United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

Vol. 142 WASHINGTON, MONDAY, SEPTEMBER 9, 1996 No. 122

Senate

The Senate met at 10:30 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:

Gracious God, we begin this week with three liberating convictions: You are on our side, You are by our side, and You are the source of strength inside. Help us to regain the confidence from knowing that You are for us and not against us. You have created us to know and love You and have called us to serve this Nation. You have programmed us for greatness by Your power, so help us place our trust in You, and live fully for You. We thank You that You are with us seeking to help us to know and do Your will. Guide us in the complicated issues we consider today. We invite You to take up residence in our minds to give us strength to see things from Your perspective. Grant us courage to give dynamic moral leadership to our Nation. May Your justice, righteousness, integrity, honesty, and truth be the identifiable qualities of our leadership. We commit all that we have and are to glorify You with our work today. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Wyoming is recognized.

SCHEDULE

Mr. THOMAS. For the information of all Senators, this morning the Senate will begin 5 hours of debate on the Department of Defense authorization conference report. In accordance with the unanimous-consent agreement reached on Friday, the vote on the Department of Defense conference report will occur at 2:15 on Tuesday, and therefore there will be no rollcall votes during today's session.

Also today, following the debate on the conference report, there will be a period for morning business with Senator DASCHLE or his designee in control of the time from 3:30 to 4:30 and Senator COVERDELL or his designee in control of the time from 4:30 to 5:30.

On Tuesday, the Senate will debate the Defense of Marriage Act beginning at 9:30 to 12:30, with a vote occurring on that measure immediately following the 2:15 vote on the Department of Defense conference report. After those two consecutive votes, there will be 30 minutes of debate to be followed by a vote on S. 2056, the employment discrimination bill.

Finally, as a reminder, following those votes on Tuesday, the Senate will begin consideration of the Treasury, Postal appropriations bill, with additional votes expected on that bill. All Senators can expect busy sessions this week with rollcall votes possible throughout each day and evening as the Senate completes action on the remaining appropriations bills.

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

The PRESIDENT pro tempore. 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. THOMAS). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report accompanying H.R. 3230, which the clerk will report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3230) 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of July 30, 1996.)

The PRESIDING OFFICER. The time for debate on this conference report will be limited to 4 hours equally divided in the usual form, with 1 hour under the control of the Senator from Louisiana.

The Senator from South Carolina.

Mr. THURMOND. Mr. President, I am pleased to rise in support of the conference agreement on the National Defense Authorization Act for fiscal year 1997. This agreement continues the work we began last year to keep the Department of Defense on a steady course as it heads into the 21st century. The legislation sends a signal that we remain strongly committed to support our men and women in uniform through funding for modernization and training as well as for quality-of-life programs for our military and their families.

This year, the Senate chaired the conference with the House. I am proud

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

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to say that we developed a responsible agreement after less than 20 working days. This agreement resulted from the bipartisan cooperation of House Members and Senators, Republicans and Democrats, working together on issues affecting our national security.

During my tenure in the Senate and my nearly 40 years as a member of the Senate Armed Services Committee, I have fought hard to ensure that the security of our Nation is an issue that unifies rather than divides us. The best national security policy is developed and implemented when we act in a bipartisan spirit. It is my sincere hope that we can make this an even stronger feature of the process we use to craft future national security legislation.

The conference report recommends an increase of $11.2 billion above the President's budget request of $254 billion for fiscal year 1997. The funding level authorized for the new budget authority is $265.6 billion, which is the same level approved by the full Senate on July 10. This amount is still $7.4 billion below the inflation-adjusted fiscal year 1996 level of spending.

To improve the quality of life of our military personnel and their families, the conference agreement includes a 3-percent pay raise for military members and a 4.6-percent increase in the basic allowance for quarters. The conference report also includes an increase of $850.0 million above the administration's request for military construction funding. Approximately 60 percent of this increase is dedicated to quality of life programs, especially military housing.

The conference agreement addresses some of the most serious modernization concerns we have identified, while maintaining a balance between current and future readiness.

The agreement provides for an increase of approximately $900 million for ballistic missile defense programs. This increase will support aggressive developments for national missile defense, Navy Upper Tier, and the theater high-altitude area defense system.

The conference report does not include any legislative provision concerning theater missile defense demarcation. During conference, the President's National Security Adviser informed the conferees that the administration had already concluded that the tentatively agreed-upon TMD demarcation agreement constitutes a substantive change to the ABM Treaty. Given that the Constitution and existing law require any substantive change to the ABM Treaty to be submitted to the Senate for advice and consent, the conferees agreed that additional legislation on this matter is not required.

With regard to the ABM Treaty succession issue, the conference report also does not include any legislative provision. The statement of managers clearly expresses the view that any agreement to multilateralize the ABM Treaty would constitute a substantive change requiring Senate advice and consent. In order to avoid a confrontation over this issue that would lead to a veto of the Defense Authorization Act, the conferees agreed that this matter should be considered separately from the Defense Authorization Act.

We addressed modernization shortfalls in this bill by including increases for sealift and airlift programs, and robust funding for the construction of new warships, such as the *Seawolf* submarine and the *Arleigh Burke* class destroyers. The conference contains a number of funding increases to bring advanced technologies to the battlefield and to support the increasing variety of missions our military men and women are being ordered to carry out around the world. We have authorized increases for additional JSTARS aircraft, greater numbers of critical night vision equipment, as well as providing funds to accelerate the development of the Army's Comanche helicopter and nonlethal weapons programs.

Mr. President, I want again to express my appreciation to my colleagues, especially the subcommittee chairmen and ranking members, for working together to reach this responsible conference agreement so expeditiously. I note with sadness that this is the last authorization conference during which the committee will benefit from the friendship, knowledge, and wisdom of Senator SAM NUNN, Senator BILL COHEN, and Senator JIM EXON. Senator COHEN has been a leader in the cause of reforming the acquisition process and has managed the process of recapitalizing our Navy's fleet in a constrained fiscal environment. During his tenure on the committee, Senator EXON has been a dedicated advocate of a strong, affordable defense.

Senator NUNN has worked tirelessly to help us put together legislation that reflects the broadest possible bipartisan consensus. I am personally grateful to him, and the entire Nation owes him a debt of gratitude for the work he has put in on this bill and the many other pieces of national security legislation in which he has played such a vital role over the years, including the landmark Goldwater-Nichols Reorganization Act of 1986.

Mr. President, we would not have been able to complete work on this conference agreement had it not been for the ceaseless work of our majority and minority staffs. Our two staff directors, Les Brownlee and Arnold Punaro did an outstanding job directing the process and keeping our staffs focused on responsible outcomes.

I ask unanimous consent that a list of the committee staff associated with this bill be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. THURMOND. Mr. President, finally, I want to express my appreciation to Senator STEVENS and Senator INOUYE, the chairman and ranking member of the Defense Subcommittee on Appropriations, for their willingness to work with us in a spirit of unprecedented cooperation through our process this year. I believe that both of our committee's bills have benefitted from this relationship.

With the attacks against Iraq this week, we are reminded again of the vital role our military is fulfilling around the world. Many of the Senators who have expressed concern about the funding levels in this bill have also gone on record in support of the President's recent actions in Iraq as well as his earlier decision to send our troops to Bosnia. These deployments are costly. They require continuing investments in weapons modernization, spare parts support, and training in order to ensure that our men and women in uniform are well led and can perform such operations efficiently and with a minimum of risk. As Senators consider their votes on this vital legislation, they should be mindful of our obligation to support the men and women in our Armed Forces and the need to maintain an adequate level of funding for these forces that we so frequently call upon to go into harm's way.

