly, not completely, to programs the service chiefs have requested, and most of these were programs the administration was already planning to do.

So, I urge my colleagues to vote ''no'' on the Wellstone amendment.

Mr. WELLSTONE. Mr. President, I ask the Senator from South Carolina if I can reclaim my 3 minutes for a brief response to the Senator from Georgia.

Mr. THURMOND. Mr. President, I have no objection.

Mr. WELLSTONE. I want to make sure I understand. You do intend to propose an amendment to bring the authorization down to the budget resolution, the $1.7 billion, is that correct?

Mr. THURMOND. Yes, we do.

Mr. WELLSTONE. I ask the Senator from Georgia, did I hear correctly that you intend to propose an amendment to bring the authorization down to $1.7 billion, down to the budget resolution?

Mr. NUNN. Yes, that is my belief of what we should do. I am not absolutely certain that will be done yet. I hope that would be done.

Mr. WELLSTONE. If you do that, please include me as a cosponsor.

Mr. NUNN. I say to the Senator, is he assuming his amendment may not pass. If it is adopted, I will not be proposing that $1.7 billion.

Mr. WELLSTONE. I think it will be very close, but it may not pass.

Mr. NUNN. I will include the Senator on that if we are so fortunate as to defeat the Wellstone amendment.

Mr. WELLSTONE. I thank the Senator.

I point out to the Senator from Georgia the wording of the amendment is important, because I listened to what he said about readiness and quality of life.

On the allocation of reductions, the amendment reads, ''The Secretary of Defense shall allocate reductions in authorizations of appropriations that are necessary as the result of the application of the limitation set forth in subsection (a) so as to not jeopardize the military readiness of the Armed Forces or the quality of life of Armed Forces personnel,'' my assumption being that clearly the Pentagon and Defense Department in their budget request have already taken this into account.

I wanted to be clear about the wording of this.

Mr. NUNN. I understand. I know what the Senator was doing. I will respond briefly.

There is the problem, though, that the reduction here will have to come out of modernization. This is a procurement account, which is already where the problem is.

Mr. WELLSTONE. Finally, Mr. President, in response to that, I was pointing out before the Senator came to the floor, we voted 100 to 0 for what I think is an important study of force structure and modernization yesterday, but my concern is that what we have here is an acceleration of weapons programs that may not be necessary, may be obsolete, and we ought to go forward with that study.

I finish up quoting from Senator MCCAIN's view on the Armed Services Committee. His comments:

> Again, I believe this is overall a very good defense bill, and I voted in favor of reporting the bill to the Senate. However, I feel that the additional $13 billion included in this bill may not survive the congressional budget review process this year. In the event that this bill must be reduced by $3 billion or $4 billion or more, I hope my colleagues will look carefully at these pork-barrel add-ons. We must protect the high-priority military programs which contribute to the future readiness of our Armed Forces. If this bill must be reduced, we should cut out the pork first.

That is what this amendment is about. I really believe in cutting out this pork and doing the deficit reduction, going after the $13 billion above and beyond what the Pentagon requested, the President requested, the military leadership requested.

I yield back the rest of my time.

UNANIMOUS-CONSENT REQUEST—H.R. 3525

Mr. THURMOND. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Democratic leader, may proceed to the consideration of Calendar No. 453, H.R. 3525, relating to damage to religious property, and that time on the bill be limited to the following: Senator LOTT, 10 minutes; Senator DASCHLE, 10 minutes; Senator FAIRCLOTH, 10 minutes; Senator KENNEDY, 10 minutes. Further, that the bill be limited to one amendment to be offered by Senators FAIRCLOTH, KENNEDY and HATCH. Further, no other amendments be in order, and that immediately following the disposition of that amendment and the expiration or yielding back of the time, the bill be read a third time and the Senate then immediately proceed to a vote on passage of H.R. 3525 as amended, if amended.

Mr. EXON. Mr. President, I rise to raise an objection. I was sorry I was not able to hear fully what the unanimous consent agreement was by the Senator from South Carolina. As the Senator from South Carolina and the Senator from Georgia know, I have been trying to work through several things that are pending to move this bill along. I think it is important that we finish the defense authorization bill. I say that as a member of the committee.

Would the Senator from South Carolina please restate, basically, to this Senator what his unanimous consent request was. I may not object, but I was not able to ascertain what the thrust of the unanimous consent request was.

Mr. THURMOND. I have another unanimous consent, if that might please the Senator.

I also ask unanimous consent upon the expiration or yielding back of time on the WELLSTONE amendment, that amendment be temporarily set aside to consider a Thurmond-Nunn amendment regarding the authorized funding levels in the bill, with no second-degree amendments in order, so that the amendment following the debate on the Thurmond-Nunn amendment, S. 1745, be temporarily set aside and the Senate return to consideration of the church burning bill under the provisions of the unanimous consent agreement.

Mr. EXON. I object.

The PRESIDING OFFICER (Mr. THOMAS). The objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 4266

Mr. EXON. Mr. President, I ask unanimous consent that the WELLSTONE amendment be temporarily set aside for the purpose of this Senator offering an amendment.

Mr. THURMOND. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

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

The PRESIDING OFFICER. The Senator from Nebraska still has the floor.

Mr. EXON. Mr. President, I had asked for unanimous consent to temporarily set aside the WELLSTONE amendment for the purpose of the Senator from Nebraska offering an amendment. That has been objected to by the chairman of the subcommittee, which blocks my attempt to offer the amendment. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. COATS. Mr. President, may I inquire how much time is left on the Wellstone amendment.

The PRESIDING OFFICER. The Senator from South Carolina has 5 minutes remaining.

Mr. COATS. Mr. President, I wonder if the Senator from South Carolina will yield me the 5 minutes.

Mr. THURMOND. I yield 5 minutes to the Senator from Indiana.

Mr. COATS. Mr. President, while we are debating and straightening out a procedural quandary we are in with a number of amendments, let me use up the remaining time on the Wellstone amendment and speak in opposition to it.

The assumption behind the amendment is that defense is overfunded. We talk about the adding of additional billions of dollars to the defense bill as if the adding was over and above what the defense ought to be and, therefore, is surplus pork barrel, extraneous money.

I think it is important to understand that, first of all, defense has been declining, as has been stated, for 12 straight years. Funding, overall, for defense is down 41 percent in real terms since 1985, at 1950 levels of funding; modernization is at 1975 levels of funding, and the budget resolution funds defense at $7.4 billion below last year's defense level in real terms.

Maybe this chart can better illustrate what I am trying to say. In fiscal year 1996, the Appropriations Committee appropriated $264.4 billion in spending for defense for fiscal year 1996. That represented the 12th straight year of decline in defense spending in real terms.

Now, the Clinton administration came in and said, even though that is a reduction from previous years, we want to reduce it even further. They brought the level down to $254.4, an additional $10 billion cut.

Then we in the Senate brought forward legislation which would fund defense at last year's spending level—adjust it, in other words, to buy the same amount of defense this year that we bought last year. Without increasing it, but just buying the same level, it would have been, because of inflation, $273 billion.

What we have proposed in this legislation is a $267.3 billion total, which is,

of course, above the President's request. But the President's request was way below just keeping level with defense.

Now, this total increase here is $18.6 billion over the President's request, just to buy last year's defense. We did not think we could go that far and meet our obligations to help balance the budget, so we took two-thirds of that and went to $267.3 billion. So the assumption that we are somehow throwing an additional $10 billion into defense is simply wrong.

The defense outlays have been reduced 11 percent just since 1993, while nondefense outlays for the same period have increased 23 percent. It is not defense that is overfunded; it is defense that is underfunded. We are just trying to keep part of what we had, without falling further and further behind.

The second point that we hear over and over is that the Defense Department did not request this money, therefore implying it is all congressional add-ons. I have two responses to that.

No. 1, since when does the Congress simply buy off on the requests from the various departments of the administration without challenging or looking at the requests or going a little further than what their stated public request is? That is our job. We are elected to make the final decision in terms of how much we spend for education, how much we spend for the arts, how much we spend for transportation, how much we spend for defense, and every other item in the budget. That is why we have a Budget Committee, that is why we have Appropriations Committees, that is why we have authorization committees, to determine how much we ought to spend. That is what we are doing here.

Second, and probably more important, the Department of Defense—I have 17 pages of quotes here from representatives from the Department of Defense saying we need to spend more. Obviously, what happened here is that the Department of Defense has been told by this administration that ''you will not spend more than $254 billion. Now you salute and make it work and sound like that is all you need.'' So it is false to say that the Department of Defense did not even request the money.

I can go down through the 17 pages of the list, from the Secretary of Defense to the Chairman of the Joint Chiefs of Staff, to the chiefs of the various services, and quote from every one of them, saying: We are dangerously below where we ought to be. Modernization is dangerously underfunded. We ought to be funding it at a $60 billion level. Instead, we are funding it at nearly half of that, roughly $38 billion.

I do not have time to give all these quotes, Mr. President, so I ask unanimous consent to have printed in the RECORD excerpts of the quotes from members of the Department of Defense as to why this budget of $254.4 is too low and why we are dangerously underfunding defense needs for the future.

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

EXCERPTS OF TESTIMONY BEFORE THE COMMITTEE ON ARMED SERVICES, U.S. SENATE, ON THE DEFENSE BUDGET REQUEST FOR FISCAL YEAR 1997

MODERNIZATION—CRITICAL NEED

. . . what I am projecting for you is that we have to start increasing the modernization program or this curve will just keep going straight up, and we will start to have a real problem in obsolescence of equipment in the field.—Secretary of Defense William J. Perry, March 5, 1996.

. . . the modernization account in FY 1997 will be the lowest it has been in many years, about one third of what it was in FY 1985.—Secretary of Defense William J. Perry, March 5, 1996.

I am very concerned that our procurement accounts are not where I think they ought to be . . . [We] must commit ourselves to a sufficient procurement goal, a goal I judge to be approximately $60 billion annually.—Chairman of the JCS, GEN Shalikashvili, March 5, 1996. [The procurement budget request for FY 1997 was $38.9 billion.]

We've got to stop promising ourselves and start doing something about this procurement issue which, I think, is the basis of our ability to recapitalize America's military, not just the ships and tanks and airplanes, but also . . . remarkable technologies.—Vice Chairman, JCS, ADM William Owens, February 28, 1996.

Unless we recapitalize, we are not going to be ready to meet the threats of the future.—Chief of Staff, Air Force, GEN Ronald Fogelman, March 14, 1996.

If we do not modernize, we ultimately place future readiness at risk.—Chief of Naval Operations, ADM Michael Boorda, March 14, 1996.

Further deferral of modernization will incur significant risk to future readiness.—Chief of Staff, Army, GEN Dennis Reimer, March 13, 1996.

I want to talk . . . about procurement because I believe it is the crisis in the defense budget today.—Vice Chairman, JCS, ADM William Owens, February 28, 1996.

In the long term, our most urgent need is to modernize our fighter force. By the time the F–22 reaches IOC in 2005, the F–15 will be in its fourth decade of active service as our front-line fighter.—Secretary of the Air Force, Hon. Sheila Widnall, March 14, 1996.

Procurement has continued to pay the bill for readiness and force structure over the past decade and now hovers at a post-World War II low of about $40 billion.—Chairman of the JCS, Gen. Shalikashvili, March 5, 1996.

General Shalikashvili estimates the services would need about $60 billion of annual procurement funding. The Department of the Navy would need about $28.5 million annually to sustain its Bottom-Up Review force structure.—Secretary of the Navy, Hon. John Dalton, March 12, 1996.

We preserved our readiness and force structure at the expense of modernization and equipment replacement. We still need to keep readiness a top priority. But we have been able to enjoy a procurement hiatus, so much so that our procurement account has actually shrunk to just below $40 billion, the lowest since the Korean War . . . This procurement hiatus . . . cannot be sustained indefinitely.—Chairman of the JCS, Gen. Shalikashvili, March 5, 1996.

Investment accounts . . . have been at relatively low levels for several years, and I have reported on that each of the 3 years that I have come before you.—Secretary of the Army, Hon. Togo West, March 13, 1996.

For the Marine Corps, since 1971 we have averaged about $1.2 billion annually for procurement. This year we are at about $556 million. You can see the concerns that we have.—Commandant, Marine Corps, Gen. Charles Krulak, March 12, 1996.

Equipment . . . permits us to remain dominant on the battlefield . . . In order to maintain this edge, we must continue to modernize.—Secretary of the Army, Hon. Togo West, March 13, 1996.

Like the F–15, the F–16 will be entering its fourth decade as the most numerous fighter in our inventory by the time its replacement begins to arrive.—Secretary of the Air Force, Hon. Sheila Widnall, March 14, 1996.

Procurement accounts have been at relatively low levels for several years . . . the Army will have to once again fund modernization more robustly.—Secretary of the Army, Hon. Togo West, March 13, 1966.

We must modernize to protect our soldiers . . . [This makes them] more survivable . . . [and gives] them the edge.—Chief of Staff, Army, Gen. Dennis Reimer, March 13, 1996.

The greatest potential threat to Army readiness is the medium and long term impact: of an increased operational pace and insufficient modernization funding . . . by failing to modernize and update our equipment, we put tomorrow's soldiers at risk.—Chief of Staff, Army, Gen. Dennis Reimer, March 13, 1996.

In the event of a conflict, a lack of modern equipment will cost the lives of brave soldiers.—Chief of Staff, Army, Gen. Dennis Reimer, March 13, 1996.

Further forestalling of modernization would greatly increase risk. There are long lead times for modern equipment and longer lead times to develop and train the leaders who will employ it. Consequently, further deferral of modernization could delay a modernized force beyond the limits of our ability to anticipate future security challenges. Creating such a window of vulnerability could lead to a future environment where the interests of the United States are directly threatened.—Chief of Staff, Army, Gen. Dennis Reimer, March 13, 1996.

30 years ago, our predecessors . . . structured the fighter force that has served this Nation so well in the decades since. It is now up to us to show that same foresight as we look towards the uncertain world of tomorrow. We owe that to this Nation and to the young people . . . who will face the risks of combat.—Secretary of the Air Force, Hon. Sheila Widnall, March 14, 1996.

We need to think about future priorities in terms of the range of capabilities useful for the world that is coming . . . we need forces which are broadly useful, not just capable on a single set of narrowly defined battlefields.—Commandant, Marine Corps, Gen. Charles Krulak, March 14, 1996.

We end up deferring programs and finding work-arounds. We end up increasing the bill in the outyears. It is very difficult for me to specifically point out a big problem in that it is a lot of little slices that impact us because it impacts the stability of our modernization programs.—Chief of Staff, Air Force, Gen Ronald Fogelman, March 14, 1996.

I ask your help to ensure that your Nation's Air Force has the proper equipment and the best quality people to meet the needs of the 21st Century.—Chief of Staff, Air Force, Gen Ronald Fogelman, March 14, 1996.

The issue still is that we are underfunded in modernization.—Chief of Staff, Army, Gen Dennis Reimer, March 13, 1996.

We know that we cannot procure everything in the near-term, so we . . . built a time-phased modernization plan . . . [that] is

very delicate. And we cannot afford to see procurement dollars slide out to the right.—Chief of Staff, Air Force, Gen Ronald Fogelman, March 14, 1996.

We have benefitted from the aircraft procurement of the 1980's. That is what has really sustained us.—Chief of Staff, Air Force, Gen Ronald Fogelman, March 14, 1996.

TESTIMONY BEFORE THE HOUSE COMMITTEE ON NATIONAL SECURITY

I am sure you realize as well as we do that severely constrained modernization resources have extended fielding times, have delayed modernization of the total force, have delayed deploying a next generation of systems and from a business standpoint have resulted in some inefficient programs.—Assistant Secretary of the Army for RD&A Gilbert Decker, March 28, 1996.

Somewhere along the lien when you [slow procurement] you get risk . . . then comes the risk in casualties because you don't close with the right type of force, with the right application, and so the prosecution of your battle just takes longer.—Commander in Chief, United States Central Command, Gen Binford Peay, March 28, 1996.

Our men and women don't ask you for very much and they don't ask us for very much. They want and require ships and weapon systems that are effective, and they need that not only today but they need it in the future. We talk about quality of life—that is the ultimate quality of life if you go in harm's way.—Commandant, Marine Corps, Gen Charles Krulak, March 13, 1996.

I [have watched] the Air Force procurement accounts decrease by some 60 percent . . . we are living off the procurement of the past. It has to stop.—Chief of Staff, Air Force, Gen Ronald Fogelman, March 13, 1996.

READINESS

[The Marine Corps is] the Nation's force in readiness, and charged [by Congress to be] most ready when the Nation is least ready . . . they must be ready to go at a moment's notice, and when they go they must be ready to win. Commandant, Marine Corps, Gen Charles Krulak, March 14, 1996.

[the issue] that we face today in the Air Force is primarily a long-range readiness issue. We are confronted with the requirement to invest in tomorrow's readiness to begin to recapitalize the force to modernize our Armed Forces.—Chief of Staff, Air Force, Gen Ronald Fogelman, March 14, 1996.

In our business, we need to be ready not only twenty minutes from now, but twenty years from now as well . . . If we do not modernize, we ultimately place future readiness at risk.—Chief of Naval Operations, Adm Michael Boorda, March 14, 1996.

The Army has maintained current readiness . . . by deferring modernization . . . Further deferral of modernization will incur significant risk to future readiness.—Chief of Staff, Army, Gen Dennis Reimer, March 13, 1996.

Throughout the downsizing, our priority has been on maintaining current readiness.—Chief of Naval Operations, Adm Michael Boorda, March, 14, 1996.

If we work our people too hard, and by ''too hard'' I mean being away from home, they will not stay with us . . . If we work our equipment beyond its reasonable limits or do not maintain it well because it is deployed, then our people have to work harder to try to keep it up and they will not stay with us. Those are lessons we learned the hard way not too many years ago . . . We cannot afford to get in [that position again].—Chief of Naval Operations, Adm Michael Boorda, March 14, 1996.

I will admit to you that we have probably mortgaged the modernization account in order to take care of our people . . .—Chief of Staff, Army, Gen Dennis Reimer, March 13, 1996.

Regardless of how we rationalize . . . if [the force] gets too small it will not be ready because we will not see the requirements go away, we will just [do] them on the backs of our people . . . We have been down that road before . . . It is not pretty.—Chief of Naval Operations, Adm Michael Boorda, March 14, 1996.

The Army is nearing the end of an historic drawndown . . . About 450,000 volunteer soldiers and civilians have left the Army . . . [that is] about as many people as are employed by Ford and Chrysler Motor Companies combined . . . Many did not want to leave . . . It was important to us to ensure that we took care of [these] people and to keep the remaining Army trained and ready . . . In order to do this, the accounts for modernization were reduced . . . there was a cost . . . We paid a price that may not be seen for some time. We have yet to see the drawndown's effects on leadership and retention. In cavalry terms, our units have been ridden hard and put away wet.—Chief of Staff, Army Gen Dennis Reimer, March 13, 1996.

TESTIMONY BEFORE THE HOUSE COMMITTEE ON NATIONAL SECURITY

We have received help from the Hill. It has been greatly appreciated . . . But we are not where we ought to be . . . I went with my godchild to his barracks . . . and I was appalled at what he was living in. 'Appalled' is probably a mild word for it . . . We are building some barracks, we are building some homes . . . but it is not to the level that I, as Commandant, or you, as a public servant, would be very pleased about. It is simply a matter of available money.—Commandant, Marine Corps, Gen Charles Krulak, March 13, 1996.

ON ADDING FUNDS ABOVE THE BUDGET REQUEST

. . .we have to start increasing the modernization program or this curve will just keep going straight up, and we will start to have a real problem in obsolescence of equipment in the field.—Secretary of Defense William J. Perry, March 5, 1996.

The issue really revolves around the fact that we do not have enough in the modernization account.—Chief of Staff, Army, Gen. Dennis Reimer, March 13, 1996.

I should point out that we do have a bow wave in the out-years that, should the Congress choose to invest additional funding, we think that reducing that bow wave would be advantageous.—Secretary of the Navy, Hon. John Dalton, March 12, 1996.

Yes [We could use additional funds if Congress provided them in fiscal year 1997]. We still have some holes in our modernization account.—Chief of Staff, Army, Gen. Dennis Reimer, March 13, 1996.

Last year we had an authorization for three DDG–51s but not enough funds. An average of three DDGs across every year is the fewest we should buy, not the maximum. A long term strategy should call for more than that.—Chief of Naval Operations, Adm Michael Boorda, March 12, 1996.

[In response to the question of whether there is a need for additional funding] We would be willing—we would be delighted, actually, to work with you to give specific programmatic examples. . .we would apply such money to. . .acceleration of existing programs. . .upgrades of platforms. . .[and] recapitalization.—Secretary of the Air Force, Hon. Sheila Widnall, March 14, 1996.

If additional funds became available, we could indeed convert two ships for [Maritime Prepositioning Force purposes]. If Congress added funds, an additional ship could be converted this coming year. . .I agree with the Commandant concerning advisability of those ships.—Secretary of the Navy, Hon. John Dalton, March 12, 1996.

We are short, still, in the Army some 40,000 trucks.—Chief of staff, Army, Gen. Dennis Reimer, March 13, 1996.

TESTIMONY BEFORE THE HOUSE COMMITTEE ON NATIONAL SECURITY

I applaud the efforts of this Congress in most of the items that were added to the 1996 bill because you did what I requested during the discussions here with this committee, which is that most of that add-on was not pork.—Secretary of Defense William J. Perry, March 6, 1996.

You helped me on [procurement] last year, and I really appreciate it. And I will tell you it made a big difference for about 44,000 Marines.—Commandant, Marine Corps, Gen. Charles Krulak, March 13, 1996.

I would like to thank you for your support last year, both in your quality of life initiatives, particularly in the MILCON [military cnstruction] area. Folks sometimes would like to describe these plus-ups in quality of life as unnecessary, but the fact of the matter is, the plus-ups that we saw in MILCON last year were accelerations of things that our people would have had to wait for, so we did not see that as wasteful.—Chief of Staff, Air Force, Gen. Ronald Fogelman, March 13, 1996.

I want to take this opportunity to thank this committee, particularly the Military Construction Subcommittee, for the very good support you have given us in improving the quality of our housing * * * I am not satisfied with the effort on housing, as you are not satisfied with it * * * It would be a lot easier if I simply has more money.—Secretary of Defense William J. Perry, March 6, 1996.

We saw that the plus-ups in the procurement accounts were * * * the kinds of things that help us with the procurement that we see out there in the future.—Chief of Staff, Air Force, Gen. Ronald Fogelman, March 14, 1996.

DEFENSE—GENERAL

Few people know, few people understand, few people have spent the time to look across the spectrum of American warfighting capabilities and technologies.—Vice Chairman, JCS, Adm William Owens, February 28, 1996.

Past experience shows us that when you try to precisely project yourself into the future, you are probably going to be precisely wrong:—Chief of Staff, Air Force, Gen Ronald Fogelman, March 14, 1996.

The chaotic and uncertain strategic environment looming just over the horizon creates an even more pressing imperative for a military force that can remain versatile yet act decisively . . . a force that can quickly and surely anticipate change and adapt to a new reality.—Commandant, Marine Corps, Gen Charles Krulak, March 14 1996.

Our heavy units are general purpose forces that not only can win our wars but can also accomplish other missions, as the First Armed Division has shown in Bosnia. We must modernize their equipment to deter mid and high intensity conflict.—Chief of Staff, Army, Gen Dennis Reimer, March 13, 1996.

. . . at the end of the day, you are still going to have to have the beans and bullets and lift . . . technology is just simply not a panacea.—Commander in Chief, United States Central Command, Gen Binford Peay, March 19, 1996.

. . . at the end of the day, you need combat capability in the field.—Commander in Chief, United States Atlantic Command and Supreme Allied Commander Atlantic, Gen John Sheehan, March 19, 1996.

The challenge that we face is that [in] the Army [we put about 45% of the budget into

military pay] . . . another 30% . . . goes towards training . . . so you are left with very little in terms of procurement.—Chief of Staff, Army, Gen Dennis Reimer, March 13, 1996.

Mr. COATS. Second, Mr. President, let me state that there are a number of programs in the past that the Department of Defense has not requested, which this Congress has determined are important to be added to the Department of Defense budget. And we have done so. Looking back, in hindsight it is a good thing that we did. Strategic sealift: Now the Department of Defense comes and says it is one of their top priorities. They did not require it, nor request it before, maybe because the administration said do not do it. They are darned glad that we did not abide by their request. Some of the C–17's, the V–22, countermine efforts—we find that we were seriously underfunded and underprepared in the past in terms of dealing with countermine activity. This Congress made a decision to go forward and fund some of that. We are darned glad they did, and the Defense Department is darned glad that they did.

So let us be realistic on this. I urge my colleagues to vote against the Wellstone amendment for the reasons stated. It is simply a misstatement of what the request is from the Department of Defense. It is more a statement of what the administration would like out of defense, which is to cut it, to cut it, and cut it so that they can take the money and fund their favorite programs and not provide for adequate security for this country.

Mr. President, how much time is left?

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

Mr. COATS. I regret that because I am just getting warmed up. I will cease and desist.

Thank you, Mr. President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. COATS. Mr. President, I notice that the negotiations are still going on. I am prepared to stop talking as soon as they are prepared to go forward. In the meantime, rather than dead air, I thought I would say one more thing about the Wellstone amendment.

I have had the opportunity in the last few years as a member of the Senate Armed Services Committee and chairman of the Personnel Subcommittee to examine our military housing that we provide for soldiers, sailors, airmen, and marines, both married personnel and their families, as well as single personnel.