It is my hope that this conference agreement will receive the resounding support of the Senate. The agreement is supported by a bipartisan consensus and represents a responsible and sustainable approach to national security. It sends the strongest signal to our men and women in uniform that we appreciate their daily sacrifices, and that we are committed to supporting their families and their mission into the next century.

Mr. President, in closing, I would like to bring to the attention of my colleagues that President Clinton has already indicated in his radio address on Saturday that he intends to sign this legislation. I believe that this is a strong reflection of the bipartisan spirit which has characterized this bill from the very beginning.

With that in mind, I believe all Senators should be able to vote for this bill, and I urge them to do so.

EXHIBIT 1

ARMED SERVICES COMMITTEE MAJORITY STAFF

Les Brownlee, Staff Director, Charles S. Abell, Patricia L. Banks, John R. Barnes, Lucia Monica Chavez, Christine Kelley Cimko, Donald A. Deline, Marie Fabrizio Dickinson, Shawn H. Edwards, Jonathan L. Etherton, Pamela L. Farrell, Cristina W. Fiori, Larry J. Hoag, Melinda M. Koutsoumpas, Lawrence J. Lanzillotta, and George W. Lauffer.

Paul M. Longsworth, Stephen L. Madey, Jr., J. Reaves McLeod, John H. Miller, Ann M. Mittermeyer, Bert K. Mizusawa, Joseph G. Pallone, Cindy Pearson, Sharen E. Reaves, Steven C. Saulnier, Cord A. Sterling, Eric H. Thoemmes, Roslyne D. Turner, June Vaughan, Deasy Wagner, and Jennifer L. Wallace.

ARMED SERVICES COMMITTEE MINORITY STAFF

Arnold L. Punaro, Staff Director for the Minority, Christine E. Cowart, Richard D. DeBobes, Daniel Ginsberg, Mickie Jan Gordon, Creighton Greene, Patrick T. Henry,

William E. Hoehn, Jr., Maurice Hutchinson, Jennifer Lambert, Peter K. Levine, David S. Lyles, Michael J. McCord, Frank Norton, Jr., Julie K. Rief, Jay Thompson, DeNeige V. Watson.

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

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I join Senator THURMOND in urging our colleagues to adopt this conference report on H.R. 3230, the National Defense Authorization Act for fiscal year 1997. I also join him in commending the staff. Les Brownlee, George Lauffer, and Jon Etherton on the majority side have led a very capable majority staff. Arnold Punaro, David Lyles, and Andy Effron, now Judge Effron, did the same on our side. They have worked together in a splendid fashion.

This truly is a bipartisan bill. As Senator THURMOND has said, President Clinton has indicated he plans to sign this bill, and that is a reflection that the bill is solid for national security. This also reflects the kind of leadership we saw this year under Senator THURMOND. He made sure this was a bill that did reflect not only his strong concern and continued commitment for a national security, but also a bill that could be signed into law.

I commend him on his leadership, and I thank Senator THURMOND for his very thoughtful and kind remarks about my career in the Senate, particularly my involvement in the national security arena.

I also would like to join Senator THURMOND in being one of those who can testify in the first person about the tremendous role that Senator EXON and Senator COHEN have played as members of this committee.

Senator COHEN and I have joined in numerous national security matters over the years, including the creation of a special forces command, the builddown proposal, and moving away from MIRV'd warheads. I can think of numerous proposals that he and I jointly championed. He has been a stalwart of national security. He has made an outstanding record, not only in this area but in others. I certainly share the very strong statements made by Senator THURMOND in terms of praise for Senator COHEN.

I also would like to add very loud applause for Senator EXON who has chaired the Strategic Subcommittee for a number of years. Every year when I was chairman, Senator EXON chaired the subcommittee. That is not only where the controversy was, that is where the money was.

We had one matter after another that had to be handled, both in terms of strategic weapons and in terms of overall arms control concerns. Senator EXON has been a stalwart leader. He has been a person who could find a light of agreement and mold together a consensus in very difficult circumstances. He has been steadfast in his support for a strong and sensible national security. He has been my partner time and time again in crucial matters, and he will be sorely missed. Senator EXON also has been a leader and a champion of moving toward a balanced budget in his leadership on the Budget Committee. He will be missed in that area as well.

Mr. President, this budget that we have before us increases the President's budget on national security, and it does so in a way that is going to boost the funds for procurement, research and development, and, as Senator THURMOND said, quality of life for our military forces. I think everyone should keep in mind, even with the substantial increase over President Clinton's budget, this budget remains a reduction from last year in real terms. When we hear over and over again ''the very large increases in the defense budget,'' those increases are relative to the proposals made by the Clinton administration but do not accurately reflect that the trend continues downward in national security.

Many of these cuts that have taken place over the last 8 or 10 years were needed and necessary. This drawdown has been the most successful, in terms of personnel policy, we have ever had in the U.S. military after a major mission or, in this case, the end of the cold war. We have been able to maintain the quality and the qualifications of the men and women who serve in our military. This is a very difficult and challenging task, and none of us should diminish the importance of it. If we had not been able to accomplish this successful drawdown, we would be reading all sorts of horror stories about readiness and horror stories about our military being demoralized. We are not reading those stories because we have had a very successful drawdown.

I think our committee and our counterparts in the House deserve some credit for this. We have come up with new, innovative ways to ease into this transition and to take care of the personnel, not only those that were leaving but those that are staying, and their families.

I also think the leadership of Dr. Perry has been outstanding in this regard, and I believe the leadership of the services has been outstanding. The U.S. Army, in particular, has been able to manage a very, very substantial drawdown of forces and reduction in the size of the Army. The Army has moved forces from parts of the world back home in an unprecedented and very skillful way.

Mr. President, the Senate passed this bill in early July. Under the leadership of Senator THURMOND, the House and Senate conferees completed a very difficult conference on this large and very important bill in 4 weeks. I congratulate Senator THURMOND for his leadership of this conference and the bipartisan manner in which it was conducted. He kept all of us in harness and told us we had to finish this conference before we left for the August recess. Without that leadership, without that push, we would not have this bill before us today.

Again, I thank Senator THURMOND, not only for his work on this bill, but for his stalwart leadership on national security issues during the entire time I have been in the U.S. Senate. I thank him most of all for his friendship and for being a man of integrity and a man who absolutely places the security of our country above partisan interests and above parochial interests. I thank him for that. I think our Nation is, indeed, indebted to him for that kind of leadership. I am indebted to him for his personal friendship.

I thank our House counterparts, Chairman SPENCE, who was determined to get a bill this year and who exercised leadership time and time again, along with my good friend, Congressman RON DELLUMS, who is the ranking Democrat. They were determined to get a bill. They were determined to make changes and display flexibility where flexibility was absolutely required if we were going to see a bill signed into law. I commend them for their leadership, as well as all the House conferees and all of our Senate conferees for their cooperation in bringing this conference to a successful conclusion. I also would like to thank, as Senator THURMOND did, the chairman and ranking members of each of our subcommittees. These members played such a key role on the Senate committee in getting this legislation passed.

Mr. President, this is the last defense authorization conference report of my Senate career. I want to express my deep appreciation to the staff of the Armed Services Committee, not only this year but over the years that I have served on the Committee. They have provided tremendous support during this conference and throughout this year: Les Brownlee, John Etherton, Arnold Punaro, David S. Lyles, and Andy Effron. I mention them again because without them this bill would simply not be possible. Arnold Punaro and all of the members of the minority staff have continued to provide the outstanding assistance to me and to other members on the Democratic side. This support has been their trademark for many years. More importantly, both Les Brownlee and Arnold Punaro have the confidence of the entire committee. They make contributions, as do their staffs, to the analysis and thinking of the committee members on both sides.

Mr. President, Senator THURMOND has already summarized the major features of this conference report. I endorse those statements he has made, but I would emphasize a few others, which I think are very notable provisions in this conference report.

I am pleased the House conferees agreed to the Nunn-Lugar-Domenici Defense Against Weapons of Mass Destruction Act of 1996, which the Senate

adopted unanimously, both in this bill and in the appropriations bill. This legislation is a critical step in addressing our Nation's ability to deal with the threats from the proliferation of chemical, biological, radiological, and nuclear weapons with special emphasis on combating domestic terrorism. I, too, thank Senators STEVENS and INOUYE for supporting this legislation, both on the floor and in conference in the appropriations bill. I also thank them for their splendid leadership in the national security arena.

This legislation authorizes $201 billion for the Departments of Health, Human Services, and Energy to address the threat of proliferation of weapons of mass destruction. This includes $65 million for the Defense Department to conduct a program to train, equip, and assist local first responders in dealing with incidents involving nuclear, chemical, and biological weapons and related materials. Within this $65 million, $10.5 million is specifically earmarked for DOD assistance to the Secretary of Health and Human Services in forming emergency medical response teams capable of dealing with the consequences of the use of these materials.

A total of $30 million is authorized for DOD to provide equipment and assistance to the U.S. Customs Service and to help train custom services in the former Soviet Union, the Baltic States, and Eastern Europe in an effort to improve our ability to detect and interdict these materials before they can reach the hands of terrorists in the United States. Of course, a partnership between the United States and these other customs services is absolutely essential for our own security.

An additional $27 million is provided to the Department of Defense and to the Department of Energy for efforts to research and develop improved detection technologies, which are badly needed. I will not go into detail, but that was one of the most important lessons learned at the Olympics in Atlanta. All elements of our law enforcement need to learn to detect more thoroughly, with a broader area and with more confidence, the presence of a chemical or biological weapon, if one is released. This area needs attention in the research field.

Finally, this conference report authorizes additional funding to address the threat of proliferation, as we have done in the past, at its source. In addition to fully authorizing the administration's request of $327.9 million for the DOD Cooperative Threat Reduction Program, this legislation authorizes $37 million for DOD projects designed to destroy, dismantle, and improve controls over the former Soviet Union's stockpile of weapons of mass destruction. DOE is being provided $40 million for its program in this area.

I must commend our colleague, Senator DOMENICI, for his outstanding leadership in developing, implementing, following through, and providing the funding for this legislation.

This legislation also calls for the creation of a senior level coordinator to improve the coordination among Federal departments and agencies dealing with the threat of proliferation, and to improve coordination between the Federal Government and State and local governments and emergency response agencies.

Mr. President, the threat of attack on American cities and towns by terrorists, malcontents, or representatives of hostile powers using radiological, chemical, biological, or nuclear weapons is one of the most serious national security threats we face today. I put it right at the top of the list. Too many experts have said it is not a question of ''if'' but only of ''when'' terrorists will use chemical, biological—or even nuclear—weapons in the United States. The legislation in this conference report is a major step forward and will significantly improve our ability at the local level and State level and all over this country to deal with this threat—a threat which today we are clearly not prepared for. I anticipate that the National Guard, if they choose and if the administration moves in that direction, will be able to play a major role in this area.

We have Guard forces in every community of any real size in America. Every Governor has Guard forces that are available if an emergency comes at on the State level. A number of these units are trained in the chemical and biological area. I think it is a natural fit because Guard forces are on the scene and also enjoy a great deal of confidence by our citizens. I would like to see, as one of the originators of this entire legislation, it move in the direction of the Guard.

I am also pleased that the conferees agreed to the Senate provision giving the Secretary of Defense discretionary authority to waive some of the existing buy-America limitations for defense procurement. I joined Senator MCCAIN in sponsoring this provision in committee and in conference. I commend Senator MCCAIN for his leadership in this respect.

Mr. President, this waiver authority is essential if we are to live up to our commitments to our allies to work for free and open competition for defense procurement. If we do not buy from them in a fair way, they are not going to buy from us. We enjoy an advantage on the sale of defense articles. It is a favorable part of our trade balance. This is a very important step for those who sell defense equipment to our allies.

Two of the most difficult issues in this conference and in this whole bill, Mr. President, were the multilateralization of the ABM Treaty and the demarcation between theater missile defense systems and ABM systems.

The House bill contained provisions on each of these issues which the administration vigorously opposed as infringements on the President's treaty-making powers under the Constitution. The Senate bill reported by the committee contained similar language, but both provisions were modified on the Senate floor. The administration was prepared to accept the two provisions in the bill that passed the Senate.

Again this year, a majority of the conferees decided to drop all the provisions on these two issues, rather than accept the bipartisan provisions contained in the Senate bill. This same course was followed last year with respect to language on national missile defenses, with the end result that the Congress provided some $800 million for national missile defense for the current fiscal year without any guidance to the Department of Defense as to how to spend it.

Mr. President, I commend the House conferees on their willingness to drop their language. I have never understood why the language adopted in the Senate, both last year and this year, was not acceptable.

After removing all of the bill language regarding both multilateralization and theater missile defense demarcation this year, a majority of the conferees endorsed the statement of managers language on both issues. That, of course, is the right of the conferees. This statement of managers language was not endorsed by all of the conferees. In fact, some of my colleagues on the minority side of our committee decided not to sign the statement of managers accompanying the conference report, in large part because of their disagreement with this statement of managers language.

While I signed the conference report and statement of managers because of my overall support for this bill, I want to make clear my concerns with the statement of managers language on both multilateralization of the ABM Treaty and on theater missile defense demarcation.

Mr. President, it is unfortunate that Congress remains deeply divided on missile defense issues. We may have a debate on issues relating to missile defense in the next 2 or 3 weeks before we adjourn this session. For one thing, I think a debate would be healthy. I think this subject needs to be debated. I think it needs more understanding, both in the media and in the main body of the American people, as well as here in the Congress.

We are in sort of a gridlock in the DOD's management of missile defense programs, which is not helpful for program execution. In each of the past 2 years, the Senate has reached a bipartisan consensus on missile defense language that has had overwhelming support, only to see this consensus language dropped from the final conference report. While the Senate seems to be able to develop, at least under pressure when required, a consensus, the House and Senate have not been able to see eye to eye on this issue.

Mr. President, another difficult issue in this conference was whether to allow

increased privatization of depot-level maintenance currently performed by Government employees at DOD facilities. The Senate bill contained a series of provisions concerning DOD depot-level maintenance of equipment.

Mr. President, I do not want to take too much time discussing this issue. I have a few more minutes, but if Senator THURMOND has anything he would like to say at this point or wants to interrupt me at any point, I welcome that.

Mr. President, the House bill basically supported the so-called 60/40 rule in current law, which requires that at least 60 percent of DOD's depot-level maintenance be performed in Government facilities. The statute, however, has been interpreted by the Air Force to exclude contractor logistics support from the definition of depot-level maintenance. While you have a 60/40 requirement in law, interpretation by the Air Force excludes contractor logistics support from the definition of depot level maintenance. Therefore, under current law, the Government could move away from the depots simply by reclassifying it as contractor logistics support.

The Senate bill would have changed the 60/40 formula, giving the administration and DOD more flexibility, so that 50 percent of DOD's depot-level maintenance would be performed in Government depots, while the balance could be performed in the private sector. At the same time, the Senate bill would have created a common definition of depot maintenance for all the military services that would have included all depot maintenance, including contractor logistics support.