It is a shocking statistic to note that more than 60 percent of current military housing, family and single housing, is substandard by military standards. Military standards are generally lower than civilian standards. The houses that you and I live in, the apartments that the single individuals live in, are built to a far higher quality and standard than what the military enjoys.

It is part of the nature of the military that they salute and serve and do not complain. But it is virtually a disgrace to note the condition of some of this housing: Deteriorating ceilings, leaking pipes, asbestos-lined pipes in the ceilings, falling plaster, crumbling stairways, inadequate space for families and for children.

I commend the Secretary of Defense and the Department of Defense for recognizing this problem and taking some initiative to deal with it. But we are a long way from solving this problem. In fact, if we stayed at the current pace of renovation, it would take 30 years to bring military housing up to the standard level. Of course, by that time all housing that is standard today would be substandard.

So it is a never-ending cycle. We need to accelerate that process, and we hope we will accelerate that process. But to suggest that defense is overfunded when we are asking our service families to live in substandard housing and when we are asking our service members to live in substandard barracks and are asking them to live in the conditions that they live I think it is misunderstanding the situation as it currently exists in the United States military.

Just recently I was touring some barracks and housing facilities in Georgia. I was informed by the commander of a number of units that the soldiers were on their off time on Saturdays and Sundays and weekends going out to Home Depot to purchase materials and voluntarily giving up of their time to repair some of their facilities just so that they can take showers and live in some kind of decent housing situation.

So I think it is important to recognize that this continual 12-year decline in real terms in defense spending is not only affecting our ability to fight future wars, to have the technology, research and modernization necessary but it is eroding the quality of life of our service personnel which is going to affect our ability to attract the kind of people we want to serve in the military.

I hope my colleagues will take that into consideration in considering the vote on the Wellstone amendment.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. NUNN. Mr. President, I ask unanimous consent that the church burning provision of the previous unanimous-consent request made by the Senator from South Carolina alone be renewed. So I am asking unanimous consent that that portion of the overall request propounded by the Senator from South Carolina which was objected to, the church burning part of that, alone be renewed.

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

CHURCH ARSON PREVENTION ACT OF 1996

The PRESIDING OFFICER. Under the previous order, the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3525) to amend title 18, United States Code, to clarify the Federal jurisdiction over offenses relating to damage to religious property.

The Senate proceeded to consider the bill.

AMENDMENT NO. 4341

(Purpose: To propose a substitute)

Mr. FAIRCLOTH. Mr. President, under the unanimous-consent agreement, I send an amendment to the desk on behalf of myself and Senators KENNEDY, HATCH, BIDEN, KOHL, SARBANES, and NUNN, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. FAIRCLOTH], for himself, Mr. KENNEDY, Mr. HATCH, Mr. BIDEN, Mr. KOHL, Mr. SARBANES, and Mr. NUNN proposes an amendment numbered 4341.

The amendment is as follows:

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 PRESIDING OFFICER. The Senator from North Carolina has 10 minutes.

Mr. FAIRCLOTH. Mr. President, the Church Arson Prevention Act of 1996 is designed to meet two goals: One goal is to prosecute criminals who would sink so low as to burn churches to begin with.

Second, we want to send a clear message that people of faith will not stand for this type of violence.

Senator KENNEDY and I have worked together on this legislation, and it is bipartisan legislation, in order to demonstrate that America's commitment to protect houses of worship across philosophical and geographical boundaries; that we are united in this effort. As I said last week, if we in Congress cannot agree that church burning is a despicable crime, what in the world can we agree upon?

Several North Carolina churches burned down in the past year and a half. Some of these fires were accidents while others were clearly intentional. The criminals who set fires on purpose, whatever their reasoning, should be prosecuted and punished to the fullest extent of the law.

In most of these cases, State and local law enforcement is more than capable of handling arson investigations. There is nothing in this bill to imply that we do not think local law enforcement is capable of doing their job. But there may be special circumstances such as criminals moving State to State setting fires where Federal assistance and a Federal statute is needed to adequately resolve the problem and to correct the situation.

The Faircloth-Kennedy bill gives prosecutors the tools they need to fully punish guilty parties. It raises the penalties for church arson from 10 to 20 years. It extends the statute of limitations for church arson from 5 to 7 years. Both of these changes make the penalties consistent with other Federal arson crimes.

Additionally, this bill authorizes funding for the Treasury and the Justice Department to train local law enforcement investigating church arson, and in many cases this is needed.

The legislation does not provide any new funding. This will be determined by the Appropriations Committee.

Also, the legislation allows the HUD Secretary to take money that has already been appropriated to use as loan guarantees for the rebuilding of these churches. I really do not believe that such funding will be needed. I believe the American people through their own charitable good will will put forth the funds to rebuild these churches. In fact, in the bill I inserted a sense-of-the-Senate commending those that have and will bring forth the funding. I urge other private individuals and companies to continue to join in these efforts to rebuild these sanctuaries without calling upon the Federal Government.

Growing up and living in the rural South, I understand how the church serves as the center of the family and the community. Burning these churches is an assault on everyone's family and community. The violence must end now, and this bill will bring it to a halt.

Mr. President, I believe the Senate realizes that this bill is not about liberals and conservatives. It is not about blacks or whites. It is about something much larger and encompasses all of us—the power of justice, the importance of faith, and the ability to distinguish between right and wrong. This is a joint effort on the part of Senator KENNEDY and many others in this Senate to clearly make the distinction between right and wrong.

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

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, today Senator FAIRCLOTH and I come before

the Senate in a spirit of bipartisanship to address the festering problem of church arson. This horrifying epidemic, which was originally confined to the South, has recently spread to elsewhere in the United States. The wave of arsons primarily directed at African-American churches is a reminder of some of the darkest moments in our history—when African-Americans were mired in a quicksand of racial injustice. The American people are growing sick and tired of waking up seemingly every morning only to learn of another church arson.

This is not a regional problem. It is a national problem. It is vitally important for the American people to recognize that all Americans—Democrats and Republicans, whites and nonwhites, Catholics, Protestants, Jews, and Muslims—must speak with a united voice in condemning and combating these outrageous acts. We must send the strongest possible signal that Congress intends to act swiftly and effectively to address this festering crisis.

It is in this spirit of unity that Senator FAIRCLOTH and I have worked together to develop a bipartisan bill to deal with the issue. I commend Senator FAIRCLOTH for his leadership on this legislation. I also commend Senators HATCH and BIDEN for their leadership and assistance in crafting this bill. I also applaud my colleagues in the House, HENRY HYDE and JOHN CONYERS, who crafted a bipartisan House bill that passed swiftly and unanimously.

During the course of the past week, House and Senate Republicans and Democrats have worked together to resolve the differences between the House and Senate bills, and to craft a comprehensive bill to respond to the church arson problem. The substitute that we are offering today is the product of this bipartisan cooperation between the Senate and the House. I fully expect that by the end of this week, the Senate and the House of Representatives will be on record 535 to 0 with a strong statement of Federal resolve to combat the church arson epidemic.

Let me briefly outline the basic components of the bill that have been worked out by House and Senate leaders. First, it provides needed additional tools for Federal prosecutors to address violence against places of worship. The bill amends the primary Federal statute dealing with destruction of places of worship to make it easier to prosecute these cases. Current law contains onerous and unnecessary jurisdictional obstacles that have made this provision largely ineffective.

In fact, despite the large number of incidents of destruction or desecration of places of religious worship in recent years, only one prosecution has been brought under this statute since its passage in 1988. Our bill will breathe new life into this statute by removing these unnecessary obstacles.

In addition, our bill strengthens the penalty for church arson by conforming it with the penalties under the general Federal arson statute. By conforming the penalty provisions of these two statutes, the maximum potential penalty for church arson will double from 10 to 20 years. Our bill also extends the statute of limitations from 5 to 7 years, giving investigators needed additional time to solve these difficult crimes.

Giving prosecutors additional tools will enable to address this crisis more effectively. However, we must also deal with the aftermath of the arsons that have left some needy communities without a place of worship. The bill contains an important provision granting the Department of Housing and Urban Development the authority to make loan guarantees to lenders who provide loans to places of worship that have been victimized by arson.

This provision does not require an additional appropriation of funds to HUD. It simply gives HUD authority to use funds it already has. Although the private sector will assume the primary responsibility for rebuilding, these loan guarantees will serve an indispensable function to help expedite the rebuilding process and the healing process.

Some of the churches have been insured. Some belong to congregations that are representative of a broader national scope but many of them are small community churches. I think all of us are enormously encouraged by the outpouring of support from all parts of the country to help local communities rebuild those churches. We want to make sure that those that may have difficulty in gathering the funds are not going to be left out or left behind, and this very modest program of loans can provide help and assistance to those very small communities that might not otherwise have it.

The bill also contains a provision that ensures that anyone who is injured as a result of these cowardly acts will be eligible to apply for assistance under the Victims of Crime Act.

These arsons have place an enormous burden on State and local law enforcement, who also must investigate the crimes and address the tense aftermath within their communities.

This bill contains two measures to assist State and local law enforcement and local communities in responding to these vicious crimes. The Department of Treasury is authorized to hire additional ATF agents to assist in these investigations, and to train State and local law enforcement officers in arson investigations.

There is very sophisticated new technology and understanding about the nature of arson, and that new kind of technology available to local communities is something that we should do so they, local communities can use it to help resolve these crimes.

The bill authorizes the Department of Justice to provide additional funds to the Community Relations Service, a small but vital mediation arm established by the Civil Rights Act of 1964. The mission of the community Relations Service is to go into a community and reduce racial unrest through mediation and conciliation. It earned the respect of law enforcement officials and community leaders nationwide.

Unfortunatley, its budget was recently cut in half, forcing it to contemplate layoffs at a time when its services are in greatest demand. The bill authorizes restoration of funds to the Community Relations Service.

Finally, the bill reauthorizes the Hate Crimes Statistics Act for 6 years. Reauthorizing the Hate Crimes Statistics Act is essential, and law enforcement groups, religious leaders and civil rights leaders throughout the Nation strongly support it.

This again, is bipartisan legislation. Senator HATCH, Senator SIMPSON, and other Members who have long been in the lead in hate crime legislation support it.

It is not simply a political imperative for the Senate to act. It is a moral imperative. Civil rights remains the unfinished business in America. Just as Congress spoke in a swift and bipartisan fashion during the civil rights struggles of the 1960's, we must again do so today.

Out of these tragic events, we have already witnessed countless acts of courage by people of all races and religious backgrounds.

The courage and faith demonstrated by parishioners and clergy of the burned churches is an inspiration to the entire Nation. For example, tomorrow in the Judiciary Committee we will hear from a pastor of a church in rural Alabama that has been burned down not once but twice. While the bricks and mortar, bibles and pews may have been burned, his faith endures—stronger than ever. He is truly a profile in courage.

The outpourings of generosity from the private sector have been enormous. Every day, we learn of a new offer of financial or technical support from various private sector sources across the political and religious spectrum. This generosity, as Martin Luther King once said, ''will enable us as a nation to hew out of the mountain of despair a stone of hope.''

America is being tested, and scores of courageous and generous Americans have met the challenge. It is time for Congress to meet this challenge.

I urge my colleagues to join me in expediting action on this urgent legislation.

Ms. MOSELEY-BRAUN. Mr. President, the perpetrators of the rash of hate crimes and church burnings in this country are no more than cowardly domestic terrorists. They work under cover of darkness and anonymity in an attempt to intimidate some and encourage others precisely because they have neither the will nor the courage to be associated with the evil they seek to unleash on our land. I strongly condemn these actions and urge my fellow Americans to combat

the atmosphere of hatred that allowed them to happen. These fires must be stopped—now.

H.R. 3525, the Church Arson Protection Act of 1996, will give the Federal Government additional tools to help ensure that it is stopped, that those who perpetrate this violence are caught and punished, and that the damage they have caused our communities is mitigated. I am a proud cosponsor of the bill because it is a concrete demonstration that the American Congress, as the representatives of the American people, are committed to bringing this violence against our communities to an end.

As we enter the 21st century, America is anxious to put the ugly legacy of racial division behind us. Unlike a century ago, the masses of people who make up our national community cannot be seduced by the messages of hate and conflict which consumed us in the past. Those messages lost their power with the moral victory of the civil rights movement, and our country has matured in ways which cannot be undone by racist terrorism. We are not intimidated, Mr. President, but embarrassed, and challenged by these criminals and their destruction.

Most Americans are appalled and outraged. Our Nation as a whole, without regard to color or religion, is shamed by this horror. Since January 1995 there have been 75 fires in churches nationwide. Thirty-six fires have occurred in predominantly African-American churches in the Southeast United States. From the President of the United States to the neighbors in areas which have witnessed these crimes, the leadership taken by individual citizens to affirm a climate of respect and community gives truth to the fact that our Nation will not fall prey to the forces of fear.

Make no mistake but that the perpetrators of these fires are criminals. The act of arson is a crime, when directed at a church it is a crime of unspeakable dimension. But that is precisely why we are called upon, each of us, to speak and act in ways which will demonstrate our collective intolerance of such hate crimes. Our community, as a whole, must dedicate itself to the rebuilding of the churches. We must engage our Government and law enforcement apparatus to investigate and uncover the perpetrators of this terrorism. No stone should be left unturned in our search for the truth. Federal, State, and local law enforcement must approach these hate crimes with the same vigor and sophistication as would be given the most heinous foreign threat.

I applaud the strong message that is being sent to the arsonists. With well over 200 FBI and ATF investigators working together with State and local authorities, we are letting the arsonists know that solving these crimes and putting those responsible behind bars is a top priority.

I agree with the President when he said,

> We must rise up as a national community to safeguard the right of every citizen to worship in safety. That is what America stands for.

The President has launched several efforts to demonstrate his determination to apprehend and prosecute those responsible for the fires, as well as rebuild what has been destroyed.

The President has established a toll free tip-line that is available for citizens to provide any information they have on these fires. That number is now available 24 hours a day, 7 days a week. If anyone has any information about the fires they can call 1–888–ATF–FIRE.

Other initiatives, the President promoted include, having ATF inform churches of steps they can take to protect themselves from arsonists. Churches throughout the South will be visited by ATF special agents to answer any questions church leaders and parishioners may have. Furthermore, during the meeting the President had with several Governors last week, he urged them to support neighborhood watch programs and increase local patrols around where the threat exists.

The President has also asked Congress to consider a request for a fiscal year 1996 supplemental appropriation to increase the ability of the Department of Treasury's Bureau of Alcohol, Tobacco and Firearms to investigate and solve these acts of arson.

While the outpouring of support and comfort for the victims of terrorism has been consistent and multiracial there is much more we can do. Our President has stood up to be counted. We all need to stand up and be counted. We can stop these vicious crimes.

This bipartisan bill does a lot to help rebuild the churches and help law enforcement investigate and prosecute those responsible. It has five main components. First, it amends the Federal Criminal Code to make is easier to prosecute cases of destruction of religious property. Currently in cases of destruction of religious property, there is a requirement that the damage exceed $10,000. Moreover there is a very high interstate commerce requirement. This bill eliminates the monetary requirement and replaces the interstate commerce requirement with a more sensible scheme that will expand the scope of a prosecutor's ability to prosecute church arsons and other acts of religious desecration. The bill also conforms the penalty of church arson and the statute of limitations to that of the Federal arson statute, thus raising the maximum potential penalty for church arson from 10 years to 20 years and the statute of limitations from 5 to 7 years.

The bill also contains a provision that HUD will have the authority to use up to $5 million from an existing fund to extend loan guarantees to financial institutions who make loans to 501(c)(3) organizations that have been damaged as a result of terrorism or arson. These loan guarantees will help the rebuilding effort. While this provision will help restore the ability of people to practice their first amendment right, it does not violate the establishment clause of the Constitution because it targets all organizations that have been damaged as a result of terrorism or arson.

In order to help State and local authorities investigate the crimes, H.R. 3525 provides authorization language for ATF to hire more investigators and technical support personnel. The bill also authorizes the Department of Justice to provide additional funding for the Community Relations Service, a small mediation arm of the DOJ that goes into communities and quells racial unrest through mediation and conciliation.

Last, the bill provides for permanent reauthorization of the Hate Crimes Statistics Act, so we can get a better understanding of the magnitude of hate crimes nationwide.

Mr. President, this is one of those historic moments for America, when the path of our future will be chosen. In our collective repudiation of domestic terrorism, in our aggressive prosecution of its perpetrators, in our vigilance against hate and in the vitality of our response to it, we will build the New Jerusalem of a stronger, more moral and more inclusive country. The bill sends an important message that crimes against houses of worship will not be tolerated. It deserve's the Senate's unanimous support.

Mr. KOHL. Mr. President, I rise today in support of the church arson prevention measure.

Since the beginning of this year, a series of fires have swept our country. More than 30 predominantly African American churches in the Southeast have been burned. Some of these fires were set by people with obvious race hatred. Two people with ties to the Ku Klux Klan were arrested for fires in South Carolina. But in other cases, the fires were set by teenagers who had no obvious racist motive but who were so infected by an undertow of racism that they thought black churches would make a worthy target for their vandalism.

In some ways, this disorganized brand of racism is more frightening than any organized conspiracy. When hate groups spread their message we know how to answer them. But attacking the subtle racism that has infected so many children is a much more daunting task.

Today, this Senate must come together and speak with one voice against racism of any kind—the vicious and organized racism of hate groups, and the silent racism that lurks beneath the surface. This legislation, sponsored by more than 30 of our colleagues and drafted by Senators as ideologically diverse as TED KENNEDY and LAUCH FAIRCLOTH, shows that we can sometimes put aside our partisan differences to do what is clearly right.

Mr. President, no State or Senator is immune from the effects of these fires

in the South. A fire in Tennessee has been felt in Wisconsin. My friend Reggie White's church in Knoxville, TN was burned. That fire impacted and saddened all of us in my home State. And the people of Wisconsin have responded. Children from Wisconsin emptied their piggy banks to rebuild the church of their Green Bay Packer hero.

Mr. President, for too long in our history, we did not do enough to defend and protect the two great pillars of our Constitution: Religious liberty and equal rights. But that is no longer the case. Today, with this piece of legislation, we will assure that the Federal Government can prosecute church burners to the fullest extent of the law. Our legislation is simple. The current law requires that prosecutors prove a series of connections between a church burning and interstate commerce. Proving all of those connections is not constitutionally mandated, so with this legislation we eliminate them. In addition, we eliminate the requirement that damage be in excess of $10,000. Once this measure becomes law, it will be easier to prosecute the people who have set these fires.

Mr. President, let us pass this legislation quickly.

Mr. DODD. Mr. President, I rise today to voice my strong support for the Faircloth-Kennedy Church Arson Prevention Act.

As I come to the floor today, it is difficult for me to imagine a more outrageous and disgraceful act of violence than the destruction of a house of worship.

Our religious institutions, be they churches, synagogues or mosques are more than just bricks and mortar. They are the cultural, spiritual, and physical lifeblood of our communities and our society.

To attack a church is to attack more than a building; it is to strike at the heart of our faith as a Nation and as a people.

A recent article in the New York Times, in my view, accurately describes church burnings for what they are; ''an act of a singular profanity.''

This article goes on to say of these church burnings:

> Its violence lies in the attempt to disrupt a community of believers, desecrate their altars and smash the spiritual rhythm of their lives. The arsonist attacks not just planks and shingles but the space where life's most important transitions are marked, where babies are baptized, marriages celebrated and the dead eulogized.

What may be most tragic about these events is that they were aimed primarily at African-American churches.

To attack a black church is to attack an institution that throughout our history has been at the forefront of our Nation's struggle on behalf of civil rights for all Americans.

One would hope that with all the progress we've made as a Nation, church burnings would be a distant memory, relegated to our history books and not the front pages of our newspapers.

Like many Americans who lived through the civil rights era, I am haunted by the memory of the terrible fire bombings that often characterized that period.

In particular, it is difficult to erase from our collective memories the four young girls killed in a Baptist Church in Birmingham, AL, by a racist bombing, in 1963.

Lamentably, those incidents, of what I believed was a bygone era, are eerily similar to approximately 30 church burnings of the past 18 months.

Regrettably, the evil forces of racism continue to find shelter in our midst. To our great misfortune we cannot change the anger in the hearts of those who committed these deeds.

Indeed, I urge all Americans when they attend their houses of worship to take the opportunity to pray for the souls of those who would practice such heinous acts.

While we cannot legislate attitudes, as a Nation governed by the rule of law, we must do all we can to make clear that these acts of violence will not go unpunished.

The legislation before us today would make clear to those who would take up arms against a house of worship; you can burn down a building, but you cannot avoid the opprobrium of the American people.

The Faircloth-Kennedy bill would make it easier to prosecute those charged with desecrating a place of worship, it would provide additional resources for law enforcement agencies investigating these crimes, it would allow the Department of Housing and Urban Development to extend loan guarantees for rebuilding churches and it would reauthorize the Hate Crimes Statistics Act, of which I was a cosponsor.

I believe it is shameful and unfortunate that the acts of a cowardly few have forced this Congress to spend its time on such legislation. We should be talking about balancing the budget, raising the minimum wage and dealing with the economic issues that affect each and every American.

But part of our role as leaders is to take action when our national values are threatened.

In fact, if there is a silver lining to be found in this whole situation, it is the outpouring of support among the American people to lend a hand in rebuilding these burned churches.

In my State of Connecticut, two congregations, the Kensington Congregational Church and Spottswood A.M.E Zion Church came together and have pledged to raise $10,000 on behalf of the rebuilding efforts.

Additionally, the sense of outrage, seemingly felt among all Americans is a palpable sign that the vast majority of people see these events for what they are: Blatant acts of racist hatred.

In fact, if the American people need any better indication of the strong sense of consensus on this issue I urge them to look at the two Senators cosponsoring this bill—Senator FAIRCLOTH and Senator KENNEDY.

These are two Senators who probably don't see eye to eye on too many issues. But, when it comes to church burnings they came together on behalf of the American people.

Their cooperation sends a strong signal to the American people that this is truly one issue that is above partisan wrangling.

Religious freedom is one of the bedrocks of our democracy, and these acts subvert all that we hold dear as a Nation. However, the spirit of religious individualism lives on.

I think Reverend Terrence Mackey, whose Mt. Zion A.M.E Church was burned down last June said it best:

> They didn't burn down the church. They burned down the building in which we hold church. The church is still inside all of us.

I urge all my colleagues to support this legislation and lend our voices in the struggle against racial and religious intolerance in our Nation.

Mr. BIDEN. Mr. President, one wouldn't have thought that 40 years after the Montgomery bus boycott, 35 years after the freedom rides, and over 30 years after this Congress passed the most sweeping civil rights legislation in history—we would be on the Senate floor discussing an epidemic of burnings of historically African-American churches in the South.

But we are here, because what is happening is an affront to all Americans—whatever their race, whatever their religions. In the 5 years between 1990 and 1995, there were 29 fires at predominantly African-American churches in the South. In the past 18 months alone, there have been at least 43 such fires.

While a handful of these have been deemed accidental, most of them were intentional acts of violence—acts of violence not just against any property, but against churches.

The burning of a church is not merely a crime against a piece of property or even against an individual, as terrible as such violence may be. An attack on a church reaches deeper; it is an attack against an entire community.

A church, like any house of worship, is sacred. The sanctuaries, the pulpit, the artwork, and the prayer books all hold special meaning for the congregants.

To witness the destruction of a house of worship, to see its walls reduced to charred remains, is a wrenching experience.

When you lose your church, your synagogue, or your mosque, you lose something that goes to the core of what it means to be human, and to the core of the most basic freedom on which our Nation was founded.

For burning a church is a challenge to the entire concept of faith itself. I ask you, how could anyone who believed in God intentionally destroy a place where God is worshiped?

On top of this layer of emotion, we must also consider the special context of these particular church burnings. For, in African-American communities, churches not only serve an important spiritual role, they also have served a predominant cultural, social, and political role throughout the past century.

During the Jim Crow era, churches were the only institutions where African-Americans could choose their own leaders, participate in governance, and be treated with genuine equality.

Not surprisingly, almost all the leaders of the civil rights movement emerged from the African-American churches and these leaders infused the movement with its spiritual, moral, and non-violent character.

For this reason, when the segregationist or the men in white robes wanted to strike a blow against the civil rights movement, when they wanted to intimidate those who were taking to the streets to protest injustice, when they wanted to slow the change that was coming to the South, they attacked the churches.

Think back to May, 1963, when over 900 children packed the 16th Street Baptist Church in Birmingham, AL. And as they filed out of the church to demonstrate against segregation, Bull Connor turned his powerful water hoses against them, and demonstrated, for all the world to see, the unmitigated ugliness of segregation.

Four months later, a powerful firebomb ripped through the 16th Street Baptist Church. Four young schoolgirls were killed. Again, the country watched in horror.

So the violence against historically African-American churches in the South is especially meaningful and especially hurtful. These arsons hearken back to a time, when, to paraphrase Dr. King, people were judged not on the content of their character, but on the color of their skin.

They remind us of a time when violence and hatred against African-Americans was the norm, and justice appeared to be reserved for only one part of society.

These arsons represent not only attacks on spiritual institutions, but direct messages of exclusion to the African-American community. The purveyors of hate that are burning these churches are trying to say: You are different, you do not belong, we reject you.

But by standing here today and voicing our opposition, it is the perpetrators of this violence who are being rejected. It is their message of hate that is being reviled by the entire country.

And when we pass legislation to address church arson, the U.S. Senate will be standing on the side of the congregants of these churches and against those narrow-minded individuals who seek division and conflict rather than unity and harmony.

Even though these church arsons have been denounced by the overwhelming majority of Americans, and the Federal Government is conducting a full-fledged investigation into these crimes, these incidents stand as a vivid reminder that we still have a long way to go in building the type of society to which we all aspire.

We would all like to believe that we live in a color-blind society—that our country is filled exclusively with people of good faith that no longer take race into account in their daily lives.

But incidents like the Rodney King beating, or the Mark Furhman tapes, or the burning of three dozen African-American churches, hit us square in the face, like a splash of cold water, with the hard reality that, in America, race still matters.

Racism has been a cancer in the body politic since the birth of this country. We took the first step toward treating this illness after the Civil War, and we took another big step during the civil rights movement of the 1960's.

But even though the cancer has receded, it has not been eliminated root and branch. It continues to infect our society. If we pretend that we no longer need to be vigilant, if we accept the illusion that we live in a colorblind society, if we legislate or decide court cases on that basis, then racism will grow and spread—and we will see more churches burned and more manifestations of this lurking disease in years to come.

I do not mean to suggest that there has been no progress—there has been. Thirty years ago, many stood in silence when the churches burned. States and localities saw Federal authorities as intruders bent on changing their way of life.

Today, the public response has been overwhelming. Everyone opposes these church burnings; everyone wants to bring the perpetrators to justice.

Over 200 Federal agents, working together with State and local law enforcement, are investigating these fires, making this the largest civil rights investigation in history. Nation's Bank has put up a $500,000 reward for information leading to the prosecution of the arsonists. Habitat for Humanity has promised to assist all the communities that have lost churches.

Three decades ago, Southern legislators virulently opposed civil rights legislation. Today, the bill to address church burnings is being sponsored by Senator FAIRCLOTH from North Carolina and Senator KENNEDY, whose brother was President during the tensest moments of the civil rights movement.

So, we have made some progress, just not enough. As Dr. King said from the steps of the State capitol in Montgomery, AL following the historic march from Selma: ''The arc of the universe is long, but it bends toward justice.''

We must join together to face this violence, and through our collective efforts, bring it to an end. Let this violence serve to bring us together to fight the prejudice that remains, to prod us to redouble our affirmative efforts to bring the races closer together.

Only through continued vigilance in our Government, in our schools, and in our homes, can we ensure that the ''arc of the universe'' will continue to ''bend toward justice.''

The legislation being introduced today, which I am cosponsoring, is a necessary response to the church arsons blotting our Nation.

First, it will make it much easier to prosecute church arsons as a Federal crime. It provides that anyone convicted of burning a house of worship based on racial, ethnic, or religious bias will be facing a potential 20-year jail sentence.

The bill also eliminates the current statutory requirement that $10,000 worth of damage must have occurred to trigger Federal jurisdiction for prosecuting a church burning.

Under this bill, anyone who defaces religious property—whether by shooting out the windows of a church or painting a swastika on a synagogue wall—will have committed a Federal felony.

The bill also authorizes the Department of Housing and Urban Development to provide loan guarantees for reconstruction projects to churches and other nonprofit organizations that have been victims of arson, and it provides additional funding for mediation services and training for local arson investigators.

Senators KENNEDY and FAIRCLOTH are to be commended for putting together this legislation. It has my unqualified support and I urge the leadership to bring it up for consideration as quickly as possible.

Although I fully support this legislation, I want to emphasize that the best way to end these cowardly crimes is to apprehend a perpetrator, prosecute him, and lock him up.

Swift action of this sort will send the message that this conduct will not be tolerated and that anyone who desecrates religious property will be punished severely.

I am confident that the FBI and BATF are doing everything in their power to investigate these crimes and hopefully we will hear of some progress in the coming weeks.

Together, the Congress, our Federal, State, and local law enforcement officials, or communities, and each of us as individuals, can make a difference. We can force this campaign of terror to come to an end—and in doing so we will reaffirm the equality and the religious freedom of all Americans.

Mr. HATCH. Mr. President, I wish to express my appreciation to the Senate for its swift action in passing H.R. 3525, the Church Arson Prevention Act of 1996.

This bill strengthens the commitment and ability of the American people and the Federal Government to protect two of our most sacred principles—religious liberty and the equality of all Americans, regardless of race, ethnicity or religion.

America as a great haven, where individuals could openly acknowledge and freely practice their faith, whatever that faith may be, is a concept even older than the United States itself. Throughout its history, this great land, which came to be the United States of America, has been the destination of individuals from every corner of the globe seeking freedom from religious persecution. Freedom of religion is the first freedom protected in the Bill of Rights. Religious liberty and tolerance are at the heart of our being as a nation. As a result, an attack on a house of worship is more than damage or destruction to a building; it is an attack on religious liberty itself, and thus an attack on America.

Such crimes are a matter for grave concern for Americans of all religious faiths. As a member of a minority religious faith, whose leader was murdered in Illinois in 1844; whose adherents were hounded, harassed, and killed; against whom Governor Boggs of Missouri, in 1838, signed an extermination order, and who were eventually driven outside the then-existing border of the United States, I understand this well.

While the recent series of church arsons have destroyed houses of worship across our Nation, serving people of different faiths and different races, the largest number of burnings have involved identifiably black churches. Many have been small churches, located in rural areas, which have existed for generations. Historically, churches have served a special role in the black community, serving not merely as places of weekly worship, but as the spiritual and cultural centers of their communities. The unique place occupied by black churches in lives of their parishioners, and in the history of the black community and of our country, generation after generation, intensifies the pain and loss felt by a community victimized by this loathsome type of crime.

I am pleased to note that this legislation will include a 6-year reauthorization of the Hate Crime Statistics Act, which I sponsored together with my good friend Senator SIMON. The collection of data on crimes, including arson, motivated by racial, religious, disability, sexual orientation, or ethnic bias can help alert local communities and their law enforcement agencies to any pattern of hate crimes in their neighborhoods, and can help alert Federal law enforcement agencies to patterns or types of hate crimes, such as attacks on houses of worship, enabling law enforcement to respond to such crimes more quickly and efficiently, before they spread like a plague across our Nation.

I am gratified by the response of the American people to these crimes; that so many private citizens and organizations are pitching in to help rebuild these churches. We live in a free and good society, and we have made progress in tolerance and in assuring protection of the rights of persons who belong to minority racial, ethnic, and religious groups. We are, however, not yet done. Today, with this legislation, we take another step forward.

I wish to commend my distinguished colleagues, Senator FAIRCLOTH and Senator KENNEDY, for their work on this bill. The very fact that these two Senators, of different parties and such differing political beliefs on so many other issues, have worked together so effectively to pass this legislation, sends a loud and clear message to all Americans of our resolute and complete condemnation of these reprehensible crimes, and our determination that the perpetrators be brought to justice.

OUTRAGE ABOUT CHURCH BURNINGS

Mr. LAUTENBERG. Mr. President, I rise today to express my deep concern and outrage about the rash of church burnings in our Nation and to urge support of H.R. 3525.

Mr. President, the great German playwright Goethe once remarked, ''There is nothing more frightening than ignorance in action.'' Unfortunately, we are currently witnessing the fires of ignorance and prejudice engulfing African-American churches throughout the South.

As of June 24, there were 37 suspicious fires at these churches in the last 18 months. The smoldering ruins are the tangible evidence of a smoldering racism in our country.

Mr. President, just 30 years ago, the Night Riders cut a swath of fear across the South, torching churches and homes. Hopefully, it is not the faint sound of similar hoofbeats which we again hear galloping toward us.

But unlike three decades ago, those responsible for these heinous actions do not appear to be organized groups, and those who have been apprehended have revealed various motives. Also, there are roughly an equal number of suspicious fires at white churches and those of other races which are currently being investigated by the ATF.

Mr. President, it is critically important that we loudly repudiate the purposeful destruction of any house of worship. This is not just a religious issue; it is an American issue, because it destroys an individual's right to worship according to his or her conscience, free from fear and violence.

Yet the destruction of small, often isolated and rural, black churches in the South is especially chilling; it is being done to promote a climate of fear and intolerance. Which is why every American, whether black, white, Christian, Jew, Muslim or atheist, must denounce these fires of hatred which are burning across the landscape of our Nation.

I hope, Mr. President, that perhaps we can salvage something good from these horrible incidents. The phoenix, the fabled mythological bird, is said to be able to rise from the ashes to a new and better life. Thirty years ago, the flames of the Night Riders helped to galvanize American opinion against the policies of segregation and to start our Nation along what the Rev. Dr. Martin Luther King called a superhighway to freedom. Perhaps today's flames will vividly remind us how of far we must still journey down that road.

At a time when America seems to be splitting along class and racial and ethnic lines, perhaps these deplorable actions will force us to finally stop and look down the road on which we now seem headed.

Those who are setting the blazes hope they can fan the fires of prejudice and ignite a conflagration of violence. When in actuality, the flames may help illuminate the dangers of intolerance, and how it affects all of us.

Recently, the Senate adopted a resolution, Senate Resolution 265, condemning the desecration of churches. But words must be backed by action. The pending legislation, which I have cosponsored, would make it easier to investigate and prosecute these crimes and would establish tougher penalties for those convicted of setting fire to houses of worship. The bill would authorize additional resources for ATF investigations, and it would facilitate rebuilding efforts in affected communities. A provision in this legislation would also permanently reauthorize the Hate Crimes Statistics Act. This bill needs to be signed into law without delay.

Mr. President, I am confident that this legislation can make a real difference. However, by itself no law can wipe away the problem; all of us must work together to end hate crimes and the bigotry which spawns them. We need to follow the example of Reverend William Watley, pastor of St. James' African Methodist Episcopal Church in Newark, the largest AME church in New Jersey. Last week, Reverend Watley brought together over 500 people, including pastors and representatives from the burned churches, for a special service to denounce the violence. He also pledged help from New Jersey's religious community for the affected parishes.

Mr. President, I urge every American to join me in condemning these terrible acts of violence, of prejudice, of cowardliness. Because if we do not loudly condemn them, then we silently condone them.

Mr. THURMOND. Mr. President, I am pleased and proud to be a cosponsor of an amendment originally sponsored by my friends Senator FAIRCLOTH of North Carolina, and Senator KENNEDY of Massachusetts, that addresses the disturbing crime of church burnings.

It has become increasingly apparent that there has been a disturbing trend occurring throughout the United States over the past 18 months, the willful and malicious destruction of churches by arson. There is something particularly hateful in the crime of arson, for it is a crime that is usually motivated by factors other than personal gain. It takes an individual who

possesses either tremendous rage, or tremendous mental and personal problems, to set someone's property on fire for the mere purpose of watching it burn to the ground. When the target of such an individual's attack is the holy land of a place of worship, the crime becomes all the more sick, unsettling, senseless, and vile.

The amendment I have cosponsored seeks to draw a tough line against those who commit acts of arson against churches in our Nation. It establishes tough Federal penalties for those who destroy churches through fire, and it appropriates money—from existing funds—to pay for additional Federal arson investigators. Without question, this amendment will send a clear signal to those who are contemplating fire attacks against a church that there will be severe consequences to their actions, and that the people of the United States will not tolerate such hateful acts of violence against our citizens and our places of worship.

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

The PRESIDING OFFICER. The Senator has 3 minutes and 28 seconds.

Mr. KENNEDY. Mr. President, I yield the remaining time to my colleague and friend, who has been involved in this whole effort.

The PRESIDING OFFICER. The Senator from Massachusetts has 3½ minutes.

Mr. KERRY. Mr. President, I thank my colleague from Massachusetts. I thank him particularly for his leadership and the leadership of his family with respect to all issues of civil rights over the turbulent period of the modern history of this country. I join with Senator KENNEDY and Senator FAIRCLOTH in supporting this legislation.

I think every single one of us in America is outraged at the cowardly acts of hatred and violence which have now become much too commonplace in America. It is clear that there still is a systematic prejudice that lives on, both in those who did not learn the lessons of the turbulent period of our civil rights history, or even among the young generation who have not lived through the suffering and confrontation of that period of time in this country. Those who have set churches ablaze have really succeeded in rekindling a national desire to stamp out bigotry and prejudice throughout this country. They have rekindled our commitment and our desire to speak out loudly and clearly to achieve equality, equal rights, and justice in the face of a world that seems too willing to forget history and to repeat it.

For those of us who were involved in the civil rights movement and joined with men and women of good will, white and black, we thought somehow we had progressed beyond this. We thought the images of the 1960's, of hatred and of malice and prejudice against black Americans for no other reason than the color of their skin—we thought somehow we had grown beyond that and were reaching at least toward an era of progress. So the church burnings in the last few weeks bring back to us, in stark and horrible terms, a period of time we would rather forget. It is sad we have had to come to this floor again, in 1996, to fight about it.

I think it is clear in this legislation that we cannot and will not let the hatred and ignorance of a few criminals tarnish what all of us want to achieve in this country. We cannot in the face of the haters and the bigots and the racists, avoid strengthening our own resolve to tear down the walls that still divide us and stand together, shoulder to shoulder, in solidarity against this kind of intolerance.

As a nation and as a people, we have to recommit in these times to our constitutional, religious and philosophical belief in equal justice under the law. I think it is important to remember the words of Martin Luther King, who said:

> I have seen too much hate to want to hate, myself; and I have seen hate on the faces of too many sheriffs, too many white citizens councils, and too many klansmen of the South to want to hate, myself. And every time I see it I have to say self-hate is too great a burden to bear.

It would be appropriate to let Dr. Martin Luther King's words be our lesson as we seek out these criminals, bring them to justice, and rally together to end the hatred and intolerance of this Nation. I commend Senators KENNEDY and FAIRCLOTH for their initiative to help us make it clear to everyone that, when you burn one church in this country, you burn the Constitution; when you attack one place of worship, you attack all Americans; and none of us should stand silent in the face of that.

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

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. I yield to Senator WARNER for the remaining time I have.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend my distinguished colleague from Massachusetts and indeed the senior Senator from Massachusetts and the Senator from North Carolina for taking the initiative. I have spoken before on this floor about this very serious issue. I simply want to remind all Senators that the very purpose for America was religious freedom. This Nation was founded by persons who left foreign shores and sailed into the unknown to take risks that today are almost incomprehensible in magnitude. With only the very rudiments of navigation, the bare necessities of life, to plow out across largely unchartered seas to come to a land, to settle that land for one purpose—religious freedom.

Therefore, this issue brings about a responsibility on every single American, irrespective of race, color, creed, or religion to unite together, arm in arm, brothers and sisters, to fight this crime and to preserve the very reason for our forefathers coming to settle this Nation.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DASCHLE. Mr. President, I join with my fellow Senators today in condemning the rash of church burnings that has plagued our Nation in recent years. Since 1991, we have seen over 150 fires at houses of worship serving people of all races and faiths. In the past 18 months more than 35 African-American churches have been burned to the ground. These churches and temples are the heart and soul of the communities they serve, and their destruction represents an egregious act of hatred against these worshippers. As a nation, we cannot stand idly by and allow Americans to be denied their fundamental right to the free exercise of their religion, nor can we tolerate racial hatred and religious intolerance.

I am proud that President Clinton has spoken out so forcefully against these heinous acts and hopeful that his commitment of all possible Federal resources to the investigation and prosecution of these crimes will bring an end to this national tragedy. The President has offered both moral leadership and the full power available to him as the chief executive in the fight to bring these criminals to justice, and I commend him for his actions.

I am also heartened by the fact that the legislative effort has been a bipartisan one. Here in the Senate, my colleagues Senator KENNEDY and Senator FAIRCLOTH have jointly introduced legislation that will aid the President and Federal law enforcement officers in the investigation and prosecution of these crimes. In the House, Representatives HYDE and CONYERS have shown similar leadership. I am confident we can enact this legislation expeditiously, and I urge our Federal law enforcement officers to use these new tools to pursue the investigation of these fires with swiftness but also with respect and sensitivity for the congregations affected by the violence.

While legislative responses will help solve the crimes that have already occurred and convict the perpetrators, the prevention of further destructive acts requires the moral force of our Nation. It is only through the expression of our deep outrage at racial hatred and religious intolerance that we as a society demonstrate that such beliefs

and actions have no place in America. We must stand together to reject this attack on our fundamental principles. I am confident that we will do so and that we will continue in our progress toward a more just society.

With that, I yield the floor.

Mr. President, I ask unanimous consent that Senator EXON be added as a cosponsor to the amendment.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the quorum call be dispensed with.

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

Mr. LOTT. Mr. President, I rise to speak in support of the legislation that has been developed by the Senator from North Carolina, Senator FAIRCLOTH, and the Senator from Massachusetts, Senator KENNEDY. They have worked together and have produced very good legislation concerning the penalties and the Federal laws that are applicable to the burning of churches or damages to religious property.

This is truly a bipartisan effort. It is one that all Senators, I know, will support. It is one that the American people, I believe, will receive in a very positive way.

The burning of religious facilities, churches, throughout our country is a totally despicable act. It is incomprehensible that people in America would resort to that sort of conduct. While it may not be clear what the motivations are, while there may not be any definite pattern that could be used to explain this, there is no question that it is an unacceptable thing in our country, and action must be taken to deal with it severely. This legislation, I think, does that.

I think these Senators should be commended for their work. Of course, the House has already acted, I believe unanimously, on somewhat similar legislation. But I believe that this bill improves on the legislation that passed the House.

It does do that by making the burning or damaging of religious properties a Federal crime. Quite frankly, I was surprised to find out that that was not already the case, because I know there are already some strong laws on the books. But, clearly, it should be made a Federal crime.

This legislation raises the penalties up to 10 to 20 years for being involved and convicted of burning or damaging such property.

Under the current law, there is a $10,000 limit on when the Federal activities would be involved. It has to exceed $10,000 in damages. There should not be some artificial cap like that. If you put it at $7,000 or $5,000, I mean, many small churches in America in rural communities do not cost that much. They cost less.

So it is appropriate that there not be some artificial cap on the amount of damage that has occurred. This bill would take it down to zero, which is where it clearly should be. That is one area where I believe our bill does vary from the one that passed the House. I think they reduced the threshold, but they still had a threshold above which damage had to add up to before this bill would apply.

It authorizes additional agents to investigate and determine what is happening here, to find the parties that are guilty, and to bring them to justice. It does not provide funds. There is a normal process for doing that, an appropriations process. That will be done in due course. But it does provide the necessary authorization.

It also moves the statute of limitations from 5 years to 7 years. This is good legislation. It definitely should be done. We should not wait another day to pass it through the Senate.

As I understand it, the House is prepared to take this legislation and move it immediately through so it can go to the President for his signature this very week. Mr. President, I am pleased to join in supporting this good legislation, and I urge we adopt it as soon as possible.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I ask unanimous consent the Senate proceed to a vote on or in relation to the Wellstone amendment, which would follow the vote on H.R. 3525, the church-burning issue. After we have voted on the church-burning issue, we will go to the Wellstone amendment No. 4266 with 2 minutes of debate in the usual form, to be followed by a vote on the amendment.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate pursuant to the unanimous-consent request?

If not, the question is on agreeing to amendment No. 4341, offered by the Senator from North Carolina [Mr. FAIRCLOTH].

The amendment (No. 4341) was agreed to.

The PRESIDING OFFICER. Under the previous order, the bill is considered read the third time. The question is now on the passage of H.R. 3525, as amended.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS] and the Senator from Alabama [Mr. HEFLIN] are necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—98

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

NOT VOTING—2

Bumpers	Heflin

The bill (H.R. 3525), as amended, was passed.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the bill, as amended, was passed.

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

The motion to lay on the table was agreed to.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 4266

Mr. THURMOND. Mr. President, I urge the Senate to oppose the drastic cuts proposed by the Wellstone amendment. Senator NUNN and I had planned to introduce an amendment to cut the funding by $1.7 billion to bring the bill into compliance with the budget resolution. However, the Senator from Nebraska objected.

I want to put the Senate on notice that we will introduce our amendment after Senator EXON completes his amendment.

I urge the Senate to support this amendment of the Armed Services Committee to reduce the funding level of the bill by $1.7 billion.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 2 minutes.

Mr. WELLSTONE. How much?

The PRESIDING OFFICER. Two minutes.

Mr. WELLSTONE. Mr. President, this amendment, which I offer with Senator HARKIN, Senator DORGAN, Senator BUMPERS, and Senator FEINGOLD, simply says, look, we now have an authorization, roughly speaking, $13 billion above and beyond what the Pentagon has requested, what the President has requested, and what the military leadership has requested. Too much of it is add-on projects. There is a question of whether or not these weapons systems are needed.

We voted 100 to zero for the Lieberman amendment which is an important amendment dealing with force structure, dealing with modernization. Let us go through with that study but let us not start adding on projects. This is an amendment that really goes after some of the pork and add-ons. We should not be doing this.

It is a deficit reduction amendment. It says this is a place where we can take $13 billion and put it into deficit reduction. That is what we should do.

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 4266 offered by the Senator from Minnesota.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The result was announced—yeas 34, nays 65, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—34

Baucus	Graham	Moseley-Braun
Biden	Grassley	Murray
Bingaman	Harkin	Pell
Boxer	Hatfield	Pryor
Bradley	Jeffords	Reid
Brown	Kennedy	Rockefeller
Bryan	Kerry	Sarbanes
Conrad	Kohl	Simon
Daschle	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Feingold	Levin	
Glenn	Mikulski	

NAYS—65

Abraham	Coats	Faircloth
Akaka	Cochran	Feinstein
Ashcroft	Cohen	Ford
Bennett	Coverdell	Frahm
Bond	Craig	Frist
Breaux	D'Amato	Gorton
Burns	DeWine	Gramm
Byrd	Dodd	Grams
Campbell	Domenici	Gregg
Chafee	Exon	Hatch
Heflin	Lott	Santorum
Helms	Lugar	Shelby
Hollings	Mack	Simpson
Hutchison	McCain	Smith
Inhofe	McConnell	Snowe
Inouye	Moynihan	Specter
Johnston	Murkowski	Stevens
Kassebaum	Nickles	Thomas
Kempthorne	Nunn	Thompson
Kerrey	Pressler	Thurmond
Kyl	Robb	Warner
Lieberman	Roth	

NOT VOTING—1

Bumpers

The amendment (No. 4266) was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Ms. SNOWE). The majority leader.

UNANIMOUS-CONSENT AGREEMENTS

Mr. LOTT. Madam President, I ask unanimous consent that the agreement entered yesterday be modified to reflect that summaries of amendments must be submitted to the two leaders no later than 3 p.m. today; and further, that the two leaders now have until the hour of 4 p.m. today to void this agreement, with all other provisions of the consent agreement still in order.

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

Mr. LOTT. Madam President, I ask unanimous consent, with regard to the pending legislation, that the pending amendments be set aside and that Senator EXON be recognized to offer an amendment with respect to funding; that there be 90 minutes for debate with the time equally divided and controlled in the usual form, with no amendments in order to the amendments or any language which may be stricken; that upon the use or yielding back of time, the amendment be laid aside and that Senator THURMOND be recognized to offer an amendment for himself and Senator NUNN; that there be 20 minutes for debate with the time equally divided and controlled in the usual form, with no second-degree amendments in order, nor to the language which may be stricken; that upon the use or yielding back of time, the amendment be laid aside and Senator WELLSTONE be recognized to offer an amendment with respect to funding, with 90 minutes for debate equally divided in the usual form, with no second-degree amendments in order, nor to any language which may be stricken; that upon the use or yielding back of time, the amendment be laid aside and the Senate then vote on or in relation to the amendments in the order in which they were debated, with 2 minutes equally divided for debate on each amendment prior to the vote, with no other intervening action in order.

I finally ask unanimous consent that upon disposition of the above amendment, the Senate then resume consideration of the Kyl amendment regarding underground nuclear testing; that there be 90 minutes for debate prior to a motion to table, with the time equally divided and controlled between Senators KYL and EXON; and that upon the use or yielding back of time, without intervening action, Senator HATFIELD be recognized to move to table the Kyl amendment.

The PRESIDING OFFICER. Is there an objection?

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Reserving the right to object, I should like to inform the majority leader that I have asked Senator EXON if he would be willing to defer for 10 minutes, or so, for a morning business statement on my part, if it is agreeable with the majority leader, before further debate.

Mr. EXON. Madam President, I simply say to the majority leader, in order to accommodate my friend and colleague, I will delay for 10 minutes.

Mr. LOTT. Madam President, I modify the unanimous-consent request to provide for 10 minutes for Senator GORTON before we go to the lineup that I have described here.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. Reserving the right to object, and I hope not to object, I understand there is further wording on the unanimous-consent request at the end of everything that the majority leader enumerated that would add these words:

> Provided further that Senator HATFIELD is permitted to move to table prior to the expiration or use of all time on the motion to table.

Mr. LOTT. Madam President, I amend the unanimous-consent request to include that additional sentence, whereby Senator HATFIELD would be permitted to move to table prior to the expiration or use of all time on the motion to table.

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

Mr. LOTT. I do want to say, I appreciate the cooperation of all the Senators on this—the chairman, the Senator from Virginia, the Senator from Georgia, Senator EXON and Senator KYL. A lot of give and take was involved here. This helps move major portions, for needed action on this bill, forward. So I commend the Members. Now I hope we can get on these amendments and stay with them until we get them completed.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, we commend the distinguished majority leader. He has been on this floor since early this morning endeavoring to help the managers, and this is clear evidence of the success he has had. This will get this bill passed by tomorrow night. My understanding is this is your goal, and it is our goal. I thank the leader.

The PRESIDING OFFICER. The Senator from Washington.

WISDOM OF RENEWING MFN

Mr. GORTON. Madam President, tomorrow the House of Representatives will debate the renewal of most-favored-nation trading status for China. It is about to vote, as the President wishes, in favor of renewing MFN.