The Senate bill would also have prohibited privatization of the depot maintenance work at Kelly and McClellan Air Force Bases unless there was a competition open to all public and private sector competitors. We on the Senate side certainly are not opposed to Kelly and McClellan competing. We felt there should be a competition, not simply an assignment.

After vigorous discussions in conference, the conferees determined that there were too many issues in dispute to permit development of a long-term solution to this question at this time. The House was insistent on sticking with the 60/40 rule, but it did not have the definitions which I think are important. As a result, the conferees dropped all the relevant provisions in both bills relating to depot maintenance and decided to retain current law. I believe this outcome is unfortunate. The issues have been the subject of a lot of debate and discussion in recent years. I think the Senate provisions were a good, long-term compromise that would have provided flexibility to put in place clear definitions and a well-defined policy that would have given greater predictability and stability for both DOD depots and private-sector interests.

Turning to the area of personnel policy, the House bill contained a provision that would have required the mandatory separation of HIV-positive service members who have less than 15 years of service. Under the House provision, these individuals would have had to be separated within 2 months of their having been determined to be HIV positive.

The Senate bill contained a provision that would have required the Secretary of Defense to prescribe uniform regulations concerning the retention of service members who cannot be deployed worldwide for medical reasons. These regulations would have not only applied to members affected by HIV but by all other diseases that may affect the ability for these personnel to be deployed.

Under this provision, the policies governing the retention of service members who are nondeployable because of medical conditions like asthma, cancer, diabetes, and heart disease would be the same as those policies governing the retention of service members determined to be nondeployable because of their being HIV positive.

Mr. President, I will not go into detail today, but the House provision would have imposed a very severe hardship on people found to have HIV and to their families. These are people who have gotten into this situation through no fault of their own. It would have been very unfair. There are very few people in this category. We can state that the conferees dropped the House provision, and the report includes no changes to current law. I think that is the right result.

Mr. President, President Clinton indicated over the weekend that he would sign this bill, so this is the last defense authorization bill that I will have the privilege of voting on during my Senate career. I am glad about that. I did not want the bill to be vetoed, and I did not want an encore here. I am delighted we were able to finish this conference.

This will be the last Defense authorization bill that I will have the privilege of voting on and working on. I joined the Armed Services Committee when I came to the Senate in 1973. It was one of the real reasons I ran for the Senate. I wanted to be on the Armed Services Committee, and I wanted to be involved in international security. I had it in my heart and mind. Being able to work with the men and women who serve our Nation on the Armed Services Committee has been one of the true highlights of my entire life and my Senate career. It has been the highlight of my tenure here in the Senate.

Every year that I have been in the Senate this committee has brought a Defense authorization bill to the floor, and every year it has been signed into law. Occasionally, we had to have a bill vetoed first, but we have always managed to enact an authorization bill. I hope that will continue.

Mr. President, the hallmark of the Armed Services Committee has always been a deep and unwavering commitment to the national security of the United States and particularly to the welfare of the men and women who so capably and bravely serve us. This service is not without sacrifice throughout this country and the world. The people in uniform are remarkable. This commitment has been completely bipartisan, and I am proud of the fact that over the years, with a few exceptions here and there, we have managed to conduct our business with a minimum of partisanship.

It has been a real privilege for me and a great honor to serve on the committee under the leadership of some of the giants of the U.S. Senate. Of course, my predecessor, Richard Russell, was an outstanding chairman of this committee and the Appropriations Committee for many years. I followed his career before I came to the U.S. Senate. My great uncle, Carl Vinson, chaired the Naval Affairs Committee and then the House Armed Services Committee for many years during his 50 years of service in the House of Representatives. I have been deeply honored to serve with the giants, who have chaired and been ranking members of the Armed Services Committee. I am not going to try to name every one that I have served with because they have all been friends and colleagues.

However, I have to list Senator John Stennis, a giant in the U.S. Senate; Senator Barry Goldwater, my partner in numerous legislative undertakings, as Senator THURMOND has said, particularly in the legislation known as the Goldwater-Nichols legislation; Senator John Tower, a colleague and very strong chairman of the Armed Services Committee; and, of course, now, my colleague and friend, Senator STROM THURMOND, who has been a great chairman and ranking member when he was in the minority of the Armed Services Committee. I must add that Senator THURMOND was a pillar of strength in his own service in the U.S. military. He was a stalwart leader during World War II. All of us who went to Normandy were able to recount that history and understand the remarkable role Senator THURMOND played there. Again, we are impressed and indebted to him for his service.

I have to mention Senator ''Scoop'' Jackson, a man I admired deeply before I came to the U.S. Senate. I felt a great privilege in knowing and working with him, both in military and national security, foreign policy matters, as well as on the Permanent Subcommittee on Investigations. I was his vice chairman, and while he was engaging in his run for Presidency in 1976, I was the acting chairman under his direction of that investigative subcommittee. I must mention Senator JOHN WARNER, who has been my partner on many different ventures involving military foreign policy matters. He served as a ranking minority member of the committee during my chairmanship. He has been a pillar of support for the men

and women in uniform and for our national security. I have thoroughly enjoyed my association with him. I have learned a tremendous amount from all of these Senators.

I remember Senator Dewey Bartlett, now departed, Republican from Oklahoma. Senator Bartlett and I went to NATO in the mid-1970's and worked together on a NATO report which we think had some effect on strengthening our overall NATO positions. He was a very close friend of mine. He died a few years ago. Certainly, the recent book that has come out on Senator Bartlett is on my ''must read'' file. He was a wonderful Senator. I remember him with great fondness.

Then there are Senators COHEN and LEVIN. I have already mentioned Senator COHEN and the remarkable role he played in all the things we have undertaken together. Senator LEVIN, Senator EXON, and I have worked together as partners on many, many, different matters. Senator LEVIN will be the chairman of this committee if the Democrats are in control next year and will be the ranking Democrat if the Republicans retain control. In either role, I am confident that he will continue his diligence and his dedication to the men and women in our military and to our Nation's security.

Senator BINGAMAN has been a champion and our real leader in technology issues. I have thoroughly enjoyed working with him as well as every member of the committee. Senator BYRD as majority-minority leader, a member of this committee, and a leader in the Appropriations Committee has been one of my most greatest friends and has helped me every step of the way in everything I have undertaken on this committee and in the Senate.

I will not try to name all the people, but Senator KENNEDY has done a great job in his work. Senator GLENN and I have been great friends and have worked together on many different matters, including the deployment of our forces in Korea and helping to convince President Carter to change his mind on withdrawal of the forces from Korea in a critical time.

Senator MCCAIN is certainly not only a war hero but also a leader for national security. Senator COATS and Senator KEMPTHORNE are newer members of the committee, but they both have done remarkable jobs. Senator SMITH and others are going to be increasingly heard from on the Armed Services Committee in the years ahead.

I leave with a great sense of feeling that the Armed Services Committee is going to be in strong hands on both sides of the aisle in the years ahead. I will follow these issues with a great deal of interest in the future. I am sure that I will continue to be involved in one way or another in national security issues. I leave the Senate with a great feeling of confidence that the men and women who serve in the military have stalwart champions of our national security policy and the quality of life for the people who serve our Nation so well.

Mr. President, in closing, the Armed Services Committee has been fortunate to have the service of some extraordinarily talented and dedicated staff members during my service on the committee—staff directors and the staff who serve under them. I wish I could name everyone who served so well on this committee as a member of the staff. They all know of my deep admiration for them, and they all know that I relied on them every day that I have been in a leadership position on this committee.