Knowing that MFN was to be at issue this summer, earlier in the spring I wrote to nearly 350 of my constituents, mostly business people and academics particularly interested in trade with China. In my letter, I explained my frustration with China's consistently autarkic market practices, and told them that I had serious concerns about the wisdom of renewing MFN for China. China has established an egregious prohibition on Washington State wheat, while market access for our applies has been blocked by arbitrary quotas and tariffs. Moreover, China continues to bleed our software industry with its state-sponsored pirating of United States intellectual property. With this in mind, I asked my constituents to share their views with me, and I now believe it appropriate to share my own with my colleagues and constituents, as it seems unlikely that this issue will come formally before the Senate.

To the 341 letters I sent, I received 195 responses, and of those responses 12 were against renewal.

From Pacific Northwest wheat growers, who are denied access to the Chinese market on totally specious grounds, I heard this: ''Despite the fact that Washington producers are still unable to participate in the wheat export to China, [we] are in full support of granting China MFN for another year.''

From Washington State's apple, pear, and cherry growers, who face tremendously unfair barriers in gaining access to Chinese markets: ''We are in an industry that lives on exports . . . this business requires as normal a trading regime as possible between our country and potential markets.''

From the software industry, which continues to hemorrhage because of Chinese piracy: ''The flagrant violation of U.S. intellectual property rights is of primary concern to [us] . . . we are concerned [however] that failure to renew MFN at this time will constitute too big a blow to the remaining threads of the U.S. relationship with China.''

The Boeing Company certainly benefits from trade with China, as well—it predicts that Asia will be the largest market for airplanes in the next 50 years. In Washington State, Boeing has close to 300 subcontractors that provide it with goods and services. And those small companies, like Bumstead Manufacturing in Auburn, Stoddard-Hamilton in Arlington, and Dowty Aerospace in Yakima, all depend on Boeing selling its airplanes for their own well-being.

Even the Port of Longview has an interest in American trading with China. Archer-Daniels Midland Corporation intends to build a state-of-the-art facility for the export of Midwest corn to Pacific rim markets in that community. China certainly figures into that equation.

Madam President, many of the people who wrote to me believe that engaging in trade with China will lead to better trade and economic conditions in both China and America. One person argued that:

> Maintaining a healthy trade partnership with China will ensure that our influence in areas such as human rights and fair trade practices survives; curtailing that partnership as a punitive measure will only lead China to lose the incentive to cooperate.

It is certainly clear, that—at least in the short-term—American companies that trade with China would be hurt if MFN were not renewed. My constituents, in their letters, made that point eloquently.

Because of my deep respect for these constituents, I would vote to extend MFN this year if the Senate were to vote on the subject, and I commend such a vote to my Washington State colleagues in the House.

But, Madam President, in casting that affirmative vote I would be wrong. I do acknowledge the importance of trade with China to the people of my State, but I want to explain why the President is wrong, and why I would be wrong, as well, to support him.

I would be wrong because the chances of China changing its dismal trading practices, or stopping its violations of United States intellectual property rights, or acceding to a freer, more open market as a result of MFN renewal are about as close to zero as you can get.

China is an unrepentant free trade rejectionist. China is one of the world's most corrupt nations. China steals our software and CD's. China arbitrarily closes its market to United States goods. And China, aside from eleventh-hour propaganda tricks, does nothing to clean up its act. For years the United States has pinned its hopes for a more cooperative, law-abiding China on MFN. MFN advocates talk about ''engagement.'' If we only ''engage'' in trade with China, they argue, the Chinese will change their ways, they will come around to the idea of free trade and open markets and all that goes with them.

Many of my colleagues here in the Senate, Madam President, have been making the engagement argument for years. Back in July of 1991, for example, my distinguished friend from Rhode Island, Senator CHAFEE, said that ''we want China to move toward the implementation of a market-based economy,'' implying that MFN was the way to do it. Senator CHAFEE also argued that ''[t]o withdraw MNF would virtually destroy * * * business leaders and entrepreneurs [in the more economically liberalized southern part of China. * * * They will go down the drain because they will not have access to the U.S. markets to sell their goods.''

My friend from Montana, Senator BAUCUS, said, also in 1991, that:

> Rather than isolating China from the world by cutting off economic ties, we should seek to engage China—to bring China into the 20th century.
>
> Trade is the link that allows us to engage China. It is the bridge that allows western values into China.
>
> If we are truly interested in reform in China, if we are truly interested in improving the lives of Chinese citizens—we should seek to expand economic ties, not to cut them off.

These words sound persuasive, do they not, Madam President? But keep in mind they were uttered 5 years ago. Five years ago our trade deficit with China was a little under $13 billion. Now it is almost $34 billion. We have been engaged with China that whole time, and where has it gotten us? Another $20 billion in the hole. Will we never learn? Are we destined forever to demonstrate the triumph of hope over experience? What has the engagement of the past 5 years accomplished to cause us to parrot today the very arguments that have so signally failed in the past?

This engagement argument, Madam President, can be refuted by a cursory glance at China's wretched record on trade with America. Indeed, our trade relationship with China totally belies the assertions of those who consider MFN a tool for making China more cooperative.

Madam President, over the years, especially in the years since Tiananmen Square and the fall of the Soviet Union, many issues besides trade have been injected into the MFN debate. Human rights, nuclear proliferation and relations with Taiwan are three of the most prominent of those issues. I have chosen to stick solely to the matter of trade, but I do understand that these other concerns are at the front of many people's minds.

I say this, Madam President, by way of addressing what I consider to be a glaring error in the arguments of many MFN advocates. They argue, rightly, that the MFN debate is not the place for a discussion on China's human rights record or its practice of selling nuclear components to countries unfriendly to America. I agree with that argument. The Chinese Government gets an ''F'' on how it treats its citizens, and it should be severely dealt with for its shameless sales of nuclear technology to the villains of the world. But MFN is trade policy, and we should stick to trade in our arguments on its extension, be they pro or con.

That is all well and good, Madam President, but I am struck by how often MFN advocates violate their own ground rules. In an attempt to make MFN renewal more savory, the spice up their arguments with the theory that trade with China will bring democracy to China. If we keep renewing MFN, the argument goes, we will help usher in an era of freedom and democracy to

that country. That is one of the most far-fetched claims I have ever heard, and the people who are making it need to submit themselves to a reality check. Considering our current circumstances—the trade deficit, Chinese piracy and trade barriers, and all the rest—it is hard for me to believe that America is now in a position to coax China into the ways of democracy. We cannot get the Chinese to take our apples, Madam President, so how can we expect them to embrace our political values?

In other words, Madam President, let us, for the purpose of this debate, leave aside the question of trade as a precursor to democracy. We have enough on our hands just dealing with trade by itself. And I think the debate over whether MFN renewal is or is not in our long-term trade interests should be sufficient to occupy this body.

Let us look at the current trade situation. China, using a completely fraudulent rationale, bans all wheat from the Pacific Northwest, and bans practically all Washington State apples. Cherries and other fruits are not even given a chance. Mainly as a result of Chinese trade barriers to American goods, we have a $33 billion bilateral trade deficit with China. The Chinese Government countenances widespread piracy of American intellectual property, costing United States companies over $2 billion a year. China, in short, flouts international trade norms and mocks the basic principles of free trade.

Now, proponents of MFN will say,

> Yes, things could be better, but the only way to make sure things improve is to maintain trade ties with China. By remaining economically engaged, we can pressure the Chinese to change their ways. If we cut off MFN to China, not only do we lose that market, but we forgo our leverage with the Chinese as well.

Madam President, I believe that I have already demonstrated that those who have latched onto MFN as some sort of magical instrument with which we can solve all problems are mistaken. They have not only overstated the importance of MFN, but of the Chinese market as well.

Madam President, when I listen to the arguments of those who favor renewing MFN for China I am struck by a common denominator, as it were, and that is a universal overestimation, an exaggeration, of China's economic importance to our national economy. MFN advocates would have us believe that without China our economy will be devastated. Let me say, that is not the case.

China is our 13th largest trading partner. Our trade with China accounts for less than 1 percent of our gross domestic product—0.81 percent, to be exact, hardly an earth-shattering figure. And Mr. Marcus Noland of the Institute for International Economics said in a recent Washington Post article that ''Chinese imports are mostly displacing imports from Mexico, [South] Korea, [and] Taiwan.'' In other words, most of the things we import from China we could just as easily import from these other nations. Nations, in the case of Mexico, South Korea, and Taiwan, that are friends and allies, with whom we have good, strong trade agreements. Each of these friends is a better and more open customer than China, by far, whose purchases of our goods and services will promptly match our increased purchases from them. And with our neighbor Mexico, for example, we know that its market is fully open to American goods—no hassles. What a contrast with China.

The trade story is quite different from the Chinese perspective. China needs the United States badly. China's trade with America accounts for well over 8 percent of its gross domestic product. While we export less than $12 billion to China, China exports $45.5 billion to us. The United States makes up nearly a third of China's total export market.

Now why, taking these lopsided facts into account, would China risk its own financial and economic well-being by thumbing its nose at America as it does? Only because we allow China to do so. Our solicitous, all-forgiving policy toward China can be summed up in one word: Appeasement.

How well our policy of appeasement—which its apologists call ''engagement''—how well this policy is working can be demonstrated by the fact that we had a standoff with China a year-and-a-half ago on, guess what, intellectual property rights violations. And, guess what, at that time China promised to mend its errant ways. It committed to ending its piracy of American goods. Now, less than 2 years later, we are at it again. There is a song, Madam President, called ''Stop Me if You Think You've Heard this One Before.'' That ought to be the theme for these trade negotiations. We have indeed heard from the Chinese before that they would clean up their act, stop the violations, and play by the rules.

I direct my colleagues' attention to a recent article on Chinese piracy in Business Week magazine. The article's title says it all: ''A Pirate Under Every Rock.'' Madam President, I will read a short excerpt to illustrate just how meaningless last year's agreement was:

> When China signed its Intellectual Property Rights accord with the U.S. last year, Beijing promised that it would assign inspectors to each Compact Disc plant. The government also promised that plants would print a code on their products to identify where they were produced. But during a raid on the Jin Die [Science & Technology Development Company in the south] organized by Chinese authorities and Microsoft Corp. in April, no copyright monitors were on duty. No special codes were on the goods. Workers labored around the clock, producing CD–ROMs from three unauthorized presses. The plant has an estimated 100 employees and the capacity to stamp an astounding 200,000 CDs a day. Beijing announced in early June that it might close Jin Die.

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

Mr. GORTON. Madam President, I ask for an extra 4 or 5 minutes.

The PRESIDING OFFICER. Is there any objection?

Mr. EXON. What is the request?

Mr. GORTON. Four more minutes.

Mr. EXON. I say, Madam President, there are people we have lined up waiting. I thought I yielded 10 minutes. I thought that would suffice.

How much more time?

Mr. GORTON. It looks about 4.

Mr. EXON. I will agree to 2 additional minutes.

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

Mr. GORTON. That shows you, Madam President, how good China's word is, and how much we can expect from these trade agreements. The Chinese are now putting on a show of contribution for all the world to see. Its state-run television has shown tapes of bulldozers rolling over pirated CDs, and the government has announced with great fanfare that it is shocked by the piracy and is closing down dozens of counterfeiting factories. Madam President, give me a break.

That is all for show, and anyone who thinks it is a serious effort that will bring substantive results is kidding himself. Last week's ballyhooed agreement is unlikely to be more than marginally more effective than the last one.

In fact, Business Week also writes that ''Chinese production capacity [for counterfeit CDs] this year will be about 200 million CDs, up from about 50 million last year.'' That agreement last year really did the trick, didn't it, Madam President? China has increased its counterfeit operations to four times last year's level.

Here is another important point, Madam President: A recent study, which was reported in the Washington Post and elsewhere, named China as one of the top five most corrupt countries in the world. And Business Week reports that ''[m]any CD plants'' in southern China ''have local backers such as units of the Public Security Bureau and the People's Liberation Army.''

Madam President, what we have here is a deeply corrupt country that either has no respect for, or simply cannot maintain, the rule of law.

So, knowing all of what we know about China—its corruption, its unrepentant thievery, its consistent trade violation—why on earth do we continue to coddle it? I think, Madam President, we do so because our attitude toward China is still steeped in a cold war mentality. During the cold war we placed great importance on China as a counterbalance to the Soviet threat. Now that the cold war is over, however, we have not re-assessed China's strategic importance. One could make a strong case for China's strategic importance when America strove to contain, and then roll back, the Soviet Union's influence and aggression. But today, China enthusiasts—and most MFN advocates—are

caught in a bit of a time warp. They say that China is of the utmost importance because—because—well, they cannot say because of the Soviet Union because it's gone. So they simply insert the word ''trade'' where ''Russia'' used to be and make the argument as best they can.

Madam President, that won't do for a trade policy. It is short-sighted, risky, and just plain dumb to ignore massive trade violations such as those practiced by China. We cannot go on like this forever, Mr. President, with China stealing more and more of our intellectual property rights, throwing up barriers to our goods and causing our trade deficit to go ever higher.

I hope I'm wrong. I hope that by this time next year an enlightened China will be operating in a free trade atmosphere under the rule of law, welcoming our goods and services as we do its. If so, I will be an enthusiastic supporter of renewal. But I don't believe it for a New York minute.

On the other hand, Madam President, let me say that if China has not reversed herself on these trade violations by next year, I will vote against MFN renewal. I hope my critics prove me wrong, but if not I will personally lead the fight on the Senate floor against it.

You do not encourage free trade by allowing violations of free trade. If, in fact, free trade—and not appeasement—with China is our goal, then we must let the Chinese know that they must play by the rules or face penalties. That is what we demand of our other trading partners, and that is what we should demand of China.

Mr. President, I am not at all insensitive to the exhortations of American companies who stand to lose money and contracts in the short term if MFN is not renewed. I take that very seriously, and I hope that we may have a strong, vibrant trade relationship with China—but that is possible only if China ceases its destructive practices. Now, Madam President, representing, as I do, a very trade-dependent State, it would seem the easiest thing in the world for me to go ahead and express my full support for MFN without reservation. There are certainly a lot of people who would like me better if I did. But the easiest things are not always the best, and I consider it my highest duty to think ahead to the best interests of my State and the country. And I do not think it in our best interests to continue in our current policy.

If we don't take a firm stand with China, and if China does not cease and desist, I fear that our relationship will degenerate into one in which we are the constant appeaser and China is the constant violator. In the long run, our current passivity could come back to haunt us.

A constituent and a good friend of mine has made this point eloquently. He is involved in several investment efforts in China and writes:

> I believe that . . . the United States will have to take the lead for the rest of the free trading world and stand up to China's rapacious trading behavior by denying MFN extension. I recognize that taking this position is not in my own short term interest. Nevertheless, I can't let immediate short term interest stand in the way of that which is right and that which I believe will, over the longer term, provide a superior result.

Madam President, I couldn't put it any better. For all we know, China may soon step up its illegal practices and trade violations to encompass not just intellectual property rights and agricultural products, but planes and other American products as well. We are setting a bad, potentially dangerous, pattern. We must stop it soon, or we may soon regret it.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with consideration of the bill.

AMENDMENT NO. 4345

(Purpose: To ensure that the total amount authorized to be appropriated by the bill does not exceed the total amount of the authorizations of appropriations reported by the Committee on Armed Services)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for himself, Mr. KOHL, Mr. BINGAMAN, Mr. LEVIN, Mr. DORGAN, and Mr. WELLSTONE, proposes an amendment numbered 4345.

Mr. EXON. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is 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.

Mr. EXON. Madam President, there are several important cosponsors of this amendment. One is on the floor at the present time. I simply inquire of the Senator from Wisconsin—and I have agreed to yield him 7 minutes—if his time will allow him to wait, I will make opening remarks. However, if the Senator is cramped for time, I will yield at this juncture.

Mr. KOHL. Madam President, I will wait for the Senator from Nebraska to deliver his opening remarks.

Mr. EXON. I thank my friend from Wisconsin for his usual courtesy.

Madam President, the amendment I have just sent to the desk is on behalf of myself, Senator BINGAMAN, Senator KOHL, Senator DORGAN, and Senator LEVIN. This amendment reduces—Madam President, reduces—the total funding level in the bill by $4 billion. This would still allow, I emphasize, this would still allow an increase—increase—in the President's request of $9.0 billion. A $9 billion increase would be allowed even if the Exon amendment is accepted. This is an increase of $155 million —an increase of $155 million—above this year's funding level.

To put that in perspective, I have a chart to which I will direct the attention of the Senate. It is headed ''Comparison of the Fiscal Year 1997 Defense Spending Proposals.'' Billions of dollars are on the left side, with the first graph showing $263.2 billion, which would be if we had just taken the whole defense budget and froze it at last year's level, $263.2 billion. Under the Exon proposal, from the standpoint of last year, there would be an increase of something around $200 million or up to $263.4 billion, an increase of about $200 million still going up in national defense over last year's expenditures.

Compare that, if you will, with this big broad green graph on the right. If we go with the defense authorization bill that is presently before the Senate, we would balloon that to $267.4 billion for the same time period of fiscal year 1997.

Madam President, this amendment is a modest attempt, and I underline the word modest, a modest attempt to control Federal spending within reason, reduce the budget deficit and eliminate wasteful spending.

The bill before the Senate contains some $4.6 billion more than the Pentagon requested for fiscal year 1997 or for any of the next 5 years. I think the Congress could easily be able to identify $4 billion, either from this pork-barrel-laden $4.6 billion or from other sources to meet the requirement of this amendment.

Madam President, we are debating legislation that increases the Pentagon's request by a whopping $13 billion, nearly double last year's increase of $7 billion. At a time when we are considering deep reductions in Medicare, Medicaid, education, the environment, and other programs, I find it absolutely astonishing that between last year and this year we are proposing to give the Pentagon $20 billion more—to give the Pentagon $20 billion more—than the Pentagon had requested. Certainly in this case it is not the Pentagon that we can blame. The Pentagon came forth in cooperation with the President with what I thought was a workable program.

Madam President, I am under no illusion whatever. I understand the dynamics and the politics of the situation. I understand that Congress will, inevitably, increase this year's defense request, although it is still uncertain whether the President will sign a bill calling for such an excessive increase of $13 billion.

What this Senator from Nebraska is saying is, rather than $13 billion, maybe if the President recognizes that we just reduce that to $9 billion over his request, there may be some chance of avoiding a veto.

Before this Congress sanctions this $13 billion increase, I think we should first examine how the majority proposes to spend it. For several weeks we

have been hearing that most of the increase will be devoted to accelerating acquisition of weapons systems that the Pentagon wanted in future years but could not afford this year. If that were true, some of the increase would almost seem reasonable under that argument.

We have since learned otherwise. According to the Defense Department itself, of the $12 billion this bill adds for procurement, research and development, the so-called modernization—that is a great term; for modernization—$4.6 billion of that, or almost 40 percent was neither in the Pentagon's 1997 request nor in its 5-year plan for 1997 through the year 2001.

This second and last chart that I reference at this time I think elaborates and demonstrates the size of this increase. As I have just said, increases to the Pentagon's fiscal 1997 request for procurement and research and development is vividly demonstrated here. $11.4 billion is the total; $4.6 billion was not even in DOD's 5-year plan.

That is some way for conservatives to budget. I simply say that the budget request that was suggested by the Pentagon, and recommended and approved by all of the people in the Pentagon, was aimed at long-range budget planning that was realistic. And I might add, it was approved and endorsed by the Secretary of Defense, the joint staff, and the individual service chiefs, as the optimal way of allocating the roughly $1.3 trillion that both parties agreed to spend on defense over the next 5 years to fulfill our joint military requirements.

Madam President, I should also note that the Pentagon has calculated that, over the next 5 years, increases for these items not in its 5-year plan would cost $25 billion. Let me say that again, Madam President. This plan that is being forced down the throat of the Pentagon and the President would cost $25 billion above and beyond what is already budgeted for. In essence, it amounts to an unfunded mandate on the Pentagon.

To bring this point home, Madam President, I will read a letter dated June 26 from John White, the Deputy Secretary of Defense, written to Senator DASCHLE:

In response to your question with regard to the funding levels contained in the FY 1997 Department of Defense Authorization Bill, I want to assure you that the President's defense budget and Future Year Defense Program (FYDP) as submitted to the Congress is sufficient to meet the security requirements of the Nation and to satisfy the policy directions of the Administration. Three times in three years the President has increased the level of resources made available to the Department to support the Bottom Up Review. We can achieve the objectives of the national security strategy with the resources requested by the Administration.

I am particularly concerned that many of the proposed increases contained in the Defense Bill now under consideration are for systems or programs which are not included in the Department's FYDP. These increases bring with them funding tails for the out-years which could limit future production of critical technologically advanced modernization programs now in development.

Madam President, that drives home the point that I referenced just a few moments ago about this $25 billion above and beyond what has already been budgeted for. Let us look at some of these increases. Let us look at some of the programs that these increases propose to embrace. Remember, Madam President, none of them was in the Pentagon's 5-year plan. I am going to mention a few: $202 million for the Navy's Distributed Surveillance System; $183 million for the Army's AH–64 Apache helicopter; $158 million for the Army Kiowa Warrior helicopter; $234 million for Navy's F/A–18 C/D fighter; $107 million for the Air Force's F–16 C/D; $205 million for the Air Force's WC–130.

There are some 100 examples, none of which are in the Pentagon's comprehensive 5-year plan.

You can spend all day looking for them, and you will not find them. They are an expensive collection of pet projects, congressional pork, and outright wasteful spending. These increases are precisely the sort of deficit and budget-busting spending that would be subject to the line-item veto, if Congress had given that power to the President this year, as we once voted for here in the U.S. Senate.

I ask unanimous consent that a complete list of these increases be printed in the RECORD at this point.

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

FISCAL YEAR 1997 SENATE DEFENSE AUTHORIZATION BILL: SUMMARY OF ADDS NOT IN THE PENTAGON'S 5-YEAR PLAN

[In millions of dollars]

	Total adds in bill	Adds not in 5-year plan	Percent of total add not in FYDP
RESEARCH, DEVELOPMENT, TEST & EVALUATION (RDT&E)			
Army	653	342	52
Navy	1,717	685	40
Air Force	555	160	29
Defense-Wide	1,185	278	13
Total	4,109	1,465	36
PROCUREMENT			
Army	2,269	1,053	[1] 46
Navy	3,357	506	[1] 15
Air Force	1,430	777	[1] 54
Defense-Wide	830	760	[1] 92
Total	7,885	3,095	39
Grand total	11,994	4,560	[1] 38

[1] Percent of total add not in 5-year plan.

Note: Prepared by Senate Budget Committee, based on DoD Comptroller Data.

Fiscal year 1997 Senate defense authorization bill: List of adds not in the Pentagon's 5-year plan

[In millions of dollars]

Research, Dev., Test & Evaluation (RDT&E)	
Army:	
Weapons and Munitions Technology	20.0
Nautilus Thel	25.0
Tractor Red	3.5
Landmine Warfare and Barrier Advanced Technology	4.0
Tractor Dump	13.6
Armored System Modernization: Advanced Development	12.0
Javelin	4.5
Air Defense Command, Control, and Intelligence—Eng. Dev	61.8
Longbow: Engine Development	12.0
Force XXI Initiatives	100.0
DoD High Energy Laser Test Facility	21.7
Missile/Air Defense Product Improvement Program	55.0
Other Missile Product Improvement Programs	9.0
Subtotal, Army RDT&E	342.1
Navy:	
Surface/Aerospace Surveillance and Weapons Technology	9.0
Surface Ship Technology	6.0
Air Systems and Weapons Advanced Technology	7.5
Ship Propulsion System	8.0
Advanced Submarine Combat Systems Development	48.0
Advanced Submarine System Development	60.0
Gun Weapon System Technology	27.0
Other Helicopter Development	11.0
Electronic Warfare Development	65.0
Aegis Combat System Engineering	21.9
Arsenal Ship	147.0
Airborne Mine Countermeasures (MCM)	10.0
Distributed Surveillance System	202.0
Marine Corps Program Wide Support	40.0
Joint Service Non-Lethal Weapons Technology Program	15.0
Acquisition Center of Excellence	8.0
Subtotal, Navy RDT&E	685.4
Air Force:	
Advanced Spacecraft Technology	75.0
Variable Stability In-Flight Simulator	1.4
Rocket Systems Launch Program (Space)	25.1
F–15E Squadrons	29.0
Advanced Medium Range Air-to-Air Missiles	10.0
Sensor Fused Weapons	19.1
Subtotal, Air force RDT&E	159.6
Defense-Wide:	
Anti-Satellite Program (ASAT)	75.0
Tactical Technology	3.0
Materials and Electronics Technology	15.0
Defense Nuclear Agency	12.0
Experimental Evaluation of Major Innovative Technologies	72.3
CALS Initiative	14.0
Environmental Security Technical Certification Plan	8.0
Boost Phase Intercept Theater Missile	15.0
National Missile Defense-Dem/Val	50.0
Other Theater Missile Defense/Follow-On TMD Activities-Demo	10.7
Defense Support Activities	3.0

Fiscal year 1997 Senate defense authorization bill: List of adds not in the Pentagon's 5-year plan—Continued

[In millions of dollars]

Subtotal, Defense-wide RDT&E	278.0
Total, RDT&E	1,465.1
Procurement	
Army:	
Aircraft:	
C–XX (Medium Range) Aircraft	35.0
AH–64 Apache Attack Helicopter	183.0
CH–47 Cargo Helicopter Modifications (Multi-year Program)	52.3
Kiowa Warrior Helicopter	158.4
Subtotal	428.7
Missile:	
Mobile Launcher Rocket Systems (MLRS)	147.0
Patriot Modifications	12.0
Avenger Modifications	29.0
Dragon Modifications	25.0
Subtotal	213.0
Weapons & Tracked Combat Vehicles (W&TCV):	
Field Artillery Ammunition Support Vehicles	50.8
Howitzer, Medium SP FT 155mm M109A6 (Modification)	61.2
M1 Abrams Tank (Modification)	26.5
Medium Machine Guns (Modifications)	20.0
Subtotal	158.5
Ammunition:	
CTG Mortar 60mm Illum M721/M767	7.0
CTG Mortar 60mm HE M720	12.5
Proj Arty 155MM HE M795	55.0
Selectable Lightweight Attack Munitions (SLAM)	3.0
Armament Retooling Manufacturing Support (ARMS)	58.0
Subtotal	135.5
Other:	
Medium Truck Extended Service PGM (ESP) (PREV SLEP)	3.0
Inland Petroleum Distribution System	33.0
Items less than $2 million (Construction Equipment)	54.0
Base Level Commercial Equipment	27.0
Subtotal	117.0
Total, Army procurement	1,052.7
Navy:	
Combat Aircraft and Weapons:	
F/A–18C/D (Fighter) Hornet	234.0
EA–6 Series	33.3
F–18 Series	50.0
H–53 Series	14.0
Tomahawk Modifications	14.4
Subtotal	345.7
Shipbuilding & Conversion: Oceanographic Ships—SWATH	45.0
Subtotal	45.0

Fiscal year 1997 Senate defense authorization bill: List of adds not in the Pentagon's 5-year plan—Continued

[In millions of dollars]

Other: Oceanographic Support Equipment	6.0
Subtotal	6.0
Marine Corps:	
155mm CHG, Prop, Red Bag	24.0
155mm D864, Base Bleed	45.0
FUZE, ET, XM752	29.0
AN/TPQ–36 Fire Finder Radar Upgrade	1.7
Trailers	9.3
Subtotal	109.0
Total, Navy procurement	505.7
Air Force:	
Aircraft:	
F–16 C/D (Multi-year Program)	107.4
WC–130	204.5
B–1B	56.5
AWACS Reengineering	109.0
Other Aircraft	21.2
DARP	182.2
Subtotal	680.8
Missile:	
HAVE NAP	39.0
AGM–130 Powered GBU–15	40.0
Conventional ALCMs	15.0
Hard Target Smart FUZES	2.0
Subtotal	96.0
Total, Air Force procurement	776.8
Defense-wide: National Guard & Reserve Equipment	759.8
Total, Defense-wide procurement	759.8
Grand total, procurement	3,095.0
Grand total RDT&E	1,465.1
Grand total, procurement	3,095.0
Super-total	4,560.1

Mr. EXON. Madam President, these programs, in the opinion of most senior military leaders, are unnecessary. Even if the Pentagon had the money, the Secretary of Defense and the Joint Chiefs have said that they would not fund these programs this year, not next year, not in 1999, not in the year 2000, and not in the year 2001.

Since both the administration and the Republican majority propose to spend virtually the exact same amount on defense over the next 6 years, funding these programs directly takes away from others that the Pentagon says it needs. Is this a way to budget responsibly for our national security? I suggest not. Is this a way we should spend the taxpayer's hard-earned dollars? I think not.

Some of my colleagues will assert that some of these increases are justified because they were included on one of the infamous wish lists that the services circulated on Capitol Hill. But none of these service lists was ever approved by the joint staff, who determines what is necessary. They are the experts.

It seems to me that we should realize and recognize that the full coordination with the services and our joint military needs should be kept in mind when we implement our military strategy.

Over the past 40 years, Congress has worked hard in a bipartisan manner to strengthen the joint capabilities of our armed services—first, by unifying the command of the services under the Secretary of Defense, and then by creating a strong joint staff and a strong Chairman of the Joint Chiefs of Staff. This year's use of the wish lists directly undermines 40 years of work by promoting the services' parochial interests at the expense of our overall national defense strategy.

Madam President, I believe my friend and colleague on the Armed Services Committee, Senator COATS from Indiana, a dedicated Republican, who has great knowledge of national defense issues, summarized the situation well when he said at a conference on April 24, 1996:

> Few priorities on the ''wish lists'' stress how the programs can improve joint warfighting capabilities. It seems counterproductive that the services would work to a consensus . . . only to deviate from this course during the authorization cycle. . . Such lists are not effective ''gap closers'' when they do not adhere to a logical, overreaching defense plan.

So the fact that some of these increases in the defense authorization bill were on a wish list is in reality no justification whatsoever for Congress to fund them.

Madam President, how long can this Congress continue doling out scarce discretionary funds to the Pentagon with this blank check philosophy? As many have warned, spending of the taxpayers' dollars so irresponsibly will undermine the public's confidence in the Congress as well as erode its support for adequate funding for national defense.

We have heard many speeches about how we need to cut unnecessary Government spending. This is an ideal opportunity for Senators to stand up and do just that.

This amendment is reasonable. This amendment is moderate. I wish we could do more. I am willing, although reluctantly, to give the Pentagon this year an additional $9 billion for programs it did not request this year. I am even willing to give the Pentagon an additional $600 million so that it can fund so-called congressional priorities. But enough is enough. Some sense of fiscal sanity is necessary.

Madam President, I simply say that the $4 billion in the cut that myself and the others are proposing is going to be accepted, at least in part, by a follow-on amendment that I understand will soon follow my amendment offered by the two leaders of the Armed Services Committee, by my distinguished friends, Senator THURMOND from South Carolina and Senator NUNN from Georgia. What they are proposing to do is to take roughly half of the cuts

that this Senator has proposed and reduce the Senate Armed Services Committee bill from its $13 billion increase figure down to the budget resolution figure of $11.4 billion. I salute them for that. It is a step in the right direction.

The Exon amendment roughly cuts $2.4 billion below that to make an overall reduction in the armed services authorization figure of $13 billion less $4 billion down to a $9 billion increase.

In a nutshell, that is the difference between what the Exon amendment does and what is proposed to be done on a lesser scale by the chairman and ranking member of the committee.

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

Mr. EXON. I will be glad to yield in a moment.

I am even willing to give the Pentagon an additional $600 million so that it can fund some of these so-called priorities. I want to emphasize that. But I still say that we are going way too far.

I think that is such a reasonable amendment that I cannot imagine it not being endorsed and accepted by the Senate as a whole.

In closing, I urge my colleagues to join me in saying ''no'' to some of these wasteful increases to the Pentagon's request. They are unwise and they are unaffordable in the budget climate that we find ourselves in.

I urge all to vote ''yes'' on this amendment.

I yield the floor. I will be glad to yield for a question so long as it is on his time.

Mr. WARNER. Madam President, I am glad to have this charged to time under my control.

I have the greatest respect for my colleague. We have served together on this committee many, many years, and his work on the Budget Committee has been a tremendous benefit to our committee through the years.

I would like to draw his attention to a document he is aware of, the Congressional Budget Office document of May 15, 1996, in which on page—does the Senator have one of these?

Mr. EXON. I do not have it.

Mr. WARNER. I will send it back so the Senator can examine it. But on page 2, the Congressional Budget Office analyzes the outyears spending subject to appropriations actions and proposed changes. The estimated authorization level for fiscal 1997 is 268, and then they have a series of zeros out here showing no tailing increase.

I will send this up to my distinguished colleague and allow him to look it over. Maybe after he has had a chance to examine it, he can respond to my question.

Mr. EXON. I will be glad to look at it and give you my explanation of it.

I will simply point out that the Exon amendment still allows for a $9 billion increase over what the President and the Pentagon has recommended. I would think, regardless of the technical details, that most realize and recognize that such should be fully adequate given the budget constraints that we face.

I yield 7 minutes to my colleague from Wisconsin.

Mr. WARNER. Madam President, I sent a document. It is right behind the Senator. Will he have an opportunity to look at it and at the conclusion of the remarks of the other colleagues perhaps he can address that?

Mr. EXON. I will be glad to do that.

Mr. WARNER. My recollection is that the Senator from Nebraska specifically talked about the outyear implications of this funding request by our committee. It seems to me that this document attempts to refute that.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Thank you, Madam President.

Madam President, I am pleased to join my colleague from Nebraska in offering this amendment to eliminate $4.0 billion in defense spending for items that are not included in any of the next 5 year's defense budgets. The Pentagon does not want or need these additional funds. There is no reasonable rationale for Congress to provide them.

I have listened to the arguments that we need to be spending more on defense because of a shortfall in procurement funding, and I have heard the justifications for the $13 billion increase in budget authority contained in this bill, on the grounds that we are only accelerating projects the service chiefs have said they want and need. I say to my colleagues who embrace these concerns—even though I have to say that I am skepical—listen carefully to the details of this amendment. This amendment targets the special interest projects and wasteful spending in this bill which were not requested by the service chiefs.

There are more than 4 billion dollar's worth of projects in the bill before us which were not requested by the service chiefs. There are more than 4 billion dollar's worth of projects in the bill before us that appear no where in the Pentagon's future years defense plan. They are not priorities, and we cannot afford to be spending scarce taxpayer dollars on programs that at best are marginal.

After our amendment is adopted, and I am hopeful it will be, the defense authorization bill will still be $9 billion more than the administration has requested.

I am weary of hearing how this defense budget compares to defense budgets in previous years in real terms. Why do we not look at other budget functions in real terms? The reason is that if we did, we would realize that all domestic accounts are being cut in real terms. Many of them deeply. Yet, the defense authorization bill before us would increase defense spending $4.2 billion above last year's defense budget. Only in Washington is an increase in defense spending a cut. When we freeze education spending, we hear denials that we are actually cutting education funding. It is just a freeze they say, the same as last year. Well, in real terms we are cutting hundreds of domestic programs that contribute to the well being of our society. We are holding no one harmless in our effort to balance the budget.

Except defense.

How can we make a credible case to the American people that we are serious about reducing the deficit when we continue to increase defense spending? No one has made an effective case as to why we must be spending more on weapons systems that have not been identified by the service chiefs and are not in any of the next 5 year's defense plans. And we certainly gave the services the opportunity to ask for this funding.

Why is it that we cannot approach defense spending in the same way that we approach any other spending? The services have been more than forthcoming in telling us their requirements and identifying their needs. Now it is our responsibility to determine how best to meet these needs against all other competing requirements. This is how we fulfill our responsibility to oversee the budget and set spending. For some reason, however, we are reluctant to do so with defense.

We must ask ourselves over and over again: Is our defense spending relevant to the threats of the future? Are the projects included in the $4 billion we would cut in our amendment so crucial to our response to these future threats? This amendment was carefully crafted to identify those programs that do not meet even the most conservative requirements. This amendment cuts $4 billion in programs we cannot afford and should not buy.

Above all, let's remember that we are facing no major threats today. When the American people talk today about insecurity, they are talking about job security, personal security, and perhaps moral security. Even the threats to our national security posed by episodes of regional instability and conflict are less likely to be resolved with military force, and more likely to be resolved through political or diplomatic intervention. To be sure, we need a strong defense. We need to develop a strategy and maintain a force structure to protect and advance our interests in a constantly changing global environment. If we could start over again and create a new force structure from scratch to meet the challenges of this era, I am confident that we would have a leaner, more mobile and more efficient force at far less cost.

I am puzzled by arguments that we must front load defense spending in the early years of a 7-year plan because spending in the outyears cannot be relied upon.

Madam President, the spending we vote for today—much of it devoted to new procurement and new research and development projects—lays the groundwork for increased spending down the

road. The spending proposed today ensures the reductions proposed for the outyears will not occur. However, if we adopt this amendment and cut $4 billion in spending in this year's budget, then we will be eliminating $25 billion in unnecessary spending in future years.

Last year, we passed a defense budget that was $7 billion more than what the Pentagon wanted. I came to the floor during last year's defense authorization bill and offered a bipartisan amendment to cut out that extra $7 billion, and we almost succeeded. That amendment was endorsed by a variety of groups focused on deficit reduction and included in the annual scores generated by the Council for a Livable World and the Concord Coalition. And now, here we are, a year later, considering a defense bill that adds $12.9 billion more than what the Pentagon wants.

Is it any surprise that in the budget resolution we passed last week we increase the deficit during the first 2 years of the plan? No one has explained how we can afford to increase defense spending above even the highest levels identified by the services and yet reduce the deficit. We cannot continue to spare the Defense Department from the deep regimen of cuts that we are asking the rest of our society to absorb. The $4 billion that we propose to cut in this amendment is a modest cut.

If we are committed to reducing the deficit and balancing our budget, then we must make the hard votes. And I know for some this will be a hard vote. However, I urge my colleagues to vote for this very responsible approach to defense spending.

I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Madam President, I yield myself 5 minutes.

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

Mr. COHEN. Madam President, as I listened to the arguments being offered by my colleagues, it seems to me they start from the premise that Congress really should not take any action which differs from that of the requests sent up here by the administration. All we need do is have the President of the United States send up a budget and what we need to do is to look at the budget and either give it our stamp of approval or withhold that stamp of approval; there is no room for discretion. After all, if we were to add something, that would simply be another pork barrel project, would it not, under the logic that is being utilized by my colleagues who are offering this amendment? Why should Congress have any role in this? After all, they are the experts over there. The service chiefs, those who are involved in our military personnel, they are the experts, so why should we have any role whatsoever in terms of altering, increasing, or decreasing the spending for our defense needs?

That is the position, it would seem to me, that those who are arguing on behalf of this amendment are taking—that Congress really, any time it makes a change in the Defense Department request, is simply adding pork barrel spending.

I suggest, how about the Nunn-Lugar proposal? That will most likely be added. Is that pork barrel? Or is that something that is substantive, that will contribute to the national security interests of this country?

What about when we add more funding for the C–17, to buy more of them, so they can be produced at a more efficient rate and save hundreds of millions of dollars. I suppose that is just pork barreling as well. What about the V–22 replacing our aging helicopter aircraft that are ferrying about our Marine Corps? I suppose that is pork barrel, too. So the notion is somehow, whenever Congress adds funding, whenever the Armed Services Committee adds funding for programs, that is just simply pork barrel. And I suggest to you that is simply pure nonsense. That is pure nonsense.

Also, it seems to me we would think that it is the requirements, the military requirements that ought to determine how much we spend and to drive policy. But, in fact, most of us know it is not the military requirements that drive policy but, rather, it is the political policies and the priorities established by the President that drive the requirements.

Year after year, we have been listening to our military experts come to the Congress and say, look, it is getting very thin. We are getting to the ragged edge. Yes, we can carry out the mission, but it is getting very difficult to do so. And we cannot give you assurances we can do so in future years; it is getting that close.

I hear my colleagues talk about cuts in other programs. In terms of percentage of real change in outlays between the years 1990 and 2002, this chart shows domestic discretionary outlays going up almost 12.5 percent; national defense outlays decrease by almost 35 percent, mandatory outlays increase 34.2 percent. So we can see where the priorities are. Defense spending is coming down and discretionary spending, mandatory entitlement programs are going up.

However, there is another issue I want to focus on, and that is the issue of promises. This is something that is of concern to me. It has been to a majority of our colleagues in the Senate and the House. We have had promise after promise that we are going to deal with the shortfalls that are coming next year.

In 1993, we were promised that defense procurement spending was going to go up, and here is where it came out, where this green line is now. It went down. We were promised by the President it was going to go up again in 1995. It went down, saying wait until next year, a promise to go up. It went down. In fact, it will not go up in procurement spending until after the next term of either President Clinton or President Dole expires. And so the absolute military necessities are being pushed out into the year 2001, 2002, saying, well, we will get to it just like the Red Sox are going to win the pennant next year and every time next year comes by say, well, we cannot afford it.

Let me read to you what Admiral Owens, former Vice Chairman and Chairman of the Joint Chiefs Oversight Council, had to say about the administration's procurement plans for our Armed Forces. I am going to read this. ''We are facing a procurement crisis.''

> Here you can see that in 1993 the President's budget had for procurement $62 billion. In 1994, procurement would be at $64 billion. Of course, what really happens, it went down to $48 billion. In 1995, the administration was projecting $55 billion. In fact, it was $46 billion. But then the administration promised it was going to go up. And in 1996 we are now down to $39 billion. And we keep promising and promising ourselves it is going to go up. We have got to stop promising and start doing business.

That is from a very highly respected member of the military. Stop breaking promise after promise.

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

Mr. COHEN. I yield myself an additional 3 minutes.

Mr. WARNER. Mr. President, we will yield to the Senator such time as he requires and charge it to me. I would like to ask the Senator a question at the conclusion of his presentation.

Mr. COHEN. Madam President, shortly prior to his death, I had a conversation with Admiral Boorda. We spoke initially on the phone and then he came to my office because we went through this process. We said look, we understand. You are under orders to come up to the Hill and testify as to whether you can live with this particular budget. And each time the military has done their duty as required apparently by their obligations and they said, yes, we can live with what the President has requested; he is our Commander in Chief; we can live with this, this year for the first time they started sending other signals that said ask us basically what we really need over and above what is being requested.

And so we asked the question: If more money were added, what would you request? Admiral Boorda sent a request to me that was in excess of $7 billion, alone, for the Navy—$7.9 billion over and above the President's request just for the Navy. And I told him it was completely and wholly unrealistic. He said, look, we have a bow wave coming. I am not going to be here. I am retiring. He would not be here when his period for being CNO had expired and left the Navy, he said, but in the year 2000, 2005, 2010, we have an enormous tidal wave of procurement coming and, frankly, he did not see whether we could ever have the will or spirit to measure up to the responsibilities to fund the programs. So he said, I am

putting in my request. This is what I need.

So that is just one service. Here we are on the Senate floor saying let's just take another $4 billion out totally across the board.

Madam President, I think that we have to get realistic about where we are headed, that we know and everybody knows that by the year 2000 spending is going to have to go up dramatically in order to meet the requirements of our military, or else what?

We can simply revise what we have to do throughout the world. We can say, fine, we are not going to defend our interests in the Pacific. We are not going to defend our interests in Europe or NATO. We are simply going to shrink back to the continental United States.

We can do that. We can revise the Bottom-Up Review. We can say we are not going to meet major regional contingencies, two of them simultaneously, and say we will just meet one. We can do that, and it will be a much more honest approach than what we are currently taking because what we are doing today is saying, yes, we can meet the Bottom-Up Review requirements when, in fact, we cannot—when, in fact, we are holding out an illusion, when in fact many of the same personnel and equipment required to fight in one particular regional conflict will be required to fight in another.

So, it is time we get honest with ourselves and, if we do not want to be the superpower, capable of extending our reach in various parts of the globe, if we do not want to exercise military power and projection in various parts of the globe, say so. But let us not go through this routine, saying we will do it next year and next year and next year. This year is an election year. This year it is more for education and environment and other things. We will push the requirements of the military out into future years, and we will let that generation deal with the problem. We will not be here. We will be gone, be out of office.

When we heard statements made—the Deputy Secretary of Defense has issued a statement; Senator WARNER has referred to it—that there is a tail attached to this particular authorization, some $25 billion, we said, ''Prove it to us. Where is the evidence it is $25 billion?'' They have yet to submit an analysis that shows any justification for the $25 billion so-called tail. They issued a letter saying it is a $25 billion add-on, and we have looked at the analysis and it does not hold up.

I will save that analysis for my other colleagues who wish to talk about this particular matter, but it seems to me the Defense Department has an obligation that goes beyond simply issuing letters at the last moment saying it is $25 billion without any demonstration of the analysis by which that judgment was rendered. I am here to say, when we look at what they have done, what they do is say, if money is requested, for example to close out an account, they will take the amount requested—let us say it is $60 million—and they will stretch it out $15 million a year for the next 4 years. That is completely false. If you, in fact, spend more money to purchase equipment up front—aircraft, ships—which they know will save money in the outyears, they nonetheless add that as a total increase. If you look closely—and they have admitted this—if you look closely at their analysis, it will not hold up to scrutiny.

So, Mr. President, I hope this amendment will be rejected. We do know Senator NUNN and others will be offering an amendment later that would have a more modest reduction. But for us to come to the floor and say this is simply pork barrel spending, unnecessary, the military did not request it, therefore let us not add it, seems to me it undermines the historic role of the U.S. Senate and that of the Senate Armed Services Committee.

Mr. President, I hope this will be rejected and overwhelmingly so.

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

Mr. COHEN. I yield for a question.

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

Mr. WARNER. Mr. President, I commend my distinguished colleague. He has very concisely and accurately reflected the facts.

I suggest he take another minute to include in his remarks that, while he did meet with Admiral Boorda, Admiral Boorda was but one of the entire set of Chiefs who came forward with the request that they needed $60 billion, of which the President's budget only allowed $38 billion, and under the current projections, you would not reach the level recommended by the Chiefs until the year 2001.

Mr. COHEN. Let me respond to my colleague. I only pointed to one individual. I tried to point to what Admiral Boorda had to say to me as an example. Here is just the Navy. Just for Navy programs he said, ''I need another $7 to $8 billion to start meeting the obligations that are mandated and that we will have to face in just a few short years.'' But Admiral Boorda, like every other service chief, as such, realizes each year we have to face this red line. It goes down to the green line, and the green line drops to the blue line, and the blue line drops to the orange line, and we do not get to it until the year 2000. He is saying, ''We cannot do this. It is a misrepresentation. It is a dereliction of our responsibilities.''

That is just one service, the CNO. But now we have the Army, Air Force, Marine Corps, and they similarly made requests saying if we are really going to be measuring up to our responsibilities, we need more. It was the figure that the Senator from Virginia has cited.

So I think we are not to be charged with simply pork barreling, spending money wastefully. Whenever something happens in the world, we are the ones to answer the 911 call. When there was a problem with Taiwan and China, President Clinton did not hesitate. He is going to send the troops, aircraft carriers—two of them, as a matter of fact.

If we are going to be spending for these programs and protecting the lives of our young men and women who are dedicating them to the service of this country, we better make sure they do not have aircraft that are wearing out, they are not operating at tempos that cannot be sustained, that we start doing what needs to be done in order to make sure we have the finest capability we can possibly have.

I thank my friend for yielding me so much time.

Mr. WARNER. I thank the distinguished chairman of the Sea Power Committee. Indeed, he did present Admiral Boorda's request to him and now has supplemented it by the fact that all the Chiefs essentially are in agreement on this.

Mr. President, I would like to add a comment or two of my own here. This is the fourth attempt, I say to my good friends, the fourth attempt to cut the defense budget that we have debated here on this floor of the Senate within just the past 30, say, legislative days. All previous attempts have been declined by the Senate. The arguments on both sides are well known. We have shared them here today. I am not sure why we are spending more time, indeed, on this issue, on this important piece of legislation which is badly needed. The position of the Senate is clear.

Now, the chairman, Chairman THURMOND, and the distinguished ranking member—and I join with him in this effort—are going to come forward to bring in a reduction, calculated at roughly $1.7 billion, to reconcile this bill's overall spending with the budget resolution. That is a responsible approach to reduction in spending, and it will have my strongest support. Even with the increases in the defense budget made by the Budget Committee and the Senate Armed Services Committee, the defense budget will continue to decline in real terms in fiscal 1997. We are not increasing defense spending with this bill before us. We are simply slowing down—slowing down—the rate of reduction sent to the Congress by the President of the United States.

Fiscal 1997 will mark the 12th consecutive year of declining defense budgets. I am confident the pending measure will, likewise, be the fifth effort to reduce this defense budget, which will be rejected by the Senate on vote, and that the Senate will turn to the recommendations of the chairman and the ranking member.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I yield 5 minutes to the distinguished member

of the Armed Services Committee, the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. BINGAMAN. Mr. President, let me start by saying what I am sure is true for all those speaking for this amendment and that is we agree that the United States needs to maintain the most capable and effective military anywhere in the world. But I rise to support Senator EXON's amendment, his freeze amendment to trim spending in this defense authorization bill to the same level as is in the current fiscal year because I believe that kind of fiscal discipline is possible and prudent and still allows us to maintain the most capable military on the face of the planet.

The Pentagon is able to live with a freeze. We are outspending all of our potential foes by at least a factor of 2. The foes that we most often hear discussed when we are talking about defense issues are Iraq and North Korea. Mr. President, both of those countries are bankrupt. The combined defense budgets of both of those countries equal about 5 percent of our defense budget. We have allies in Europe, in Asia, whose defense budgets also dwarf those of our potential foes.

Our colleagues who voted for the concurrent resolution last week are asking our nondefense agencies to live with a freeze in discretionary spending after the budgets of those same agencies were cut by more than $10 billion last year.

The civilian agencies, those that we are asking to live with the freeze, face huge challenges as this country prepares for the 21st century—challenges of educating our children, preserving our environment, of caring for our veterans, of enforcing our criminal laws, of maintaining our transportation infrastructure, and developing new technologies. But we have told those agencies that we must live with a freeze this year, a $15 billion cut from the President's request for funds for those agencies.

But, for the Pentagon, even with the cold war long over and security challenges facing this country reduced to a level that would have been inconceivable when I entered the Senate 14 years ago, our colleagues propose a budget resolution to open up their purses for one last spending spree, adding an additional $11.3 billion above what the Pentagon requested for fiscal year 1997.

Senator EXON's amendment would cut a total of $4 billion in spending from the bill. It would leave an increase of $9 billion for defense spending above what the President requested. The level we are proposing would fund every single add-on proposed by the committee that is actually included in the Pentagon's future year defense program; that is the long-range planning document that the Pentagon works off. This bill is going to have to be trimmed by $1.7 billion, as several Senators have already indicated. We know that. Senator EXON essentially proposes an additional $3.2 billion cut. From my experience on the committee during the last 14 years, I am sure that the conferees can find $4 billion in low-priority add-ons to eliminate in the conference.