We have had staff directors like Ed Braswell, Frank Sullivan, Rhett Dawson, Jim Roche, Jim McGovern, Carl Smith, Pat Tucker, Dick Reynard, Les Brownlee, and, of course, Arnold Punaro, who has been my right arm on national security issues for over 20 years. Arnold and Les both have had outstanding military careers and have accorded themselves with great valor on the field of battle.

Mr. President, these staff directors and those who serve with them are truly the unsung heroes of our American military forces. I will continue to be indebted to them.

I am indebted to the current minority staff committee, who worked so hard on this bill and on countless other issues. In addition to Arnold Punaro, Andy Effron, and David Lyles. David, who is on the floor today, left the committee for a while and has come back. I hope he will be on the committee staff for a long time to come.

Andy Effron left the committee last month to take a position on the bench of the U.S. Court of Appeals for the Armed Forces. Nobody will do a better job as a judge affecting our military forces than Andy Effron, and we all know that.

Rick DeBobes is an outstanding lawyer and Navy captain who worked with Admiral Crowe. He has been my right arm on numerous foreign policy issues and is always available to the majority leader and minority leader in working out difficult foreign policy matters on behalf of this committee.

I thank Creighton Greene, P.T. Henry, and Bill Hoehn, who has been with me a long time. Creighton and P.T. have all done a tremendous job. Bill Hoehn has made remarkable contributions to national security at the Rand Corp., as a DOD official in the Reagan administration, and on our committee. Mike McCord is a genius with budget numbers and has been our mainstay in so much of the analysis that is critical for our committee.

Frank Norton has done a wonderful job on military construction. Julie Rief is a true professional on construction and family housing issues. Chris Cowart, who runs the committee and tolerates Arnold Punaro. Chris can hear him all across the Capitol, wherever he is, and she has done so much for our committee day in and day out. I thank Jan Gordon, Jennifer Lambert, Danny Ginsberg, Jay Thompson for their hard work. Maurice Hutchinson and DeNeige (Denny) Watson, who have come out temporarily, Maurice from the Department of Defense and Denny from the executive branch, to help me personally and our entire committee in analyzing key developments in Asia and the former Soviet Union. Maurice was involved in Asia and Denny with the former Soviet Union.

Mr. President, I would like to have a chance to thank everybody who I have served with on staff. I will not name them all today. Generally speaking, without any doubt, we could not prepare any bill, let alone a bill of this size, without their help. They do the hard work under a great deal of pressure and with impossible deadlines. They stay up all night many times. The taxpayers of this Nation are well-served. All of them are underpaid, in terms of not only the hours they work, but in terms of what they could earn if they were out in the private sector. They, like our men and women in uniform, make sacrifices for our national security. I think that should be said.

Finally, Mr. President, I thank the Democratic floor staff. I will not try to name all of them. They are absolutely remarkable people. We take them for granted because they are so good. The floor staff here on the Democratic side—and I am sure the same is true on the Republican side—are terrific. We appreciate their help in every step we take to get our bills and legislation through.

In closing, this is a good conference report. I congratulate Senator THURMOND, all of our staff, members of the committee, and the conferees. Again, I thank Senator THURMOND for his leadership. This legislation will improve our national security, and that is what we are all about. I thank the Chair.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. FORD. Will Senator NUNN yield me a few minutes?

Mr. NUNN. Yes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, we're here today to vote on the conference report to the fiscal year 1997 Defense authorization bill. But before I begin my remarks on this legislation I want to take a moment to commend my good friend and colleague, the senior Senator from Georgia, SAM NUNN.

Today, the Senate will see the last Defense conference report handled by my colleague, and I'm sure I'm not the only one who is already feeling the tremendous loss.

Both as chairman of the Senate Armed Services Committee and its ranking member, Senator NUNN gained a reputation for working with members on both sides of the aisle. His ability to forge compromises in the best interest of the Nation has made Senator NUNN

not only a skilled legislator, but also a true leader.

In addition to thanking the committee, the chairman, and the ranking member, I also want to give special thanks to Senator COATS for his tireless effort to preserve our language to assist the Navy's privatization efforts at the Louisville Naval Ordnance Station and the Indianapolis Naval Surface Warfare Center.

I want to turn now to the 1997 fiscal year Defense authorization bill's conference report. I was very pleased to see the conferees retained my funding for the Urban Combat Training Center at Ft Knox, along with my language to protect the pensions of certain employees affected by the BRAC privatization effort and on impact aid. However, I'm very disappointed that the conferees dropped my language on the chemical demilitarization program.

While the final bill language is a compromise from the legislation Senators COATS, LUGAR, HUTCHISON, and I introduced a few months ago, it accomplishes our goal of providing a deferred annuity for those Department of Defense employees targeted for privatization as directed by the Base Closure Commission and who consequently, will lose their benefits under the Civil Service Retirement System.

This 2-year pilot program: Requires the GAO to evaluate and report to Congress on the successes or failures of the program; leaves the Secretaries of the military services the discretion of implementing a program; and indexes a deferred annuity.

In their report on the Senate Defense authorization bill, CBO estimates that the civilian retirement annuities, section 1121, proposal would reduce spending by $362 million by the year 2003.

Mr. President, I ask unanimous consent to have printed in the RECORD an outline of what this provision does and why it was needed.

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

BRAC PRIVATIZATION: THE CSRS ISSUE

Issue: The Base Realignment and Closure (BRAC) Commission has recommended the privatization of certain military facilities. For privatization to succeed, the maintenance of an experienced workforce is critical. Retirement benefits have become recognized as a major impediment to the privatization of the Louisville and Indianapolis Navy facilities and other Department of Defense (DOD) facilities.

In the absence of legislation to protect their retirement benefits, many employees will—and are—transferring to other Federal positions to maintain and protect their retirement benefits under the Civil Service Retiement System (CSRS).

If a large number of key employees transfer within the government rather than work for a private sector contractor, privatization savings to the the government may not be fully realized. The Department of the Navy estimates that privatization of Louisville and Indianapolis would provide up to $390 million in ''cost avoidance'' to the government.

Unlike other Base closings, the cost to the Federal government to close and move the work at Louisville and Indianapolis is far greater than the cost of privatization. The retention of the Federal employees at these facilities is essential to the private contractor.

Background: The 1995 BRAC Commission directed privatization of two Navy facilities with a large Federal workforce—the Naval Surface Warfare Center, Louisville, Kentucky, and the Naval Surface Warfare Center, Indianapolis, Indiana (the 1993 Commission directed the Air Force to privatize Newark Air Force Base in Ohio).

These Federal employees are different from other employees adversely affected by downsizing—the key difference is that these employees are not being separated because their services are no longer needed or because the work they accomplished is redundant or unnecessary. Under the BRAC ''Close and Move'' scenario these employees would have been eligible to continue their Federal employment (and qualify for an annuity) at another Federal installation. These employees are expected to continue accomplishing the same mission as before, but they will be working as private sector employees.

Most Federal employees hired before 1984 currently participate in the CSRS; those workers hired after 1984 participate in the Federal Employees Retirement System (FERS). FERS is different than CSRS because it is a portable plan in that it allows a Federal employee to move between Federal and non-Federal employment. In doing so, the accrual of Federal benefits is not significantly penalized.

However, employees under CSRS have no portability because it is a single component defined benefit plan. Therefore, when CSRS covered workers are forced to separate from Federal employment before they are eligible for an immediate annuity, their retirement benefits lost considerable value. Employees who lose their Federal position and withdraw their retirement contribution early forfeit all benefits from the Federal government and thereby are not eligible for a pension.

Employees with the most experience tend to be covered under CSRS. These are the employees the contractor taking over the work at a government facility considers to be very valuable. For example, 46% of the employees at the Louisville Naval Surface Warfare Center are covered by CSRS and are not eligible for retirement. Many of these employees, who are highly skilled, are seeking to transfer to other Federal positions. Some are even accepting lower paid positions within DOD, so that they may maintain their CSRS retirement benefits. As a result, there is little incentive for CSRS employees to accept positions with the private contractor. Therefore, the privatization of Federal facilities could fail at a significant cost to the Government and the U.S. taxpayers.

LEGISLATIVE REMEDY

To rectify the CSRS issue, the legislation proposes to index a deferred annuity for DOD CSRS Employees. It would be a pilot program for two years with a requirement that the GAO report to Congress its evaluation on the success or problems with the program. It is discretionary with the Secretary of the military service to implement a program and the Service would have to pay into CSRS the annual pay raises for the indexed annuity (this is similar to what Congress established for the postal employees). The legislation would address the issue of CSRS employees receiving a retirement benefit by:

Indexing the average pay on which the annuity is computed, and allowing a Federal deferred annuity to be paid to specific CSRS employees at the individual's optional retirement age, and the employees must forego their Federal severance pay.

The legislation will apply only to Transferred Employees of the Department of Defense. A Transferred Employee is one whose job is privatized pursuant to a decision of the BRAC Commission. This indexed, deferred annuity will be available only to individuals participating in CSRS, and not to those participating in FERS. The legislation will apply to only those CSRS employees who are ineligible to retire and who accept work with the private contractor.

Reasons for legislation:

At this time there are no administrative remedies.

Treats employees equitably and thus stabilizes the workforce for privatization.

Is acceptable to contractors.

Is easy to administer.

Understandable; makes sense.

Mr. FORD. Mr. President, I'm also very pleased that conferees kept my amendment on impact aid in the final bill. Since the Truman administration, the Federal Government has acknowledged its responsibility in assisting school districts educate federally connected children through the Impact Aid Program.

In 1994, Congress made a change to this program and said that if a school district which provides an education to children whose parents are civilian and work on Federal property does not enroll 2,000 of these students and this does not impact a school district by 15 percent then the school district would not be able to count these children for payment.

With this change, we drew a line in the sand which was arbitrary and unfair. We ignored the fact that a school district may be heavily impacted, but may not enroll 2,000 of these students in it school district. The end result was that our rural school districts were penalized unfairly because of their size. But, these students have as much of an impact on smaller school districts as they do on any of the larger school districts.

I am pleased to see that the provision I offered lowering this threshold to 1,000 students or 10 percent impact, has been retained. This has been a difficult change to make, and I'm pleased and thankful for the support this amendment has received from my colleagues, especially Senator WARNER and other members of the Senate Armed Services Committee. We can all be proud that we corrected an error that would have caused school districts in 42 States unjust hardships.

Despite being very pleased to see the Coats-Ford pension changes and my impact aid language included in the final bill, I'm very disappointed the conferees dropped language Senator BROWN and I had included on chemical weapons demilitarization.

Maybe we ought to treat this conference report like a crime scene. Let's dust for fingerprints and see just who it was who ripped the Ford-Brown language out. While we're at it let's find out what their motives could have possibly been.

For those who decided to play behind-the-scenes politics with this deadly issue let me remind you that it only

takes one drop of a nerve agent like sarin to kill a person. A major release would kill 1 in 10 people within a 40-mile radius according to some projections.

Their decision seems even more imprudent with the news of a nerve gas leak in Utah. I find it amazing that the Army remains as hard as a bull's head on this issue despite having to literally shut down operations in Utah almost as soon as they started because of a leak. With all their big talk about advanced technology, it took just one leaky gasket to close up shop.

That's why the Ford-Brown language had the support of the President, who expressed his satisfaction that an agreement had been reached on such a critical issue. I ask unanimous consent that the letter dated July 17 from the President be printed in the RECORD immediately following my remarks.

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

(See exhibit 1.)

Mr. FORD. In his letter, President Clinton wrote:

> . . . I realize that technology is changing rapidly and that it is our responsibility to explore all alternative means of destruction. . . .

He continues:

> . . . As we go forward with our program to dispose of these dangerous weapons, we will not pass on an opportunity simultaneously to look for alternatives to incineration. I urge the House-Senate Conference to act favorably on this amendment . . .

But today the American public is seeing what can happen when policy is made behind closed doors. I can only hope that those responsible for this irresponsible action simply didn't understand the impact of leaving us with language that is much, much weaker. If that's the case let me tell you as clearly as I can that your actions essentially leave us emptyhanded.

Because of this indiscretion we won't have a chance to discover if there's an alternative to the baseline incineration program. Instead, the conferees have chosen to spend $12 billion on a program which the affected citizens haven't accepted—and with good reason—as a safe method of destroying chemical weapons.

Recent reports of the nerve gas leak in Utah further underscore just how much is at stake. As Craig Williams, a spokesman for the Chemical Weapons Working Group put it, ''This program is 12 years behind schedule and 700 percent over budget. They are desperately trying to keep it afloat.''

I'm outraged that back room deals in the Senate have not only made us a silent partner in the Army's efforts, but will essentially lock in the baseline incineration program. This was done despite a letter from the President supporting the Ford-Brown language and despite the overwhelming evidence that safer alternatives exist.

This change causes delays of at least a year in the commencement of an alternative pilot program and gives the Secretary of Defense authority not to conduct a pilot program based upon a paper assessment. Those responsible for this are fooling themselves if they think I'm the only one who will recognize what a sham this language makes of our efforts and our constituents' concerns.

I wonder if you've considered the whole transportation issue? Did you realize that we have to transport neutralized chemical agent and residual materials to a central facility for incineration? What will you tell the site that becomes the dumping ground for all other sites? That's a real possibility since the language doesn't limit shipment of neutralized chemical agent and residual material to the chemical demilitarization sites. Thanks to this new conference language, any State that has a permit to burn hazardous waste may be a potential shipment point.

Mr. President, this language puts the alternative program under the current chemical demilitarization management—exactly opposite from the Ford-Brown amendment. Their justification for doing this is that ''the conferees are concerned that a divided program under separate managers would result in duplication of effort and increased costs and would jeopardize safety.''

The Ford-Brown language resolved many of the problems that have brought us to this point today. Not only would it have set out a 3-year deadline for completion, but our language stipulated that no funds were to be expended for the purchase of long lead materials that are incineration specific. It also gave the Secretary of Defense latitude to appoint the best individual for the program, even if this person came from another agency. By making the Secretary accountable, we could have ensured the pilot program wasn't compromised.

Our amendment would have allowed the Department of Defense to transfer funds to other parties within the Federal Government to ensure that this project would be completed in an efficient and timely manner and again, so that there would be an independent review and analysis of alternative technologies. It also required accountability with a report to be filed with Congress each year on the progress of the program.

So whether you're talking about accountability or effectiveness, this conference report language flat out fails the affected communities. In fact, it biases the program in such a way that no one in the effected communities will believe anything that comes out of the Army Chemical Demilitarization Program.

We already know that lawsuits have and will be filed in other States who are opposed to the baseline incineration program. This situation could be avoided if the conferees had stayed with the Ford-Brown language. And more important, it could have been avoided if those people working behind-the-scenes to kill our provision remembered that they ultimately answer to the American people, not to the National Research Council or those running the Army chemical demilitarization show.