Mr. President, Senator EXON's amendment is almost identical in magnitude to the one that was offered by Congressmen SHAYS and NEUMANN 2 weeks ago to the House defense appropriations bill. Their amendment received 60 Republican votes. I hope that Senator EXON's amendment will be similarly attractive to some of the Republican Senators who are committed to deficit reduction this year. It is our intention that this reduction in spending authority would be used to reduce the Federal budget deficit which is projected to increase in 1997 under both the budget plan passed by Congress last year and the one submitted by the President earlier this year.

Mr. President, I honestly believe that this bill could be cut even more than the $4 billion Senator EXON proposes and with no adverse effect on our security.

There is an advertisement that appeared in the New York Times the other day on the 23d of June, on Sunday, by a group of business leaders pointing out that the last sacred cow in our budget needs to also share in this burden of budget cuts.

I think that is good advice. I hope we will follow that advice. I believe most Americans would like to see us hold the line on defense spending at the President's request, and I urge my colleagues to adopt the Exon amendment and do so.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I just wish at some point in time, the distinguished Senator from Nebraska will reply to the question of the Senator from Virginia relative to the CBO letter which I posed, but that can be done at his convenience. I think we should allow our colleague from Michigan to proceed. That is perfectly agreeable to the Senator from Virginia.

Mr. EXON. Mr. President, I yield 8 minutes to a very distinguished member of the Armed Services Committee who has sat next to me on that committee for 18 years, the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 8 minutes.

Mr. LEVIN. Mr. President, we, indeed, have had an enjoyable 18 years. I thank my good friend from Nebraska. And we have been joined by our good friend from Virginia in that 18 years as well. We may disagree on this, but we are close friends, indeed.

I rise in support of the Exon amendment. I want to emphasize something which Senator BINGAMAN just said. The so-called cut which is proposed in this amendment would leave an increase of $9 billion above the President's budget request; $9 billion would be left in this bill above that which the administration asked for and the Defense Department signed off on.

The majority of the Armed Services Committee added $13 billion. Over $4 billion of that is not even in the 5-year defense plan, the future years defense plan of the Defense Department. The Defense Department has no plan for over $4 billion of the add-ons, so that the Exon amendment, in cutting $4 billion, is cutting an amendment which is actually slightly less than the amount which the Defense Department has absolutely no plans for in its budget projection.

It is one thing to be strong, and we all want to be strong on the Armed Services Committee, and I think every Member of this body wants the United States to be the strongest Nation in the world. We are spending 2½ times more than Russia, 100 times more than China, and 40 percent of the world's defense expenditures are being spent by the United States. So, yes, we want to be strong, but we do not want to throw money away, even in the defense budget, even in the name of defense.

This budget that came out of the Armed Services Committee, in adding $13 billion to the administration request, which had been signed off on by the uniformed military, is throwing money at problems and adding items that have not been requested by the military, adding items not in the defense plan for the future and, as a matter of fact, Mr. President, adding items that were not even in these wish lists which we solicited from the military.

What the Armed Services Committee did is we asked each of the services: ''If we had additional funds for you, what would you spend the money on?''

Very obviously, the services said, ''Oh, we'd spend it for this, we'd spend it for that, we'd spend it for something else.'' Any agency of Government would do that.

What we did in soliciting these wish lists from each separate department—an Army wish list, a Marines wish list, a Navy wish list and Air Force wish list—what we did is violate the very rules of jointness and discipline which we ourselves, as an Armed Services Committee, very proudly put into law a few years back, called Goldwater-Nichols.

We require jointness. We require the military services to come together and to scrub their requests together and to jointly request funds, so they are not pitted off against each other, so they do not compete with each other up here. They first scrub their requests together and jointly come here and say, ''We've gone through a process; we've gone through a joint requirements process. This is the uniformed military

joint request.'' That is what the budget request is.

But on these wish lists that were submitted to us and that we solicited, on these wish lists, we just ask each of the services, ''What is your wish? What are your wishes?''—violating the very rules of jointness and discipline which we ourselves had installed just a few years back. Of course, they came in with billions of dollars. There is no surprise in that.

Admiral Owens' name was invoked here. What Admiral Owens has also told us, in addition to worrying about some of the future modernization—and we all have concerns in that area—but what Admiral Owens said in testimony before the committee was that, while procurement should ideally be at the level of $60 billion per year, Congress should not add the money on top of the defense budget request—should not add the money on top of the defense budget request.

Instead, he said, the Pentagon should work to save the money internally from reduced infrastructure. We have had a reduced size for the military. We have bases which have been closed. He testified in front of our committee that the Pentagon should make savings which would allow the modernization to occur at a rate of $60 billion per year, the procurement at the rate of $60 billion per year, and that these moneys should come from reduced infrastructure—base closure, privatization, and so forth. That is the No. 2 person at the Pentagon speaking to us. That is not on the civilian side; that is on the uniform side.

We have actually added items here that, again, are not even on the wish list. We have added money for F–16's, a couple extra F–16's. Why not? That is only $50 million. Those are not even on the Air Force wish list. That is above what the Air Force added on their wish list. How about some more helicopters? Why not? We want to be strong. Add some more helicopters. The trouble is that the so-called Kiowa Warriors are not even on the wish list. They are not in the budget. They are not in the 5-year plan. They are not in the wish list we solicited.

But do we have a right to add this money? Of course we do. The Senator from Maine is absolutely right; we have a right to add any more funds we want or to subtract any more funds. But should we have some requirement, some logic, some compelling purpose, some jointness in this process that the military come together and say, ''Yes, we want to spend an additional $120 million on the extra Kiowa Warriors''? I hope so. We cannot just paint these requests as being, ''Well, it's defense, therefore, they must be needed.''

We have a responsibility with taxpayers' dollars to look at what we are adding this $120 million for. This budget coming out of our committee does not meet that responsibility; $4 billion-plus that is not even in the future defense plans of the military, not justified. Let us take a look at the Kiowa Warrior. That is the OH–58 scout helicopter called the Kiowa Warrior, the AHIP's. That is the add-on by the committee.

They were there in Desert Storm. But we used Apaches instead to perform the function which the OH–58's were supposed to perform. The OH–58's could not even keep up with the Apaches, so to perform their functions we had to use Apaches. So let us add on OH–58's instead. Just add them on because it is the defense budget, and paint it defense, label it defense, and then everybody is going to be told, ''Don't cut it. It's the national security of our Nation.''

The Pentagon already consumes nearly 40 percent of the world's military budget, and we spend nearly as much as all of our allies combined. The United States spends 100 times as much annually as Iraq, the largest spender among nations the Pentagon considers potential threats. Even as other Federal agencies continue to take sharp cuts in high-priority programs that directly contribute to the immediate and long-term security of Americans, including crime-fighting, education and environmental protection, the committee added billions not requested by the Department of Defense, and in many cases not even included by the services on the wish lists solicited by the Committee.

On top of the fact that this authorization has resorted to using ad hoc wish lists from the services in order to decide where to spend the extra $13 billion, is the fact that the DOD financial systems necessary to account for the expenditure of this money are broken. We still haven't gotten a handle on it.

The General Accounting Office [GAO] in fact, says that ''the Department does not yet have adequate financial management processes in place to produce the information it needs to support its decision.'' ''No military service or other major DOD component,'' says GAO, ''has been able to withstand the scrutiny of an independent financial statement audit.''

But the committee's action would add another $13 billion to the pot without any concern for financial mismanagement issues.

If the Department of Housing and Urban Development or the Department of Health and Human Services were the subject of the same type of reports on their financial management systems that we're getting from the DOD inspector general and GAO and the DOD Comptroller, himself, we would never be adding wish list money to their programs.

The GAO describes DOD's financial management problems as ''serious'' and ''pervasive.'' GAO in testimony late last year listed the key problems as follows:

Serious problems in accounting for billions of dollars in annual disbursements.

Breakdowns in the Department's ability to protect its assets from fraud, waste and abuse.

Continuing problems in reliably reporting on the cost of its operations.

As long as Congress adds money like this, the Department will not have adequate incentive to solve these financial management problems. No major corporation in the United States would approve a subsidiary's budget at a wish list level if the subsidiary suffered from financial management failures like the Department of Defense.

While the committee is critical of the level of procurement spending in the President's defense budget request, its answer is simply to add more money, much of which is not for the items that the Pentagon wants. This is a poor choice for several reasons.

First, Adm. William Owens, the former Vice Chairman of the Joint Chiefs of Staff and the Chairman of the Joint Requirements Oversight Council [JROC] testified to the committee at its first hearing this year that while DOD is seeking to increase its procurement funds, Congress should not add the money on top of the defense budget. Instead, he said that the Defense Department needs to create savings from within its own programs to provide additional funds for procurement. The Secretaries of the Military Departments provided valuable testimony in support of that notion. But the committee did not pursue this avenue. Instead, it simply added money to the budget request, reducing incentives for the Department to operate more efficiently.

Second, the committee's addition of nearly $13 billion is consistent with last year's congressional budget resolution, which added $7 billion in fiscal year 1996, and suggested a $13 billion add this year. But that budget resolution frontloads the defense increases in the nearterm and shortchanges the department in the out-years. After the year 2000, the budget resolution would provide the Pentagon with less money than planned in the President's future years defense plan, and could substantially underfund the programs that the committee says it supports.

In fiscal year 2001, the President's budget plan for the defense budget would be $2.5 billion above the current budget resolution number. And for fiscal year 2002, the President's defense budget figure is $7.9 billion higher than the budget resolution plan. So in those 2 years alone, the budget resolution would be more than $10 billion less than the President's defense budget plan.

The President's budget request and outyear plans provide a more stable and sustainable funding profile, while the plan of the congressional majority would jeopardize the long-term health and stability of defense funding. And the committee's spending priorities are not the same as those of the Pentagon, so by funding other items, the committee is funneling resources away from the programs that the Joint Chiefs and the Defense Secretary say are most needed.

The Defense Department is in an unusual position among Federal agencies by virtue of its budget and the length of its future budgeting plans. Six-year plans are required. When inflation rises above the expected level, the Defense Department gets an upward inflation adjustment. But when inflation is lower than expected, DOD gets a large share of the dividend to plow back into additional programs. This year, DOD experienced a $45 billion lower inflation estimate. While some $15 billion went back to the Treasury, the other $31.5 billion went to the military to spend over 6 years. This fact was not even taken into account by the committee in its addition of $13 billion.

While Congress has criticized the military for inter-service rivalry, this bill's significant funding increases for the unfunded projects of the services actually fuels such rivalry by providing items that could not gain approval in the jointly oriented budget review by the Joint Chiefs and the Office of the Secretary of Defense. We should not be surprised if the services compete with each other for additional funds—a result we should not be encouraging.

Mr. President, I think it is important to put the issue of defense spending in some context. I have a chart that shows the levels of defense spending for about 15 nations, including the United States. Some of these nations are our allies, some are not allies and not adversaries, and some we consider adversaries. These figures are from 1994 because that is the most recent year for which we have data on these countries, and they are in constant 1993 dollars. Here is how defense spending stacks up among these countries:

First, it is no surprise that we spend more than any of the other nations. With spending of some $278 billion, we outspend Russia by two one-half times. I would point out that Russian defense spending is declining quite rapidly still. We outspend China by a factor of 10. We sometimes hear people caution that China is the coming military power to keep a watch on. We should remember that our spending dwarfs that of China by ten times.

The next group of countries on the list represents our allies with significant defense expenditures. I would note that the country in this group with the highest spending is Japan, which spends less than one-sixth as much as the United States. These are major allies who would be partners in any conflict affecting their interests, whether in Europe or in Asia. Together they spent almost $190 billion in 1994.

The United States spends almost one one-half times as much as all these allies combined. And they would be partners with us in many conflict situations, so their spending should be considered a supplement to our own.

Finally, there is the category of nations with interests inimical to our own, sometimes called rogue nations, most of which are suspected or known to be pursuing ballistic missile and weapons of mass destruction programs. This includes North Korea, Iraq, Iran, Syria, Libya, and Cuba. All together, their spending totals almost $14 billion, which is nearly 20 times less than what the United States alone spends. So our spending is massively higher than all these nations combined.

This is just to keep in perspective the fact that our military spending is far greater than that of the nations about which we are concerned, and our military capabilities are also far greater.

I thank the Chair and I thank my good friend from Nebraska.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I again solicit from our distinguished colleague from Nebraska a reply with reference to my observations about the CBO report, a copy of which he now has.

Mr. EXON. I am glad to reply. I have only 4 minutes left for closing remarks.

Mr. WARNER. How much time does the Senator from Virginia have?

Mr. EXON. Will the Senator yield me time to answer?

The PRESIDING OFFICER. The Senator from Virginia has 22 minutes 42 seconds.

Mr. WARNER. I am happy to have my friend reply on my time.

Mr. EXON. I thank the Senator.

I think the Senator asks a very legitimate question. We have checked with the comptroller at the Pentagon for the answer. The answer is quite obvious when you recognize that when we look at the various charts here, we are talking about direct spending and indirect spending.

Certainly, the funding tail that I referenced is a very real thing. The Congressional Budget Office, in making their cost estimates, looks at direct spending. And then there is indirect spending. The initial airplanes, helicopters, ships, and so forth that we have, as far as the chart that the Senator referenced is concerned, is right. But that would contemplate, I would say to my friend from Virginia, that we would buy this additional equipment and then we would not use it.

So, at least primarily, the difference between what the Senator has referenced as zero in his chart does not address what the Pentagon tells us, the comptroller at the Pentagon, who, I think we both agree since we know him and trust him, says that the problem that you have is that not all of the direct and indirect spending expenditures for this equipment have been considered. Therefore, the Pentagon has done that analysis, which is not part of the CBO cursory review. They conclude that it will take $25 million more, if we go ahead and purchase the equipment, and then use it, than is included in the budget. This, I think, can best be described as an indirect spending impact that has a very definite effect on the budget of the Pentagon.

Mr. WARNER. Mr. President, I draw your attention to the title that says, ''Spending Subject to Appropriations Action.'' So it seems to me it is both direct and indirect. I think the most that can be made of this argument is that we come to a draw. Clearly, the comptroller of the Department of Defense, as you say, is a very distinguished former staff member of the Armed Services Committee, in whom we repose a lot of confidence.

Mr. EXON. That is correct.

Mr. WARNER. They say one thing; the Congressional Budget Office says the other. They are diametrically opposed on this question of the tail spending. I think that is the most that can be stated out of this debate. It is kind of like that great statement, ''If you take the economists and you lay them end to end all around the Earth, they still don't reach a conclusion.'' Is that not right, Senator?

Mr. EXON. No, that is not right. I reply on the Senator's time. I happen to have the feeling that the comptroller at the Pentagon is a very honest, straightforward individual.

Mr. WARNER. I am not questioning his integrity.

Mr. EXON. I am glad we straightened that out.

Mr. WARNER. I am glad we straightened that out, too. I was, in a friendly way, giving the Senator a draw on this debate. But if the Senator wishes, I will go with the CBO.

Mr. EXON. I always have the highest regard for my friend from Virginia, and he knows that. If we want to go to a draw on this, let us call it a draw and move on——

Mr. WARNER. Splendid.

Mr. EXON. To the discussion of how we can justify this increase that is not requested by the Pentagon.

Mr. WARNER. Mr. President, we are awaiting the distinguished Senator from Indiana, who is quite an authority on this subject, a member of the Armed Services Committee, as is the Presiding Officer. I shall yield to him such time as he may require.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I now yield the balance of the time under my control to the distinguished member of the Armed Services Committee, Mr. COATS. Mr. President, before that, I ask the Senator how much time is required?

Mr. COATS. Probably not more than 10 minutes.

Mr. WARNER. Then the chairman of the committee will require some additional time. How much time is remaining?

The PRESIDING OFFICER. The Senator from Virginia controls 12 minutes 30 seconds.

Mr. THURMOND. I will take 7 or 8 minutes.

Mr. WARNER. I ask unanimous consent that the Senator from Indiana have, say, 9 minutes, and that the distinguished Senator from South Carolina have 7 minutes.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

The Senator from Indiana.

Mr. COATS. Thank you, Mr. President, I say to my colleague that I will not take the full 9 minutes unless I need it. Otherwise, I will yield some back.

I rise to question the Department of Defense's recent assertion that the Senate Armed Service Committee authorization for fiscal year 1997 will create huge costs in years to come. This information has come somewhat as a surprise, since the Congressional Budget Office recently reviewed the committee's fiscal year 1997 authorization and found no additional spending attributed to the committee's decision. And so we have somewhat of a disconnect here between the assertions of the Department and the CBO analysis of the committee's action. I know this has been discussed on this floor, and I think it is important for Members to hear the other side of the issue.

When Secretary Perry, Deputy Secretary White, and General Shalikashvili met with the Armed Services Committee members last week, Under Secretary White asserted that the funding additions the committee made to the budget request created a $25 billion additional cost in the Future Years Defense Program. The estimate has since been refined down to $20 billion. But since neither Secretary White nor the Comptroller, John Hamre, was able to explain at the time how such additional costs might be incurred, Senator NUNN asked that a report be provided to the committee to explain the rationale and analysis that led to their conclusion.

Mr. President, in my opinion, the Department's analysis—and in the opinions of many, including CBO—the Department's analysis of future years' costs is seriously flawed. The Department made assumptions about the effects of any funding restorations, and then did their multiplications, without any reference to the committee's own report, which explained the committee's intention.

The method of analyzing research and development accounts was to multiply any committee addition by a factor of four and add up the result. Such an analysis ignores reality. Some of the program elements provided the Department the option to use the additional funds to close out a program, but instead, the program was scored as having an outyear cost of four times the add. There was no analysis, no reference to the committee's report that outlined the committee's intentions. Simply put, the Department assumed the worst-case scenario, assumed no future savings, and did the multiplication, with a predictable result. Recently, John Hamre, the DOD Comptroller has agreed that their analysis was very mechanical and should have considered offsetting savings.

As far as the procurement accounts are concerned, the Department's own briefers admitted to having no consistent set of assumptions to score procurement accounts. In fact, briefers from DOD could not explain why they scored no future savings when old equipment was replaced, or modified with more efficient engines. They showed only outyear costs, but no savings in operation costs. This flies in the face of the Department's own information papers provided during the markup on the authorization bill. In one case, the Department's own information paper claiming outyear savings of $1.5 billion if RC–135 aircraft were reengined. Now, we find no savings were accounted for in the Department's analysis of future year costs.

So, Mr. President, let me just outline this for Members. When the committee came forward with the recommendation for purchase of new equipment, say, engines for certain types of aircraft, which engines, if modified, or if they replaced old engines, there would be an outyear savings because of the efficiencies of the new engines. Yet, that was not scored against the cost of the new equipment. That cost was taken and multiplied into outyears and labeled as a gross cost, without a net savings that come back from the efficiencies.

Here are a couple more examples: The comptroller's analysis of the two major elements of the National Missile Defense Program are scored as having a $9.3 billion outyear cost through fiscal year 2001. That is the amount that most estimate is required to field a national missile system. Yet, not even the most optimistic projections contemplate deployment of a system until 2003. When asked how this was scored, comptroller analysts had no answer, nor recourse to any consistent assumptions to explain such an assertion.

Another example: The committee recommended an authorization of $12 million for material technology because the committee had statements from the Army that $8 million would be used to complete one portion of the program, and another could be finished for an additional $8 million. The committee authorized an additional $4 million for that portion of the program, leaving an outyear tail of $4 million. The comptroller scored the program as having $48 million outyear cost, $44 million above the actual outyear cost.

For electronics materials and the space-based infrared program, the same scenario takes place. Space-based infrared was cut in this year's budget request by $19 million, with no changes made to the outyear program. When the committee restored the cut, the comptroller scored it as an outyear add, which was erroneous.

Mr. President, real life experience does not support this kind of cost analysis. Anyone in business knows that replacing aging equipment provides operating savings, otherwise, why replace it? Also, anyone with common sense knows that buying systems at economic quantities saves money both now and later. This is what the committee did. In many cases, the committee actually restored cuts in programs made by the Department—cuts that drove up unit costs—and now the Department scores the restorations as having outyear costs.

Mr. President, the notion that the committee's authorization will drive the Department to outyear spending does not square with our analysis or square with reality. In fiscal year 1996, the committee authorized spending at a level above the administration's request.

This year, the administration forwarded a reduced fiscal year 1997 request to Congress. Following the Department's logic in this analysis, the fiscal 1997 request should have increased, not decreased.

Mr. President, the $20 billion outyear tail from this authorization does not exist. The analysis that asserts so is now in its sixth version in the last few weeks. It is no analysis, but rather an assertion that does not square with the facts. We would be better off to take General Shalikashvili's words at face value because when testifying before this year's Defense Department posture hearings, he was asked about last year's authorization, whether it was needed equipment, or whether it was ''congressional pork.'' He answered that:

> I think that the vast majority of the money was against things that we were going to buy later. They were brought forward as a result of what you did, and in many, probably all cases, in the long run will result in savings, because we are able to get them sooner at a more advantageous price.

If you are going to buy it anyway, and you can buy it in a quantity now, which gives you unit cost savings, then why not buy it now? You do not score that as an extra add-on. You score that as a savings, or at least you take the total and offset the savings you gain from buying in quantity. I mean, that is common sense. If you are going to buy one car, you are going to pay a different price than if you buy a fleet of cars. If you know you are going to end up buying the fleet, and you can do the add now and get the unit cost down, it only makes sense to do so.

Mr. President, the analysis that says any modernization now is an expense in years to come cannot be taken seriously. More serious thought should be given to the Department's continuing reductions without any changes in its stated goals or strategy. Ad hoc assertions, such as this offering by the Department, should be cause for questions about any underlying framework or analysis for our national security other than what the present administration is willing to request.

Mr. President the issue at hand is this: the administration says its strategy is sound but does not provide the resources to carry it out—and when those resources are authorized, it complains of future costs. This all happens while defense spending declines and operational tempo increases. Mr. President it is time to relook at defense

strategy from a more thoughtful vantage point, and to take a careful look at the relation between policy goals and resources. This so called analysis adds nothing useful to the debate.

Mr. President, I thank you for the time.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for up to 7 minutes.

Mr. THURMOND. Mr. President, I rise today to oppose this amendment offered by my good friend Senator EXON, and will make my statement short. We have had long debates on defense spending, not only on this bill, but during the budget resolution debate. During these debates, some of my colleagues have argued that the money for defense is unnecessary, and they have always found other uses for this money.

Mr. President, thankfully, this body has not agreed with these arguments and has provided the resources necessary to meet our national security needs. There are many risks associated with the administration's decision to continue to underfund defense. Our Nation's top military leaders have assessed those risks and have explained their concerns, not only in Armed Services Committee hearings, but in hearings in many of the other defense committees. The Armed Services Committee has received testimony concerning defense spending and here are just a few comments that were offered. Secretary of Defense Perry testified:

> . . . the modernization account in fiscal year 1997 will be the lowest it has been in many years, about one third of what it was in fiscal year 1985.

The Chairman of the Joint Chiefs of Staff, General Shalikashvili, testified:

> We preserved our readiness and force structure at the expense of modernization and equipment replacement . . . . So much that our procurement accounts has actually shrunk to just below $40 billion, the lowest level since the Korean War. . . . This procurement hiatus . . . cannot be sustained indefinitely.

Each of the Service Chiefs and Secretaries expressed similar concerns, but I will not take the time to go into each of their testimonies to the committee. We have received assurances that next year will be better. But then again, that assurance has been rendered since 1993 and it still has not happened. Admiral Owens highlighted this problem when he said, ''We've got to stop promising ourselves and start doing something about this procurement issue . . .''

The administration proposes to reduce defense again this year by $18.6 billion from fiscal year 1996 levels in real terms. Will the Defense Department do less next year? Will we ask less of our military services—of our soldiers, sailors, airmen, and marines? What will be reduced to account for this $18.6 billion reduction? Already press report indicate that the administration might be considering extending United States forces in Bosnia beyond December 20, the date on which United States forces should be withdrawn. Even without this extension, costs for this operation have increased for the 1st quarter of fiscal year 1997 by $184 million, and we are told these costs will increase again. The decreases in defense spending planned by the administration are occurring at the same time our military personnel are asked to do more and more.

It bears repeating that providing for the national security is the Federal Governments's first obligation to its citizens. I ask my colleagues to remember these words by General Fogelman, Chief of Staff of the Air Force:

> When I look back to the debacles this country has gotten itself into coming out of a period similar to what we are in [now], in many cases it has been because we have ignored the threats that we could not see . . . We were not sharp enough to pick them up . . . If we do not look to the future I think we are going to find ourselves faced with that kind of situation.

Mr. President, I thank the Chair, and yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Nebraska.

Mr. EXON. Mr. President, I assume that all time has been used in opposition to the Exon, et al., amendment.

I would like to inquire as to how much time is left on our side on the Exon, et al., amendment.

The PRESIDING OFFICER. Two minutes and 14 seconds the Senator from Nebraska controls.

Mr. EXON. I thank the Chair. I yield myself such time as I might need.

Mr. President, I ask unanimous consent that Senator BYRD, a member of the Armed Services Committee, Senator FEINGOLD from Wisconsin, and Senator HARKIN from Iowa be added as cosponsors to the amendment.

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

Mr. EXON. Mr. President, in the limited time that I have remaining I would like to have the opportunity to recap the arguments for the Exon amendment.

I would first like to point out for the full understanding of all that this is the only amendment that has any chance or likelihood of passage for making any meaningful reduction not previously contemplated in the defense budget. I voted against the previous amendment by Senator WELLSTONE that would have reduced and eliminated all of the $13 billion increase over and above what was requested in the President's budget and not requested in the Pentagon's budget.