While the conference report isn't amendable, I haven't given up on this and will be doing everything I can to reverse this grave policy error.

EXHIBIT 1

THE WHITE HOUSE,
Washington, DC, July 17, 1996.

Hon. WENDELL H. FORD,
U.S. Senate, Washington, DC.

DEAR WENDELL: I am pleased that we were able to reach an agreement on the Ford-Brown chemical weapons demilitarization amendment to the Defense Authorization Act that the Senate adopted on June 26 during debate on S. 1745. The National Academy of Sciences (NAS) concluded in its 1994 study that the continued storage of these obsolete and dangerous weapons poses severe environmental and safety problems for workers and communities. I am dedicated to ensuring that these weapons are destroyed as quickly and safely as possible.

I am also committed to going the extra mile to explore whether there may be safer and more environmentally sound alternatives to the Army's baseline incineration system, even though the 1994 NAS study concluded that the baseline system has been demonstrated as a safe and effective disposal process for the stockpile. I continue to believe that a well-designed incineration system can be a safe and environmentally acceptable means of destroying these weapons and that any potential decrease in disposal risks through alternative approaches must be balanced against the increased risk of storage by delaying destruction. Still, I realize that technology is changing rapidly and that it is our responsibility to explore all alternative means of destruction. My Administration will work very hard to ensure that all Americans have a safe and healthy environment. As we go forward with our program to dispose of these dangerous weapons, we will not pass on an opportunity simultaneously to look for alternatives to incineration.

I urge the House-Senate Conference Committee to act favorably on this amendment. I am asking the Secretary of Defense to work with the Congress to ensure that this pilot project receives the highest priority in the Chemical Demilitarization Program. I commend you for seeking alternative solutions to this very difficult problem.

Sincerely,

BILL.

Mr. BYRD. Mr. President, the conference on the Fiscal Year 1997 Department of Defense Authorization bill has been concluded. In many respects, the bill has been improved in conference over both the House- and Senate-passed versions. Policy provisions have been dropped that might have led us into needless conflict with Russia and that might have jeopardized strategic arms reductions which make the whole world safer. I commend the conferees, under the able leadership of Senator THURMOND and Senator NUNN, for these changes. I would note also that this is Senator NUNN's last defense conference. I congratulate him on the selfless and dedicated service he has given to the Senate Armed Services Committee, to the Senate, to the people of

Georgia, and to the Nation. I shall miss his thoughtful analysis and cogent arguments of security threats facing this nation.

Although action was taken on the floor to bring the bill into line with the Budget Resolution, at $265.6 billion, it is still $11 billion over the administration's request of $254.3 billion. It is hard to imagine that $254.3 billion is not sufficient to maintain our nation's military forces, but it was adjudged to be too little to maintain our defense establishment.

I earlier expressed my hope that the amount might be reduced in conference, but it has not been. As I have stated previously, I did not vote for the Budget Resolution because I did not agree with the choice made to add funds to defense while cutting other critical non-defense domestic discretionary accounts. The Fiscal Year 1997 defense authorization and appropriations bills hew to the path that was set forth in the Budget Resolution. I cannot blame the managers of these bills for playing the card they were dealt, and spending the money in the most effective manner possible, but I cannot follow the same path. Regretfully, for I believe the conference has improved its content, I must vote against this bill.

A strong defense is all well and good, Mr. President, but other things are also important. A nation's strength is measured not only in military strength, but in the strength of its infrastructure, its economy, and its people. I think we need a better balance between our spending on defense and our spending on other programs. Recent events in Atlanta and the tragic and unexplained loss of TWA flight 800 have raised fears of terrorism to new levels, and have added priority as well as funding to anti-terrorism and counterproliferation efforts. Americans have prepared themselves for the inconvenience and drag on productivity that greater security measures will impose. But what about the loss of life and loss of productivity created by the imbalance in funding between defense and non-defense discretionary programs that has been accentuated by the congressional budget process? How high does the illiteracy rate have to climb before we stop cutting funds for education, teachers, and books? How many airline crashes must occur before the FAA gets funds for more inspectors? When will we add funds for programs to keep aircraft and passengers safe, rather than add funds for far-fetched and technologically risky plans to stop incoming ballistic missiles? This conference agreed to add $350 million to the administration's already generous request of $508.4 million for national missile defense.

How many children must die from contaminated hamburgers before we find more funds for food inspectors? How many sick people must die before the Food and Drug Administration gets more funds to speed the review of new medicines and other treatments? These are the choices we make when we add money to defense. The pot is only so big; the more that gets ladled into the defense bowl, the less there remains to dole out to defense against illiteracy, unsafe conditions, and disease.

There is much talk of readiness, of funds being needed to prepare for military contingencies. That is what some of these added funds are meant to address. But, while we are willing to prepare for and to wage war, we must also be prepared to pay the wages of war. I offered an amendment to provide $10 million for independent scientific research into the possible link between chemical warfare agent exposure and the Gulf War syndrome being suffered by large numbers of Gulf War veterans. My amendment would also have provided health care for the children of these veterans who have birth defects or catastrophic illnesses that may be related to their parents' wartime exposures.

I am glad that the conferees agreed to designate the funds from within the $9 billion Defense Health Program for this research. It has been five years since the Gulf War, and no such research has been conducted, despite veterans' concerns that this exposure may be at the root of their illnesses and at the root of their childrens' tragic conditions. A recent Department of Defense admission that chemical weapons were among Iraqi ammunition stores that were blown up over U.S. troops have reignited concerns about chemical warfare agent exposure. I am glad that this research may now be conducted, and I hope that the Department of Defense will move quickly to get the research started.

In the interim, I had hoped that the conferees would agree with my proposal to provide health care for the affected children. Their situations are truly tragic, and are financially devastating to their families. I asked that these children, the likely victims of an increasingly toxic battlefield, be given the benefit of the doubt until scientific research establishes evidence of a link between their parents' exposure and their conditions. Sadly, the conferees were not prepared to be that compassionate. Out of a $265.6 billion defense budget, not $30 million could be found to provide for these children while appropriate scientific research is conducted. Instead, the Secretary of Defense and the Secretary of Veterans Affairs have been directed to develop a plan to provide care only after these birth defects and catastrophic illnesses have been proven to a reasonable scientific certainty to be linked to their parents' wartime exposures. I urgently hope that the research moves fast enough to convince my colleagues before these children and their families pay too high a wage for their participation in our Nation's wars.

EA–6B REACTIVE JAMMER PROGRAM

Mr. THURMOND. Mr. President, airborne electronic warfare has been an item of special interest for the Committee on Armed Services for several years now, not only because of its importance in strike warfare but also because of the Department of Defense's checkered record of providing substantial programs and clear direction in this area. In fact, I believe it was when Senator NUNN chaired the committee in 1992, that the committee urged the Defense Department to merge electronic warfare programs to provide a more cost-effective, and indeed, a more effective EW capability.

Mr. NUNN. Mr. President, I thank the Chairman for bringing up this issue. It is true that the committee proposed to merge the Air Force's and the Navy's requirements into one electronic warfare aircraft program that could be pursued aggressively, but the Department of Defense responded that it needed two separate robustly funded jamming aircraft programs. Now it has one program that limps along without the benefit of any real capability upgrades.