I simply say that all should understand that in essence the Exon amendment sponsored by many of my colleagues is in net effect reducing by only $2.4 billion the spending authorized by the Armed Services Committee and the combined action with the budget resolution. That is a far cry from the attempt by the Senator from Minnesota that—which this Senator had some sympathy for—I voted against, an attempt to show how reasonable and how minimal the approach is as being offered by this Senator from Nebraska and several of my colleagues.

To put it another way, it is quite similar in its total approach to a measure of 2 years ago commonly called the Exon-Grassley amendment that made minor reductions in the defense authorization bill but was scorned at that time by some as though we were trying to devastate the national security interests of the United States. Let me explain further how minimal this proposition is.

There has been a great deal of talk today about the fact that there was a reasonable proposal that would follow to be offered by the Senator from South Carolina and the Senator from Georgia which would reduce the Defense authorization bill from the figure of $13 billion increase over and above what the President and the Pentagon had requested down to $11.4 billion. That would be about a $1.6 billion decrease from what the Armed Services Committee had authorized.

The facts are, as I suspect the chairman of the committee and the ranking member would agree, they have no alternative. The Senate has already spoken in the budget resolution. The budget resolution reduced the $13 billion 1-year increase, over and above what the President and the Pentagon want, down to $11.4 billion. That was in the budget resolution. Obviously, unless that was reduced from a $13 billion increase over and above what the President and the Pentagon want, the authorization bill by the Armed Services Committee would be in violation of the Budget Act. So the fact that we are about to be offered an opportunity to cut the fabulous increase by $1.6 billion is a foregone conclusion because we had already acted on that previously on the budget resolution.

Therefore, it is hard to say that that is a real cut. Likewise, the amendment offered by the Senator from Nebraska and others takes that $1.6 billion that we have agreed to now to be reduced and added an additional $2.4 billion cut or decrease over and above what the President and the Pentagon requested, for a net increase—a net increase for 1 year, mind you—of $9 billion over and above what the President and the Pentagon requested.

That is a pretty healthy increase. If there is anyone on this floor who wishes to show some modest, reasonable

step toward balancing the budget of the United States, the thing to do today would be to say, OK, we have to give some with regard to the defense budget, because the defense budget, obviously, with its vast multibillion-dollar increase, while we are reducing the real needs of Medicare and Medicaid and education and the environment and other programs, flies in the face of reality.

Another way to put that, Mr. President, would be to say this is a chance for people who preach fiscal discipline, who want a balanced budget by the year 2002, who want a constitutional amendment to guarantee that by the year 2002, with this modest amendment offered by the Senator from Nebraska and others to practice what they preach.

There have been some things said today in this Chamber during this debate about Admiral Boorda, our late and dear colleague, who was very close to this particular Senator. The statement has been made that Admiral Boorda was asked what more money could he use as head of the Navy if he had it.

That is like saying to a military leader, is there anything at all that you would like to have if you had a blank check?

The PRESIDING OFFICER (Mr. THOMPSON). The Senator's 8 minutes have expired.

Mr. EXON. Have I used up my time?

The PRESIDING OFFICER. Yes.

Mr. EXON. I ask unanimous consent for 1 additional minute to close.

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

Mr. EXON. I simply say that Admiral Boorda or any other military leader, given such an opportunity, would be derelict in his duty, it seems to me, if he could not come up with some concept or idea. That is the wish list that I talked about earlier.

The last time I saw Admiral Boorda was shortly before his death when he came to my office. I said, ''What can I do for you, admiral?'' He said, ''You can't do anything for me, Senator. I just want to thank you for the great support that you have given the U.S. Navy all of these years.''

So I do not propose to speak for Admiral Boorda, but I simply say that I think Admiral Boorda, when he signed onto the real needs of the Navy, meant just what he said. And I suspect that if Admiral Boorda were here, he would say that you should take a close look, Senators, at adding $9 billion over what myself and other members of the Joint Chiefs recommended as incorporated in the President's budget.

Mr. President, I urge adoption of the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Is there a sufficient second?

Mr. THURMOND. Mr. President, I second.

The PRESIDING OFFICER. There appears to be.

The yeas and nays were ordered.

Mr. EXON. Mr. President, I ask unanimous consent that following my remarks there be printed in the RECORD a letter dated June 19, 1996, to myself, Senator BINGAMAN, and Senator KOHL, from the Taxpayers for Common $ense in support of the Exon amendment.

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

TAXPAYERS FOR COMMON $ENSE,
June 19, 1996.

Hon. JAMES EXON,
Hon. JEFF BINGAMAN,
Hon. HERB KOHL,
U.S. Senate, Washington, DC.

SENATORS EXON, BINGAMAN AND KOHL: Taxpayers for Common $ense is pleased to support your amendments to the FY 97 defense authorization bill to cut the overall level of defense spending by $4 billion. With Congress working to reduce the deficit, this cut is a fair compromise on the defense budget.

The Department of Defense (DOD) bill authorizes $13 billion in budget authority above the President's request. It seems questionable to offer such a large increase to the budget of an agency whose accounting systems and practices are so weak. In 1995, the DOD Comptroller gave up trying to find $15 billion in ''missing'' DOD funds. Government investigations have revealed that out of 36 Pentagon agencies audited last year, 28 of them used records ''in such terrible condition'' that their financial statements were ''utterly useless.''

Every agency is being asked to examine its own budget and implement effective spending strategies. In light of the fact that $4.6 billion of the Committee's $13 billion increase was not in the Future Years Defense Plan, a $4 billion cut merely attempts to bring the defense budget in line with all the other agencies.

Taxpayers for Common $ense supports your efforts in working toward a balanced budget. This amendment is the first step toward fiscal responsibility for the Pentagon. We urge all members of the Senate to support your amendments.

Sincerely,

RALPH DEGENNARO,
Executive Director.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. Senator THURMOND is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. THURMOND. At this time, I ask unanimous-consent that yesterday's agreement on minimum wage be further modified to allow for the two leaders to void this agreement up until the hour of 5:30 p.m. today.

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

Mr. EXON. I am sorry; I could not hear the Senator.

What was the unanimous consent request, I ask my friend from South Carolina, to do what at 5:15?

Mr. THURMOND. To allow for the two leaders to void this agreement up until the hour of 5:30 p.m. today.

Mr. EXON. I have no objection. I thank my friend from South Carolina.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. May I inquire of the Chair as to the anticipated procedures? I understand we are stacking votes until sometime to be determined later by the two leaders. I assume that the next order of business under the unanimous-consent agreement would be the amendment to be offered by the distinguished chairman of the committee and the ranking member with 20 minutes equally divided. Is that now the pending business before the Senate?

The PRESIDING OFFICER. The Senator is correct.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4346

(Purpose: To reduce the total funding authorized in the bill for the national defense function to the level provided in the Concurrent Resolution on the Budget for Fiscal Year 1997)

Mr. THURMOND. Mr. President, I send an amendment to the desk on behalf of myself and Senator NUNN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for himself and Mr. NUNN, proposes an amendment numbered 4346.

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

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

The amendment is as follows:

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.

Mr. THURMOND. Mr. President, this amendment recognizes that the Defense authorization bill is currently $1.7 billion over the amounts provided for in the concurrent budget resolution for fiscal year 1997, and reduces the spending authorizations in this bill to comply with the budget resolution.

Mr. President, the committee finished its markup of the Defense authorization bill prior to the budget resolution being resolved and even before the Senate version was passed. This amendment reduces the spending amounts authorized in this bill to be in compliance with the fiscal year 1997 budget resolution.

It is a simple amendment. Senator NUNN and I ask for our colleagues' support. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. NUNN. Mr. President, I rise in support of the amendment offered by the chairman of the committee, Senator THURMOND. We are offering this amendment to reduce the overall funding level in this bill to comply with the budget resolution.

Although the authorization bill is not technically required to conform to the budget resolution, our committee has always tried to conform its recommendations to the budget resolution, to the maximum extent possible, in order to keep our work relevant to the overall process and to give firmer guidance to the appropriations bill.

This amendment lowers the national defense total funding authorized in this bill by $1.8 billion, to a level providing for the national defense function contained in the fiscal year 1997 budget resolution of $265.583 billion.

This amendment is in the form of an overall reduction. It does not attempt to amend the bill in the dozens of places that would be necessary to make all the detailed reductions, nor does it spell out the even more numerous changes to all the line items in the report language but which are not part of the bill. In my view, that kind of procedure is not necessary or productive at this time.

This amendment ensures, however, that the total authorized for defense in this bill matches the budget resolution. The committee will make the appropriate detailed adjustments during our conference negotiations.

Mr. President, I will just take a brief period here to explain how we got to this point. The answer is simple. When we marked up our bill, there was no 1997 budget resolution number to mark to—no House number, no Senate number, no conference number. Our colleagues in the House were in the same situation. Their bill was reported and brought to the floor even earlier than this bill was. The House did not lower their version of this authorization bill on the floor to comply with the budget resolution. Their bill passed the House on May 15, before the budget resolution had gone to conference or even passed the Senate. The House bill exceeds the final defense spending level in the budget resolution by $1.1 billion in budget authority and eight-tenths of a billion in outlays. This armed services bill was ordered reported on May 2, while the Senate version of the 1997 budget resolution was not ordered reported until May 9.

Because this bill was marked up before there was a Senate budget resolution or a House budget resolution defense number for 1997, we used the target for fiscal 1997 from last year's fiscal budget resolution, which was $267.3 billion in budget authority. It was the only funding target available for us to use. Furthermore, although the House version, like the Senate version, was reported after our Senate Armed Services Committee markup was completed, the defense number in the House version of this year's budget resolution was $267.2 billion in budget authority and was also consistent with the guidance from last year. In other words, we had two different numbers from the House and Senate that had to be reconciled in conference.

Even after we did get the top line funding targets from the Budget Committees, we still had no definitive guidance about what our number would be. Since one of those two targets was basically what we had marked to, there was at least a chance we were already at the right number. So it did not make sense to try to change it before the budget resolution conference was concluded. So it was not until the budget resolution conference completed it on June 7, and adopted it on June 13, that we knew what the defense number would be. The budget resolution conferees adopted the Senate's defense number. According to the Congressional Budget Office, the national defense authorization level in our bill was equivalent to $267.4 billion in budget authority and compared to the budget resolution's budget authority level for national defense of $265.6 billion. That means our bill is over the budget resolution conference by $1.779 billion in budget authority, although it is right on target in terms of outlays, or actual cash. Because our bill was sequentially referred to the Intelligence Committee, which reported it out on June 11, for all practical purposes, we had no way to redo the bill before it came to the floor.

Mr. President, I have explained why it is impractical, if not impossible, to redo our bill to comply with the budget resolution before considering this bill on the Senate floor. However, this amendment will bring the bill into compliance with the budget resolution number.

This amendment would reduce the amount in the bill by $1.8 billion. The bill would be $11.2 billion above the President's budget request, but, again, will be lower than last year's bill and last year's defense total in real terms. So the defense budget is still coming down, in real terms, and this amendment will not change that.

Mr. President, I urge the adoption of the Thurmond-Nunn amendment, and I also urge the Senate to vote against the Exon amendment, which cuts more substantially than does the Thurmond-Nunn amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I suggest we yield back the time, and we will do so on our side.

Mr. NUNN. Mr. President, I yield back all the time we may have.

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

AMENDMENT NO. 4347

(Purpose: To restore funding for certain educational and employment assistance programs to levels requested by the President in authorizing the Secretary of Defense to transfer defense funds that are excess to the funding levels provided in the future-years defense program and to other funding objectives of the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps)

Mr. WELLSTONE. Mr. President, I am going to, in a moment, send an amendment to the desk in behalf of myself, Senator BUMPERS, Senator BOXER, Senator FEINGOLD, Senator HARKIN, and Senator WYDEN. We may have other cosponsors to add.

I send an amendment to the desk

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. BUMPERS, Mrs. BOXER, Mr. FEINGOLD, Mr. HARKIN, and Mr. WYDEN, proposes an amendment numbered 4347.

Mr. WELLSTONE. 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 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.).

Mr. WELLSTONE. Mr. President, I thank the Chair.

Mr. President, this amendment takes a small part of the over $13 billion more authorized for the Pentagon than the Pentagon requested, and out of this figure—initially it was $13 billion and now after adoption of the Nunn-Thurmond amendment it will be about $11 billion—this amendment transfers by way of authorization $1.3 billion. In other words, out of the original $13 billion—that is over what the Pentagon says it needs for our defense, now pared down a little bit—this amendment would take $1.3 billion and transfer that to a number of different key education and job retraining programs.

I am going to spend most of my time talking about higher education, because when I think about what regular people talk about I can tell you right now that in Minnesota, families are talking about the cost of higher education and how it can be more affordable for their children or their grandchildren, or for themselves.

This amendment restores funding to the level authorized by the President for the following programs: Pell grants, $577 million—Perkins loans, $158 million; direct student loans, $71 million. So the higher education total is about $806 million.

In addition, there are some other programs that we want to at least get back to the level of authorization in the President's proposal. Dislocated workers, $193 million; summer youth jobs, $246 million; School-to-Work, $25 million; and One-Stop Job Training Centers, $40 million.

I do not think it is too much to ask, given the priorities of regular people, of families across the country, that we transfer $193 million out of an overstuffed military budget, for dislocated workers; that is to say, men and women who are out of work because of plant closings, out of work because of restructuring and downsizing. This is the story of America. People can work hard all their lives and all of a sudden find themselves out of work.

I am saying, what are we doing as I look at what the House has now proposed, cutting funding for dislocated workers? What kind of a distorted priority is that?

Summer youth jobs: This is a program that has had strong bipartisan support for a good many years. We cannot restore $246 million for the whole Nation for summer youth jobs?

Again, I want Senators who are going to vote on this amendment to understand how modest this proposal is. I am talking about taking just $246 million and restoring the authorization level that the President requested to where it was, $246 million more than had been cut from summer youth jobs.

Senators, if we are concerned about young people, if we are concerned about the violence in our communities, then we have to have positive alternatives for young people.

When I talk to people who are working in their communities and are down in the trenches dealing with problems of violence, problems of recidivism, and problems of young people, they put a strong emphasis on summer job programs.

School-to-Work: A sum total of $25 million. This puts students in, if you will, real life situations. It connects the schooling to a work experience. It is enormously successful.

We had testimony in the Labor and Human Resources Committee from labor, from business, from people in metropolitan communities, from people in rural communities, all saying that the School-to-Work Program is a huge success. What are we doing cutting opportunity programs for children in America?

Finally, One-Stop Job Training Centers, $40 million we want to restore—$40 million for a program, again, that has been enormously successful in Minnesota, with my State among those, by the way, taking the lead, eliminating a lot of the duplication, eliminating a lot of the bureaucracy and providing a job training program that makes sense for our citizens who are anxious to be retrained and to find employment.

I thought that was what it was all about—employment opportunities for Americans, employment opportunities for Minnesotans, employment opportunities for men and women in our country.

Mr. President, that is a total of $504 million for key job training efforts. I am talking about programs that work, that have a proven track record. I am talking about the fact that we do not or ought not to cut into assistance for dislocated workers. We ought not to cut summer youth job programs. We ought not to cut the School-to-Work Program, and we ought not to cut job training programs. These are distorted priorities.

We do not know what the Senate appropriators are going to do yet in these areas. But we look at the House, and we already see where they are heading. They just do not get it. Well, this amendment is an effort to prompt the U.S. Senate to now speak on this question, and hopefully to temper the passions of extremists in the House who would slash these programs.

Mr. President, let me talk about higher education and provide some context first.

In terms of education funding, just looking from 1992 to 1997, which is a critical period of time that we ought to look at, the time the President came in until now, what you had was from 1994 to fiscal year 1995 small increases for funding for education across the board, higher education being the main piece for the Federal Government.

But starting in fiscal year 1995 with the rescissions bill, and then with this year's appropriations bill and the fiscal year 1996 and fiscal year 1997 budget resolutions, each year since the new majority came in we have seen a percentage cut in the Federal commitment to education. For example, in the Federal commitment to title I, a program that gives kids that come from difficult backgrounds an opportunity; cuts in vocational education; cuts in School-to-Work; cuts in Head Start; cuts in Pell grants; cuts in low-interest loan programs; cuts in direct student loan programs.

Mr. President, these are distorted priorities, and this amendment is but a small step to restore about $1.3 billion—$1.3 billion—from what was an original overrun of $13 billion, likely soon to be about $11.5 billion. Just take one-tenth—10 percent—of this additional expenditure of money that the Pentagon did not ask for, take 10 percent of it and invest it in education, take 10 percent of it and invest it in programs that benefit dislocated workers, invest it in job training, invest it in summer youth programs. I do not know how the Senate can vote no. This is such a clear priority to me.

Mr. President, these education cuts deny opportunity to young people and, as a matter of fact, not so young people, since many of our college students, community college students are 40, 45 when they go back to school. I thought that we were all about expanding opportunities. Well, this is an effort to at least restore some semblance of funding to higher education.

Newsweek, April 29, 1996, had a jarring front page:

$1,000 a week
The Scary Cost of College

Private college, not every week of the year, but tuition, room and board and other expenses, $1,000 a week. Senators, if you do not think this is not a middle-class issue, if you do not think the cost of higher education does not cut across a broad spectrum of the population, and if you do not think a vast majority of people in cafes all across Minnesota and all across this country do not believe it appropriate to take just $1.3 billion out of a bloated military budget to cover the cost of higher education—Pell grants, low interest Perkins loan program, or the direct loan program—then I just think you're making a huge mistake.

Look at this next chart. ''The Price of Public Universities.'' We talked about private universities. ''Average total expenses estimated for a 4-year public education.'' Just looking at the costs from 1980 to 1996, costs went from $6,000 to $9,000, in constant 1996 dollars—$6,000 average cost for a 4-year public education, higher education, now up to $9,000, the price of public universities.

Senators, this is why so many of the students that I meet in Minnesota take 5 or 6 or 7 years to graduate, because they are working two and three minimum wage jobs to cover the costs, and the financial aid package they get by way of Pell grants and the Perkins loan program does not cover it.

I have said it before and I will say it again. I meet students over and over and over again that take 6 years to graduate because they are having to work 35 and 40 hours a week because we are not doing our job here. We have not responded.

We have not responded to the basic concern of families in Michigan, in Minnesota and across the country because what they are saying to us is, if there is a role for the public sector and a role for Government, it certainly is in making sure higher education is affordable.

Next chart.

This is ''Growth in Per Capita Personal Income v. Tuition and Fees.'' Community colleges, as you look at this from 1978–79 to 1994–95, this period of time, for community colleges tuition fees have gone up 239 percent, per capita personal income 159 percent; technical colleges have gone up 416 percent, per capita personal income 159 percent; State universities have gone up 200 percent. The University of Minnesota has gone up 178 percent.

So the point is that what we have is a situation where for the vast majority of families in Minnesota and in the country this is a huge economic squeeze. It is imperative that we provide some assistance. And this amendment says that if you are going to look at what our priorities ought to be, we should take at least $1.3 billion out of the Pentagon budget, with an authorization soon to be about $11 or $11.5 billion more than requested, we can take 10 percent of that and transfer that funding to at least provide more assistance in the form of Pell grants, low interest loans, summer job programs, and so on.

Mr. President, just look at the Federal Pell grant awards from 1973–74 to 1994–95. In 1975–76, the actual maximum award of a Pell grant was $3,649, in real dollar terms. It is now down to $2,268.

So what happens with most students is that as they look at their financial aid packages, they get very little by way of grants, and middle-class families feel this more than anybody. If you are low income, you at least are going to be able to obtain some grant assistance. If you are wealthy and high income, you can pay for it, your family can pay for it. But for the bottom 80 percent of the population or certainly those people who are in the huge middle, they are fast becoming unable to afford higher education.

What this amendment says, one more time, is that out of the total Pentagon budget, now authorized at over $13 billion more than the Pentagon even says it needs, we should be able to transfer $1.3 billion to at least get the Pell grants, to get the Perkins low interest loans, to get the direct student loans, to get school-to-work, to get summer youth jobs, to get key job training programs up to the authorization level the President requested. That is what this amendment is all about.

Mr. President, I designed this amendment as a very moderate approach, and I am hoping to get widespread support for it. I do think this amendment represents a little bit of a test case as to what our priorities are all about, because it does seem to me that the vast majority of people in the country have spoken. They have spoken in polls, they speak to us when we have town meetings back in our States, they come up and talk to us when we are in cafes. All the time, people are coming up and they are saying, ''If you want to do one thing, Senator, that would really help my family, please try to make higher education more affordable.''

This amendment does exactly that. It is only a small step. It only transfers $1.3 billion out of a total defense budget of $267 billion. I would argue that affordable higher education is in our national security interests. Students having opportunities is in our national security interests. Investment in education is in our national security interests. Providing a little more funding for the Pell Grant Program is in our national security interests.

Out of a $267 billion budget authorization for the Pentagon, with all the reports that we have had about the waste and the inefficiencies and the moneys that can be saved, we cannot transfer $1.3 billion for education? That is what this amendment is all about. That is what this amendment is all about.

Mr. President, I reserve the remainder of my time. Other Senators may be down here to speak. I reserve the remainder of my time to follow up on what my colleagues might say on the other side.

The PRESIDING OFFICER. Who yields time? The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise to oppose the Wellstone amendment, which would reduce defense spending to below the budget resolution.

Let me be clear, Mr. President. The amendment that has been offered is really a nullification of the Budget Committees' recommended increase to the President's budget request. I believe that the Budget Committee has acted wisely and prudently in recommending an increase to the President's inadequate request for defense.

In order to buy the same level of national security in 1997 as we did in 1996, the defense budget would have to be $273 billion. The President's request is $18.6 billion below this. The Budget resolution proposes to increase the budget for defense by $11.2 billion; therefore, we are still $7.4 billion lower than the fiscal year 1996 level of funding in real terms. Does the Senator from Minnesota believe that our Armed Forces will be asked to do less in fiscal year 1997 than they did in fiscal year 1996?

The question we should be asking, therefore, is not whether we should be reducing the defense budget even further. Rather the question should be: What additional risks are we taking by not increasing the defense budget to the $273 billion necessary to maintain the fiscal year 1996 level of military capability? Our Nation's top military leaders answer that question.

General Shalikashvili, Chairman of the Joint Chiefs, says he is ''very concerned that our procurement accounts are not where they ought to be.''

General Reimer, Army Chief of Staff, says that ''further deferral of modernization will incur significant risk to future readiness.''

Admiral Boorda, former Chief of Naval Operations, said: ''If we do not modernize, we ultimately place future readiness at risk.''

General Fogleman, Air Force Chief of Staff, says that ''Unless we recapitalize, we are not going to be ready to meet the threats of the future.''

And General Krulak, Marine Corps Commandant, says that: ''The Marine Corps * * * cannot absorb further reductions without sacrificing critical core capabilities.''

Even Secretary of Defense Perry admits that without an immediate increase in modernization—of which procurement is the major part—''we will start to have a real problem.'' Mr. President, when our top civilian and military leaders use terms such as ''very concerned,'' ''significant risk,'' ''critical'' and ''real problem'' in open testimony, one can only imagine what their private assessments would be.

Our defense needs are underfunded, from both a historical and operational point of view. We are at the lowest level of defense spending since 1950. Procurement has been reduced by 70 percent since 1985, and by more than 40 percent under the Clinton administration. Programs to support our service men and women's quality of life are inadequate. Our ability to protect our soldiers from ballistic missile attacks suffers from lack of funding and commitment. Our military research and development is anemic. If anything, we should be considering amendments which provide floors—not ceilings—on defense funding.

I realize that our great Nation has numerous domestic and international obligations. But none—I repeat, none—of these obligations rises to the level of our responsibility to provide for the common defense. Protection of our Nation's citizens is the Federal Government's first order of business. Without meeting this paramount obligation, the basic guarantees of life, liberty, and the pursuit of happiness can easily become empty promises.

Defense spending is now at its lowest level in the second half of this century. This half century has been the era of American superpower status. Our superpower status is not something we can maintain cheaply. We won the cold war through our steadfastness and robust military capabilities. Yet, we are asked by the administration and supporters of this amendment to continue undermining our military capabilities.

I hope the Members of the Senate will agree with me that we cannot afford for our Nation to be less vigilant,

less capable, and less ready. I strongly urge the Senate to vote against the Wellstone amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Georgia.

Mr. NUNN. Mr. President, I will not make long remarks. I endorse the remarks made by my colleague and chairman of the committee, Senator THURMOND.

I would also say, in all deference to my good friend, Senator WELLSTONE, this is a debate that we have had already this year. That was on the budget resolution. This is shifting money from the defense account to the education account. I am a strong supporter of education. I have been a strong supporter of education since I have been in the Senate. I think some of the recommendations from the majority side, both the House and Senate, have been much too severe on education. I applaud President Clinton's strong stand on behalf of education.

But that debate is over for this year. We have already decided the budget resolution. This would revisit the budget resolution and would reverse the basic allocations made after a large and long debate on the budget resolution, so I urge defeat of the amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, just a quick response to the Senator from South Carolina, whom I consider to be a good friend. I say this out of friendship. This amendment would not necessarily mean that we would be below the budget resolution because the amendment that he and Senator NUNN have introduced has not been agreed to yet.

So it is not quite the case yet. But, more important, Mr. President, out of $267 billion, we cannot find $1.3 billion when you have the Pentagon's own spending watchdog saying last year they concluded they did not even know how they spent $13 billion, did not even know what happened to the money, and you are saying to me that we cannot find $1.3 billion to restore some funding for Pell grants, to restore some funding for Perkins low-interest loans, to restore funding so higher education is more affordable, to restore some funding for dislocated workers, for the School-to-Work Program, for the summer jobs program?