Mr. THURMOND. Mr. President, I agree with Senator NUNN and believe this year's bill is designed to move forward with this very important program. Section 123 of the Conference Report contains a prohibition on the obligation of funds for modifications or upgrades for EA–6B aircraft until funds have been obligated for a reactive jammer program, a report has been received, and 30 days have elapsed from the date of the receipt of the report. Specifically, section 123(a) prohibits the obligation of funds for modifications to EA–6B aircraft until a certification that some or all of such funds have been obligated for a reactive jammer program for EA–6B aircraft. Only research and development funds have been authorized and appropriated for the reactive jammer program and, as I understand it, the funds mentioned in this section refer to those research and development funds for initiation of a reactive jammer program. Does the Senator from Georgia interpret the section as I do?

Mr. NUNN. Mr. President, I agree with the Senator from South Carolina's interpretation. The mention of ''some or all of such funds'' does indeed refer to research and development funds, not to procurement funds. The intent of the conference is that the prohibition is on the obligation of procurement funds until some or all of the research and development funds are obligated for a reactive jammer program.

Mr. THURMOND. Mr. President, thank you for providing me the opportunity to clarify this section of the conference report.

SECTION 3154 OF H.R. 3230, DEFENSE AUTHORIZATION BILL

Mr. THOMAS. Mr. President, I am pleased the conference report contains section 3154, which requires the Department of Energy [DOE] to carry out a study to determine the extent and valuation of natural resource damages at DOE sites. I authored this provision as chairman of the Senate Energy

Committee's Subcommittee on Oversight. Frankly, I was shocked to find that the Department had not yet done their own study of this potentially huge future liability, and that is why I introduced this amendment.

It is vital that the Department of Energy obtain comprehensive and accurate information regarding the extent and valuation of natural resource damages at DOE sites. This is especially important if we are to make realistic budget assumptions today and set realistic budget goals for the future. Unfortunately, there has not been a reliable study done on this issue to date.

During the course of Superfund hearings held in the Environment and Public Works Committee, significant questions have been raised about the Department of Energy's liability for natural resource damages at their Superfund sites. Department officials first estimated liability in the hundreds of billions of dollars. Since that time, GAO has looked at the situation, as has CEQ. However, the CEQ and GAO estimates are quite different. GAO estimates a high range of $15 billion while CEQ says the high range is $500 million. The disparity between these two studies is troubling, as is the fact that DOE has never done their own study.

This amendment directs DOE to conduct their own study, to use realistic assumptions about liability based on the real world experience private parties have already had, and to report to the Congress 90 days after enactment. This real world experience is the methods in the current natural resource damages assessment regulations, and should be consistent with the position asserted by public trustees in suits against private parties and with the position supported by the administration pertaining to damages against private parties. While I would be happy to work with DOE to ensure they have enough time to do a credible job, it is important that they complete their work before we move to reauthorize the Superfund program next year and before next year's appropriations cycle.

Finally, I want to emphasize that the intent of this section is purely for oversight functions. This section in no way should be interpreted as a reflection of support for the current operation of the natural resource damages provisions of CERCLA. I in no way endorse the methodologies used by public trustees under the current natural resource damages regulations. I simply believe that if private parties face these regulations today, and if the Department of Energy is the single largest potentially responsible party in the country, then we ought to use the same standard in estimating DOE liability at these sites. I look forward to receiving this study and to possible future hearings on this issue.

Mr. President, I want to thank Chairman THURMOND and Senator NUNN for their help on this matter.

CABLE TELEVISION PROVISION

Mr. SMITH. I would like to engage the chairman and ranking member of the Senate Armed Services Committee on section 833 of the conference bill, relating to cable television franchise agreements on military bases. That section implements an advisory opinion of the U.S. Court of Federal Claims, which found that cable television franchise agreements on military bases are contracts subject to the Federal Acquisition Regulation [FAR].

As chairman of the Acquisition and Technology Subcommittee, I believe that when negotiating the settlement ordered by section 833(3), the parties should give due consideration to the fair compensation of cable operators terminated for the convenience of the Government in accordance with part 49 of the FAR. Factors to be considered may include, to the extent provided in the FAR, interest on capital expenditures, settlement preparation costs, and other expenses reasonably incurred by such operators in connection with constructing their cable systems or obtaining fair compensation.

Mr. THURMOND. I agree with the statement of the Senator from New Hampshire.

Mr. NUNN. I also agree with the statement of the Senator from New Hampshire.

SUBMARINE LANGUAGE

Mr. LIEBERMAN. Mr. President, in section 121 of the conference report I read that funds in this bill are:

> * * *available for contracts with Electric Boat Division and Newport News Shipbuilding to carry out the provisions of the ''Memorandum of Agreement among the Department of the Navy, Electric Boat Corporation (EB) and Newport News Shipbuilding and Drydock Company (NNS) concerning the New Attack Submarine'' dated April 5, 1996, relating to design data transfer, design improvements, integrated process teams, and update design base.

Further, in the bill, under subsection (g) Design Responsibility, I read,

> The Secretary shall ensure that both shipbuilders have full and open access to all design data concerning the design of the submarine previously designated by the Navy as the New Attack Submarine.

Mr. President, reading a portion of the aforementioned memorandum of agreement, a copy of which I am submitting for the record, NNS is to ''be provided design deliverable information in a manner and scope that is generally consistent with that provided in the latest submarine program (SeaWolf). Design data transfer will be conducted in the most cost effective manner to support construction of follow-on ships at NNS.'' My interpretation of subsection (g)(1) of section 121 is that this subsection does not require the transfer of any design data between the shipyards which are not required by the memorandum of agreement. Am I correct in my interpretation of the intent of the conferees?

Mr. COHEN. Mr. President, I would say that the Senator from Connecticut is correct in his interpretation of the language in the bill regarding the transfer of design data between the two shipyards. It was the intent of the conferees to reaffirm last year's requirement requiring the transfer of design data regarding the new attack submarine to Newport News Shipbuilding. It was not the intent of the conferees to change the terms of the memorandum of agreement. Further, it was the intent of the conferees that the appropriate US Navy official resolve differences of opinion about what information is required to be transferred under the MOA.

Mr. KENNEDY. Mr. President, may I say that I fully agree with the distinguished chairman of the Seapower Subcommittee on this point.

Mr. WARNER. Mr. President, I agree with my colleagues interpretation of this important subsection of the conference report.

Mr. LIEBERMAN. Mr. President, thank you for providing me the opportunity to clarify this most important section of the conference report.

NUNN-LUGAR-DOMENICI DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION

Mr. NUNN. Mr. President, after a truly heroic effort by both members and staff, before the recess we completed action on a conference agreement on the fiscal year 1997 Defense authorization bill. I hope this agreement will be voted on by the Senate soon. I wanted to take a few moments to highlight one provision in that bill which relates specifically to a recent tragic incident that has hit all of us in our hearts and homes. The incident to which I refer is the terrorist pipe bomb that went off in Centennial Park—the heart of the Olympic celebration in Atlanta—in July, which killed 1, caused the death of another, and injured over 100 people.

But, Mr. President, at this point in history, we have to ask ourselves, ''What if?'' What if this hadn't been a crude pipe bomb? What if the individual who planted this terrorist device had used information readily available on the Internet and materials readily and legally available to concoct a chemical weapon? Or, worse, suppose he had concocted a biological weapon?

The answer seems too terrible to consider, but consider it we must. And that is precisely why Senator LUGAR, Senator DOMENICI, and I cosponsored the Defense Against Weapons of Mass Destruction Act, an amendment—adopted by a unanimous vote in the Senate—to the Defense authorization bill that addresses this very threat. I am pleased to say that our colleagues in the House of Representatives also accepted this amendment in the conference report virtually as it passed the Senate.

Mr. President, the Defense Against Weapons of Mass Destruction Program, now title XIV of the Defense authorization bill, provides $201 million—$144 million to the Department of Defense and $57 million to the Department of