I think it is just a distorted priority. I am tempted to ask my colleagues from every State, Democrats and Republicans alike, don't you find students that are just having an impossible time affording their college education?

Don't you have parents coming up to you and saying, ''Can't you do something to make sure higher education is more affordable?''

Don't you find that in your States, there are all sorts of students who are not receiving the grants and the loans that they need?

Don't you find that educational opportunities are being narrowed for your citizens?

Don't you believe that this goes against the national interest for our country?

Don't you think that the citizens back in your States, whether they are Democrats or Republicans, believe it is a reasonable proposition that we can take $1.3 billion out of a $267 billion authorization and transfer that so we can do a little bit better by way of supporting education; that we can take $1.3 billion—that is about 10 percent of the additional $11 billion that is over what the Pentagon even asked for, and less than 1 percent of the overall defense budget—and put it into education? I mean, I think that regular people believe that this amendment is eminently reasonable. I think the vast majority of citizens in this country believe that to be the case.

Look, we heard all this discussion about a strong defense, and I admire my colleagues. I do not think there is anybody in the Senate who does not defer to Senator NUNN when it comes to his expertise, his commitment to our national security. His retirement from the Senate is a huge loss for the country. But I also know that we continue to have some of these problems of add-on projects, accelerating expenditures of money for weapons systems, some of which could be obsolete.

By spending far more than the Pentagon requested, we are prejudging the major study that we all voted for yesterday, to really look at our force structure and to really look at modernization and a host of other issues. There is pork in this bill. There are special projects for Senators back in their States. There is waste and inefficiency in this bill, and out of $267 billion, we ought to be able to find $1.3 billion to support education and support dislocated workers and support job training and support summer youth jobs. I think I speak for the vast majority of the people in the country.

Mr. President, I withhold the remainder of my time. I also ask unanimous consent to add Senator PELL as a cosponsor.

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

Who yields time?

Mr. WELLSTONE. Mr. President, there are other colleagues who mentioned to me that they wanted to speak on the amendment. They have been trying to get down, so I am reluctant to give up all of the time. I wonder if Senators on the other side want to speak, or should we go into a quorum call?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I announce to the Senate that if any Members want to speak on this amendment, now is the time. We do not want to stay here days and days when we can finish this bill in a reasonable time. I hope they will come to the floor. Those who are watching on television, if their staffs are watching on television, get the Senators here to present their amendments so we can proceed and make progress on this bill.

Mr. President, I suggest the absence of a quorum, and I ask it to be charged equally to each side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. THURMOND. Mr. President, I now yield to the able Senator from New Mexico 10 minutes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I understand full well Senator WELLSTONE's sentiment with reference to other programs of the Federal Government besides defense. I even understand how he specifically would like more money spent in other areas. But I would like the Senate to know that this Wellstone amendment is just a clever effort to avoid a point of order.

But before I make that case, let me say the Senate has spoken, not once, not twice, but, if I count correctly, one, two, three, four, five—has voted five times during this particular year to deny further restraints on defense spending.

When the budget resolution came before the Senate, there was an effort to reduce it by $8 billion. It lost. We had an opportunity for the U.S. Senate to speak its piece on this issue and make up its mind what it wanted to do on behalf of the defense of our country. We had another vote. Senator BUMPERS, on that same resolution, attempted to remove the firewall. That lost. In fact, it lost by a rather significant margin.

The firewall speaks most to this issue because what we have decided in the U.S. Congress—and the U.S. Senate has led that—we do not want to put the defense of our country into competition with all of the social welfare programs of our Nation, however good they may be; that we do not want the appropriators, as much as we respect them and give them the jurisdiction over spending the money, we do not want them to put additional needs of some social welfare program up against defense and say, ''Let's cut defense this year and use it on these other programs.'' That is why we put up a firewall.

The firewall is simple yet profound. Do not put the defense of our Nation under that kind of pressure on individual votes here in the U.S. Congress. If, in fact, you want to reduce defense, do it on a straight vote to reduce defense and then put the savings on the deficit so you are not tempted to try to reduce defense, perhaps beyond what it ought to be reduced, in favor of paying for some social welfare program that

maybe even everybody in the Senate might support. That is two times we voted.

Then we voted final passage of the budget resolution. It passed with a defense number in it that is just slightly different from the total authorization in this bill. Now, that is three times that the Senate would have spoken under the proposition that when you vote you mean what you say.

Then we went to conference and we came back. In conference, the House agreed to the defense number of the Senate. The Senate voted again and said that is what we want to do this year. In that was this firewall, saying, ''Don't put the social welfare structure of our Nation in competition with the defense money needed for our national defense and the men and women who are supporting us in all the various ways that we have to help them in that effort in a defense authorization bill.''

Then, Senator WELLSTONE comes and wants to take $13 billion out of defense, and that is turned down by the U.S. Senate. Later today, we will vote on an EXON amendment which would reduce the defense spending by $4 billion. My suspicion is that will get turned down.

Now, what we have is an amendment that says the Secretary of Defense—can you imagine, the Secretary of Defense—is going to be given the authority to transfer $1.3 billion of defense money to the Secretaries of Education and Labor. Now, how can we have something that is more in defiance of what we have already voted to support, which is this firewall between the domestic programs and the defense programs, than this circuitous way of getting around those firewalls?

If this were a Department of Defense appropriations bill, Mr. President, this amendment would clearly be in violation of the firewalls and would be subject to a point of order and require 60 votes. We did that in the budget this year, last year, and the year before, and on previous occasions because we meant business about not taking money out of defense every time we thought a program in the nondefense area needed more money.

Now, this is just an attempt to rewrite what we have already decided. Everybody should understand that for what it is. Unfortunately, fellow Senators, because this is an authorization bill and because of some clever drafting, this amendment is not subject to a point of order, but it does great harm and violence to the firewall concept which I have described now on four different occasions in the few minutes I have been before the Senate and why it is important and why we have stood for it on a number of occasions with up-or-down votes on the side of, ''Don't compete between domestic and defense,'' on the floor of the Senate.

It should be known for what it is: A clear attempt to violate the firewall. This amendment would also, in my opinion, make very bad law. Do we want to authorize education and labor programs in a Department of Defense bill? Do we want to make the Secretary of Defense responsible for authorizing or not of PELL grants? In my opinion, not only does this not make sense; it has the potential as a precedent for doing great harm to our ability to defend our Nation. This amendment is an artful attempt to violate the firewalls that Congress has already adopted. I repeat, in addition, it makes very little sense to adopt a budget resolution, adopt firewalls, come to the Senate floor debating a defense authorization bill that is still subject to appropriations, and have an amendment that says the Secretary has the discretion to transfer money from defense to education or to the Labor Department of the U.S. Government.

I do not know the pleasure of the managers, whether they will table or let this amendment be voted up or down. I believe we ought to let it have an up-or-down vote because I think we ought to speak very loudly and very clearly that we do not change our mind on something as important as defense and establish new precedence, in new ways, to have other programs compete with it just on a basis of who gets down here with what kind of clever amendment speaking to some kind of emotional need in an emotional way about something that is needed in our country.

I will not deny if we had all the money in the world, we might spend money on some of the things that my friend, Senator WELLSTONE, is talking about and perhaps spend more than we will on this budget resolution and appropriations, but I believe to do it this way defies common sense and it just should not be done and the Senate should send a very loud signal that this is what it is doing. It is not just trying to fund education and labor, it is trying to, in a round about way, destroy a concept that has been in place, supported by a majority of the Senate, for a very valid reason. Do not place the social welfare programs, heads-up, in competition for the defense spending of this Government once you have established the priorities by vote of the U.S. Congress.

I yield the floor.

The PRESIDING OFFICER (Mr. JEFFORDS). The Senator from Minnesota

Mr. WELLSTONE. Mr. President, I appreciate the compliments of my colleague from New Mexico about how cleverly designed this amendment and how creative this amendment is. I say to my colleague that since we are authorizing initially $13 billion and soon over $11 billion more than the Secretary of Defense requested, it seems to me only appropriate that the Secretary of Defense might be given the opportunity to, in fact, say, ''Yes, we did not ask for it, and we do not need it, and as the Secretary of Defense, I know what is critical to the defense of this country.'' It is not what my colleague called social welfare programs, but an investment in education.

This amendment gives the Secretary of Defense the opportunity to say that for military readiness, for our country doing well economically, for children having opportunities, for higher education being affordable, this makes eminently good sense, to take $1.3 billion out of $267 billion and put it into Pell grants, put it into low-interest loans, put it into summer youth programs.

Mr. President, again, we have the comptroller writing a report saying last year in the Pentagon budget they did not even know where $13 billion went. They did not know where it went.

Other Senators, including Senators on the Armed Services Committee, talk about all the add-ons. We know about some of these special projects. We know about some of the pork. We know about some of the accelerated spending for some of these weapons programs, some of which may very well be obsolete. Nobody is sacrificing the national defense of our country.

Ask any citizen in any cafe anywhere in the United States of America whether they think taking $1.3 billion out of $267 billion is some kind of a major transgression or is a step backward for our country. Ask the people in your different States, as they see their student enrollment grow in K through 12 and our commitment go down as we cut funds for kids in schools, while the enrollment grows in New Mexico, or Idaho, or Georgia, or Vermont, or Minnesota, whether they think it is unreasonable.

I do not think the amendment is just clever. I think the amendment goes to the very heart of what our priorities are. I do not think the people in our States find unreasonable the proposition that we take $1.3 billion out of $267 billion and put it into these priority programs, take $1.3 billion out of the $13 billion that the Pentagon did not even ask for, and put it into Pell grants, low-interest student loan programs, summer jobs programs, dislocated worker programs, job training programs, school-to-work programs.

I think a vote against this amendment is a vote against our national security. I think a vote against this amendment is a vote against our national defense because, surely, there is pork in this $267 billion, surely, there is some inefficiency, surely, there is a little bit by way of add-on projects so that we can, in fact, transfer $1.3 billion to what we say are our priorities. We all love to have photo opportunities next to young people. We all like to talk about their futures. We all like to tell them that they are the future. But when it comes to reaching into our pockets and making the investment, all of a sudden we are saying $1.3 billion is too much. I do not think that is credible.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I want to commend the able Senator

from New Mexico for his timely and excellent remarks on this subject.

Mr. President, I now yield to the able Senator from Idaho such time as he may require.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. I thank the Chair, and I thank the chairman of the Armed Services Committee for his leadership on this issue.

Mr. President, let us make it very clear, this is the 12th straight year that we have seen reductions in the defense authorization bill, the spending for defense.

I appreciate my friend who is offering this amendment, and I am not going to stand here and in any way speak against the intent which may be to somehow augment education. But I will stand here steadfastly and say you must not take a dime out of this defense authorization bill. We do not have a dime that can go to anything else. We have gone too far too fast in the reductions of our defense.

When we held a hearing before the Senate Armed Services Committee, Mr. President, we had members of the administration testifying, including General Shalikashvili, Chairman of the Joint Chiefs of Staff, and the Secretary of Defense, Dr. Bill Perry, who are both tremendous men. I asked General Shalikashvili about the issue of procurement, ''Have we added too much money on procurement and what has our history been of that? General Shalikashvili,'' I asked, ''let me ask you this with regard to the procurement issue, which is a very key issue. As I talk to military personnel in the field, they consider this a lifesaving situation. This current fiscal year, the Congress added $7 billion to that account and some people regarded that as pork.'' I went on to say: ''But, as I recall, that went for things such as trucks, helicopters, ships for the Navy and Marines, tactical aircraft for the Air Force, Navy and Marine Corps. Was this equipment needed, or was it congressional pork?''

General Shalikashvili responded:

> I think that the vast majority of the money was against things that we were going to buy later. They were brought forward as a result of what you did and in many, probably in all, cases in the long run will result in a savings because we were able to get them sooner and probably at a more advantageous price.

I asked the Secretary of Defense:

> Dr. Perry, it has been stated that we will find procurement funding increases dependent upon BRAC savings, which is the Base Realignment Commission savings, acquisition reform savings, and optimistic assumptions about low inflation. The administration found $47 billion in the so-called defense savings by assuming inflation will be no higher than 2.3 percent over the next 7 years. Over the last 30 years, Mr. Secretary, can you point to any 7-year period where inflation remained this low?

The response of Secretary Perry: ''No.''

Yet, that is what we are basing this on—these assumptions. I mentioned the Base Realignment Commission. We have already seen them lower the estimate on the savings of the Base Realignment Commission, because the savings just are not there. As we begin to see the environmental costs of cleanup, it is beginning to erode what they thought were going to be the savings. Now, that was General Shalikashvili and the Secretary of Defense.

I will tell you, Mr. President, if we had before us any of the rank and file in our military, the men and women, and asked them if we have provided congressional pork to those who are on the frontline, they would tell you in a resounding voice: Absolutely not.

I can show you, Mr. President, letters I have received from the men and women on the frontline—for example, marines on just scratch pads that had been scribbled on in the field, but yet sent to us that say, ''Thank you for providing us, finally, the field jackets that are new, because we have been using the World War II field jackets in adverse conditions.'' Thanks for the new Kevlar or the Gortex we have been able to wear.

Mr. President, in this Nation's Capital, you see the monuments to democracy, and they are impressive. They are impressive to any visitor to this great Nation, no matter what country they may be from. As you stand on the top steps of the Lincoln Memorial and you look straight ahead to the Washington Monument, which reflects our tribute to democracy and of what this Nation is founded upon and what is the envy of the rest of the world, you cannot look at that Washington Monument without seeing the Vietnam Memorial, where etched in those stones are the names of 58,200 Americans who gave their lives for this country in the name of democracy. You cannot stand at the top of those steps and not see to the right the Korean War Memorial and the names etched of those brave Americans who gave their lives. Many of them, Mr. President, are young kids that wanted to have a future, that wanted to have an education, but all of that was denied because they put their lives on the line for this country. Directly behind the Lincoln Memorial is row upon row of the white crosses of Arlington Cemetery, which is a graphic demonstration, Mr. President, that when you look at the monuments to democracy, they were paid for by American lives, because it is not a safe world.

Have I simply referenced history and that is all behind us?

Well, the tragedy is, Mr. President, we learned that more American men and women of the service were killed in Saudi Arabia last night. Why are they there? Why are they even in Saudi Arabia? Well, because they are denying Saddam Hussein the airways because that is a terrorist—Saddam Hussein who invaded Kuwait, and America responded with its great might and it brought liberty again to that oppressed nation. Saddam Hussein—that is not a good guy.

Why is it that Red China is doing everything they conceivably can to develop a nuclear arsenal with the delivery capability? Is that for philanthropic reasons?

Is the cold war over and now we all can roll up our efforts on defense? If you do, it will be the end of America.

Why is it that North Korea is doing everything they can to develop a nuclear arsenal? Why is it that Russia, with all of the difficulties that they are currently experiencing, is still turning out state-of-the-art nuclear submarines?

Mr. President, it is a troubled world out there. And the only way that we make sure that our young men and women of this country have a future is to make sure that we defend this country by making sure that we have the adequate funds for the defense of this country. And that is how we assure them that they can go forward with the education of this Nation and have a bright future, and extend democracy throughout this great land and be that beacon of hope for the rest of the world.

But if we start drawing down again on the defense of this country we do not have a future because there are people out there that would love to topple this tremendous democracy. We must never ever let it happen. We must never ever draw our defenses so low that we are vulnerable.

Mr. President, I yield the floor.

Mr. WELLSTONE. Mr. President, I appreciate the remarks of my colleague.

I want to point out that this authorization was initially $13 billion in extra military spending. Spending that was not requested by the President. That was not requested by the Secretary of Defense. And as long as we are talking about the Chairman of the Joint Chiefs of Staff, it was not requested by the Chairman of the Joint Chiefs of Staff.

There is not one Senator here that is talking about not having a strong defense. The question is, what are we doing spending money that is not requested by the Defense Department, by the Chairman of the Joint Chiefs of Staff, by the President, people who do not want it, and at the same time we are not allocating money for kids who need it?

In the State of Idaho, I do not remember the exact figures, the enrollment went up this past year in K–12 by about 3,000 and the State is going to be faced with a cut of about $9.3 million.

It is not unreasonable to talk about this small transfer of funding.

I reserve the remainder of my time.

Mr. THURMOND. Mr. President, I would like to commend the able Senator from Idaho for his excellent remarks on this amendment. The Senator from Idaho is a valuable member of the Armed Services Committee. I just want to thank him, too, for the contribution that he makes on that committee and to our national defense.

Mr. President, I do not know of anyone else who wishes to speak on this

amendment. If not, I would suggest that we yield the time that is left for both sides.

Mr. WELLSTONE. Mr. President, I will yield time if the Senator from South Carolina has yielded all time.

The PRESIDING OFFICER. All time is yielded.

The PRESIDING OFFICER. Under the previous order, the pending amendment is set aside. And the Senate resumes amendment No. 4345.

There are 2 minutes equally divided.

The majority manager is recognized.

Mr. THURMOND. Mr. President, the Senator from Idaho started to say something.

Mr. KEMPTHORNE. Mr. President, parliamentary inquiry: Would it be in order for me to ask for 60 seconds to respond to what the Senator from Minnesota said?

The PRESIDING OFFICER. That is in order.

Is there objection? Without objection, it is so ordered.

Mr. KEMPTHORNE. I thank all Members on the floor for allowing me that courtesy.

Again, I appreciate the vigor with which my friend from Minnesota is advocating his position in response to which I said I will tell you that there are members of the Armed Services Committee who disagree with what the budgets are requiring.

I also note that I think those men and women in uniform that are wearing the stars as general officers are good soldiers. The Commander in Chief submitted the budget, and they have to support that budget. But I will tell you they are hopeful that we will go ahead and provide the funding necessary; not the funds that were requested because they are too low.

Mr. President, I yield the floor.

Mr. WELLSTONE. Mr. President, could I ask unanimous consent for 30 seconds to respond?

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

Mr. WELLSTONE. I thank my colleagues.

Again, I do not think we are talking about any decline in the quality of life for the men and women who serve our country, or our national defense budget. We are talking about eliminating wasteful Congressional add-on projects here. We have pork projects here. Senators, we have inefficiencies. And we want to cut $1.3 billion, or transfer $1.3 billion, out of $267 billion. That is all we are talking about. Nobody is talking about sacrifice for the men and women that sacrifice for our country. That much is clear.

Mr. THURMOND. Mr. President, I understand the time is yielded on both sides on this amendment.

AMENDMENT NO. 4345

The PRESIDING OFFICER. That is correct. The pending amendment now is amendment No. 4345 with 1 minute to each side.

Mr. THURMOND. Senator EXON is here now.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I thank you. I thank my friend from South Carolina.

We have debated this very thoroughly. Basically what the Exon amendment does is a very modest decrease in the amount authorized in the defense authorization bill. Basically what we are talking about here, Mr. President, is simply that the defense committee came up with $13 billion over and above the President and the Pentagon which is being cut by the amendment offered by the Senator from South Carolina and the Senator from Georgia, down to $11.4. They had to do that anyway because that was the amount included in the budget resolution.

The Exon amendment still allows $9 billion over and above what the Pentagon and the President wants. It is a $2.4 billion decrease only beyond what the chairman of the committee and the ranking member of the committee recognize and realize is needed. I hope that we will be fiscally responsible and recognize that, with the cuts that we are making across the board, we have to nick just a little bit the defense bill as well.

I hope the Exon, et al., amendment will receive solid support of the Senate.

The PRESIDING OFFICER. The majority manager is recognized.

Mr. THURMOND. Mr. President, the Exon amendment would cut $4 billion. That is no little amount of money. That is a lot of money—a $4 billion cut out of our defense. The military chiefs say we need to modernize. We especially need to do more procurement, more ships, more planes, modern weapons, and tanks.

How can we do it if you are going to go and cut defense now below what is recommended? We cannot afford this.

I would ask that this amendment be voted against, and at this time I will now yield to the ranking member.

Mr. NUNN. Mr. President, how much time would I have?

The PRESIDING OFFICER. The Senator has 18 seconds.

Mr. NUNN. Eighteen seconds. I must say there is nothing the Senator from Nebraska ever does that could be described as modest. Everything he does is important. This is an important amendment that should be defeated because it makes a substantial reduction in the modernization accounts which are desperately needed in defense.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the Exon amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—45

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

NAYS—55

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

The amendment (No. 4345) was rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the two additional votes in the vote sequence be reduced to 10 minutes in length.

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

AMENDMENT NO. 4346

The PRESIDING OFFICER. The pending amendment is amendment No. 4346. Each side has 1 minute.

Mr. NUNN. Mr. President, I know the Senator from South Carolina is going to want to speak on this. I will speak very briefly.

This amendment would reduce the pending bill to the total in the budget resolution. It would bring it in full compliance with the budget resolution. It is a reduction of $1.7 billion.

I urge our colleagues to support this amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, the Thurmond-Nunn amendment would cut $1.7 billion. We are asking for the same amount here to be cut as the Budget Committee has found. Senator DOMENICI recommended this amount in his committee, $1.7 billion, and we advocate cutting $1.7 billion out of this bill. That is our amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 4346. The yeas and nays have

been ordered. The clerk will call the roll.

The bill clerk called the roll.

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

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—100

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

The amendment (No. 4346) was agreed to.

AMENDMENT NO. 4347

The PRESIDING OFFICER. The pending business is amendment No. 4347. The yeas and nays have been ordered.

Mr. NUNN. Mr. President, is there any debate time on this amendment?

The PRESIDING OFFICER. There are 2 minutes equally divided, 1 minute per side.

Mr. NUNN. Mr. President, I do not see the chairman on the floor. I suggest that Senator DOMENICI, the Senator from New Mexico, handle the opposition to this amendment. And I agree with every word he is likely to say.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 1 minute.

Mr. DOMENICI. Mr. President, we have now voted eight different times to keep the defense number intact. On the last occasion we made it comply with the budget resolution, so we all agreed with that.

What Senator WELLSTONE chooses to do is to take our votes where we have said we did not want to take money out of the defense, and he suggests that we should get rid of the firewalls, which we voted to keep in place by giving the Secretary of Defense the authority to appropriate $1.3 billion for education, and other welfare programs.

The reason we have had firewalls is because we do not want to put the defense of our Nation into competition with other social welfare and education programs that very well could need money. In this case, it is a roundabout way of destroying the firewalls, and it ought to be denied because we voted twice to maintain them. This is a roundabout way to deny and defeat what we have already voted for. I yield the floor.

Mr. GRAMM. Mr. President, I move to table.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The request is out of order. The Senator from Minnesota is recognized for 1 minute.

Mr. WELLSTONE. I thank the Chair.

Mr. President, first of all, this gives the Secretary of Defense the opportunity to do this. It is not a violation of any firewall. There is no budget point of order. This is $1.3 billion. The reason it does not is because this is out of $267 billion. This is out of $13 billion, now $11 billion more than the Pentagon wanted.

It is simple. Do you spend the money on some of the add-on projects, some of what is not needed, or do you spend the money on higher education, Pell grants, student loans? It is a simple choice. It is hardly what I would call welfare in a pejorative sense. It is all about whether or not we are going to restore some of this funding up to the President's request level for higher education and opportunities for young people.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays are ordered.

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

The assistant legislative clerk called the roll.

The result was announced—yeas 60, nays 40, as follows:

The result was announced—yeas 60, nays 40, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—60

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

NAYS—40

Akaka	Glenn	Moseley-Braun
Baucus	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hatfield	Pell
Bradley	Hollings	Pryor
Bryan	Jeffords	Reid
Bumpers	Kennedy	Rockefeller
Byrd	Kerrey	Sarbanes
Conrad	Kerry	Simon
Daschle	Kohl	Specter
Dorgan	Lautenberg	Wellstone
Exon	Leahy	Wyden
Feingold	Levin	
Feinstein	Mikulski	

The motion to lay on the table the amendment (No. 4347) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, what is the regular order, the pending business?

N O T I C E

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

ADJOURNMENT UNTIL 8:15 A.M. TOMORROW

Mr. WARNER. Mr. President, if there is no further business, I ask that the Senate stand in adjournment under the previous order.

Thereupon, the Senate, at 11:34 p.m., adjourned until 8:15 a.m., Thursday, June 27, 1996.

NOMINATIONS

Executive nominations received by the Senate June 26, 1996:

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES INFORMATION AGENCY FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

PAUL P. BLACKBURN, OF THE DISTRICT OF COLUMBIA
MARILYN MCAFEE, OF FLORIDA
CYNTHIA JANE MILLER, OF TEXAS
ANNE M. SIGMUND, OF KANSAS

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

CHARLES MILLER CROUCH, OF CONNECTICUT
PETER CHARLES DE SHAZO, OF FLORIDA
RICHARD ANDREW VIRDEN, OF MINNESOTA
E. ASHLEY WILLS, OF TEXAS

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE UNITED STATES INFORMATION AGENCY 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:

KATHLEEN A. BRION, OF VIRGINIA
JOHN SHIELDS DICKSON, OF NEW HAMPSHIRE
PATRICK DENNIS DUDDY, OF MAINE
FRANKLIN E. HUFFMAN, OF NEW YORK
ARLENE R. JACQUETTE, OF THE DISTRICT OF COLUMBIA
WILLIAM PHILIP LUKASAVICH, OF VIRGINIA
VEDA B. WILSON, OF NEW JERSEY

CONFIRMATIONS

Executive nominations confirmed by the Senate June 26, 1996:

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 UNITED STATES 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 4 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.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.